

**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) A person shall not operate an unattended self-service
3 motor fuel dispensing facility unless all of the following
4 requirements are met:

5 (a) The person notifies the local fire department at least 30
6 days before commencing operations.

7 (b) The department of licensing and regulatory affairs
8 approves the facility. The department of licensing and regulatory
9 affairs shall inspect and approve or disapprove the facility within
10 60 days after the operator requests approval.

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

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

19 (b) The fuel nozzles are automatic-closing nozzles without a
20 latch-open device.

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

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

26 (ii) Is clearly identified and readily accessible.

27 (iii) Can be reset only manually.

28 (d) An approved fire extinguisher for flammable liquids of 4-
29 B:C rating or higher is located not more than 100 feet from each



1 fuel pump, is clearly identified or visible, and is readily
2 accessible.

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

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

10 IN CASE OF FIRE, SPILL, OR RELEASE

11 1. USE EMERGENCY PUMP SHUTOFF

12 2. REPORT THE ACCIDENT!

13 FIRE DEPARTMENT TELEPHONE NO. _____.

14 FACILITY ADDRESS _____.

15 (g) The dispensing area and area around the emergency controls
16 are well lit.

17 (h) Fuel purchases are not payable by coin or currency.

18 (i) The fuel pumps do not allow more than \$125.00 of fuel to
19 be pumped per transaction and require manual action to resume
20 delivery for the next transaction.

21 (4) As a condition of approval under subsection (1)(b), the
22 owner or operator shall visit the site each day and regularly
23 inspect and maintain the equipment.

24 (5) The department of licensing and regulatory affairs shall
25 not require an unattended self-service motor fuel dispensing
26 facility to limit public access to or dispensing from fuel pumps by
27 utilizing locked dispensers, security fencing, or other means,
28 except for means that require payment to be made when fuel is
29 dispensed.

