

MODIFY LOCATION NOTIFICATION REQUIREMENT FOR AIR POLLUTION PERMIT

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House Bill 5890 (reported from committee w/o amendment)
Sponsor: Rep. Dave Pagel
Committee: Natural Resources
Complete to 5-17-18

Analysis available at
<http://www.legislature.mi.gov>

BRIEF SUMMARY: House Bill 5890 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 Environmental Quality (DEQ) or local units of government.

THE APPARENT PROBLEM:

The DEQ 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 the DEQ 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, the DEQ 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 the DEQ 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 would have to be given at least 5 business days in advance of the change of location. However, if the owner provided the DEQ with a list of anticipated operating locations for that calendar year at least 10 days before the change of location, and if the change of location is on that list, then 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

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. Supporters also pointed out that the DEQ 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 severed or added.

Against:

No arguments were presented against the bill.

POSITIONS:

A representative of the Department of Environmental Quality testified in support of the bill. (5-9-18; and indicated support 5-16-18)

A representative of Michigan Aggregates Association testified in support of the bill. (5-9-18; and indicated support 5-16-18)

A representative of Klett Recycle indicated support for the bill. (5-9-18)

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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.