

HOUSE BILL NO. 4842

August 28, 2019, Introduced by Reps. Yancey, Hammoud, Tyrone Carter, Manoogian, Pohutsky, Koleszar, Shannon, Clemente, Whitsett, Brenda Carter, Kennedy, Brixie, Camilleri, Garza, Rabhi, Robinson, Wittenberg, Hood, Sabo and Pagan 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,"
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



RJH



H03370'19

1 technically qualified ~~persons~~-individuals. If the hearing concerns
 2 the issuance or modification of a permit that will result in an
 3 increase in emissions, the department shall require the person
 4 requesting the permit or modification, or a representative of that
 5 person, to attend the hearing and respond to questions from the
 6 public. The department shall not issue the permit or modification
 7 described in this subsection unless the person requesting the
 8 permit or modification, or a representative of that person, attends
 9 the hearing and responds to questions from the public.

10 (2) A copy of each permit, permit application, order,
 11 compliance plan and schedule of compliance, emissions or compliance
 12 monitoring report, sample analysis, compliance certification, or
 13 other report or information required under this part, rules
 14 promulgated under this part, or permits or orders issued under this
 15 part shall be **made** available to the public to the extent provided
 16 by the freedom of information act, ~~Act No. 442 of the Public Acts~~
 17 ~~of 1976, being sections 15.231 to 15.246 of the Michigan Compiled~~
 18 ~~Laws, 1976 PA 442, MCL 15.231 to 15.246.~~

19 (3) A person whose activities are regulated under this part
 20 may designate a record or other information, or a portion of a
 21 record, permit application, or other information furnished to or
 22 obtained by the department or its agents, as being only for the
 23 confidential use of the department. The department shall notify the
 24 person asserting confidentiality of a request for public records
 25 under section 5 of the freedom of information act, ~~Act No. 442 of~~
 26 ~~the Public Acts of 1976, being section 15.235 of the Michigan~~
 27 ~~Compiled Laws, 1976 PA 442, MCL 15.235,~~ the scope of which includes
 28 information that has been designated by the regulated person as
 29 being confidential. The person asserting confidentiality has 25



1 days after the receipt of the notice to demonstrate to the
 2 department that the information designated as confidential should
 3 not be disclosed because the information is a trade secret or
 4 secret process, or is production, commercial, or financial
 5 information the disclosure of which would jeopardize the
 6 competitive position of the person from whom the information was
 7 obtained, and make available information **that is** not otherwise
 8 publicly available. The department shall grant the request for the
 9 information unless the person regulated under this part
 10 demonstrates to the satisfaction of the department that the
 11 information should not be disclosed. If there is a dispute between
 12 the person asserting confidentiality and the person requesting
 13 information under ~~Act No. 442 of the Public Acts of 1976, the~~
 14 **freedom of information act, 1976 PA 442, MCL 15.231 to 15.246,** the
 15 department shall make the decision to grant or deny the request.
 16 After the department makes a decision to grant a request, **the**
 17 **department shall not release** the information requested ~~shall not be~~
 18 ~~released~~ until 8 business days after the regulated person's receipt
 19 of notice of the department's decision. This does not prevent the
 20 use of the information by the department in compiling or publishing
 21 analyses or summaries relating to ambient air quality if the
 22 analyses or summaries do not identify the person or reveal
 23 information ~~which~~ **that** is otherwise confidential under this
 24 section. This section does not render data on the quantity,
 25 composition, or quality of emissions from any source confidential.
 26 ~~Data~~ **The department shall make data** on the amount and nature of air
 27 contaminants emitted from a source ~~shall be~~ available to the
 28 public.

29 Enacting section 1. This amendatory act takes effect 90 days



1 after the date it is enacted into law.

