

# HOUSE BILL NO. 4845

August 28, 2019, Introduced by Reps. Koleszar, Hammoud, Tyrone Carter, Manoogian, Shannon, Pohutsky, Yancey, Clemente, Brenda Carter, Kennedy, Whitsett, Brixie, Camilleri, Garza, Rabhi, Robinson, Wittenberg, Sabo, Hood and Pagan and referred to the Committee on Natural Resources and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending section 5511 (MCL 324.5511) and by adding section  
5506b.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           **Sec. 5506b. The department shall not issue a permit, including**  
2           **a modification to a permit, for which public notice is required**  
3           **under section 5511(3) if both of the following apply:**



1 (a) The permit would increase the maximum allowable amount of  
2 any emission.

3 (b) The legislative body of the municipality where the source  
4 of the emissions is located or proposed to be located submits to  
5 the department a resolution finding that an increase of emissions  
6 to the new maximum allowable amounts would adversely affect the  
7 public health in the vicinity of the source and requesting that the  
8 permit not be issued. The municipality shall submit the resolution  
9 described in this subdivision to the department before the  
10 expiration of the public comment period under section 5511(3).

11 Sec. 5511. (1) The department shall establish and maintain a  
12 list of all applications for permits submitted pursuant to sections  
13 5505 and 5506. The list shall report the status of each  
14 application. The information on the list shall be updated by the  
15 department on a monthly basis. The department shall send a copy of  
16 the pertinent sections of the list to the chairperson of the county  
17 board of commissioners of each county. Any other person may  
18 subscribe to this list on a countywide or statewide basis and shall  
19 reimburse the department for the costs of copying, handling, and  
20 mailing. The department shall make the list available at district  
21 offices selected by the department. The department may also develop  
22 an electronic ~~data base~~ **database** that ~~includes the capability~~ **is**  
23 **capable** of making this list available to the public. This list  
24 shall include all of the following information:

25 (a) The name of the permit applicant.

26 (b) The street address, if available, the county, and the  
27 municipality in which the source is located or proposed to be  
28 located.

29 (c) The type of application, such as installation, operation,



1 renewal, or general permit.

2 (d) The date the permit application was received by the  
3 department.

4 (e) The date when the permit application is determined to be  
5 administratively complete, if applicable.

6 (f) A brief description of the source, process, or process  
7 equipment covered by the permit application.

8 (g) Brief pertinent comments regarding the progress of the  
9 permit application, including the dates of public comment periods  
10 and public hearings, if applicable.

11 (2) The department shall ~~establish and maintain, and update~~  
12 **monthly**, a list of all proposed consent order public notices. ~~This~~  
13 ~~information shall be updated by the department on a monthly basis.~~  
14 Any ~~other~~ person may subscribe to this list on a countywide or  
15 statewide basis and shall reimburse the department for the costs of  
16 copying, handling, and mailing. The department shall make the list  
17 available at district offices selected by the department. This list  
18 shall include all of the following information:

19 (a) The name of the parties to the proposed consent order.

20 (b) The street address, if available, and the county and  
21 municipality in which the source is located.

22 (c) A brief description of the source.

23 (d) A brief description of the alleged violation to be  
24 resolved by the proposed consent order.

25 (e) A brief description of the respondent's position regarding  
26 the alleged violation if the respondent requests such inclusion and  
27 supplies to the department a brief statement of the respondent's  
28 position regarding the alleged violation.

29 (3) The department shall not issue a permit to install or a



1 nonrenewable permit to operate pursuant to section 5505 for a major  
 2 source or for a major modification under title I of the clean air  
 3 act, ~~chapter 360, 77 Stat. 392, 42 U.S.C. 7401 to 7431, 7470 to~~  
 4 ~~7479, 7491 to 7492, 7501 to 7509a, and 7511 to 7515~~ **42 USC 7401 to**  
 5 **7590**, or issue, renew, or significantly modify any operating permit  
 6 issued under section 5506, or enter into a consent order, without  
 7 providing public notice, including offering an opportunity for  
 8 public comment and a public hearing on the draft permit or proposed  
 9 consent order. In addition, the department shall not issue a permit  
 10 for which there is a known public controversy without providing  
 11 public notice including an opportunity for public comment and a  
 12 public meeting. For the purposes of an operating permit issued  
 13 under section 5506, a significant modification does not include any  
 14 modifications to a permit made pursuant to section 5506(4)(h), (i),  
 15 (j), or (k). For a general permit issued pursuant to section  
 16 5505(4) or ~~section~~ 5506(16), public notice and opportunity for  
 17 public comment and a public hearing shall only be provided before  
 18 the base general permit is approved, not as individual sources  
 19 apply for coverage under that general permit. Public notice and an  
 20 opportunity for public comment and a public hearing **or public**  
 21 **meeting** as required under this section shall be provided as  
 22 follows:

23 (a) Public notice shall be provided by publication in a  
 24 newspaper of general circulation in the area where the source is  
 25 located or in a state publication designed to give general public  
 26 notice, and by other means determined to be necessary by the  
 27 department to ~~assure~~ **ensure** adequate notice to the public. Notice  
 28 shall also be provided to ~~persons~~ **all of the following**:

29 (i) **Persons** on a mailing list, developed by the department,



1 including those persons who request in writing to be on that list.  
 2 ~~, and to any~~

3 (ii) Any other person who requests in writing to be notified of  
 4 a permit action involving a specific source.

5 (iii) If the permit, including a modification to a permit, will  
 6 increase the allowable amount of emissions, the legislative body of  
 7 the municipality in which the source of the emissions is located or  
 8 proposed to be located.

9 (b) The notice shall identify the source; the name and address  
 10 of the responsible official; the mailing address of the department;  
 11 the activity or activities involved in the proposed permit action  
 12 or consent order; the emissions change involved in any significant  
 13 permit modification; the name, address, and telephone number of a  
 14 representative of the department from whom interested persons may  
 15 obtain additional information, including copies of the draft permit  
 16 or proposed consent order, the application, all relevant supporting  
 17 material, and any other materials available to the department that  
 18 are relevant to the permit or consent order decision; a brief  
 19 description of the comment procedures required by this section; and  
 20 the time and place of any **public hearing or public meeting** that may  
 21 be held, including a statement of the procedures to request a  
 22 **public hearing or public meeting**.

23 (c) The department shall provide at least ~~30~~**90** days for  
 24 public comment and shall give notice of any public hearing **or**  
 25 **public meeting** at least 30 days in advance of the hearing.

26 (d) The department shall keep a record of the commenters and  
 27 the issues raised during the public comment period and public  
 28 hearing **or public meeting**, if held, and **shall make** these records  
 29 ~~shall be~~ available to the public.

