

**STATE OF MICHIGAN
96TH LEGISLATURE
REGULAR SESSION OF 2012**

Introduced by Senators Green, Proos, Kowall, Pappageorge, Marleau and Walker

ENROLLED SENATE BILL No. 533

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending sections 21326, 21327, 21502, 21503, 21506a, 21510, 21515, 21517, 21520, 21550, 21558, and 21559 (MCL 324.21326, 324.21327, 324.21502, 324.21503, 324.21506a, 324.21510, 324.21515, 324.21517, 324.21520, 324.21550, 324.21558, and 324.21559), sections 21502 and 21503 as amended by 2006 PA 318, section 21506a as amended by 2007 PA 67, section 21510 as amended by 1995 PA 252, section 21515 as amended by 1996 PA 181, section 21550 as amended by 2010 PA 263, section 21558 as added by 2006 PA 322, and section 21559 as amended by 2008 PA 417; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

Sec. 21326. (1) Upon request of the department for the purpose of conducting an investigation, taking corrective action, or enforcing this part, the owner or operator shall furnish the department with all available information about all of the following:

- (a) The underground storage tank system and its associated equipment.
- (b) The past or present contents of the underground storage tank system.
- (c) Any releases and investigations of releases.

(2) The department has the right to enter at all reasonable times in or upon any private or public property for any of the following purposes:

- (a) Inspecting an underground storage tank system.
- (b) Obtaining samples of any substance from an underground storage tank system.
- (c) Requiring and supervising the conduct of monitoring or testing of an underground storage tank system, its associated equipment, or contents.
- (d) Conducting monitoring or testing of an underground storage tank system in cases where there is no identified responsible party.
- (e) Conducting monitoring or testing, or taking samples of soils, air, surface water, or groundwater.
- (f) Taking corrective action.
- (g) Inspecting and copying any records related to an underground storage tank system.

(3) All inspections and investigations undertaken by the department under this section shall be commenced and completed with reasonable promptness.

(4) The attorney general, on behalf of the department, may do either of the following:

(a) Petition a court of appropriate jurisdiction for a warrant to authorize access to any private or public property to implement this part.

(b) Commence a civil action pursuant to section 21323 for an order authorizing the department to enter any private or public property as necessary to implement this part.

Sec. 21327. (1) Beginning on the effective date of the 2012 amendatory act that amended this section, the department shall not promulgate rules to implement this part.

(2) A guideline, bulletin, interpretive statement, operational memorandum, or form with instructions published under this part shall not be given the force and effect of law by the department and is considered merely advisory. The department shall not rely upon a guideline, bulletin, interpretive statement, operational memorandum, or form with instructions to support the department's decision to act or refuse to act. A court shall not rely upon a guideline, bulletin, interpretive statement, operational memorandum, or form with instructions to uphold the department's decision to act or refusal to act.

Sec. 21502. As used in this part:

(a) "Administrator" means the fund administrator provided for in section 21513.

(b) "Approved claim" means a claim that is approved pursuant to section 21515.

(c) "Authority" means the Michigan underground storage tank financial assurance authority created in section 21523.

(d) "Board of directors" means the board of directors of the authority.

(e) "Bond proceeds account" means the account or fund to which proceeds of bonds or notes issued under this part have been credited.

(f) "Bonds or notes" means the bonds, notes, commercial paper, other obligations of indebtedness, or any combination of these, issued by the authority pursuant to this part.

(g) "Claim" means the submission by the owner or operator or his or her representative of documentation on an application requesting payment from the fund. A claim shall include, at a minimum, a completed and signed claim form and the name, address, telephone number, and federal tax identification number of the owner or operator.

(h) "Class 1 site" means a site posing the highest degree of threat to the public and environment as determined by the department, based on the classification system developed by the department pursuant to section 21314a.

(i) "Class 2 site" means a site posing the second highest degree of threat to the public and environment as determined by the department, based on the classification system developed by the department pursuant to section 21314a.

(j) "Co-pay amount" means the co-pay amount provided for in section 21514.

(k) "Corrective action" means the investigation, assessment, cleanup, removal, containment, isolation, treatment, or monitoring of regulated substances released into the environment or the taking of such other actions as may be necessary to prevent, minimize, or mitigate injury to the public health, safety, or welfare, the environment, or natural resources.

