



Senate Fiscal Agency
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Senate Bill 255 (as reported without amendment)
Sponsor: Senator Kimberly LaSata
Committee: Environmental Quality

Date Completed: 7-19-19

RATIONALE

The Natural Resources and Environmental Protection Act allows the Department of Environment, Great Lakes, and Energy (DEGLE) to issue a permit that authorizes the installation, operation, or trial operation of certain equipment or processes at numerous temporary locations. These permits require the owner or operator of the equipment or process to notify DEGLE at least 10 days in advance of each change in location. The 10-day period allows the Department to determine if the air quality at the location is suitable for the equipment or process. This provision has not been modified since 1994. Since then, the ability for people to communicate quickly through electronic means has increased. Some believe that, while it may have been a reasonable period of time in 1994, the entirety of the 10-day period currently listed in the Act is no longer necessary. Therefore, it has been suggested that the 10-day notification period be shortened when using electronic communication.

CONTENT

The bill would amend Part 55 (Air Pollution Control) of the Natural Resources and Environmental Protection Act to require the owner of a process, source, or process equipment, if electronic notification were used, to notify DEGLE at least the specified number of days in advance of a change of location.

Part 55 defines "process" as an action, operation, or a series of actions or operations at a source that emits or has the potential to emit an air contaminant. "Process equipment" means all equipment, devices, and auxiliary components, including air pollution control equipment, stacks, and other emission points, used in a process.

Specifically, Part 55 authorizes the DEGLE to issue a permit to install, a general permit, or a permit to operate authorized under rules promulgated by the DEGLE, if applicable, that authorizes installation, operation, or trial operation, as applicable, of a source, process, or process equipment at numerous temporary locations. The permit must include terms and conditions necessary to ensure compliance with all applicable requirements of Part 55, the rules promulgated under Part 55, and the Clean Air Act, including those necessary to assure compliance with all applicable ambient air standards, emission limits, and increment and visibility requirements pursuant to the Clean Air Act, at each location. The permit also must require the owner or operator of the process, source, or process equipment to notify the DEQ at least 10 days in advance of each change in location.

The bill would require the owner of a process, source, or process equipment, if electronic notification were used, to notify the DEGLE at least the following number of days before a change of location: a) five business days unless b) applied; b) two business days, if, at least 10 days before the change of location, the owner provided the DEGLE a list of anticipated operating locations for that calendar year and if the change of location were on that list.

The bill would take effect 90 days after its enactment.

MCL 324.5505

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The 10-day notification policy was created in a time when electronic communication was not as ubiquitous as it is today. Under the bill, permit holders could communicate with DEGLE quickly through media such as electronic mail and text messaging. The bill would modify only the notification timeline, and would not affect any other processes for the Department. According to DEGLE, it still would be able to fulfill its air quality monitoring obligations with a shorter notice. The bill would update current practices to reflect technological advancements over the past 25 years, provide the industry flexibility in the event a last-minute change was needed, and reduce the amount of time between equipment and processing operations.

Legislative Analyst: Drew Krogulecki

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Abbey Frazier

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.