

HOUSE BILL NO. 4077

February 02, 2021, Introduced by Reps. LaFave, Damoose, Maddock, Markkanen, Steven Johnson, O'Malley, Paquette, Outman and Beson and referred to the Committee on Commerce and Tourism.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 21106 (MCL 324.21106).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 21106. **(1) The Subject to subsection (2), the** department
2 **of licensing and regulatory affairs** shall promulgate rules relating
3 to underground storage tank systems that are at least as stringent
4 as the rules promulgated by the United States ~~environmental~~
5 ~~protection agency~~ **Environmental Protection Agency** under subtitle I

~~of title II of Public Law 89-272, 42 U.S.C. 42 USC 6991 to 6991i.~~
6991m. These rules shall include a requirement that the owner or operator of an underground storage tank system provide financial responsibility ~~in the event of~~ for a release from the underground storage tank system.

(2) An owner or operator may operate an unattended self-service motor fuel dispensing facility if all of the following requirements are met:

(a) The owner or operator notifies the local fire department at least 30 days before commencing operations or, if a local fire department does not exist, employs a third-party monitoring service.

(b) The department of licensing and regulatory affairs approves the facility, as provided in subsection (3). The department of licensing and regulatory affairs shall inspect and approve or disapprove the facility within 60 days after the owner or operator requests approval.

(3) The department of licensing and regulatory affairs shall approve the facility under subsection (2)(b) if all of the following requirements are met:

(a) Fuel dispenser operating instructions are conspicuously posted in the dispensing area. The instructions shall include the location of emergency controls and a requirement that the user remain outside of the user's vehicle and keep the fuel nozzle in view during dispensing.

(b) For each group of fuel dispensers on an island, at least 1 emergency shut-off that meets all of the following requirements is provided:

(i) Is not less than 20 feet and not more than 100 feet from

1 each fuel dispenser it controls.

2 (ii) Is clearly identified and readily accessible.

3 (iii) Can be reset only manually.

4 (c) An approved fire extinguisher for flammable liquids of 4-
5 B:C rating or higher is located not more than 100 feet from each
6 fuel dispenser and storage tank fill opening, is clearly identified
7 or visible, and is readily accessible.

8 (d) A telephone or other approved means to notify the fire
9 department or, if a local fire department does not exist, the
10 third-party monitoring service employed by the owner or operator is
11 clearly identified and readily accessible.

12 (e) Warning signs as required by the department of licensing
13 and regulatory affairs are posted in the dispensing area.

14 (f) In addition to the warning signs required under
15 subdivision (e), an approved emergency procedures sign is posted in
16 a conspicuous location. The sign shall be of dimensions required by
17 the department of licensing and regulatory affairs and read as
18 follows:

19 IN CASE OF FIRE, SPILL, OR RELEASE

20 1. USE EMERGENCY PUMP SHUTOFF

21 2. REPORT THE ACCIDENT!

22 FIRE DEPARTMENT TELEPHONE NO. _____.

23 FACILITY ADDRESS _____.

24 If a local fire department does not exist, the sign shall
25 refer to the telephone number as an "EMERGENCY TELEPHONE NO." and
26 provide the telephone number of the third-party monitoring service.

27 (g) The area around the emergency shut-offs under subdivision
28 (b) and the dispensing area is well lit.

29 (h) Activity at the dispensing area is recorded by

1 surveillance camera.

2 (i) Fuel purchases are not payable by coin or currency.

3 (j) The fuel dispensers do not allow more than \$125.00 of fuel
4 to be pumped per transaction and require manual action to resume
5 delivery for the next transaction.

6 (4) As a condition of approval under subsection (2)(b), the
7 owner or operator shall visit the site each day and regularly
8 inspect and maintain the equipment.

9 (5) The department of licensing and regulatory affairs shall
10 not require an unattended self-service motor fuel dispensing
11 facility operating under subsections (2) to (4) to limit public
12 access to or dispensing from fuel dispensers by utilizing locked
13 dispensers, security fencing, or other means, except for means that
14 require payment to be made when fuel is dispensed.

15 (6) Subsections (2) to (5) do not apply to an unattended self-
16 service motor fuel dispensing facility that meets both of the
17 following requirements:

18 (a) The dispensing facility is operated as a membership-based
19 fuel co-op or dispenses fuel from an above ground storage tank
20 system.

21 (b) The dispensing facility meets applicable standards under
22 sections 5c, 5d, 5j, and 5l to 5o of the fire prevention code, 1941
23 PA 207, MCL 29.5c, 29.5d, 29.5j, and 29.5l to 29.5o, and rules
24 promulgated to implement those sections or a variation to those
25 standards made under section 3c(6) of the fire prevention code,
26 1941 PA 207, MCL 29.3c.

27 (7) This section does not preempt local ordinances that
28 prohibit unattended self-service motor fuel dispensing facilities
29 authorized under subsections (2) to (5) or that are as restrictive

1 or more restrictive than subsections (2) to (5). To prohibit the
2 operation of 1 or more unattended self-service motor fuel
3 dispensing facilities authorized under subsections (2) to (5), a
4 local unit of government must adopt a local ordinance that
5 prohibits the operation of any unattended self-service motor fuel
6 dispensing facility within the local unit of government's
7 jurisdiction that is not a membership-based co-op.