

# SENATE BILL NO. 823

January 19, 2022, Introduced by Senator IRWIN 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 61506e.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 61506e. (1) Subject to subsections (2) and (3), a person  
2 shall not operate an oil or gas well except in conjunction with a  
3 methane control or capture system capable of reducing fugitive  
4 methane emissions by 99%. This subsection does not apply to a well  
5 that consists only of a wellhead.

1           (2) Subsection (1) applies beginning on the date rules are  
2 promulgated under subsection (7). However, if a permit was issued  
3 for an oil or gas well under section 61525 before the date rules  
4 are promulgated under subsection (7), subsection (1) applies to  
5 that well according to the schedule described in subsection (7)(b).

6           (3) The operator of an oil or gas well shall not use flaring  
7 as a method to control methane emissions.

8           (4) Subject to subsection (6), if an operator violates  
9 subsection (1), both of the following apply:

10           (a) The operator shall be ordered to pay a civil fine of  
11 \$100,000.00.

12           (b) If the operator fails to first comply with subsection (1)  
13 by 180 days after the date when subsection (1) first applies to the  
14 well, as provided by subsection (2), the supervisor shall revoke  
15 the operator's permit for the well.

16           (5) Subject to subsection (6), if an operator violates  
17 subsection (3), both of the following apply:

18           (a) The operator shall be ordered to pay a civil fine of  
19 \$100,000.00.

20           (b) The supervisor shall revoke the operator's permit for the  
21 well.

22           (6) Subsections (4) and (5) do not apply if the methane  
23 control or capture system malfunctioned and the operator promptly  
24 repaired the system.

25           (7) Within 180 days after the effective date of this section,  
26 the supervisor shall promulgate rules to implement this section. At  
27 a minimum, the rules shall provide for all of the following:

28           (a) The specific types of methane capture and control systems  
29 that may be used to comply with this section.

1           (b) A schedule for the operator of an oil or gas well to  
2   comply with this section and the rules if a permit was issued for  
3   the well before the date the rules are promulgated.

4           (c) Procedures and schedules for inspections by the supervisor  
5   to verify compliance with this section and the rules.

6           (d) Procedures for operators to report compliance with this  
7   section and the rules.

8           (e) Procedures and schedules for maintenance and performance  
9   testing of a methane control or capture system required under  
10   subsection (1).

11          (f) Requirements for the prompt repair of a malfunctioning  
12   methane control or capture system required under subsection (1).

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