

HOUSE BILL No. 6141

June 7, 2018, Introduced by Reps. Yancey, Hammoud, Wittenberg, Moss, Sowerby, Clemente, LaGrand, Santana, Zemke and Chang and referred to the Committee on Natural Resources.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 5516 (MCL 324.5516).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5516. (1) ~~A~~ **THE DEPARTMENT MAY HOLD A** public hearing with
2 reference to pollution control. ~~may be held before the department.~~
3 ~~Persons~~ **INDIVIDUALS** designated to conduct the hearing shall be
4 described as presiding officers and shall be disinterested and
5 technically qualified ~~persons~~ **INDIVIDUALS. IF THE HEARING CONCERNS**
6 **THE ISSUANCE OR MODIFICATION OF A PERMIT THAT WILL RESULT IN AN**
7 **INCREASE IN EMISSIONS, THE DEPARTMENT SHALL REQUIRE THE PERSON**
8 **REQUESTING THE PERMIT OR MODIFICATION, OR HIS OR HER**
9 **REPRESENTATIVE, TO ATTEND THE HEARING AND RESPOND TO QUESTIONS FROM**
10 **THE PUBLIC.**

1 (2) A copy of each permit, permit application, order,
2 compliance plan and schedule of compliance, emissions or compliance
3 monitoring report, sample analysis, compliance certification, or
4 other report or information required under this part, rules
5 promulgated under this part, or permits or orders issued under this
6 part shall be available to the public to the extent provided by the
7 freedom of information act, ~~Act No. 442 of the Public Acts of 1976,~~
8 ~~being sections 15.231 to 15.246 of the Michigan Compiled Laws.1976~~
9 **PA 442, MCL 15.231 TO 15.246.**

10 (3) A person whose activities are regulated under this part
11 may designate a record or other information, or a portion of a
12 record, permit application, or other information furnished to or
13 obtained by the department or its agents, as being only for the
14 confidential use of the department. The department shall notify the
15 person asserting confidentiality of a request for public records
16 under section 5 of the freedom of information act, ~~Act No. 442 of~~
17 ~~the Public Acts of 1976, being section 15.235 of the Michigan~~
18 ~~Compiled Laws,1976~~ **PA 442, MCL 15.235**, the scope of which includes
19 information that has been designated by the regulated person as
20 being confidential. The person asserting confidentiality has 25
21 days after the receipt of the notice to demonstrate to the
22 department that the information designated as confidential should
23 not be disclosed because the information is a trade secret or
24 secret process, or is production, commercial, or financial
25 information the disclosure of which would jeopardize the
26 competitive position of the person from whom the information was
27 obtained, and make available information not otherwise publicly

1 available. The department shall grant the request for the
2 information unless the person regulated under this part
3 demonstrates to the satisfaction of the department that the
4 information should not be disclosed. If there is a dispute between
5 the person asserting confidentiality and the person requesting
6 information under ~~Act No. 442 of the Public Acts of 1976, THE~~
7 **FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246**, the
8 department shall make the decision to grant or deny the request.
9 After the department makes a decision to grant a request, **THE**
10 **DEPARTMENT SHALL NOT RELEASE** the information requested ~~shall not be~~
11 ~~released~~ until 8 business days after the regulated person's receipt
12 of notice of the department's decision. This does not prevent the
13 use of the information by the department in compiling or publishing
14 analyses or summaries relating to ambient air quality if the
15 analyses or summaries do not identify the person or reveal
16 information ~~which~~ **THAT** is otherwise confidential under this
17 section. This section does not render data on the quantity,
18 composition, or quality of emissions from any source confidential.
19 Data on the amount and nature of air contaminants emitted from a
20 source shall be available to the public.

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