

FIRE PREVENTION CODE (EXCERPT)
Act 207 of 1941

29.5d Issuance of certificates; authorization to conduct inspections; annual fee; revocation of authorization; exemptions; review of procedures; installation application; fee per tank; waiver; payment and amount of fees; exemptions; certain local ordinance prohibited; collection and disposition of fees; creation of hazardous materials storage tank regulatory enforcement fund.

Sec. 5d. (1) The certificates specified in section 5c shall be issued every 3 years by the department of environmental quality after the department of environmental quality determines by an inspection that the firm location is in satisfactory compliance with this act. The department of environmental quality may authorize a firm specified in section 5c to conduct inspections required in this section after application to the department of environmental quality and payment of an annual fee of \$1,000.00. Upon annual determination by the department of environmental quality that the firm is in satisfactory compliance with this act, the department of environmental quality may grant the authorization. This authorization may be revoked by the department of environmental quality for cause. Firms authorized to conduct inspections required in this section are exempt from the fees provided in subsection (2). The department of environmental quality may review procedures utilized by the firm to assure compliance with this act.

(2) Each firm required to be certified under section 5c shall submit an installation application to the department of environmental quality according to rules promulgated under this act. Each firm shall pay a fee of \$203.00 per tank. This fee shall be submitted with the installation application to the department of environmental quality. The department of environmental quality shall not approve an installation application unless this fee has been paid as required in this subsection. Payment of this fee waives the first annual storage tank fee required in this subsection. The owner of a firm specified in section 5c shall pay an annual fee of \$61.50 for each tank located at each storage or filling location specified in section 5c. Fees required by this subsection shall be paid before the issuance of a certificate when storage tanks operated by firms described in section 5c are used and until the tanks are closed or removed, and notification of the closure or removal is received by the department of environmental quality. Owners of firms described in section 5c shall notify the department of environmental quality of the closure or removal of storage tanks within 30 days after closure or removal on a form provided by the department of environmental quality. The following are exempt from fees assessed under this subsection:

(a) Storage tanks that exclusively receive crude petroleum directly from a wellhead.

(b) Storage tanks that exclusively receive refined petroleum products that are subject to the environmental protection regulatory fee imposed under section 21508 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.21508.

(3) A local unit of government shall not enact or enforce a provision of an ordinance that requires a permit, license, approval, inspection, or the payment of a fee or tax for the installation, use, closure, or removal of an aboveground storage tank system.

(4) The fees assessed in subsection (2) shall be collected and deposited into the hazardous materials storage tank regulatory enforcement fund created in subsection (5).

(5) The hazardous materials storage tank regulatory enforcement fund is created in the state treasury. The fund may receive money as provided in this act and as otherwise provided by law. The state treasurer shall direct the investment of the fund. Interest and earnings of the fund shall be credited to the fund. Money in the fund at the close of the fiscal year shall remain in the fund and shall not revert to the general fund. Money in the fund shall be used only by the department of environmental quality to enforce this act and the rules promulgated under this act pertaining to the delivery, dispensing, noncommercial transportation, or storage of hazardous materials. If at the close of any fiscal year the amount of money in the fund exceeds \$1,000,000.00, the department of environmental quality shall not collect a fee for the following year for the fund from existing storage tank systems. After the fee has been suspended under this subsection, it shall only be reinstated if at the close of any succeeding fiscal year, the amount of money in the fund is less than \$250,000.00. The department of treasury shall, before November 1 of each year, notify the department of environmental quality of the balance in the fund at the close of the preceding fiscal year.

History: Add. 1978, Act 3, Imd. Eff. Feb. 7, 1978;—Am. 1980, Act 247, Eff. Oct. 1, 1980;—Am. 1982, Act 38, Imd. Eff. Mar. 12, 1982;—Am. 1982, Act 205, Imd. Eff. July 1, 1982;—Am. 1987, Act 70, Imd. Eff. June 29, 1987;—Am. 1990, Act 337, Imd. Eff. Dec. 21, 1990;—Am. 1996, Act 152, Imd. Eff. Mar. 25, 1996;—Am. 2006, Act 189, Imd. Eff. June 19, 2006;—Am. 2016, Act 468, Eff. Mar. 29, 2017.

Compiler's note: Section 3 of Act 247 of 1980 provides: "The total costs of the hazardous materials transport vehicles and storage facilities program shall be financed from the fees established pursuant to section 5d. If it appears that after the effective date of section

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5d(4) that the revenues derived from the fees provided by section 5d will not be adequate to fund the program at the staffing level provided for the fiscal year beginning October 1, 1980, the staffing level shall be reduced to a level that can be supported by the available revenues."

For transfer of certain authority, powers, functions, and responsibilities of the state fire marshal and the fire marshal division of the department of state police to the director of the department of labor and economic growth, bureau of construction codes and fire safety, by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of department of environmental quality to department of natural resources and environment, see E.R.O. No. 2009-31, compiled at MCL 324.99919.

For transfer of powers and duties of the department of environmental quality under the aboveground storage tank program from department of environmental quality to bureau of fire services, department of licensing and regulatory affairs, see E.R.O. No. 2012-7, compiled at MCL 29.462.

Administrative rules: R 29.2201 et seq.; R 29.2301 et seq.; R 29.2501 et seq.; and R 29.3801 et seq. of the Michigan Administrative Code.