

HOUSE BILL No. 5507

March 15, 1988, Introduced by Reps. DeBeaussaert, Scott, Brown, Docherty, Middaugh, Bryant, Leland, Kosteva, Miller, DeMars, Jondahl, Ciaramitaro, Gubow, Farhat, Hart, Webb, Clack, Dutko, Emerson and Stabenow and referred to the Committee on Conservation and Environment.

A bill to amend the title and sections 1, 2, 3, and 5 of Act No. 423 of the Public Acts of 1984, entitled

"An act to require the registration of certain underground storage tanks; to impose civil fines; and to impose certain powers and duties on the department of natural resources,"

sections 2, 3, and 5 as amended by Act No. 165 of the Public Acts of 1985, being sections 299.701, 299.702, 299.703, and 299.705 of the Michigan Compiled Laws; and to repeal certain parts of the act.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and sections 1, 2, 3, and 5 of Act
2 No. 423 of the Public Acts of 1984, sections 2, 3, and 5 as
3 amended by Act No. 165 of the Public Acts of 1985, being sections
4 299.701, 299.702, 299.703, and 299.705 of the Michigan Compiled
5 Laws, are amended to read as follows:

1 TITLE

2 An act to require the registration of certain underground
3 storage tanks; to impose civil fines; and to ~~impose certain~~
4 PRESCRIBE THE powers and duties ~~on the department of natural~~
5 ~~resources~~ OF CERTAIN STATE AGENCIES AND OFFICIALS.

6 Sec. 1. As used in this act:

7 (a) "Department" means the department of ~~natural resources~~
8 STATE POLICE, STATE FIRE MARSHAL DIVISION.

9 (b) "Director" means the director of the department of
10 ~~natural resources~~ STATE POLICE.

11 (c) "Natural gas" means natural gas, synthetic gas, and man-
12 ufactured gas.

13 (d) "Owner" means the person who is the owner as defined in
14 section 9001 of the solid waste disposal act, PUBLIC LAW 89-272,
15 42 U.S.C. 6991.

16 (e) "Person" means an individual; partnership; the state;
17 trust; firm; joint stock company; federal agency; corporation,
18 including a government corporation; association; municipality;
19 commission; political subdivision of a state; any interstate
20 body; and any other public body created by or pursuant to state
21 law.

22 (f) "Underground storage tank" means an underground storage
23 tank as defined in section 9001 of the solid waste disposal act,
24 PUBLIC LAW 89-272, 42 U.S.C. 6991.

25 Sec. 2. (1) A person who is the owner of an underground
26 storage tank and who is subject to the notification requirements
27 of section 9002(a)(1) and (2) of the solid waste disposal act,

1 PUBLIC LAW 89-272, 42 U.S.C. 6991a, shall register the tank with
2 the department ~~not later than May 8, 1986~~ IF HE OR SHE HAS NOT
3 PREVIOUSLY REGISTERED THE TANK WITH THE DEPARTMENT OF NATURAL
4 RESOURCES.

5 (2) A person who is the owner of an underground storage tank
6 brought into use on or after ~~May 8, 1986~~ THE EFFECTIVE DATE OF
7 THIS AMENDATORY ACT, shall register the tank with the department
8 within 30 days after the tank is brought into use.

9 (3) Except as otherwise provided in subsections (4) and (5),
10 a person who is the owner of an underground storage tank regis-
11 tered under subsection (1) or (2) shall notify the department of
12 any change in the information required under section 3 or of the
13 removal of an underground storage tank from service.

14 (4) A person who is the owner of an underground storage tank
15 the contents of which are changed routinely may indicate all the
16 materials which are stored in the tank on the registration form
17 described in section 3. A person providing the information
18 described in this subsection is not required to notify the
19 department of changes in the contents of the tank unless the
20 material to be stored in the tank differs from the information
21 provided on the registration form.

22 (5) Except as otherwise provided in section 3(2), a person
23 who is the owner of an underground storage tank registered under
24 subsection (1) or (2) is not required to notify the department of
25 a test conducted on the tank after the date of registration.

26 (6) Upon the request of a local township, village, or city
27 in which an underground storage tank is located, the department

1 shall forward a copy of registration or notification of change to
2 the local township, village, or city where the underground stor-
3 age tank is located.

4 Sec. 3. (1) The registration required by section 2(1) and
5 (2) shall be provided either:

6 (a) On a form provided by the department and in compliance
7 with section 9002 of the solid waste disposal act, PUBLIC LAW
8 89-272, 42 U.S.C. 6991a.

9 (b) In a form approved by the department and in compliance
10 with section 9002 of the solid waste disposal act, PUBLIC LAW
11 89-272, 42 U.S.C. 6991a.

12 (2) If there is a leak in an underground storage tank regis-
13 tered under this act, the person required to register the tank
14 under section 2, in addition to notifying the water resources
15 commission as required by Act No. 245 of the Public Acts of 1929,
16 being sections 323.1 to 323.13 of the Michigan Compiled Laws, and
17 the rules promulgated under that act, shall file at the request
18 of the department the following supplementary information if
19 known:

20 (a) The owner of the property where the tank is located.

21 (b) A history of the current and previous contents of the
22 tank, including the generic chemical name, chemical abstract
23 service number, or trade name, whichever is most descriptive of
24 the contents, and including the date or dates on which the con-
25 tents were changed or removed.

1 (c) A history of the monitoring procedures and leak
2 detection tests and methods employed with respect to the
3 underground storage tank, and the resulting findings.

4 (3) ALL INFORMATION RECEIVED BY THE DEPARTMENT UNDER THIS
5 SECTION SHALL BE FORWARDED TO THE DEPARTMENT OF NATURAL
6 RESOURCES.

7 Sec. 5. (1) The director, upon finding that a person has
8 failed to register an underground storage tank ~~by May 8, 1986,~~
9 ~~but has registered the tank before August 7, 1986, may impose a~~
10 ~~civil fine of \$100.00.~~ (2) ~~The director, upon finding that a~~
11 ~~person has either continued to fail to register an underground~~
12 ~~storage tank after August 7, 1986, or failed to register an~~
13 ~~underground storage tank installed or replaced after May 8, 1986,~~
14 ~~as required by section 2~~ AS REQUIRED BY THIS ACT, may impose a
15 civil fine of \$500.00. The civil fine authorized by this subsec-
16 tion may be imposed for each year during which the tank is not
17 registered.

18 (2) ~~(3)~~ A civil fine collected by the ~~department~~
19 DIRECTOR under this subsection shall be remitted to the state
20 treasurer and deposited in the general fund.

21 Section 2. Section 4 of Act No. 423 of the Public Acts of
22 1984, being section 299.704 of the Michigan Compiled Laws, is
23 repealed.