



SENATE BILL No. 44

January 13, 1993, Introduced by Senator WARTNER and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend section 7 of Act No. 478 of the Public Acts of 1988, entitled as amended

"Leaking underground storage tank act,"

being section 299.837 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 7 of Act No. 478 of the Public Acts of
2 1988, being section 299.837 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 7. (1) Upon confirmation of a release, unless directed
5 to do otherwise by the director, the owner or operator shall
6 promptly perform all of the following abatement measures:

7 (a) Remove as much of the regulated substance from the
8 underground storage tank system as is necessary to prevent
9 further release to the environment.

1 (b) Visually inspect any aboveground releases or exposed
2 below-ground releases and prevent further migration of the
3 released substance into surrounding soils, groundwater, and sur-
4 face water.

5 (c) Continue to monitor and mitigate any additional fire and
6 safety hazards posed by vapors or free product that have migrated
7 from the underground storage tank system excavation zone and
8 entered into subsurface structures.

9 (d) Remove and dispose, or properly remediate, contaminated
10 soil. The director shall be given reasonable notice and opportu-
11 nity to monitor these activities. REMEDIATION MAY INCLUDE, BUT
12 IS NOT LIMITED TO, IN SITU TECHNOLOGIES SUCH AS VAPOR EXTRACTION,
13 UNENHANCED BIOREMEDIATION, OR ENHANCED BIOREMEDIATION.

14 (e) Measure for the presence of a release where contamina-
15 tion is most likely to be present at the underground storage tank
16 system site. In selecting sample types, sample locations, and
17 measurement methods, the owner and operator shall consider the
18 nature of the stored substance, the type of backfill, the depth
19 to groundwater, and other factors as appropriate for identifying
20 the presence and source of the release.

21 (f) Investigate to determine the possible presence of free
22 product and begin free product removal as soon as practicable.

23 (2) Within 20 days after confirmation of a release or within
24 another reasonable period of time determined by the director, the
25 owner or operator shall submit a report to the director summariz-
26 ing the initial abatement steps taken under subsection (1) and
27 any resulting information or data.

1 (3) Following confirmation of a release, unless directed to
2 do otherwise by the director, the owner or operator shall assem-
3 ble information about the site and the nature of the release,
4 including information gained while confirming the release or com-
5 pleting the initial abatement measures in subsection (1). This
6 information shall include, but is not necessarily limited to, the
7 following:

8 (a) Data on the nature and estimated quantity of the
9 release.

10 (b) Data from available sources and site investigations con-
11 cerning the following factors: surrounding populations, water
12 quality, use and approximate locations of wells potentially
13 affected by the release, subsurface soil conditions, locations of
14 subsurface sewers, climatological conditions, and land use.

15 (c) Results of the site characterization required by subsec-
16 tion (1).

17 (d) Results of the free product investigations required by
18 subsection (1).

19 (4) Within 45 days after confirmation of a release or
20 another reasonable period of time determined by the director, the
21 owner or operator shall submit the information collected in com-
22 pliance with subsection (3) to the director in a manner that
23 demonstrates its applicability and technical adequacy.

24 (5) Following confirmation of a release, at a site where an
25 investigation indicates presence of free product, the owner or
26 operator shall promptly remove free product to the maximum extent
27 practicable as determined by the director while continuing, as

1 necessary, any actions initiated under subsection (1), or
2 preparing for further actions required under this section. In
3 meeting the requirements of this section, owners and operators
4 shall do all of the following:

5 (a) Conduct free product removal in a manner that minimizes
6 the spread of contamination into previously uncontaminated zones
7 by using recovery and disposal techniques appropriate to the
8 hydrogeologic conditions at the site, and that properly treats,
9 discharges, or disposes of recovery by-products as required by
10 law.

11 (b) Use abatement of free product migration as a minimum
12 objective for the design of the free product removal system.

13 (c) Handle any flammable products in a safe and competent
14 manner to prevent fires or explosions.

15 (d) Unless directed to do otherwise by the director, prepare
16 and submit to the director, within 45 days after confirming a
17 release, a free product removal report that provides at least the
18 following information:

19 (i) The name of the person or persons responsible for imple-
20 menting the free product removal measures.

21 (ii) The estimated quantity, type, and thickness of free
22 product observed or measured in wells, boreholes, and
23 excavations.

24 (iii) The type of free product recovery system used.

25 (iv) Whether any discharge will take place on-site or
26 off-site during the recovery operation and where this discharge
27 will be located.

1 (v) The type of treatment applied to, and the effluent
2 quality expected from, any discharge.

3 (vi) The steps that have been or are being taken to obtain
4 necessary permits for any discharge.

5 (vii) The disposition of the recovered free product.

6 (6) Within 45 days after confirmation of a release, in order
7 to determine the full extent and location of soils, groundwater,
8 and surface water contaminated by the release, and also to deter-
9 mine the presence and concentrations of the regulated substance
10 that has contaminated the groundwater, surface water, and soils,
11 the owner or operator shall submit a work plan to conduct an
12 investigation to the director for his or her review and
13 approval.

14 (7) AN OWNER OR OPERATOR OF MULTIPLE SITES REQUIRING CORREC-
15 TIVE ACTION UNDER THIS ACT MAY, IN THE INTEREST OF MINIMIZING
16 ENVIRONMENTAL CONTAMINATION AND PROMOTING MORE EFFECTIVE CORREC-
17 TIVE ACTION, PRIORITIZE ITS SITES STATEWIDE BASED UPON THE RELA-
18 TIVE RISKS TO HUMAN HEALTH AND THE ENVIRONMENT AND MAY PROPOSE TO
19 THE DIRECTOR A RISK BASED GROUPING OF THESE SITES.

20 (8) ~~-(7)-~~ The director shall approve or disapprove the work
21 plan submitted under subsection (6) within 30 days. Upon
22 approval by the director of the work plan, the owner or operator
23 shall conduct the investigation and submit the results in accord-
24 ance with the schedule established in the approved work plan.