

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4792

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 21106 (MCL 324.21106).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 21106. (1) ~~The~~ **Subject to subsection (2), the** department
2 **of licensing and regulatory affairs** shall promulgate rules relating
3 to underground storage tank systems that are at least as stringent
4 as the rules promulgated by the United States ~~environmental~~
5 ~~protection agency~~ **Environmental Protection Agency** under subtitle I
6 of title II of Public Law 89-272, 42 ~~U.S.C.~~ **USC** 6991 to ~~6991i.~~
7 **6991m.** These rules shall include a requirement that the owner or
8 operator of an underground storage tank system provide financial
9 responsibility in the event of a release from the underground



1 storage tank system.

2 (2) An owner or operator may operate an unattended self-
3 service motor fuel dispensing facility if all of the following
4 requirements are met:

5 (a) The owner or operator notifies the local fire department
6 at least 30 days before commencing operations or, if a local fire
7 department does not exist, employs a third-party monitoring
8 service.

9 (b) The department of licensing and regulatory affairs
10 approves the facility, as provided in subsection (3). The
11 department of licensing and regulatory affairs shall inspect and
12 approve or disapprove the facility within 60 days after the owner
13 or operator requests approval.

14 (3) The department of licensing and regulatory affairs shall
15 approve the facility under subsection (2)(b) if all of the
16 following requirements are met:

17 (a) Fuel dispenser operating instructions are conspicuously
18 posted in the dispensing area. The instructions shall include the
19 location of emergency controls and a requirement that the user
20 remain outside of the user's vehicle and keep the fuel nozzle in
21 view during dispensing.

22 (b) For each group of fuel dispensers on an island, at least 1
23 emergency shut-off that meets all of the following requirements is
24 provided:

25 (i) Is not less than 20 feet and not more than 100 feet from
26 each fuel dispenser it controls.

27 (ii) Is clearly identified and readily accessible.

28 (iii) Can be reset only manually.

29 (c) An approved fire extinguisher for flammable liquids of 4-



1 B:C rating or higher is located not more than 100 feet from each
2 fuel dispenser and storage tank fill opening, is clearly identified
3 or visible, and is readily accessible.

4 (d) A telephone or other approved means to notify the fire
5 department or, if a local fire department does not exist, the
6 third-party monitoring service employed by the owner or operator is
7 clearly identified and readily accessible.

8 (e) Warning signs as required by the department of licensing
9 and regulatory affairs are posted in the dispensing area.

10 (f) In addition to the warning signs required under
11 subdivision (e), an approved emergency procedures sign is posted in
12 a conspicuous location. The sign shall be of dimensions required by
13 the department of licensing and regulatory affairs and read as
14 follows:

15 IN CASE OF FIRE, SPILL, OR RELEASE

16 1. USE EMERGENCY PUMP SHUTOFF

17 2. REPORT THE ACCIDENT!

18 FIRE DEPARTMENT TELEPHONE NO. _____.

19 FACILITY ADDRESS _____.

20 If a local fire department does not exist, the sign shall
21 refer to the telephone number as an "EMERGENCY TELEPHONE NO." and
22 provide the telephone number of the third-party monitoring service.

23 (g) The area around the emergency shut-offs under subdivision
24 (b) and the dispensing area is well lit.

25 (h) Activity at the dispensing area is recorded by
26 surveillance camera.

27 (i) Fuel purchases are not payable by coin or currency.

28 (j) The fuel dispensers do not allow more than \$125.00 of fuel
29 to be pumped per transaction and require manual action to resume



1 delivery for the next transaction.

2 (4) As a condition of approval under subsection (2)(b), the
3 owner or operator shall visit the site each day and regularly
4 inspect and maintain the equipment.

5 (5) The department of licensing and regulatory affairs shall
6 not require an unattended self-service motor fuel dispensing
7 facility operating under subsections (2) to (4) to limit public
8 access to or dispensing from fuel dispensers by utilizing locked
9 dispensers, security fencing, or other means, except for means that
10 require payment to be made when fuel is dispensed.

11 (6) Subsections (2) to (5) do not apply to an unattended self-
12 service motor fuel dispensing facility that meets both of the
13 following requirements:

14 (a) The dispensing facility is operated as a membership-based
15 fuel co-op or dispenses fuel from an above ground storage tank
16 system.

17 (b) The dispensing facility meets applicable standards under
18 sections 5c, 5d, 5j, and 5l to 5o of the fire prevention code, 1941
19 PA 207, MCL 29.5c, 29.5d, 29.5j, and 29.5l to 29.5o, and rules
20 promulgated to implement those sections or a variation to those
21 standards made under section 3c(6) of the fire prevention code,
22 1941 PA 207, MCL 29.3c.

23 (7) This section does not preempt local ordinances that
24 prohibit unattended self-service motor fuel dispensing facilities
25 authorized under subsections (2) to (5) or that are as restrictive
26 or more restrictive than subsections (2) to (5). A local unit of
27 government that wants to prohibit the operation of 1 or more
28 unattended self-service motor fuel dispensing facilities authorized
29 under subsections (2) to (5) must adopt a local ordinance that



1 prohibits the operation of any unattended self-service motor fuel
2 dispensing facility, that is not membership-based fuel co-op,
3 within the local unit of government's jurisdiction.