(l) "Department" means the department of environmental quality.

(m) "Eligible person" means an owner or operator who meets the eligibility requirements in section 21556 or 21557 and received approval of his or her precertification application by the department.

(n) "Financial responsibility requirements" means the financial responsibility for taking corrective action and for compensating third parties for bodily injury and property damage caused by a release from an underground storage tank system that the owner or operator of an underground storage tank system must demonstrate under part 211 and the rules promulgated under that part.

(o) "Fund" means the Michigan underground storage tank financial assurance fund created in section 21506.

(p) "Heating oil" means petroleum that is No. 1, No. 2, No. 4—light, No. 4—heavy, No. 5—light, No. 5—heavy, and No. 6 technical grades of fuel oil; other residual fuel oils including navy special fuel oil and bunker C; and other fuels when used as substitutes for 1 of these fuel oils.

(q) "Indemnification" means indemnification of an owner or operator for a legally enforceable judgment entered against the owner or operator by a third party, or a legally enforceable settlement entered between the owner or operator and a third party, compensating that third party for bodily injury or property damage, or both, caused by an accidental release as those terms are defined in R 29.2163 of the Michigan administrative code.

(r) "Location" means a facility or parcel of property where petroleum underground storage tank systems are registered pursuant to part 211.

(s) “Operator” means a person who was, at the time of discovery of a release, in control of or responsible for the operation of a petroleum underground storage tank system or a person to whom an approved claim has been assigned or transferred.

(t) “Owner” means a person, other than a regulated financial institution, who, at the time of discovery of a release, held a legal, equitable, or possessory interest of any kind in an underground storage tank system or in the property on which an underground storage tank system is located, including, but not limited to, a trust, vendor, vendee, lessor, or lessee. Owner includes a person to whom an approved claim is assigned or transferred. Owner does not include a person or a regulated financial institution who, without participating in the management of an underground storage tank system and without being otherwise engaged in petroleum production, refining, or marketing relating to the underground storage tank system, is acting in a fiduciary capacity or who holds indicia of ownership primarily to protect the person’s or the regulated financial institution’s security interest in the underground storage tank system or the property on which it is located. This exclusion does not apply to a grantor, beneficiary, remainderman, or other person who could directly or indirectly benefit financially from the exclusion other than by the receipt of payment for fees and expenses related to the administration of a trust.

(u) “Oxygenate” means an organic compound containing oxygen and having properties as a fuel that are compatible with petroleum, including, but not limited to, ethanol, methanol, or methyl tertiary butyl ether (MTBE).

Sec. 21503. As used in this part:

(a) “Payment voucher” means a form prepared by the department that specifies payment authorization by the department to the department of treasury.

(b) “Petroleum” means crude oil, crude oil fractions, and refined petroleum fractions including gasoline, kerosene, heating oils, and diesel fuels.

(c) “Petroleum underground storage tank system” means an underground storage tank system used for the storage of petroleum.

(d) “Precertification application” means the application submitted by an owner or operator seeking the department’s eligibility determination for reimbursement for the costs of corrective action from the temporary reimbursement program.

(e) “Refined petroleum” means aviation gasoline, middle distillates, jet fuel, kerosene, gasoline, residual oils, and any oxygenates that have been blended with any of these.

(f) “Refined petroleum fund” means the refined petroleum fund established under section 21506a.

(g) “Refined petroleum product cleanup initial program” means the program established in section 21553.

(h) “Refined petroleum product cleanup program” means the refined petroleum product cleanup program established by law.

(i) “Regulated financial institution” means a state or nationally chartered bank, savings and loan association or savings bank, credit union, or other state or federally chartered lending institution or a regulated affiliate or regulated subsidiary of any of these entities.

(j) “Regulatory fee” means the environmental protection regulatory fee imposed under section 21508.

(k) “Release” means any spilling, leaking, emitting, discharging, escaping, or leaching from a petroleum underground storage tank system into groundwater, surface water, or subsurface soils.

(l) “Site” means a location where a release has occurred or a threat of a release exists from an underground storage tank system, excluding any location where corrective action was completed which satisfies the cleanup criteria for unrestricted residential use under part 213.

