

SENATE BILL NO. 991

March 24, 2022, Introduced by Senator OUTMAN and referred to the Committee on Environmental Quality.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding section 21102a.

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 underground storage tank that meets any
3 of the following conditions:
4 (a) Is within 2,000 feet of an existing type I community or
5 type IIa noncommunity public water well.

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

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

5 (2) A person that wishes to install an underground storage
6 tank that does not meet the conditions described under subsection
7 (1) shall apply for a variance with the department on a form and in
8 a manner prescribed by the department. The department shall approve
9 a variance if 1 of the following conditions is met:

10 (a) The underground storage tank is replacing an active,
11 existing underground storage tank, and both of the following
12 requirements are met:

13 (i) A professional engineer or qualified underground storage
14 tank consultant certifies that a combination of the construction
15 material of the underground storage tank and the leak detection
16 used to monitor the underground storage tank is more likely to
17 prevent and detect a release from the replacement underground
18 storage tank than the existing underground storage tank.

19 (ii) The facility where the active, existing underground
20 storage tank is located is in compliance with this part and the
21 rules promulgated under this part.

22 (b) The underground storage tank is not replacing an active,
23 existing underground storage tank and both of the following
24 requirements are met:

25 (i) The new underground storage tank will be installed so as to
26 meet the appropriate setback limit described in subsection (3).

27 (ii) A professional engineer or qualified underground storage
28 tank consultant certifies that the new underground storage tank
29 will be installed in a location where, if a release were to occur

1 from the underground storage tank, any well within the setback
2 distance would not be impacted by the release.

3 (3) A variance granted by the department under subsection

4 (2)(b) must not exceed any of the following setback limits:

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

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

8 (c) Within 200 feet of an existing type I or type IIa
9 noncommunity public water well.

10 (4) As used in this section:

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

13 (b) "Qualified underground storage tank consultant" means an
14 individual who meets the requirements described under section
15 21325.