

HOUSE BILL No. 5443

February 3, 2004, Introduced by Rep. Shulman and referred to the Committee on Commerce.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 5505 (MCL 324.5505).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5505. (1) Except as provided in subsection (4), a
2 person shall not install, construct, reconstruct, relocate,
3 alter, or modify any process or process equipment without first
4 obtaining from the department a permit to install, or a permit to
5 operate authorized pursuant to rules promulgated under subsection
6 (6) if applicable, authorizing the conduct or activity.

7 (2) The department shall promulgate rules to establish a
8 permit to install program to be administered by the department.
9 Except as provided in subsections (4) and (5), the permit to
10 install program is applicable to each new or modified process or
11 process equipment that emits or may emit an air contaminant.

1 (3) A permit to install may authorize the trial operation of
2 a process or process equipment to demonstrate that the process or
3 process equipment is operating in compliance with the permit to
4 install issued under this section.

5 (4) The department may promulgate rules to provide for the
6 issuance of general permits and to exempt certain sources,
7 processes, or process equipment or certain modifications to a
8 source, process, or process equipment from the requirement to
9 obtain a permit to install or a permit to operate authorized
10 pursuant to rules promulgated under subsection (6). However, the
11 department shall not exempt any new source or modification that
12 would meet the definition of a major source or major modification
13 under parts C and D of title I of the clean air act, ~~chapter~~
14 ~~360, 91 Stat. 731, 42 U.S.C. 7470 to 7479, 7491 to 7492, 7501 to~~
15 ~~7509a, and 7511~~ **42 USC 7470 to 7515.**

16 (5) The department may issue a permit to install, a general
17 permit, or a permit to operate authorized under rules promulgated
18 under subsection (6) if applicable, that authorizes installation,
19 operation, or trial operation, as applicable, of a source,
20 process, or process equipment at numerous temporary locations.
21 Such a permit shall include terms and conditions necessary to
22 assure compliance with all applicable requirements of this part,
23 the rules promulgated under this part, and the clean air act,
24 including those necessary to assure compliance with all
25 applicable ambient air standards, emission limits, and increment
26 and visibility requirements pursuant to part C of title I of the
27 clean air act, ~~chapter 360, 91 Stat. 731, 42 U.S.C. 7470 to 7479~~

1 ~~and 7491-~~ 42 USC 7470 to 7492, at each location, and shall
2 require the owner or operator of the process, source, or process
3 equipment to notify the department at least 10 days in advance of
4 each change in location.

5 (6) The department may promulgate rules to establish a
6 program that authorizes issuance of nonrenewable permits to
7 operate for sources, processes, or process equipment that are not
8 subject to the requirement to obtain a renewable operating permit
9 pursuant to section 5506.

10 (7) Within 60 calendar days after receiving an application
11 for a permit to install, the department shall determine if the
12 application is administratively complete and, if the application
13 is not administratively complete, shall notify the applicant.
14 The notification shall identify the additional information
15 required to make the application administratively complete.

16 (8) If the applicant submits additional information in
17 response to a notification under subsection (7), the department
18 shall proceed in the same manner as required in subsection (7).
19 The process provided for in subsection (7) may be repeated until
20 the additional information required to make the application
21 administratively complete has been received by the department.

22 (9) Within 120 business days after receipt of an
23 administratively complete application for a permit to install, or
24 receipt of additional information under subsection (8) required
25 to make an application administratively complete, the department
26 shall grant or deny the permit to install. If the department
27 fails to grant or deny the permit within that time period, the

1 permit shall be considered to have been granted, unless the
2 United States environmental protection agency asserts
3 jurisdiction and denies or revokes the permit.

4 (10) ~~-(7)-~~ The failure of the department to act on an
5 administratively and technically complete application for a
6 ~~permit to install, a~~ general permit, or a permit to operate
7 authorized under rules promulgated under subsection (6), in
8 accordance with a time requirement established pursuant to this
9 part, rules promulgated under this part, or the clean air act may
10 be treated as a final permit action solely for the purposes of
11 obtaining judicial review in a court of competent jurisdiction to
12 require that action be taken by the department on the application
13 without additional delay.

14 (11) ~~-(8)-~~ Any person may appeal the issuance or denial by
15 the department of a permit to install, a general permit, or a
16 permit to operate authorized in rules promulgated under
17 subsection (6), for a new source in accordance with section 631
18 of the revised judicature act of 1961, ~~Act No. 236 of the Public~~
19 ~~Acts of 1961, being section 600.631 of the Michigan Compiled~~
20 ~~Laws~~ **1961 PA 236, MCL 600.631.** Petitions for review shall be
21 the exclusive means to obtain judicial review of such a permit
22 and shall be filed within 90 days after the final permit action,
23 except that a petition may be filed after that deadline only if
24 the petition is based solely on grounds arising after the
25 deadline for judicial review. Such a petition shall be filed no
26 later than 90 days after the new grounds for review arise.
27 Appeals of permit actions for existing sources shall be in

1 accordance with section 5506(14).