

SENATE BILL NO. 1169

October 01, 2020, Introduced by Senator CHANG and referred to the Committee on Environmental Quality.

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 (5), this section**
2 **applies to an application for a permit under this part for a**
3 **facility that is or will be located within 500 feet of an occupied**
4 **dwelling, school building, health facility, or senior citizens**

1 center, or in an environmental protection community.

2 (2) Before approving or disapproving an application for a
3 permit described in subsection (1), the department shall provide
4 reasonable notice to area residents of a public comment period and
5 shall receive and consider public comments. The notice shall
6 solicit input on, and the department's review process shall include
7 analysis of, all of the following:

8 (a) Whether the permit would authorize emissions that have a
9 disproportionate impact on an environmental protection community.

10 (b) Whether additional air monitoring is needed near the
11 occupied dwelling, school building, health facility, or senior
12 citizens center or in the environmental protection community. If
13 additional monitoring is needed, the department shall determine the
14 locations of air monitors and the substances monitored in
15 consultation with individuals who reside or attend school or whose
16 children attend school in the area.

17 (c) The measure described in subsection (3) to be required in
18 the permit, if issued.

19 (3) A permit described in subsection (1) shall require the
20 owner or operator of the facility to do 1 of the following:

21 (a) Maintain a vegetative buffer. The owner or operator of the
22 facility shall determine the distance between the buffer and the
23 facility and between the buffer and the closest occupied dwelling,
24 school building, health facility, or senior citizens center in
25 consultation with the department, individuals who reside or attend
26 school or whose children attend school in the area, and public
27 health or environmental experts.

28 (b) Offer to purchase at fair market value any dwelling that
29 is located within 500 feet of the facility, subject to subsection

1 (5), and is occupied when the permit is issued. The owner or
2 operator of the facility shall not use land purchased under this
3 subdivision for residential purposes. If the owner or operator of
4 the facility sells land purchased under this subdivision, the deed
5 shall prohibit the use of the land for residential purposes while
6 the facility is in operation.

7 (4) The department may disapprove an application for a permit
8 described in subsection (1) if there is clear evidence that
9 issuance of the permit will have a detrimental effect on public
10 health or the quality of life of individuals who reside in or
11 attend school in the area. This subsection does not affect any
12 other basis for the denial of a permit.

13 (5) The department may increase the 500-foot distance under
14 subsection (1) or (3) (b) on a case-by-case basis, if the increase
15 is necessary for the protection of individuals who reside in or
16 attend school in an environmental protection community from
17 emissions from the facility.

18 (6) Within 1 year after the effective date of this section,
19 the department shall promulgate rules to implement this section
20 pursuant to the administrative procedures act of 1969, 1969 PA 306,
21 MCL 24.201 to 24.328.

22 (7) As used in this section:

23 (a) "Environmental protection community" means a geographic
24 area that the department, using tools such as the United States
25 Environmental Protection Agency's EJSCREEN, has identified as a
26 community facing a disproportionate environmental burden using
27 indicators such as sensitive populations, socioeconomic factors,
28 exposures, and environmental effects.

29 (b) "Facility" means an industrial facility, landfill, port,

1 or distribution center.

2 (c) "Vegetative buffer" means a variety of species of trees,
3 shrubs, and other vegetation planted around a pollution source, or
4 between a pollution source and an occupied dwelling, school
5 building, health facility, or senior citizens center, to separate
6 people from sources of pollution and trap air pollutants by
7 absorption through the stomata or deposition on the surfaces of the
8 vegetation.

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