

SENATE BILL No. 265

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

A bill to amend sections 2, 3a, 9, and 11 of Act No. 423 of the Public Acts of 1984, entitled as amended "Underground storage tank regulatory act," section 2 as amended and sections 3a, 9, and 11 as added by Act No. 479 of the Public Acts of 1988, being sections 299.702, 299.703a, 299.709, and 299.711 of the Michigan Compiled Laws; to repeal certain parts of the act; and to repeal certain acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 2, 3a, 9, and 11 of Act No. 423 of the
2 Public Acts of 1984, section 2 as amended and sections 3a, 9, and
3 11 as added by Act No. 479 of the Public Acts of 1988, being sec-
4 tions 299.702, 299.703a, 299.709, and 299.711 of the Michigan
5 Compiled Laws, are amended to read as follows:

1 Sec. 2. (1) A person who is the owner of an underground
2 storage tank system shall register and annually renew the
3 registration on the underground storage tank system with the
4 department.

5 (2) A person who is the owner of an underground storage tank
6 system shall register the underground storage tank system with
7 the department prior to bringing the underground storage tank
8 system into use.

9 (3) The department shall accept the registration OR RENEWAL
10 OF REGISTRATION of an underground storage tank system under this
11 section only if the owner of the underground storage tank system
12 pays the registration fee specified in subsection (8).

13 (4) Except as otherwise provided in subsections (5) and (6),
14 a person who is the owner of an underground storage tank system
15 registered under subsection (1) or (2) shall notify the depart-
16 ment of any change in the information required under section 3
17 or of the removal of an underground storage tank system from
18 service.

19 (5) A person who is the owner of an underground storage tank
20 system, the contents of which are changed routinely, may indicate
21 all the materials which are stored in the underground storage
22 tank system on the registration form described in section 3. A
23 person providing the information described in this subsection is
24 not required to notify the department of changes in the contents
25 of the underground storage tank system unless the material to be
26 stored in the system differs from the information provided on the
27 registration form.

1 (6) Except as otherwise provided in section 3(2), a person
2 who is the owner of an underground storage tank system registered
3 under subsection (1) or (2) is not required to notify the depart-
4 ment of a test conducted on the tank system but shall furnish
5 this information upon request of the department.

6 (7) Upon the request of a local unit of government in which
7 an underground storage tank system is located, the department
8 shall forward a copy of registration or notification of change to
9 the local unit of government where the underground storage tank
10 system is located.

11 (8) ~~Beginning 6 months after the effective date of the~~
12 ~~amendatory act that added this subsection, except~~ EXCEPT as pro-
13 vided in section 3a(3), the owner of an underground storage tank
14 system shall, upon registration or renewal of registration, pay a
15 registration fee of \$100.00 for each underground storage tank
16 included in that underground storage tank system. The department
17 shall deposit all registration fees it collects into the fund.

18 (9) The board may promulgate rules that require proof of
19 registration under this act to be attached to the underground
20 storage tank system or to the property where the underground
21 storage tank system is located.

22 (10) Except as otherwise provided in this subsection, an
23 underground storage tank SYSTEM OR AN UNDERGROUND STORAGE TANK
24 THAT IS PART OF THE SYSTEM that has been closed or removed pursu-
25 ant to rules promulgated under this act is exempt from the
26 requirements of this section. However, the owner of an
27 underground storage tank system or an underground storage tank

1 that is part of the system that has been closed or removed shall
2 notify the department of the closure or removal pursuant to rules
3 promulgated by the board. The owner of an underground storage
4 tank system shall continue to pay registration fees on under-
5 ground storage tanks that have been closed or removed until noti-
6 fication of the closure or removal is provided pursuant to these
7 rules.

8 Sec. 3a. (1) The underground storage tank regulatory
9 enforcement fund is created in the state treasury. The fund may
10 receive money as provided in this act and as otherwise provided
11 by law. The state treasurer shall direct the investment of the
12 fund. Interest and earnings of the fund shall be credited to the
13 fund. Money in the fund at the close of the fiscal year shall
14 remain in the fund and shall not revert to the general fund.

15 (2) Money in the fund shall be used only by the department
16 to enforce this act and the rules promulgated under this act and
17 the rules promulgated under the fire prevention code, Act No. 207
18 of the Public Acts of 1941, being sections 29.1 to 29.33 of the
19 Michigan Compiled Laws, pertaining to the delivery and dispensing
20 operations ~~or~~ OF regulated substances.

21 (3) Notwithstanding section 2(8), if at the close of any
22 fiscal year the amount of money in the fund exceeds
23 \$8,000,000.00, the department shall not collect a registration
24 fee for the following year from existing underground storage tank
25 systems. After the registration fee has been suspended under
26 this subsection, it shall only be reinstated if, at the close of

1 any succeeding fiscal year, the amount of money in the fund is
2 less than \$2,000,000.00.

3 (4) The department of treasury shall, before November 1 of
4 each year, notify the department of the balance in the fund at
5 the close of the preceding fiscal year.

6 Sec. 9. (1) The department may, upon resolution of the gov-
7 erning body of a local unit of government in whose jurisdiction
8 an underground storage tank system is being installed, require
9 additional safeguards, other than those specified in rules, when
10 the public health, safety, welfare, or the environment is
11 endangered.

12 (2) A local unit of government shall not enact or enforce a
13 provision of an ordinance that is inconsistent with this act or
14 rules promulgated under this act.

15 (3) ~~A~~ BEGINNING OCTOBER 1, 1990, A local unit of govern-
16 ment shall not enact or enforce a provision of an ordinance that
17 requires a permit, license, approval, inspection, or the payment
18 of a fee or tax for the installation, ~~or~~ use, CLOSURE, OR
19 REMOVAL of an underground storage tank system.

20 Sec. 11. (1) A person who violates this act or a rule
21 promulgated under this act OR WHO KNOWINGLY SUBMITS FALSE INFOR-
22 MATION WHEN REGISTERING AN UNDERGROUND STORAGE TANK SYSTEM UNDER
23 THIS ACT is guilty of a misdemeanor, punishable by imprisonment
24 for not more than 6 months, or a fine of not more than \$500.00,
25 or both.

26 (2) A person who violates this act or a rule promulgated
27 under this act OR WHO KNOWINGLY SUBMITS FALSE INFORMATION WHEN

1 REGISTERING AN UNDERGROUND STORAGE TANK SYSTEM UNDER THIS ACT is
2 subject to a civil fine of ~~-\$500.00-~~ NOT MORE THAN \$5,000.00 FOR
3 EACH UNDERGROUND STORAGE TANK SYSTEM FOR EACH DAY OF VIOLATION.
4 A CIVIL FINE IMPOSED UNDER THIS SUBSECTION SHALL BE BASED UPON
5 THE SERIOUSNESS OF THE VIOLATION AND ANY GOOD FAITH EFFORTS BY
6 THE VIOLATOR TO COMPLY WITH THIS ACT AND THE RULES PROMULGATED
7 UNDER THIS ACT.

8 (3) A civil fine collected under subsection (2) shall be
9 deposited into the fund.

10 Section 2. Sections 1b, 2a, and 3b of Act No. 423 of the
11 Public Acts of 1984, being sections 299.701b, 299.702a, and
12 299.703b of the Michigan Compiled Laws, are repealed.

13 Section 3. Enacting sections 3, 4, and 5 of Act No. 479 of
14 the Public Acts of 1988 are repealed.