



Senate Fiscal Agency
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Senate Bill 255 (as enacted)
Sponsor: Senator Kimberly LaSata
Senate Committee: Environmental Quality
House Committee: Natural Resources and Outdoor Recreation
Ways and Means

PUBLIC ACT 120 of 2019

Date Completed: 1-8-21

RATIONALE

The Natural Resources and Environmental Protection Act allows the Department of Environment, Great Lakes, and Energy (DEGLE) to issue a permit that authorizes the installation, operation, or trial operation of certain equipment or processes at numerous temporary locations. These permits require the owner or operator of the equipment or process to notify DEGLE at least 10 days in advance of each change in location. The 10-day period allows the Department to determine if the air quality at the location is suitable for the equipment or process. This provision has not been modified since 1994. Since then, however, the ability for people to communicate quickly through electronic means has increased. Some believed that, while it may have been a reasonable period of time in 1994, the full 10-day period prescribed in the Act is no longer necessary. Therefore, it was suggested that the 10-day notification period be shortened when electronic communication is used.

CONTENT

The bill amended Part 55 (Air Pollution Control) of the Natural Resources and Environmental Protection Act to require the owner of a process, source, or process equipment, if electronic notification is used, to notify DEGLE at least the number of days specified in the bill in advance of a change of location.

Part 55 allows DEGLE to issue a permit to install, a general permit, or a permit to operate authorized under rules promulgated by the DEGLE, if applicable, that authorizes installation, operation, or trial operation, as applicable, of a source, process, or process equipment at numerous temporary locations. The permit must include terms and conditions necessary to ensure compliance with all applicable requirements of Part 55, the rules promulgated under Part 55, and the Clean Air Act, including those necessary to ensure compliance with all applicable ambient air standards, emission limits, and increment and visibility requirements pursuant to the Clean Air Act, at each location. The permit also must require the owner or operator of the process, source, or process equipment to notify the DEQ at least 10 days in advance of each change in location.

Under the bill, if electronic notification is used, the notification must be given at least the following number of days before a change of location: a) five business days unless b) applies; b) two business days, if, at least 10 days before the change of location, the owner provides the DEGLE a list of anticipated operating locations for that calendar year and if the change of location is on that list.

Part 55 defines "process" as an action, operation, or a series of actions or operations at a source that emits or has the potential to emit an air contaminant. "Process equipment" means all equipment, devices, and auxiliary components, including air pollution control equipment, stacks, and other emission points, used in a process.

The bill took effect February 13, 2020

MCL 324.5505

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The 10-day notification policy was created in a time when electronic communication was not as ubiquitous as it is today. Under the bill, permit holders are able to communicate with DEGLE quickly through media such as electronic mail and text messaging. The bill modified only the notification timeline and does not affect any other processes for the Department. According to DEGLE, it is able to fulfill its air quality monitoring obligations with a shorter notice period. The bill updates practices to reflect technological advancements over the past 25 years, provides the industry flexibility if a last-minute change is needed, and reduces the amount of time between equipment and processing operations.

Legislative Analyst: Dana Adams

FISCAL IMPACT

The bill will have no fiscal impact on State or local government.

Fiscal Analyst: Josh Sefton

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.