(m) “Temporary reimbursement program” means the program established in section 21554.

(n) “Underground storage tank system” means an existing tank or combination of tanks, including underground pipes connected to the tank or tanks, which is or was used to contain an accumulation of regulated substances, and is not currently being used for any other purpose, and the volume of which, including the volume of the underground pipes connected to the tank or tanks, is 10% or more beneath the surface of the ground. An underground storage tank system includes an underground storage tank that is properly closed in place pursuant to part 211 and rules promulgated under that part. An underground storage tank system does not include any of the following:

(i) A farm or residential tank of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes.

(ii) A tank used for storing heating oil for consumptive use on the premises where the tank is located.

(iii) A septic tank.

(iv) A pipeline facility, including gathering lines regulated under 49 USC 60101 to 60137.

(v) A surface impoundment, pit, pond, or lagoon.

- (vi) A storm water or wastewater collection system.
- (vii) A flow-through process tank.
- (viii) A liquid trap or associated gathering lines directly related to oil or gas production and gathering operations.
- (ix) A storage tank situated in an underground area such as a basement, cellar, mineworking, drift, shaft, or tunnel if the storage tank is situated upon or above the surface of the floor.
- (x) Any pipes connected to a tank described in subparagraphs (i) to (ix).
- (xi) An underground storage tank system holding hazardous wastes listed or identified under 42 USC 6921 to 6939f, or a mixture of such hazardous waste and other regulated substances.
- (xii) A wastewater treatment tank system that is part of a wastewater treatment facility regulated under 33 USC 1317(b) or 33 USC 1342.
- (xiii) Equipment or machinery that contains regulated substances for operational purposes such as hydraulic lift tanks and electrical equipment tanks.
- (xiv) An underground storage tank system with a capacity of 110 gallons or less.
- (xv) An underground storage tank system that contains a de minimis concentration of regulated substances.
- (xvi) An emergency spill or overflow containment underground storage tank system that is expeditiously emptied after use.
- (xvii) A wastewater treatment tank system.
- (xviii) An underground storage tank system containing radioactive material that is regulated under the atomic energy act of 1954, 42 USC 2011 to 2297h-13.
- (xix) An underground storage tank system that is part of an emergency generator system at nuclear power generation facilities regulated by the nuclear regulatory commission under 10 CFR part 50.
- (xx) Airport hydrant fuel distribution systems.
- (xxi) Underground storage tank systems with field-constructed tanks.
- (o) "Work invoice" means an original billing acceptable to the administrator and signed by the owner or operator that includes all of the following:
 - (i) The name, address, and federal tax identification number of each contractor who performed work.
 - (ii) The name and social security number of each employee who performed work.
 - (iii) A specific itemized list of the work performed by each contractor and an itemized list of the cost of each of these items.
 - (iv) A statement that the owner or operator employed a documented sealed competitive bidding process for any contract award exceeding \$5,000.00.
 - (v) If the owner or operator did not accept the lowest responsive bid received, a specific reason why the lowest responsive bid was not accepted.
 - (vi) Upon request of the administrator, a list of all bids received.
 - (vii) Proof of payment of the co-pay amount as required under section 21514.

Sec. 21506a. (1) The refined petroleum fund is created within the state treasury.

(2) The state treasurer may receive money or other assets from any source for deposit into the refined petroleum fund. The state treasurer shall direct the investment of the refined petroleum fund. The state treasurer shall credit to the refined petroleum fund interest and earnings from refined petroleum fund investments.

(3) Money in the refined petroleum fund at the close of the fiscal year shall remain in the refined petroleum fund and shall not lapse to the general fund.

(4) Money from the refined petroleum fund shall be expended, upon appropriation, only for 1 or more of the following purposes:

(a) For gasoline inspection programs under both of the following:

(i) The weights and measures act, 1964 PA 283, MCL 290.601 to 290.634.

(ii) The motor fuels quality act, 1984 PA 44, MCL 290.641 to 290.650d.

(b) For the refined petroleum product cleanup initial program and for the department's administrative costs associated with the temporary reimbursement program.

(c) For implementation of the temporary reimbursement program.

(d) For corrective actions necessary to address releases of refined petroleum products under a refined petroleum product cleanup program established by law.

