



HOUSE BILL No. 4784

May 13, 1993, Introduced by Reps. Middaugh and Alley and referred to the Committee on Conservation, Environment and Great Lakes.

A bill to amend sections 3, 5, 6, and 15 of Act No. 478 of the Public Acts of 1988, entitled as amended "Leaking underground storage tank act," being sections 299.833, 299.835, 299.836, and 299.845 of the Michigan Compiled Laws; to add section 7a; and to repeal certain parts of the act.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Section 1. Sections 3, 5, 6, and 15 of Act No. 478 of the Public Acts of 1988, being sections 299.833, 299.835, 299.836, and 299.845 of the Michigan Compiled Laws, are amended and section 7a is added to read as follows:

Sec. 3. (1) "Corrective action" means an action to stop, minimize, eliminate, or clean up a release or its effects, as may be necessary to protect the public health, safety, welfare, or the environment. This includes, but is not limited to, release

1 investigation, mitigation of fire and safety hazards, tank repair,
2 or removal, soil remediation, hydrogeological investigations,
3 free product removal, groundwater remediation and monitoring,
4 exposure assessments, the temporary or permanent relocation of
5 residents, and the provision of alternate water supplies.

6 (2) "Department" means the department of ~~natural resources~~
7 STATE POLICE, FIRE MARSHAL DIVISION, its employees, agents, or
8 contractors.

9 (3) "Director" means the director of the department OF STATE
10 POLICE or his or her designee.

11 (4) "Free product" means a regulated substance in a liquid
12 phase that is not dissolved in water, that has been released into
13 the environment.

14 (5) "Local unit of government" means a city, village, town-
15 ship, county, fire department, or local health department as
16 defined in section 1105 of the public health code, Act No. 368 of
17 the Public Acts of 1978, being section 333.1105 of the Michigan
18 Compiled Laws.

19 Sec. 5. The department ~~of state police, fire marshal~~
20 ~~division~~ shall promulgate rules that provide for reporting of
21 suspected releases from underground storage tank systems and con-
22 firmation of releases from underground storage tank systems.

23 Sec. 6. ~~(+)~~ Upon confirmation of a release or the discov-
24 ery of a release in any other manner from an underground storage
25 tank system, the owner or operator shall perform all of the fol-
26 lowing initial response actions within 24 hours:

1 (a) Identify and mitigate fire, explosion, and vapor
2 hazards.

3 (b) Take immediate action to prevent further release of the
4 regulated substance into the environment.

5 (c) Report the release to the department ~~of state police,~~
6 ~~fire marshal division~~ within 24 hours after confirmation.

7 ~~(2) Upon learning of a confirmed release, the department of~~
8 ~~state police, fire marshal division shall immediately notify the~~
9 ~~department.~~

10 SEC. 7A. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT,
11 BEGINNING ON THE EFFECTIVE DATE OF THIS SECTION AND UNTIL
12 SEPTEMBER 30, 1993, THE DEPARTMENT SHALL NOT ENFORCE THIS ACT
13 AGAINST A PERSON WHO IS IN COMPLIANCE WITH SECTIONS 5, 6, AND
14 7(1) AND (2) AND ANY RULES PROMULGATED UNDER THOSE SECTIONS.

15 Sec. 15. The ~~director~~ DEPARTMENT may promulgate rules
16 pursuant to the administrative procedures act of 1969, Act
17 No. 306 of the Public Acts of 1969, being sections 24.201 to
18 24.328 of the Michigan Compiled Laws, as are necessary to imple-
19 ment this act.

20 Section 2. Section 18 of Act No. 478 of the Public Acts of
21 1988, being section 299.848 of the Michigan Compiled Laws, is
22 repealed.