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House Bill 4792 (Substitute H-1 as passed by the House)
Sponsor: Representative Beau Matthew LaFave
House Committee: Commerce and Tourism
Ways and Means
Senate Committee: Natural Resources

Date Completed: 7-21-20

CONTENT

The bill would amend Part 211 (Underground Storage Tank Regulations) of the Natural Resources and Environmental Protection Act to do the following:

- Prohibit a person from operating an unattended self-service motor fuel dispensing facility unless the person notified the local fire department and the Department of Licensing and Regulatory Affairs (LARA) approved the facility.
- Require LARA to inspect and approve or disapprove a facility within 60 days after a request was made.
- Require the Department to approve the facility if it met the requirements prescribed in the bill.
- Require the owner or operator of a facility to visit the site each day and regularly inspect and maintain the equipment.
- Prohibit LARA from requiring a facility to limit public access to or dispensing from fuel pumps by certain means, except for means that required payment when fuel was dispensed.

(Note: the Act refers to the Department of Environmental Quality, now the Department of Environment, Energy, and the Great Lakes; however, regulatory authority for underground storage tanks was transferred to LARA under Executive Order 2012-14.)

The bill would prohibit a person from operating an unattended self-service motor fuel dispensing facility unless that person notified the local fire department at least 30 days before commencing operations and LARA approved the facility. The Department would have to inspect and approve or disapprove the facility within 60 days after the operator requested approval. The Department would have to approve the facility if all of the following requirements were met:

- Fuel pump operating instructions were conspicuously posted in the dispensing area and included the location of emergency controls and a requirement that the user remain outside of his or her vehicle and keep the fuel nozzle in view during dispensing.
- The fuel nozzles were automatic-closing nozzles without a latch-open device.
- an approved fire extinguisher for flammable liquids of 4-B:C rating or higher that was located no more than 100 feet from each fuel pump, was clearly identified or visible, and was readily accessible.
- Warning signs, as required by LARA, would have to be posted in the dispensing area.
- The dispensing area and area around the emergency controls were well lit.

- Fuel purchases were not payable by coin or currency.
- Fuel pumps would not allow more than \$125 of fuel to be pumped per transaction and manual action would be required to resume delivery for the next transaction.

In addition, LARA would have to approve the facility if, for each group of fuel pumps on an island, there were at least one emergency shut-off valve that met all of the following requirements:

- Was no less than 20 feet and no more than 100 feet from each fuel pump it controlled.
- Was clearly identified and readily accessible.
- Could only be reset manually.

Also, in addition to the warning signs, an approved emergency procedures sign would have to be posted in a conspicuous location. The signs would have to be of the dimensions required by LARA and would have to include the language specified in the bill.

As a condition of approval, the owner or operator would have to visit the site each day and regularly inspect and maintain the equipment. The Department could not require an unattended self-service fuel dispensing facility to limit public access to or dispensing from fuel pumps by utilizing locked dispensers, security fencing, or other means, except for means that required payment to be made when fuel was dispensed.

MCL 324.21106

Legislative Analyst: Dana Adams

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Elizabeth Raczkowski

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.