(e) For the reasonable administrative costs of the department, the department of agriculture, the department of attorney general, and the department of treasury in administering the refined petroleum fund and in implementing the programs receiving revenue from the refined petroleum fund.

(5) The department shall establish an underground storage tank system cleanup advisory board consisting of owners and operators of underground storage tank systems and other persons with knowledge and expertise in corrective actions associated with releases from underground storage tank systems and the financing of those corrective actions. Not later than March 1, 2013, the underground storage tank system cleanup advisory board shall submit a report to the department and the legislature that recommends a cleanup program, funded with money from the fund, that would assist owners and operators in financing corrective actions required under part 213.

(6) Not later than March 1, 2013, the auditor general shall conduct a financial audit of expenditures from the refined petroleum fund during the time period beginning October 12, 2004 through the effective date of the amendatory act that added this subsection.

Sec. 21510. (1) Except as provided in section 21521, an owner or operator is eligible to receive money from the fund or bond proceeds account for corrective action or indemnification only if all of the following requirements are satisfied and the owner or operator otherwise complies with this part:

(a) The release from which the corrective action or indemnification arose was discovered and reported on or after July 18, 1989.

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

(c) The owner or operator reported the release within 24 hours after its discovery as required by part 211 and the rules promulgated under that part.

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

(e) The work invoice or request for indemnification is submitted to the administrator pursuant to this part and the rules promulgated under this part on or before 5 p.m., June 29, 1995.

(f) The claim is not for a release from an underground storage tank closed prior to January 1, 1974, in compliance with the fire prevention code, 1941 PA 207, MCL 29.1 to 29.33, and the rules promulgated under that act.

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

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

(b) The release is sudden and immediate.

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

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

(3) Either the owner or the operator may receive money from the fund or bond proceeds account under this part for an occurrence, but not both.

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

(5) If an owner or operator has received money from the fund or bond proceeds account under this part for a release at a location, the owner and operator are not eligible to receive money from the fund or bond proceeds account for a subsequent release at the same location unless the owner or operator has done either or both of the following:

(a) Discovered the subsequent release pursuant to corrective action being taken on a confirmed release and included this subsequent release as part of the corrective action for the confirmed release.

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

(6) An owner or operator who discovers a subsequent release at the same location as an initial release pursuant to subsection (5)(a) may receive money from the fund or bond proceeds account to perform corrective action on the subsequent release, if the owner or operator otherwise complies with the requirements of this part and the rules promulgated under this part. However, the subsequent release shall be considered as part of the claim for the initial release for purposes of determining the total amount of expenditures for corrective action and indemnification under section 21512.

(7) An owner or operator who discovers a subsequent release at the same location as an initial release following compliance with subsection (5)(b) may receive money from the fund or bond proceeds account to perform corrective action on the subsequent release, if there have been not more than 2 releases at the location, if the owner or operator pays the subsequent release co-pay amount pursuant to section 21514, and if the owner or operator otherwise complies with the requirements of this part and the rules promulgated under this part. The subsequent release shall be considered a separate claim for purposes of determining the total amount of expenditures for corrective action and indemnification under section 21512.

Sec. 21515. (1) To receive money from the fund or bond proceeds account for corrective action, the owner or operator shall follow the procedures outlined in this section and shall submit reports, work plans, feasibility analyses, hydrogeological studies, and corrective action plans prepared under part 213 and rules promulgated under that part to the department, and shall provide other information required by the administrator relevant to determining compliance with this part.

(2) To receive money from the fund for corrective action, an owner or operator shall submit a claim to the administrator. An owner or operator shall not submit a claim until work invoices in excess of \$5,000.00 of the costs of corrective action have been incurred.

(3) Upon receipt of a completed claim pursuant to subsection (2), the administrator shall make all of the following determinations:

(a) Whether the department has objected to payment on the claim because the work performed or proposed to be performed is not consistent with the requirements of part 213 and rules promulgated under that part.

(b) Whether the work performed is necessary and appropriate considering conditions at the site of the release.

(c) Whether the cost of performing the work is reasonable.

(d) Whether the owner or operator is eligible to receive funding under this part.

(e) Whether the owner or operator has complied with section 21517.

