

HOUSE BILL No. 4932

June 15, 1989, Introduced by Reps. Alley, Middaugh, Bartnik, DeMars, Palamara, Giese, DeBeaussiaert, Hickner, Gire, Hart, Niederstadt, Gnodtke, Kosteva, Gubow, Brown, Varga, Stupak, Trim, Dolan, Sikkema, Nye, Hillegonds, Stacey, Crandall, Knight, Muxlow, Runco, Ostling, Bandstra, Power, Strand, Hoekman, Randall, Bender, London, Camp, Bankes, Fitzgerald and Hertel and referred to the Committee on Conservation, Recreation and Environment.

A bill to create a statewide hazardous substance spill prevention program to preserve and protect the public health, safety, and welfare and the waters of the state; and to provide the powers and duties of certain state agencies and officials.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. A statewide hazardous substance spill prevention
2 program shall be developed by the department by June 1, 1990, in
3 consultation with the department of public health. The program
4 shall assess the risk of spills of hazardous substances into the
5 waters of the state associated with fixed installations and with
6 mobile sources that may cause or have caused spills. Following
7 the assessment of risk, the department shall do all of the fol-
8 lowing to implement the program:

9 (a) Determine what types of mobile sources and fixed
10 installations create the largest risk of spills of hazardous

1 substances into the waters of the state and should thereby be
2 included in the program.

3 (b) Plan and conduct public education and discussion semi-
4 nars to involve the public and appropriate professional and
5 industrial groups in the development of the program.

6 (c) Determine and advise the governor and the legislature if
7 legislative and executive initiatives are necessary to prevent
8 spills of hazardous substances into the waters of the state and
9 the reporting of those spills.

10 (d) Plan and conduct meetings with owners and operators of
11 mobile sources and fixed installations to receive and evaluate
12 suggestions for inclusion in the program.

13 (e) Consult available and relevant scientific and technical
14 information and consult with recognized experts in the area of
15 hazardous substance spills.

16 Sec. 2. (1) The program shall pertain to those mobile
17 sources and fixed installations that are determined by the
18 department to create the largest risk of spills of hazardous sub-
19 stances into the waters of the state under section (1)(a).

20 (2) The program shall evaluate and make provisions for all
21 of the following factors that pertain and may contribute to
22 spills of hazardous substances into the waters of the state:

23 (a) Mobile source and fixed installation engineering
24 design.

25 (b) Human factors contributing to human error and how they
26 can be minimized through employee assistance and other employer
27 and state support programs.

1 (c) Alcohol and substance abuse of operators and employees
2 of mobile sources and fixed installations and methods for detect-
3 ing and eliminating alcohol and substance abuse problems.

4 (d) Mobile sources and fixed installations operator and
5 employee training programs.

6 (e) Monitoring and enforcement of laws or rules pertaining
7 to mobile sources and fixed installations.

8 Sec. 3. The legislature shall annually appropriate suffi-
9 cient funds to implement this act.

10 Sec. 4. As used in this act:

11 (a) "Department" means the department of natural resources.

12 (b) "Fixed installations" means any facility or appurtenant
13 equipment that manufactures, produces, sells, uses, or stores
14 hazardous substances or operates as a transfer station for haz-
15 ardous substances and from which a spill of hazardous substances
16 may contaminate the waters of the state.

17 (c) "Hazardous substance" means a chemical or other material
18 which is or may become injurious to the public health, safety, or
19 welfare or to the environment.

20 (d) "Mobile sources" means any vessel, vehicle, train, or
21 plane that transports hazardous substances in the state.

22 (e) "Program" means a statewide hazardous substance spill
23 prevention program.

24 (f) "Spills" means a sudden, unexpected leaking, pumping,
25 pouring, emitting, leaching, emptying, discharging, escaping,
26 dumping, or disposing that occurs without the approval of the
27 department.

1 (g) "Waters of the state" means all groundwaters, lakes,
2 rivers, streams, and other watercourses including the Great Lakes
3 and their connecting waterways within the jurisdiction of the
4 state.