

SENATE BILL No. 264

April 4, 1989, Introduced by Senators EHLERS and DINGELL and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend section 8 of Act No. 478 of the Public Acts of 1988, entitled
"Leaking underground storage tank act,"
being section 299.838 of the Michigan Compiled Laws; and to repeal certain parts of the act.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 8 of Act No. 478 of the Public Acts of
2 1988, being section 299.838 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 8. (1) At any point after reviewing the information
5 submitted in compliance with section 7, the director may require
6 the owner and operator to submit additional information or to
7 develop and submit a corrective action plan for responding to
8 contaminated soils, groundwater, and surface water. If a plan is
9 required, the owner or operator shall submit the plan according

1 to a schedule ~~and format~~ established by the director.
2 Alternatively, the owner or operator may, after fulfilling the
3 requirements of section 7, choose to submit a corrective action
4 plan for responding to contaminated soil, groundwater, or surface
5 water. In either case, the owner or operator is responsible for
6 submitting a plan that provides for adequate protection of human
7 health and the environment as determined by the director, and
8 shall modify ~~their~~ HIS OR HER plan as necessary to meet this
9 standard.

10 (2) The director shall approve the corrective action plan
11 only after ensuring that implementation of the plan will ade-
12 quately protect human health, safety, and the environment.

13 (3) The director shall approve or disapprove the corrective
14 action plan within ~~30~~ 45 days after it has been received. If
15 the director disapproves the corrective action plan, he or she
16 shall provide the owner or operator with a list of ~~changes~~
17 DEFICIENCIES, AND RECOMMENDATIONS that IF INCORPORATED would
18 result in the plan's approval, ALONG WITH A SCHEDULE FOR
19 RESUBMITTAL. The owner or operator shall ~~, within a time speci-~~
20 ~~fied by the director,~~ submit an amended corrective action plan
21 ~~incorporating these changes~~ ACCORDING TO THE SCHEDULE SPECIFIED
22 BY THE DIRECTORY.

23 (4) Upon approval of the corrective action plan or as
24 directed by the director, the owner or operator shall implement
25 the plan, including modifications to the plan required by the
26 director. The owner or operator shall monitor, evaluate, and

1 report the results of implementing the plan in accordance with a
2 schedule established by the director.

3 (5) The owner or operator may, in the interest of minimizing
4 environmental contamination and promoting more effective cleanup,
5 begin cleanup of soil and groundwater before the corrective
6 action plan is approved, provided that they do all of the
7 following:

8 (a) Notify the director of their intention to begin
9 cleanup.

10 (b) Comply with any conditions imposed by the director,
11 including halting cleanup or mitigating adverse consequences from
12 cleanup activities.

13 (c) Incorporate these self-initiated cleanup measures in the
14 corrective action plan that is submitted to the director for
15 approval.

16 (6) After the director approves a corrective action plan
17 under this section, and the owner or operator has completed in
18 full all corrective actions required in the plan, and is in com-
19 pliance with this act, the director shall execute a document
20 stating that the corrective actions have been completed.

21 (7) The director may issue corrective action orders pursuant
22 to section 10 to the owner or operator as necessary to carry out
23 the purposes of this act.

24 Section 2. Section 19 of Act No. 478 of the Public Acts of
25 1988, being section 299.849 of the Michigan Compiled Laws, is
26 repealed.