

# SENATE BILL No. 1179

November 10, 2016, Introduced by Senator GREEN and referred to the Committee on Committee of the Whole.

A bill to amend 1941 PA 207, entitled  
"Fire prevention code,"  
by amending section 5d (MCL 29.5d), as amended by 2006 PA 189.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 5d. (1) The certificates specified in section 5c shall be  
2 issued every 3 years by the department of environmental quality  
3 after the department of environmental quality determines by an  
4 inspection that the firm location is in satisfactory compliance  
5 with this act. The department of environmental quality may  
6 authorize a firm specified in section 5c to conduct inspections  
7 required in this section after application to the department of  
8 environmental quality and payment of an annual fee of \$1,000.00.  
9 Upon annual determination by the department of environmental  
10 quality that the firm is in satisfactory compliance with this act,  
11 the department of environmental quality may grant the

1 authorization. This authorization may be revoked by the department  
2 of environmental quality for cause. Firms authorized to conduct  
3 inspections required in this section are exempt from the fees  
4 provided in subsection (2). The department of environmental quality  
5 may review procedures utilized by the firm to assure compliance  
6 with this act.

7 (2) Each firm required to be certified under section 5c shall  
8 submit an installation application to the department of  
9 environmental quality according to rules promulgated under this  
10 act. Each firm shall pay a fee of \$203.00 per tank. This fee shall  
11 be submitted with the installation application to the department of  
12 environmental quality. The department of environmental quality  
13 shall not approve an installation application unless this fee has  
14 been paid as required in this subsection. Payment of this fee ~~shall~~  
15 ~~waive~~**WAIVES** the first annual storage tank fee required in this  
16 subsection. The owner of a firm specified in section 5c shall pay  
17 an annual fee of \$61.50 for each tank located at each storage or  
18 filling location specified in section 5c. Fees required by this  
19 subsection shall be paid before the issuance of a certificate when  
20 storage tanks operated by firms described in section 5c are used  
21 and until ~~such~~**THE** tanks are closed or removed, and notification of  
22 the closure or removal is received by the department of  
23 environmental quality. Owners of firms described in section 5c  
24 shall notify the department of environmental quality of the closure  
25 or removal of storage tanks within 30 days after closure or removal  
26 on a form provided by the department of environmental quality. **THE**  
27 **FOLLOWING ARE EXEMPT FROM FEES ASSESSED UNDER THIS SUBSECTION:**

1           (A) Storage tanks that **EXCLUSIVELY** receive crude petroleum  
2 directly from a wellhead. ~~are exempt from fees under this section.~~

3           **(B) STORAGE TANKS THAT EXCLUSIVELY RECEIVE REFINED PETROLEUM**  
4 **PRODUCTS THAT ARE SUBJECT TO THE ENVIRONMENTAL PROTECTION**  
5 **REGULATORY FEE IMPOSED UNDER SECTION 21508 OF THE NATURAL RESOURCES**  
6 **AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.21508.**

7           (3) ~~Beginning October 1, 1990, a~~ **A** local unit of government  
8 shall not enact or enforce a provision of an ordinance that  
9 requires a permit, license, approval, inspection, or the payment of  
10 a fee or tax for the installation, use, closure, or removal of an  
11 aboveground storage tank system.

12           (4) The fees ~~specified~~ **ASSESSED** in subsection (2) shall be  
13 collected and deposited into the hazardous materials storage tank  
14 regulatory enforcement fund created in subsection (5).

15           (5) The hazardous materials storage tank regulatory  
16 enforcement fund is created in the state treasury. The fund may  
17 receive money as provided in this act and as otherwise provided by  
18 law. The state treasurer shall direct the investment of the fund.  
19 Interest and earnings of the fund shall be credited to the fund.  
20 Money in the fund at the close of the fiscal year shall remain in  
21 the fund and shall not revert to the general fund. Money in the  
22 fund shall be used only by the department of environmental quality  
23 to enforce this act and the rules promulgated under this act  
24 pertaining to the delivery, dispensing, noncommercial  
25 transportation, or storage of hazardous materials. If at the close  
26 of any fiscal year the amount of money in the fund exceeds  
27 \$1,000,000.00, the department of environmental quality shall not

1 collect a fee for the following year for the fund from existing  
2 storage tank systems. After the fee has been suspended under this  
3 subsection, it shall only be reinstated if at the close of any  
4 succeeding fiscal year, the amount of money in the fund is less  
5 than \$250,000.00. The department of treasury shall, before November  
6 1 of each year, notify the department of environmental quality of  
7 the balance in the fund at the close of the preceding fiscal year.

8 Enacting section 1. This amendatory act does not take effect  
9 unless all of the following bills of the 98th Legislature are  
10 enacted into law:

- 11 (a) Senate Bill No. 506.
- 12 (b) Senate Bill No. 1051.
- 13 (c) Senate Bill No. 1052.
- 14 (d) Senate Bill No. 1053.