

UNDERGROUND STORAGE TANK INFORMATION SOFTWARE

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<http://www.house.mi.gov/hfa>

House Bill 4388 as introduced
Sponsor: Rep. John R. Roth
Committee: Government Operations
Complete to 5-23-23

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4388 would amend the Natural Resources and Environmental Protection Act to require the Department of Licensing and Regulatory Affairs (LARA) to electronically receive, compile, and store certain documents and information under Part 211 (Underground Storage Tank Regulations) of the act.

Part 211 charges the Storage Tank Division in LARA's Bureau of Fire Services with regulatory oversight of the design, construction, installation, and maintenance of underground storage tanks storing *regulated substances*.¹ (Most commonly, these are tanks storing petroleum, as at a gas station.²)

Among other things, Part 211 requires LARA to collect and evaluate the information obtained through the registration of underground storage tanks required by section 21102 of the act, which requires the owner of an underground storage tank system to register the system with LARA and renew the registration annually. Certain information, such as the contents of the underground storage tank system, must be submitted with the registration.³

Under the bill, beginning July 1, 2023, LARA would have to electronically receive, compile, and store by means of electronic compliance management software the following documents and information:

- Registration, forms, and other information required to be submitted to LARA under section 21102.
- Notices, inspection and test reports, and other documentary information required to be submitted to LARA under Part 211 and the rules promulgated under Part 211.⁴

¹ More information is available here: <https://www.michigan.gov/lara/bureau-list/bfs/storage-tanks/underground>
The term *regulated substance* is defined in Part 211 as described here: <https://www.michigan.gov/lara/bureau-list/bfs/storage-tanks/underground/info/regulated-substance>

² The term *underground storage tank system* in Part 211 specifically excludes an underground storage tank system of up to 110 gallons or with an insignificant amount of regulated substances; a farm or residential tank for storing up to 1,100 gallons of motor fuel noncommercially; a tank for storing heating oil used on the same premises; a septic tank; a pipeline facility; a surface impoundment; a stormwater or wastewater collection system; a flow-through process tank; a liquid trap or associated lines directly related to oil or gas production and gathering; a storage tank in an underground area such as a basement or tunnel; an underground storage tank system with hazardous wastes described in specified federal law; a wastewater treatment tank system as regulated under specified federal law; equipment containing regulated substances for operational purposes; an emergency containment tank system that is expeditiously emptied after use; or pipes connected to any of these tanks.

³ See <https://www.michigan.gov/lara/bureau-list/bfs/storage-tanks/underground/permits/underground-storage-tank-permits-licenses> or <https://www.michigan.gov/lara/bureau-list/bfs/storage-tanks/underground/info/faq-registration-of-underground-storage-tanks>

⁴ The rules can be found here: <https://ars.apps.lara.state.mi.us/AdminCode/DownloadAdminCodeFile?FileName=R%2029.2101%20to%20R%2029.2192.pdf&ReturnHTML=True>

The software would have to have at least all of the following capabilities or specifications:

- Be web-based and accessible from web-enabled electronic devices, including mobile devices.
- Display the required form or task being addressed.
- Display fields for user and facility identification information, including the use of a global positioning or other locator system.
- Display inspection checklist items that link to corresponding compliance codes or regulations.
- Have a user response interface for inputting and processing data, including inspection test results.
- Flag deficiencies for required follow-up.
- Have an embedded digital camera.
- Be searchable and facilitate retrieval of all documents and information stored 24 hours a day.

MCL 324.21105

FISCAL IMPACT:

House Bill 4388 would have an indeterminate fiscal impact on the Department of Licensing and Regulatory Affairs. LARA is currently working in conjunction with the Department of Technology, Management, and Budget (DTMB) to implement a software solution that would likely allow LARA to satisfy the requirements of the bill. LARA anticipates that the total cost of the project would be under \$100,000, but additional costs may be incurred to include the functionality required under the bill.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.