

**Senate Bill 813 (Substitute H-1)**  
**Addendum to SFA analysis (6-4-98)**

**Sponsor: Sen. Christopher D. Dingell**  
**Senate Committee: Natural Resources and**  
**Environmental Affairs**  
**House Committee: Conservation,**  
**Environment and Recreation**

**ADDENDUM TO SENATE FISCAL AGENCY ANALYSIS OF SB 813 DATED 5-12-98:**

***HOUSE COMMITTEE ACTION:***

The House Conservation, Environment and Recreation Committee substituted the bill to expand the requirements for delegation applications and to provide several technical amendments. Currently, under the act, a county in which a city with a population of 750,000 or more is located (e.g., Wayne County) may apply for a delegation from the Department of Environmental Quality (DEQ). The delegation allows the county to issue permits and administer and enforce the applicable provisions of Part 55 of the Natural Resources and Environmental Protection Act (NREPA) regarding pollution control. In addition to current requirements, the House substitute bill would require that a county's application for delegation would have include certain additional provisions, most of which must currently be provided by a county in the annual report that documents the county's ability to meet certain criteria. The substitute bill would specify, instead, that a county applying for a delegation would have to demonstrate all of the following:

- That the county requesting delegation had adequate staff to: carry out activities required under Part 55, rules promulgated under Part 55, the Clean Air Act, and the state implementation plan to monitor ambient air; process and review applications for certain permits, tax exemptions, and waivers; perform necessary sampling and laboratory analyses; conduct inspections and record sources of air pollution; respond to citizen complaints; notify sources of identified violations if applicable, including criminal enforcement; and perform dispersion modeling analyses, collect emissions release information, and develop necessary state implementation plan demonstrations.
- That the county had adequate funding to carry out the applicable provisions of Part 55, rules promulgated under Part 55, the Clean Air Act, and the state implementation plan.
- That the county had performed -- as demonstrated by state audit reports -- the terms of the most recent contract, if any, between the state and the country describing work activities and a program to be carried out by the county.
- That the county program contained provisions for public notice and participation.
- That the county had the capacity to administer the state air quality fee program.

The substitute bill would also specify that a delegation would have to be in the form of a written contract that provided, among other things, for ongoing communication between the county and the state. In addition, the bill would specify that the DEQ would be required to deny a renewal application for a delegation of authority in situations where a county no longer met the prescribed criteria. (Currently, the DEQ may or may not deny a renewal). The bill would also require that the department hold a public hearing to make its decision on a renewal at least 60, rather than 90, days before a county's delegation expired.

**POSITIONS:**

The Department of Environmental Quality supports the bill. (6-2-98)

The Consumers Energy Company supports the bill. (6-3-98)

The Michigan Manufacturers Association (MMA) supports the bill. (6-2-98)

The Detroit Edison Company supports the bill. (6-2-98)

The American Auto Manufacturers Association supports the bill. (6-3-98)

The Michigan Municipal Electric Association supports the bill. (6-3-98)

The Michigan Chamber of Commerce supports the bill. (6-3-98)

The National Federation of Independent Businesses (NFIB) has no position on the bill. (6-3-98)

The Michigan Environmental Council (MEC) opposes the bill. (6-3-98)

Analyst: R. Young

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