

HOUSE BILL NO. 6420

September 22, 2022, Introduced by Rep. Aiyash 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,"
(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
5 center, or in an environmental protection community.

6 (2) Before approving or disapproving an application for a

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

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

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

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

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

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

27 (b) Offer to purchase at fair market value any dwelling that
28 is located within 500 feet of the facility, subject to subsection
29 (5), and is occupied when the permit is issued. The owner or

1 operator of the facility shall not use land purchased under this
2 subdivision for residential purposes. If the owner or operator of
3 the facility sells land purchased under this subdivision, the deed
4 shall prohibit the use of the land for residential purposes while
5 the facility is in operation.

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

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

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

21 (7) As used in this section:

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

28 (b) "Facility" means an industrial facility, landfill, or
29 distribution center.

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

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