

HOUSE BILL No. 6251

June 12, 2018, Introduced by Rep. Chang 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 5506b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **SEC. 5506B. (1) SUBJECT TO SUBSECTION (4), THIS SECTION**
2 **APPLIES TO A NEW OR RENEWAL PERMIT ISSUED UNDER THIS PART FOR A**
3 **PROPOSED INDUSTRIAL FACILITY THAT WILL BE, OR AN EXISTING**
4 **INDUSTRIAL FACILITY THAT IS, LOCATED WITHIN 1,500 FEET OF AN**
5 **OCCUPIED DWELLING, SCHOOL BUILDING, HEALTH FACILITY, OR SENIOR**
6 **CITIZENS CENTER, OR THAT WILL BE OR IS LOCATED IN AN AREA**
7 **IDENTIFIED AS A HOTSPOT USING TOOLS SUCH AS THE UNITED STATES**
8 **ENVIRONMENTAL PROTECTION AGENCY'S EJ SCREEN.**

1 (2) BEFORE ISSUING A PERMIT DESCRIBED IN SUBSECTION (1), THE
2 DEPARTMENT SHALL PROVIDE REASONABLE NOTICE TO AREA RESIDENTS OF A
3 PUBLIC COMMENT PERIOD AND RECEIVE AND CONSIDER PUBLIC COMMENTS. THE
4 NOTICE SHALL SPECIFICALLY SOLICIT INPUT ON, AND THE DEPARTMENT'S
5 REVIEW PROCESS SHALL INCLUDE ANALYSIS OF, ALL OF THE FOLLOWING:

6 (A) WHETHER THE PERMIT WOULD AUTHORIZE EMISSIONS THAT HAVE A
7 DISPROPORTIONATE IMPACT ON A RACIAL MINORITY OR LOW-INCOME
8 COMMUNITY.

9 (B) WHETHER ADDITIONAL AIR MONITORING IS NEEDED NEAR THE
10 OCCUPIED DWELLING, SCHOOL BUILDING, HEALTH FACILITY, OR SENIOR
11 CITIZENS CENTER. THE DEPARTMENT SHALL DETERMINE THE LOCATIONS OF
12 AIR MONITORS AND THE SUBSTANCES MONITORED IN CONSULTATION WITH
13 RESIDENTS WHO LIVE IN OR ATTEND SCHOOL IN THE AREA.

14 (C) MEASURES DESCRIBED IN SUBSECTION (3) THAT SHOULD BE
15 REQUIRED IN THE PERMIT.

16 (3) A PERMIT DESCRIBED IN SUBSECTION (1) SHALL REQUIRE THE
17 OWNER OR OPERATOR OF THE INDUSTRIAL FACILITY TO DO 1 OR BOTH OF THE
18 FOLLOWING:

19 (A) MAINTAIN A VEGETATIVE BUFFER. THE OWNER OR OPERATOR OF THE
20 INDUSTRIAL FACILITY SHALL DETERMINE THE DISTANCE BETWEEN THE BUFFER
21 AND THE FACILITY AND BETWEEN THE BUFFER AND THE CLOSEST OCCUPIED
22 DWELLING, SCHOOL BUILDING, HEALTH FACILITY, OR SENIOR CITIZENS
23 CENTER IN CONSULTATION WITH THE DEPARTMENT AND WITH RESIDENTS WHO
24 LIVE IN OR ATTEND SCHOOL IN THE AREA.

25 (B) SUBJECT TO SUBSECTION (4), OFFER TO PURCHASE AT FAIR
26 MARKET VALUE ANY DWELLING LOCATED WITHIN 1,500 FEET OF THE FACILITY
27 THAT IS OCCUPIED WHEN THE PERMIT IS ISSUED. THE OWNER OR OPERATOR

1 OF THE FACILITY SHALL NOT USE OR LEASE LAND PURCHASED UNDER THIS
2 SUBDIVISION FOR RESIDENTIAL PURPOSES. IF THE OWNER OR OPERATOR OF
3 THE FACILITY SUBSEQUENTLY SELLS LAND PURCHASED UNDER THIS
4 SUBDIVISION, THE DEED SHALL PROHIBIT THE USE OF THE LAND FOR
5 RESIDENTIAL PURPOSES AS LONG AS THE INDUSTRIAL FACILITY CONTINUES
6 IN OPERATION.

7 (4) ON A CASE-BY-CASE BASIS, THE DEPARTMENT MAY INCREASE THE
8 1,500-FOOT DISTANCE UNDER SUBSECTION (1) OR (3), IF THE INCREASE IS
9 NECESSARY FOR THE PROTECTION OF THE PUBLIC HEALTH AND THE AVOIDANCE
10 OF DISPROPORTIONATE IMPACTS ON A RACIAL MINORITY OR LOW-INCOME
11 COMMUNITY FROM EMISSIONS FROM THE INDUSTRIAL FACILITY.

12 (5) WITHIN 1 YEAR AFTER THE EFFECTIVE DATE OF THIS SECTION,
13 THE DEPARTMENT SHALL PROMULGATE RULES TO IMPLEMENT THIS SECTION
14 PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306,
15 MCL 24.201 TO 24.328.

16 (6) AS USED IN THIS SECTION, "VEGETATIVE BUFFER" MEANS A
17 VARIETY OF SPECIES OF TREES, SHRUBS, AND OTHER VEGETATION PLANTED
18 AROUND A POLLUTION SOURCE, OR BETWEEN A POLLUTION SOURCE AND AN
19 OCCUPIED DWELLING, SCHOOL BUILDING, HEALTH FACILITY, OR SENIOR
20 CITIZENS CENTER, TO SEPARATE PEOPLE FROM SOURCES OF POLLUTION AND
21 TRAP AIR POLLUTANTS BY ABSORPTION THROUGH THE STOMATA OR DEPOSITION
22 ON THE SURFACES OF THE VEGETATION.

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