

# SENATE BILL No. 1051

September 7, 2016, Introduced by Senator GREEN and referred to the Committee on Natural Resources.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending sections 21102 and 21104 (MCL 324.21102 and 324.21104).

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

1           Sec. 21102. (1) A person ~~who~~**THAT** is the owner of an  
2 underground storage tank system shall register and annually renew  
3 the registration on the underground storage tank system with the  
4 department. However, the owner or operator of an underground  
5 storage tank closed prior to January 1, 1974 in compliance with the  
6 fire prevention code, ~~Act No. 207 of the Public Acts of 1941, being~~  
7 ~~sections 29.1 to 29.33 of the Michigan Compiled Laws, 1941 PA 207,~~  
8 **MCL 29.1 TO 29.33**, and the rules promulgated under that act, is  
9 exempt from the registration requirements of this section.

10           (2) A person ~~who~~**THAT** is the owner of an underground storage  
11 tank system shall register the underground storage tank system with

1 the department prior to bringing the underground storage tank  
2 system into use. Additionally, an installation registration form  
3 containing the information required by the department shall be  
4 submitted to the department at least 45 days prior to the  
5 installation of the underground storage tank system.

6 ~~— (3) The department shall accept the registration or renewal of~~  
7 ~~registration of an underground storage tank system under this~~  
8 ~~section only if the owner of the underground storage tank system~~  
9 ~~pays the registration fee specified in subsection (8).~~

10 (3) ~~(4)~~ Except as otherwise provided in subsections ~~(5)~~ **(4)**  
11 and ~~(6)~~, **(5)**, a person ~~who~~ **THAT** is the owner of an underground  
12 storage tank system registered under subsection (1) or (2) shall  
13 notify the department of any change in the information required  
14 under section ~~3-21103~~ or of the removal of an underground storage  
15 tank system from service.

16 (4) ~~(5)~~ A person ~~who~~ **THAT** is the owner of an underground  
17 storage tank system, the contents of which are changed routinely,  
18 may indicate all the materials that are stored in the underground  
19 storage tank system on the registration form described in section  
20 21103. A person providing the information described in this  
21 subsection is not required to notify the department of changes in  
22 the contents of the underground storage tank system unless the  
23 material to be stored in the system differs from the information  
24 provided on the registration form.

25 (5) ~~(6)~~ Except as otherwise provided in section 21103(2), a  
26 person ~~who~~ **THAT** is the owner of an underground storage tank system  
27 registered under subsection (1) or (2) is not required to notify

1 the department of a test conducted on the tank system but shall  
2 furnish this information upon the request of the department.

3 (6) ~~(7)~~—Upon the request of a local unit of government in  
4 which an underground storage tank system is located, the department  
5 shall forward a copy of **A** registration or notification of change  
6 **UNDER THIS SECTION** to the local unit of government where the  
7 underground storage tank system is located.

8 ~~—(8) Except as provided in section 21104(3), the owner of an~~  
9 ~~underground storage tank system shall, upon registration or renewal~~  
10 ~~of registration, pay a registration fee of \$100.00 for each~~  
11 ~~underground storage tank included in that underground storage tank~~  
12 ~~system. The department shall deposit all registration fees it~~  
13 ~~collects into the fund.~~

14 (7) ~~(9)~~—The department may promulgate rules that require proof  
15 of registration under this part to be attached to the underground  
16 storage tank system or to the property where the underground  
17 storage tank system is located.

18 (8) ~~(10)~~—Except as otherwise provided in this subsection, an  
19 underground storage tank system or an underground storage tank that  
20 is part of the system that has been closed or removed pursuant to  
21 rules promulgated under this part is exempt from the requirements  
22 of this section. However, the owner of an underground storage tank  
23 system or an underground storage tank that is part of the system  
24 that has been closed or removed shall notify the department of the  
25 closure or removal pursuant to rules promulgated by the department.  
26 ~~The owner of an underground storage tank system shall continue to~~  
27 ~~pay registration fees on underground storage tanks that have been~~

1 ~~closed or removed until notification of the closure or removal is~~  
2 ~~provided on the required form pursuant to these rules.~~

3       Sec. 21104. (1) The underground storage tank regulatory  
4 enforcement fund is created in the state treasury. The fund may  
5 receive money as provided in this part and as otherwise provided by  
6 law. The state treasurer shall direct the investment of the fund.  
7 Interest and earnings of the fund shall be credited to the fund.  
8 Money in the fund at the close of the fiscal year shall remain in  
9 the fund and shall not revert to the general fund.

10       (2) Money in the fund shall be used ~~only~~ by the department  
11 **ONLY** to enforce this part and the rules promulgated under this part  
12 and the rules promulgated under the fire prevention code, ~~Act No.~~  
13 ~~207 of the Public Acts of 1941, being sections 29.1 to 29.33 of the~~  
14 ~~Michigan Compiled Laws, 1941 PA 207, MCL 29.1 TO 29.33,~~ pertaining  
15 to the delivery and dispensing operations of regulated substances.

16 ~~—— (3) Notwithstanding section 21102(8), if at the close of any~~  
17 ~~fiscal year the amount of money in the fund exceeds \$8,000,000.00,~~  
18 ~~the department shall not collect a registration fee for the~~  
19 ~~following year from existing underground storage tank systems.~~  
20 ~~After the registration fee has been suspended under this~~  
21 ~~subsection, it shall only be reinstated if, at the close of any~~  
22 ~~succeeding fiscal year, the amount of money in the fund is less~~  
23 ~~than \$4,000,000.00.~~

24       **(3)** ~~(4)~~—The department of treasury shall, before November 1 of  
25 each year, notify the department of the balance in the fund at the  
26 close of the preceding fiscal year.

27       Enacting section 1. This amendatory act does not take effect

1 unless all of the following bills of the 98th Legislature are  
2 enacted into law:

3 (a) Senate Bill No. 506.

4 (b) Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request no.  
5 04825'15 \*).

6 (c) Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request no.  
7 04826'15 \*).