

SENATE BILL No. 530

June 28, 2011, Introduced by Senators PAVLOV, PROOS, KOWALL, PAPPAGEORGE, MARLEAU and WALKER and referred to the Committee on Natural Resources, Environment and Great Lakes.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 21308a, 21311a, and 21312a (MCL 324.21308a,
324.21311a, and 324.21312a), as amended by 1996 PA 116.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 21308a. (1) Within 90 days after a release has been
2 discovered, a consultant retained by the owner or operator shall
3 complete an initial assessment report and submit the report to the
4 department on a form created pursuant to section 21316. The report
5 shall include ~~, but is not limited to,~~ **ONLY** the following
6 information:

7 (a) Results of initial response actions taken under section
8 21307(2).

9 (b) Site information and site characterization results. The
10 following items shall be included as appropriate given the site

1 conditions:

2 (i) The facility address.

3 (ii) The name of the facility.

4 (iii) The name, address, and telephone number of facility
5 compliance contact person.

6 (iv) The time and date of release discovery.

7 (v) The time and date the release was reported to the
8 department.

9 (vi) A site map that includes all of the following:

10 (A) The location of each underground storage tank in the
11 leaking underground storage tank system.

12 (B) The location of any other underground storage tank system
13 on the site.

14 (C) The location of fill ports, dispensers, and other
15 pertinent system components.

16 (D) Soil and groundwater sample locations, if applicable.

17 (E) The locations of nearby buildings, roadways, paved areas,
18 or other structures.

19 (vii) A description of how the release was discovered.

20 (viii) A list of regulated substances the underground storage
21 tank system contained when the release occurred.

22 (ix) A list of the regulated substances the underground storage
23 tank system contained in the past other than those listed in
24 subparagraph (viii).

25 (x) The location of nearby surface waters and wetlands.

26 (xi) The location of nearby underground sewers and utility
27 lines.

1 (xii) The component of the underground storage tank system from
2 which the release occurred (e.g., piping, underground storage tank,
3 overfill).

4 (xiii) Whether the underground storage tank system was emptied
5 to prevent further release.

6 (xiv) A description of what other steps were taken to prevent
7 further migration of the regulated substance into the soil or
8 groundwater.

9 (xv) Whether vapors or free product was found and what steps
10 were taken to abate those conditions and the current levels of
11 vapors or free product in nearby structures.

12 (xvi) The extent to which all or part of the underground
13 storage tank system or soil, or both, was removed.

14 (xvii) Data from analytical testing of soil and groundwater
15 samples.

16 (xviii) A description of the free product investigation and
17 removal if free product was present, including all of the
18 following:

19 (A) A description of the actions taken to remove any free
20 product.

21 (B) The name of the person or persons responsible for
22 implementing the free product removal measures.

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

25 (D) The type of free product recovery system used.

26 (E) Whether any discharge will take place on site or off site
27 during the recovery operation and where this discharge will be

1 located.

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

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

6 (H) The quantity and disposition of the recovered free
7 product.

8 (xix) Identification of any other contamination on the site not
9 resulting from the release and the source, if known.

10 (xx) An estimate of the horizontal and vertical extent of on-
11 site and off-site soil contamination.

12 (xxi) The depth to groundwater.

13 (xxii) An identification of potential migration and exposure
14 pathways and receptors.

15 (xxiii) An estimate of the amount of soil in the vadose zone
16 that is contaminated.

17 (xxiv) If the on-site assessment indicates that off-site soil
18 or groundwater may be affected, report the steps that have been
19 taken or will be taken including an implementation schedule to
20 expeditiously secure access to off-site properties to complete the
21 delineation of the extent of the release.

22 (xxv) Groundwater flow rate and direction.

23 (xxvi) Laboratory analytical data collected.

24 (xxvii) The vertical distribution of contaminants.

25 (c) Site classification under section 21314a.

26 (d) Tier I or tier II evaluation according to the RBCA
27 process.

1 (e) A work plan, including an implementation schedule for
2 conducting a final assessment report under section 21311a, to
3 determine the vertical and horizontal extent of the contamination
4 as necessary for preparation of the corrective action plan.

5 (2) If free product is discovered at a site after the
6 submittal of an initial assessment report pursuant to subsection
7 (1), the owner or operator, or consultant retained by the owner or
8 operator, shall do both of the following:

9 (a) Perform initial response actions identified in section
10 21307(2)(c)(i) to (iv).

11 (b) Submit to the department an amendment to the initial
12 assessment report within 30 days of discovery of the free product
13 that describes response actions taken as a result of the free
14 product discovery.

15 Sec. 21311a. (1) Within 365 days after a release has been
16 discovered, a consultant retained by an owner or operator shall
17 complete a final assessment report that includes a corrective
18 action plan developed under section 21309a and submit the report to
19 the department on a form created pursuant to section 21316. The
20 report shall include ~~, but is not limited to,~~ **ONLY** the following
21 information:

22 (a) The extent of contamination.

23 (b) Tier II and tier III evaluation, as appropriate, under the
24 RBCA process.

25 (c) A feasibility analysis. The following shall be included,
26 as appropriate, given the site conditions:

27 (i) On-site and off-site corrective action alternatives to

1 remediate contaminated soil and groundwater for each cleanup type,
2 including alternatives that permanently and significantly reduce
3 the volume, toxicity, and mobility of the regulated substances.

4 (ii) The costs associated with each corrective action
5 alternative including alternatives that permanently and
6 significantly reduce the volume, toxicity, and mobility of the
7 regulated substances.

8 (iii) The effectiveness and feasibility of each corrective
9 action alternative in meeting cleanup criteria.

10 (iv) The time necessary to implement and complete each
11 corrective action alternative.

12 (v) The preferred corrective action alternative based upon
13 subparagraphs (i) through (iv) and an implementation schedule for
14 completion of the corrective action.

15 (d) A corrective action plan.

16 (e) A schedule for corrective action plan implementation.

17 (2) If the preferred corrective action alternative under
18 subsection (1)(c)(v) is based on the use of institutional controls
19 regarding off-site migration of regulated substances, the
20 corrective action plan shall not be implemented until it is
21 reviewed and determined by the department to be in compliance with
22 this part.

23 Sec. 21312a. (1) Within 30 days following completion of the
24 corrective action, a consultant retained by the owner or operator
25 shall complete a closure report and submit the report to the
26 department on a form created pursuant to section 21316. The report
27 shall include ~~, but is not limited to,~~ **ONLY** the following

1 information:

2 (a) A summary of corrective action activities.

3 (b) Closure verification sampling results.

4 (c) A closure certification prepared by the consultant
5 retained by the owner or operator.

6 (2) Within 60 days after receipt of a closure report under
7 subsection (1), the department shall provide the consultant who
8 submitted the closure report with a confirmation of the
9 department's receipt of the report.

10 Enacting section 1. This amendatory act does not take effect
11 unless all of the following bills of the 96th Legislature are
12 enacted into law:

13 (a) Senate Bill No. 528.

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15 (b) Senate Bill No. 529.

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17 (c) Senate Bill No. 531.

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19 (d) Senate Bill No. 533.

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21 (e) Senate Bill No. 532.

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