



HOUSE BILL No. 5349

October 31, 1995, Introduced by Reps. LeTarte, Bush, Hill, Rocca, Voorhees, Green, Gernaat, Griffin, Brewer, Baade, Harder, Walberg, Yokich, Hammerstrom, Rhead, Goschka, DeLange and Weeks and referred to the Committee on Conservation, Environment and Great Lakes.

A bill to amend sections 21510 and 21550 of Act No. 451 of the Public Acts of 1994, entitled "Natural resources and environmental protection act," section 21510 as amended by Act No. 12 of the Public Acts of 1995, being sections 324.21510 and 324.21550 of the Michigan Compiled Laws; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 21510 and 21550 of Act No. 451 of the
2 Public Acts of 1994, section 21510 as amended by Act No. 12 of
3 the Public Acts of 1995, being sections 324.21510 and 324.21550
4 of the Michigan Compiled Laws, are amended to read as follows:

5 Sec. 21510. (1) Except as provided in section 21521, an
6 owner or operator is eligible to receive money from the fund or
7 bond proceeds account for corrective action or indemnification

1 only if all of the following requirements are satisfied and the
2 owner or operator otherwise complies with this part:

3 (a) The release from which the corrective action or indemni-
4 fication arose was discovered and reported on or after July 18,
5 1989.

6 (b) The petroleum underground storage tank from which the
7 release occurred was, at the time of discovery of the release,
8 and is presently, in compliance with the registration and fee
9 requirements of part 211 and the rules promulgated under that
10 part.

11 (c) The owner or operator or a consultant retained by the
12 owner or operator reported the release within 24 hours after its
13 discovery as required by part 211 and the rules promulgated under
14 that part.

15 (d) The owner or operator is not the United States
16 government.

17 (e) The ~~claim~~ WORK INVOICE or request for indemnification
18 is submitted to the administrator pursuant to this part and the
19 rules promulgated under this part on or before ~~December 22,~~
20 ~~1998~~ 5 P.M., JUNE 29, 1995.

21 (f) ~~Until January 1, 1997, the~~ THE claim is not for a
22 release from an underground storage tank closed prior to January
23 1, 1974, in compliance with the fire prevention code, Act No. 207
24 of the Public Acts of 1941, being sections 29.1 to 29.33 of the
25 Michigan Compiled Laws, and the rules promulgated under that
26 act.

1 (2) The owner or operator may receive money from the fund or
2 bond proceeds account for corrective action or indemnification
3 due to a release that originates from an aboveground piping and
4 dispensing portion of a petroleum underground storage tank system
5 if all of the following requirements are satisfied:

6 (a) The owner or operator is otherwise in compliance with
7 this part and the rules promulgated under this part.

8 (b) The release is sudden and immediate.

9 (c) The release is of a quantity exceeding 25 gallons and is
10 released into groundwater, surface water, or soils.

11 (d) The release is reported to the department of natural
12 resources, underground storage tank division within 24 hours of
13 discovery of the release.

14 (3) Either the owner or the operator may receive money from
15 the fund or bond proceeds account under this part for an occur-
16 rence, but not both.

17 (4) An owner or operator who is a public utility with more
18 than 500,000 customers in this state is ineligible to receive
19 money from the fund or bond proceeds account for corrective
20 action or indemnification associated with a release from a petro-
21 leum underground storage tank system used to supply petroleum for
22 the generation of steam electricity.

23 (5) If an owner or operator has received money from the fund
24 or bond proceeds account under this part for a release at a loca-
25 tion, the owner and operator are not eligible to receive money
26 from the fund or bond proceeds account for a subsequent release

1 at the same location unless the owner or operator has done either
2 or both of the following:

3 (a) Discovered the subsequent release pursuant to corrective
4 action being taken on a confirmed release and included this sub-
5 sequent release as part of the corrective action for the con-
6 firmed release.

7 (b) Upgraded, replaced, removed, or properly closed in place
8 all underground storage tank systems at the location of the
9 release so as to meet the requirements of part 211 and the rules
10 promulgated under that part.

11 (6) An owner or operator who discovers a subsequent release
12 at the same location as an initial release pursuant to
13 subsection (5)(a) may receive money from the fund or bond pro-
14 ceeds account to perform corrective action on the subsequent
15 release, if the owner or operator otherwise complies with the
16 requirements of this part and the rules promulgated under this
17 part. However, the subsequent release shall be considered as
18 part of the claim for the initial release for purposes of deter-
19 mining the total amount of expenditures for corrective action and
20 indemnification under section 21512.

21 (7) An owner or operator who discovers a subsequent release
22 at the same location as an initial release following compliance
23 with subsection (5)(b) may receive money from the fund or bond
24 proceeds account to perform corrective action on the subsequent
25 release, if there have been not more than 2 releases at the loca-
26 tion, if the owner or operator pays the subsequent release co-pay
27 amount pursuant to section 21514, and if the owner or operator

1 otherwise complies with the requirements of this part and the
 2 rules promulgated under this part. The subsequent release shall
 3 be considered a separate claim for purposes of determining the
 4 total amount of expenditures for corrective action and indemnifi-
 5 cation under section 21512.

6 ~~(8) The department shall annually evaluate and report to~~
 7 ~~the legislature the impact on the solvency of the fund of the~~
 8 ~~submittal date provided in subsection (1)(e). The legislature~~
 9 ~~shall examine the report required under this subsection and take~~
 10 ~~such action as is necessary to assure the solvency of the fund.~~

11 ~~(9) The department shall complete a study of the fiscal~~
 12 ~~soundness of the fund by May 1, 1995. The study shall project~~
 13 ~~costs and revenues over the remaining life of the fund. The~~
 14 ~~study shall also consider and outline appropriate cost contain-~~
 15 ~~ment measures to assure the long term viability of the fund.~~

16 Sec. 21550. (1) Section 21507 is repealed effective
 17 December 22, 1998.

18 (2) Upon the repeal of section 21507, any unexpended money
 19 in the emergency response fund reverts to the fund.

20 (3) This part is repealed ~~effective January 1, 2005~~ ON THE
 21 DATE ON WHICH THE STATE TREASURER FILES WITH THE SECRETARY OF
 22 STATE A NOTICE OF FINAL PAYMENT OF ALL OBLIGATIONS LAWFULLY PAY-
 23 ABLE FROM THE FUND PURSUANT TO SECTION 21506(5).

24 (4) Upon repeal of this part, any money in the fund or in
 25 the possession of the authority reverts to the environmental
 26 response fund created in part 201.

1 (5) The authority's obligation to pay off any bonds or notes
2 issued pursuant to this part shall survive the repeal of this
3 part.

4 Section 2. This amendatory act shall not take effect unless
5 Senate Bill No. 738 or House Bill No. ____ (request
6 no. 06120'95 **) of the 88th Legislature is enacted into law.