(4) If the administrator fails to make the determinations required under this section within 30 days after receipt of certification from the department that the owner or operator has met the requirements of section 21510(1)(b) and (c), the claim is considered to be approved.

(5) If the administrator determines under subsection (3) that the work invoices included with the claim are necessary and appropriate considering conditions at the site of the release and reasonable in terms of cost and the owner or operator is eligible for funding under this part, the administrator shall approve the claim and notify the owner or operator who submitted the claim of the approval. If the administrator determines that the work described on the work invoices submitted was not necessary or appropriate or the cost of the work is not reasonable, or that the owner or operator is not eligible for funding under this part, the administrator shall deny the claim or any portion of the work invoices submitted and give notice of the denial to the owner or operator who submitted the claim.

(6) The owner or operator may submit additional work invoices to the administrator after approval of a claim under subsection (5). Within 45 days after receipt of a work invoice, the administrator shall make the following determinations:

(a) Whether the work invoice complies with subsection (3).

(b) Whether the owner or operator is currently in compliance with the registration and fee requirements of part 211 and the rules promulgated under that part for the underground storage tank system from which the release occurred.

(7) If the administrator determines that the work invoice does not meet the requirements of subsection (6), he or she shall deny the work invoice and give written notice of the denial to the owner or operator who submitted the work invoice.

(8) The administrator shall keep records of approved work invoices. If the owner or operator has not exceeded the allowable amount of expenditure provided in section 21512, the administrator shall forward payment vouchers to the state treasurer within 45 days of making the determinations under subsection (6).

(9) The administrator may approve a reimbursement for a work invoice that was submitted by an owner or operator for corrective action taken if the work invoice meets the requirements of this part for an approved claim and an approved work invoice.

(10) Except as provided in subsection (11) or as otherwise provided in this subsection, upon receipt of a payment voucher, the state treasurer or the authority shall make a payment jointly to the owner or operator within 30 days if sufficient money exists in the fund or a bond proceeds account. Once payment has been made under this section, the fund is not liable for any claim on the basis of that payment.

(11) Upon direction of the administrator, the state treasurer or the authority may withhold partial payment of money on payment vouchers if there is reasonable cause to believe that there are suspected violations of section 21548 or if necessary to assure acceptable completion of the proposed work.

(12) The department shall prepare and make available to owners and operators standardized claim and work invoice forms.

Sec. 21517. (1) In order to receive money from the fund, an owner or operator shall perform the responsibilities required under part 213 and shall comply with all of the following requirements:

(a) The owner or operator shall submit the following items for competitive bidding in accordance with procedures established by the department:

- (i) Well drilling, including monitoring wells.
- (ii) Laboratory analysis.
- (iii) Construction of treatment systems.
- (iv) Removal of contaminated soil.
- (v) Operation of treatment systems.

(b) All bids received by the owner or operator shall be submitted on a standardized bid form prepared by the department.

(c) Upon receipt of bids, the owner or operator shall submit to the administrator a copy of all bid forms received and the bid accepted. If the lowest responsive bid was not accepted, the owner or operator shall provide a specific reason why the lowest responsive bid was not accepted.

(2) Bids are not required for initial response actions under section 21307.

(3) After the owner or operator employs the competitive bidding process described in this section, the owner or operator may hire contractors directly.

(4) Removal of underground storage tank systems is not eligible for funding under this part. If a release is discovered during the removal, the owner or operator shall allow the contractor removing the underground storage tank system to complete the underground storage tank system removal.

(5) An owner or operator may receive funding under this part to implement a corrective action alternative that is not the preferred corrective action alternative only if the owner or operator pays the difference between the selected corrective action alternative and the preferred corrective action alternative.

Sec. 21520. The department shall establish an audit program to monitor compliance with this part. As part of the audit program, the department shall employ or contract with qualified individuals to provide on-site inspections of locations where there has been a release. The on-site inspectors shall assure that the preferred corrective action alternative selected by the owner or operator and the work performed on sites eligible for funding under this part are necessary and appropriate considering conditions at the location, and that work is performed in a cost-effective manner. The department shall annually evaluate the need for on-site inspectors, and if the department determines that they are unnecessary due to other cost containment procedures implemented by the department, the department may discontinue the on-site inspections.

