



HOUSE BILL No. 5364

February 22 1994 Introduced by Reps Middaugh Alley and Bennane and referred to the Committee on Conservation Environment and Great Lakes

A bill to amend section 16 of Act No 478 of the Public Acts of 1988 entitled as amended

Leaking underground storage tank act
being section 299 846 of the Michigan Compiled Laws

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Section 16 of Act No 478 of the Public Acts of
2 1988 being section 299 846 of the Michigan Compiled Laws is
3 amended to read as follows

4 Sec 16 (1) The director OR A COUNTY AGENCY DESIGNATED
5 UNDER THIS SECTION may enter into an agreement with a local unit
6 of government, or a state or federal agency, to aid in the imple-
7 mentation or enforcement of this act and to obtain financial
8 assistance

9 (2) FOR 5 YEARS FOLLOWING THE EFFECTIVE DATE OF THE
10 AMENDATORY ACT THAT ADDED THIS SUBSECTION, A COUNTY IN WHICH

1 THERE IS A CITY WITH A POPULATION OF 750 000 OR MORE MAY
2 DESIGNATE A COUNTY AGENCY WITHIN THAT COUNTY TO IMPLEMENT ADMIN-
3 ISTER AND ENFORCE ANY PORTION OF THIS ACT EXCEPT FOR THE
4 AUTHORITY TO PROMULGATE RULES AS PROVIDED FOR IN SECTION 15

5 (3) THE COUNTY AGENCY DESIGNATED BY THE COUNTY UNDER THIS
6 SECTION SHALL DO BOTH OF THE FOLLOWING

7 (A) ADMINISTER IMPLEMENT AND ENFORCE THIS ACT AND RULES
8 PROMULGATED UNDER THIS ACT

9 (B) COMPLY WITH THIS ACT AND RULES PROMULGATED UNDER THIS
10 ACT

11 (4) NOTWITHSTANDING ANY OTHER STATUTORY PROVISION, RULE OR
12 ORDINANCE, A DESIGNATED COUNTY AGENCY SHALL ADMINISTER IMPE-
13 MENT AND ENFORCE THIS ACT AND THE RULES PROMULGATED UNDER THIS
14 ACT IN THE SAME MANNER AND TO THE SAME EXTENT AS SUCH AUTHORITY
15 IS PROVIDED TO THE DIRECTOR AND THE DEPARTMENT UNDER THIS ACT

16 (5) NOTWITHSTANDING ANY OTHER STATUTORY PROVISION RULE OR
17 ORDINANCE, ANY ACTION TAKEN BY A DESIGNATED COUNTY AGENCY,
18 INCLUDING BUT NOT LIMITED TO APPROVAL OR DISAPPROVAL OF WORK
19 PLANS REVIEW OF CORRECTIVE ACTION PLANS ISSUANCE OR TAKING OF
20 CORRECTIVE ACTION OR ASSESSING CIVIL PENALTIES SHALL BE IN LIEU
21 OF ANY SUCH ACTION TAKEN BY THE STATE, THE DIRECTOR OR THE
22 DEPARTMENT ANY CONSENT JUDGMENT CONSENT AGREEMENT OR COVENANT
23 NOT TO SUE ENTERED INTO BETWEEN A PERSON LIABLE UNDER THIS ACT
24 AND THE DESIGNATED COUNTY AGENCY HAS THE SAME FORCE AND EFFECT,
25 AND IS EQUIVALENT TO A CONSENT JUDGMENT CONSENT AGREEMENT OR
26 COVENANT NOT TO SUE ENTERED INTO WITH THE STATE

1 (6) UNLESS PRIOR CONSENT IS GIVEN BY THE DESIGNATED COUNTY
2 AGENCY THE STATE THE DEPARTMENT AND THE DEPARTMENT S AGENTS
3 AND REPRESENTATIVES SHALL NOT ADMINISTER IMPLEMENT OR ENFORCE
4 THIS ACT WITHIN A COUNTY IN WHICH A COUNTY AGENCY HAS BEEN DESIG-
5 NATED PURSUANT TO THIS SECTION

6 (7) AS USED IN THIS SECTION, DESIGNATED COUNTY AGENCY
7 MEANS THE COUNTY AGENCY DESIGNATED UNDER THIS SECTION TO IMPLE-
8 MENT, ADMINISTER AND ENFORCE THIS ACT AND THE RULES PROMULGATED
9 UNDER THIS ACT