

HOUSE BILL NO. 4023

January 18, 2023, Introduced by Rep. VanderWall and referred to the Committee on Natural Resources, Environment, Tourism and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 21102a (MCL 324.21102a), as added by 2022 PA 160, and by adding section 21102b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 21102a. (1) Except as provided in subsection (2), a
2 person shall not install ~~an~~**a replacement to an active, installed**
3 underground storage tank that ~~meets~~**is located within** any of the
4 following ~~conditions~~**setback distances**:

1 (a) ~~Is within~~ **Within** 2,000 feet **or less** of an existing type I
2 community or type IIa noncommunity public water well.

3 (b) ~~Is within~~ **Within** 800 feet **or less** of an existing type IIb
4 or type III noncommunity public water well.

5 (c) ~~Is within~~ **Within** 300 feet **or less** of any other type of
6 well not described in subdivision (a) or (b).

7 (2) A person ~~that wishes to~~ **may** install ~~an~~ **a replacement to an**
8 **active, installed** underground storage tank that ~~does not meet the~~
9 ~~conditions~~ **is located within the setback distances** described under
10 subsection (1) ~~may only replace an active underground storage tank~~
11 if both of the following requirements are met:

12 (a) A professional engineer or qualified underground storage
13 tank consultant certifies that a combination of the construction
14 material of the underground storage tank and the leak detection
15 used to monitor the underground storage tank is more likely to
16 prevent and detect a release from the replacement underground
17 storage tank than the ~~existing~~ **active, installed** underground
18 storage tank.

19 (b) The facility where the active, ~~existing~~ **installed**
20 underground storage tank is located is in compliance with this part
21 and the rules promulgated under this part.

22 (3) As used in this section:

23 (a) "Professional engineer" means that term as defined in
24 section 2001 of the occupational code, 1980 PA 299, MCL 339.2001.

25 (b) "Qualified underground storage tank consultant" means an
26 individual who meets the requirements described under section
27 21325.

28 **Sec. 21102b. (1) Except as provided in subsection (2), a**
29 **person shall not install a new underground storage tank at a new**

1 underground storage tank location or install an additional new
2 underground storage tank at an existing underground storage tank
3 location that is located within any of the following setback
4 distances:

5 (a) Within 2,000 feet or less of an existing type I community
6 or type IIA noncommunity public water well.

7 (b) Within 800 feet or less of an existing type IIb or type
8 III noncommunity public water well.

9 (c) Within 300 feet or less of any other type of well not
10 described in subdivision (a) or (b).

11 (2) A person may install a new underground storage tank at a
12 new underground storage tank location or an additional new
13 underground storage tank at an existing underground storage tank
14 location that is located within the setback distances described
15 under subsection (1), and is not replacing an existing, installed
16 underground storage tank, as provided for in section 21102a, only
17 if a professional engineer certifies that the proposed location
18 where the underground storage tank will be installed is such that,
19 if a release were to occur from the underground storage tank, no
20 well would be impacted by the release.

21 (3) A new underground storage tank at a new underground
22 storage tank location and an additional new underground storage
23 tank at an existing underground storage tank location, as described
24 under this section, and a replacement to an active, installed
25 underground storage tank, as described under section 21102a, must
26 not be located within any of the following setback distances:

27 (a) Within 50 feet or less of a single-family drinking water
28 well.

29 (b) Within 75 feet or less of an existing type IIb or type III

1 noncommunity public water well.

2 (c) Within 200 feet or less of an existing type I community or
3 type IIa noncommunity public water well.

4 (4) As used in this section, "professional engineer" means
5 that term as defined in section 2001 of the occupational code, 1980
6 PA 299, MCL 339.2001.