Sec. 21550. (1) Section 21508 is repealed effective December 31, 2015.

(2) The authority's obligation to pay off any bonds or notes issued pursuant to this part shall survive the repeal of section 21508.

Sec. 21558. (1) In order to receive money under the temporary reimbursement program, an eligible person shall perform the corrective actions required under part 213.

(2) The eligible person shall comply with all of the following requirements:

(a) The eligible person shall submit the following items for competitive bidding in accordance with procedures established in this section:

- (i) Well drilling, including monitoring wells.
- (ii) Laboratory analysis.
- (iii) Construction of treatment systems.
- (iv) Removal of contaminated soil.
- (v) Operation of treatment systems.

(b) All bids received by the eligible person shall be submitted on a standardized bid form prepared by the department.

(c) Upon receipt of bids, the eligible person shall submit to the department a copy of all bid forms received and the bid accepted.

(d) The eligible person shall notify the department in writing of the bid accepted. If the lowest responsive bid was not accepted, the eligible person shall provide sufficient justification to the department and receive concurrence from

the department before commencing work. Failure of the department to provide a response within 21 days shall be considered as concurrence.

(3) After the eligible person employs the competitive bidding process described in this section, the eligible person may hire contractors directly.

(4) Removal of underground storage tank systems or installation of new or upgraded equipment for the purpose of attaining compliance with part 211, or work performed for any other reason not related to the performance of part 213 corrective actions, is not eligible for temporary reimbursement program funding under this part.

Sec. 21559. (1) For an eligible person to receive money under the temporary reimbursement program for corrective action, all of the following conditions shall be met:

(a) The eligible person shall follow the procedures outlined in this section and shall submit reports, work plans, feasibility analyses, hydrogeological studies, and corrective action plans prepared under part 213 to the department, and shall provide other information required by the department relevant to determining compliance with this part and part 213.

(b) The eligible person shall submit a work invoice to the department, with an attached summary report of the work performed under the invoice and results of the work performed, including, but not limited to, laboratory results, soil boring logs, construction logs, site investigation results, and other information that may be requested by the department.

(c) Work invoices shall comply with all of the following:

(i) Be submitted on a standardized work invoice form provided by the department.

(ii) Contain complete information in accordance with the form and the requirements of this section and as requested by the department.

(iii) Be in an amount consistent with the requirements of section 21556.

(2) Upon receipt of a work invoice pursuant to subsection (1), the department shall make all of the following determinations:

(a) Whether the work performed is necessary and appropriate considering conditions at the site of the release.

(b) Whether the cost of performing the work is reasonable.

(c) Whether the eligible person is eligible to receive funding under this part.

(d) Whether the eligible person has complied with section 21558.

(3) The department shall deny payment of a work invoice if the department determines that the corrective action work performed is not consistent with the requirements of part 213 or does not comply with the requirements of this part.

(4) Within 45 days after receipt of a work invoice, the department shall determine whether the work invoice complies with subsections (1) to (3). The department shall notify the eligible person in writing of such a determination.

(5) The department shall keep records of approved precertification applications and work invoices. If the eligible person has not exceeded the allowable amount of expenditure provided in sections 21556 and 21557, the department shall forward an approved payment voucher to the state treasurer within 45 days after approval of the work invoice.

(6) Except as provided in subsection (7) or as otherwise provided in this subsection, upon receipt of an approved payment voucher, the state treasurer shall make a payment to the eligible person within 30 days. Once payment has been made under this section, the refined petroleum fund is not liable for any claim on the basis of that payment.

(7) The temporary reimbursement program is subject to section 21548.

(8) Upon direction of the department, the state treasurer may withhold partial payment of money on payment vouchers if there is reasonable cause to believe that there are violations of section 21548 or if necessary to assure acceptable completion of the corrective actions.

Enacting section 1. Sections 21541, 21542, 21543, and 21562 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.21541, 324.21542, 324.21543, and 324.21562, are repealed.

Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 96th Legislature are enacted into law:

(a) Senate Bill No. 528.

(b) Senate Bill No. 529.

(c) Senate Bill No. 530.

(d) Senate Bill No. 531.

(e) Senate Bill No. 532.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Gay E. Randall

Clerk of the House of Representatives

Approved

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Governor