

Legislative Analysis



MODIFY LOCATION NOTIFICATION REQUIREMENT FOR AIR POLLUTION PERMIT

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Senate Bill 255 as referred to second House committee
Sponsor: Sen. Kimberly LaSata
1st House Committee: Natural Resources and Outdoor Recreation
2nd House Committee: Ways and Means
Senate Committee: Environmental Quality
Complete to 10-14-19

BRIEF SUMMARY: Senate Bill 255 would amend Part 55 (Air Pollution Control) of the Natural Resources and Environmental Protection Act (NREPA) to add protocols for electronic notification of an operation location change.

FISCAL IMPACT: The bill would have no fiscal impact on the Department of Environment, Great Lakes, and Energy (EGLE) or local units of government.

THE APPARENT PROBLEM:

EGLE currently may issue permits that authorize a person to engage in certain activities at numerous temporary locations. The permits require the owner or operator to notify EGLE at least 10 days in advance of each change in location.

These provisions were first enacted in 1994, before the widespread use of electronic communication. Even when the section was last amended, in 2005, the capabilities and general use of electronic communication were not of the magnitude that they are today. Legislation was proposed to accommodate this widespread availability of new, faster, and more flexible means by which to provide the notifications required by law.

THE CONTENT OF THE BILL:

Currently under Part 55 of NREPA, EGLE may issue permits that authorize a person to install or operate a source, process, or process equipment that emits or may emit an air contaminant at numerous temporary locations. Such a permit must include terms and conditions to ensure compliance with Part 55 and the federal Clean Air Act and must require the owner or operator to notify EGLE at least 10 days in advance of each change in location.

The bill would add to this second requirement that, if electronic notification is used, then the notification must be given at least 5 business days before the change of location. However, if at least 10 days before the change of location the owner provided EGLE with a list of anticipated operating locations for that calendar year, and if the change of location was on that list, the electronic notification would have to be given at least 2 business days in advance.

The bill would take effect 90 days after enactment.

MCL 324.5505

BACKGROUND INFORMATION:

Senate Bill 255 is nearly identical to House Bill 5890 of the 2017-18 legislative session.¹ House Bill 5890 was passed by the House in May of 2018.

ARGUMENTS:

For:

Supporters of the bill argue that this legislation is a commonsense way to update field work for air permits with the advances of technology. Many communications take place electronically, and this bill would accommodate electronic notifications for location changes. During consideration of HB 5890 last session, supporters also pointed out that EGLE would still be able to inspect a new location prior to the change and that nothing in the original permit granting authority for the project would be removed or added.

Against:

No arguments against the bill were presented.

POSITIONS:

Representatives of the following organizations testified in support of the bill (9-17-19):

- Department of Environment, Great Lakes, and Energy
- Michigan Aggregates Association

St. Marys Cement indicated support for the bill. (10-8-19)

Legislative Analyst: Emily S. Smith
Fiscal Analyst: Austin Scott

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

¹ More information about last session's bill can be found here: <http://legislature.mi.gov/doc.aspx?2018-HB-5890>