

Legislative Analysis



REQUIRED DISTANCE OF UNDERGROUND STORAGE TANKS FROM PUBLIC WATER SUPPLY SYSTEM

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Senate Bill 991 (S-1) as reported from House committee

Sponsor: Sen. Rick Outman

House Committee: Natural Resources and Outdoor Recreation

Senate Committee: Environmental Quality

Complete to 6-29-22

Analysis available at
<http://www.legislature.mi.gov>

(Enacted as Public Act 160 of 2022)

SUMMARY:

Senate Bill 991 would amend the Natural Resources and Environmental Protection Act (NREPA) by adding a new section that specifies placement of an *underground storage tank* in relation to public water wells, as well as exemptions from those distance requirements.

An *underground storage tank system* is presently defined in NREPA as a tank or combination of tanks, including underground pipes connected to the tank or tanks, which is, was, or may have been used to contain an accumulation of regulated substances, and the volume of which, including the volume of the underground pipes connected to the tank or tanks, is 10% or more beneath the surface of the ground. (The term is commonly used to refer to tanks used to store gasoline, although that is not the only regulated substance that the tanks may be used to store.)

Except as described below, the bill would prohibit installation of an underground storage tank that is:

- Within 2,000 feet of an existing Type I community or Type IIa noncommunity public water well.¹
- Within 800 feet of an existing Type IIb or Type III noncommunity public water well.
- Within 300 feet of any other type of well.

If a person meets the following requirements, they could install a new underground storage tank closer to the specified well type than described above, but only if that new installation is replacing an existing tank:

- A *professional engineer* or *qualified underground storage tank consultant* certifies that a combination of the construction material of the underground storage tank and the leak detection used to monitor the underground storage tank is more likely to prevent and detect a release from the replacement underground storage tank than the existing underground storage tank.
- The facility where the active, existing underground storage tank is located is in compliance with Part 211 of NREPA and the rules promulgated under Part 211.

The bill would define *professional engineer* as it is defined in the Occupational Code, meaning a person who, by reason of knowledge of mathematics, the physical sciences, and the principles of engineering, acquired by professional education and practical experience, is qualified to engage in the practice of professional engineering.

¹ [R 325.10502 of the Administrative Code](#) contains definitions for each public water supply classification.

A *qualified underground storage tank consultant* would mean an individual who meets the requirements specified in section 21325 of NREPA.

Proposed MCL 324.21102a

BRIEF DISCUSSION:

Some property owners (primarily gas station owners/operators) that have underground storage tanks currently installed on their property are reportedly encountering difficulties in replacing those tanks with newer, upgraded systems because of restrictions triggered by the location of a well providing drinking water. According to committee testimony, the newer tanks replacing the existing systems are more resistant to leaks and have upgraded safeguards to prevent contamination of wells, so it is in the overall best interest to allow an upgraded tank to replace an older unit.

FISCAL IMPACT:

Senate Bill 991 is unlikely to affect costs or revenues for EGLE or local governments.

POSITIONS:

A representative of the Michigan Petroleum Association testified in support of the bill. (6-9-22)

The following entities indicated support for the bill:

- Department of Licensing and Regulatory Affairs (6-9-22)
- Michigan Groundwater Association (6-21-22)
- Michigan Environmental Council (6-9-22)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.