

HOUSE BILL No. 5287

February 2, 2016, Introduced by Reps. Chang, Irwin, Moss, Darany, LaVoy, Gay-Dagnogo, Banks, Pagan, Yanez, Plawecki, Sarah Roberts, Wittenberg, Greig, Cochran, Garrett, Love, Hovey-Wright, Talabi, Hoadley, Lucido and Howrylak and referred to the Committee on Natural Resources.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding section 5543.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

SEC. 5543. (1) AS USED IN THIS SECTION:

(A) "AQI" MEANS THE AIR QUALITY INDEX REQUIRED TO BE REPORTED
UNDER 40 CFR 58.50.

(B) "PM 2.5" MEANS PARTICLES WITH AN AERODYNAMIC DIAMETER OF
LESS THAN OR EQUAL TO A NOMINAL 2.5 MICROMETERS.

(C) "THERMAL INVERSION" MEANS A WEATHER CONDITION IN WHICH A
LAYER OF WARM AIR OVERLIES A LAYER OF COOLER AIR NEAR THE GROUND
AND ACTS LIKE A LID, LIMITING VERTICAL MIXING AND THEREBY TRAPPING
POLLUTANTS NEAR THE GROUND.

(2) THE DEPARTMENT SHALL MAKE FORECASTS OF THE AQI AND
PUBLICIZE THE FORECASTS ON ITS WEBSITE AND THROUGH OTHER MEANS. THE

1 FORECASTS MUST BE MADE AT LEAST 24 HOURS IN ADVANCE USING THE MOST
2 ACCURATE AND REASONABLE PROCEDURES CONSIDERING METEOROLOGY,
3 TOPOGRAPHY, AVAILABILITY OF DATA, AND FORECASTING EXPERTISE.

4 (3) THE DEPARTMENT SHALL DO BOTH OF THE FOLLOWING:

5 (A) DECLARE 1 OR MORE ACTION DAYS FOR A GEOGRAPHIC AREA OF
6 THIS STATE WHEN, AS DETERMINED BY THE DEPARTMENT'S AQI REPORTING
7 AND FORECASTING PROGRAM, THE DEPARTMENT EXPECTS IN THAT GEOGRAPHIC
8 AREA AN AIR QUALITY INDEX OR A PM 2.5 SUBINDEX IN THE MODERATE
9 CATEGORY, OR WORSE.

10 (B) DESIGNATE AN ACTION DAY AS A "WINTER THERMAL INVERSION
11 ACTION DAY" IF THE ACTION DAY IS THE RESULT OF A THERMAL INVERSION
12 ANYTIME DURING THE PERIOD OF NOVEMBER THROUGH MARCH.

13 (4) WITHIN 180 DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION,
14 THE DEPARTMENT SHALL REVIEW ITS AQI REPORTING AND FORECASTING
15 PROGRAM AND, IF INDICATED BY THE REVIEW, DO 1 OR MORE OF THE
16 FOLLOWING:

17 (A) REVISE THE OZONE OR PM 2.5 STANDARDS TO ACCOUNT FOR
18 THERMAL INVERSIONS WHEN DECLARING ACTION DAYS.

19 (B) REVISE VOLUNTARY POLLUTION PREVENTION MEASURES REQUESTED
20 ON ACTION DAYS OR WHEN ACTION DAYS ARE FORECAST.

21 (C) FURTHER RESTRICT INDUSTRY EMISSIONS OF PM 2.5 OR INDUSTRY
22 EMISSIONS CONTRIBUTING TO OZONE WHEN THE DEPARTMENT FORECASTS A
23 THERMAL INVERSION.

24 (5) THE DIRECTOR OF THE DEPARTMENT SHALL CONVENE A WORKGROUP
25 TO STUDY THERMAL INVERSIONS AND RECOMMEND ANY ACTIONS THAT SHOULD
26 BE TAKEN BY THIS STATE TO IMPROVE AIR QUALITY AND PROTECT PUBLIC
27 HEALTH DURING THERMAL INVERSIONS. THE WORKGROUP SHALL INCLUDE 1 OR

1 MORE PUBLIC HEALTH EXPERTS, AIR QUALITY EXPERTS, REPRESENTATIVES OF
2 ENVIRONMENTAL PROTECTION ORGANIZATIONS, AND RESIDENTS OF GEOGRAPHIC
3 AREAS OF THIS STATE WITH HIGHER LEVELS OF AIR POLLUTION. BY 1 YEAR
4 AFTER THE EFFECTIVE DATE OF THIS SECTION, THE WORKGROUP SHALL
5 SUBMIT A REPORT ON ITS FINDINGS AND RECOMMENDATIONS TO THE DIRECTOR
6 OF THE DEPARTMENT AND TO THE STANDING COMMITTEES OF THE SENATE AND
7 HOUSE OF REPRESENTATIVES WITH PRIMARY RESPONSIBILITY FOR
8 ENVIRONMENTAL AND PUBLIC HEALTH ISSUES. THE WORKGROUP IS DISSOLVED
9 90 DAYS AFTER THE REPORT IS DUE.

10 Enacting section 1. This amendatory act takes effect 90 days
11 after the date it is enacted into law.