

SENATE BILL NO. 1169

September 20, 2022, Introduced by Senator VANDERWALL and referred to the Committee on Environmental Quality.

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 existing, installed**
3 underground storage tank that meets any of the following
4 conditions:

1 (a) Is within 2,000 feet of an existing type I community or
2 type IIa noncommunity public water well.

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

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

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

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

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

21 (3) As used in this section **and section 21102b:**

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

24 (b) "Qualified underground storage tank consultant" means an
25 individual who meets the requirements described under section
26 21325.

27 **Sec. 21102b. (1) Except as provided in subsection (2), a**
28 **person shall not install a new underground storage tank at a new**
29 **underground storage tank location or install an additional new**

1 underground storage tank at an existing underground storage tank
2 location that meets any of the following conditions:

3 (a) Is within 2,000 feet of an existing type I community or
4 type IIA noncommunity public water well.

5 (b) Is within 800 feet of an existing type IIB or type III
6 noncommunity public water well.

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

9 (2) A person that wishes to install a new underground storage
10 tank at a new underground storage tank location or an additional
11 new underground storage tank at an existing underground storage
12 tank location that does not meet the conditions described under
13 subsection (1) and is not replacing an existing, installed
14 underground storage tank, as provided for in section 21102a, may
15 install a new underground storage tank at a new underground storage
16 tank location or an additional new underground storage tank at an
17 existing underground storage tank location only if a professional
18 engineer or qualified underground storage tank consultant certifies
19 that a combination of the construction material of the underground
20 storage tank, the leak detection used to monitor the underground
21 storage tank, and the proposed location where the underground
22 storage tank will be installed is such that, if a release were to
23 occur from the underground storage tank, no well within the setback
24 distances described in subsection (3) would be impacted by the
25 release.

26 (3) A new underground storage tank at a new underground
27 storage tank location or an additional new underground storage tank
28 at an existing underground storage tank location must not be
29 located within any of the following setback distances:

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

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

4 (c) Within 200 feet of an existing type I community or type
5 IIa noncommunity public water well.