

SUBSTITUTE FOR
SENATE BILL NO. 1169

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 21102a (MCL 324.21102a), as added by 2022 PA
160, and by adding section 21102b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 21102a. (1) Except as provided in subsection (2), a
2 person shall not install ~~an~~**a replacement to an active, installed**
3 underground storage tank that meets any of the following
4 conditions:
5 (a) Is within 2,000 feet of an existing type I community or
6 type IIa noncommunity public water well.
7 (b) Is within 800 feet of an existing type IIb or type III
8 noncommunity public water well.

(c) Is within 300 feet of any other type of well not described in subdivision (a) or (b).

(2) A person that wishes to install ~~an~~ **a replacement** underground storage tank that does not meet the conditions described under subsection (1) may only replace an active, **installed** underground storage tank if both of the following requirements are met:

(a) 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~~ **active, installed** underground storage tank.

(b) The facility where the active, ~~existing~~ **installed** underground storage tank is located is in compliance with this part and the rules promulgated under this part.

(3) As used in this section:

(a) "Professional engineer" means that term as defined in section 2001 of the occupational code, 1980 PA 299, MCL 339.2001.

(b) "Qualified underground storage tank consultant" means an individual who meets the requirements described under section 21325.

Sec. 21102b. (1) Except as provided in subsection (2), a person shall not install a new underground storage tank at a new underground storage tank location or install an additional new underground storage tank at an existing underground storage tank location that meets any of the following conditions:

(a) Is within 2,000 feet of an existing type I community or

1 type IIA noncommunity public water well.

2 (b) Is within 800 feet of an existing type IIb or type III
3 noncommunity public water well.

4 (c) Is within 300 feet of any other type of well not described
5 in subdivision (a) or (b).

6 (2) A person that wishes to install a new underground storage
7 tank at a new underground storage tank location or an additional
8 new underground storage tank at an existing underground storage
9 tank location that does not meet the conditions described under
10 subsection (1) and is not replacing an existing, installed
11 underground storage tank, as provided for in section 21102a, may
12 install a new underground storage tank at a new underground storage
13 tank location or an additional new underground storage tank at an
14 existing underground storage tank location only if a professional
15 engineer certifies that the proposed location where the underground
16 storage tank will be installed is such that, if a release were to
17 occur from the underground storage tank, no well would be impacted
18 by the release.

19 (3) A new underground storage tank at a new underground
20 storage tank location and an additional new underground storage
21 tank at an existing underground storage tank location, as described
22 under this section, and a replacement to an active, installed
23 underground storage tank, as described under section 21102a, must
24 not be located within any of the following setback distances:

25 (a) Within 50 feet of a single-family drinking water well.

26 (b) Within 75 feet of an existing type IIb or type III
27 noncommunity public water well.

28 (c) Within 200 feet of an existing type I community or type
29 IIA noncommunity public water well.

1 (4) As used in this section, "professional engineer" means
2 that term as defined in section 2001 of the occupational code, 1980
3 PA 299, MCL 339.2001.