

HOUSE BILL No. 6604

December 19, 2018, Introduced by Rep. Hammoud and referred to the Committee on Natural Resources.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding sections 5506b and 5506d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 5506B. (1) THE DEPARTMENT SHALL NOT ISSUE A PERMIT UNDER
2 THIS PART UNLESS THE DEPARTMENT HAS CONSIDERED CUMULATIVE POLLUTION
3 LEVELS AND EFFECTS. THE DEPARTMENT MAY DENY OR PLACE CONDITIONS ON
4 THE PERMIT BASED ON CUMULATIVE POLLUTION LEVELS AND EFFECTS.

5 (2) AS USED IN THIS SECTION, "CUMULATIVE POLLUTION LEVELS AND
6 EFFECTS" MEANS BOTH OF THE FOLLOWING:

7 (i) CUMULATIVE LEVELS OF PAST AND CURRENT ENVIRONMENTAL
8 POLLUTION FROM ALL ORIGINS AND IN ALL MEDIA IN THE GEOGRAPHIC AREA
9 LIKELY TO BE AFFECTED BY THE SOURCE'S AIR EMISSIONS.

10 (ii) THE EFFECTS OF THAT CUMULATIVE ENVIRONMENTAL POLLUTION ON

1 THE HEALTH OF RESIDENTS OF THAT AREA.

2 SEC. 5506D. (1) THE DEPARTMENT SHALL NOT ISSUE A PERMIT THAT
3 AUTHORIZES NEW OR INCREASED EMISSIONS IN AN AREA OF HIGH POPULATION
4 DENSITY UNLESS THE PERMIT REQUIRES THE PLANTING OF TREES OR OTHER
5 VEGETATION. THE PERMIT SHALL SPECIFY THE TYPES AND AMOUNT OF
6 VEGETATION TO BE PLANTED. THE PERMIT SHALL ALSO SPECIFY THE MAXIMUM
7 DISTANCE FROM THE SOURCE WHERE THE VEGETATION SHALL BE PLANTED SO
8 THAT THE BENEFITS FROM HEAT REDUCTION AND PARTICULATE MATTER
9 MITIGATION ARE LOCALIZED IN THE AREA MOST AFFECTED BY THE
10 EMISSIONS.

11 (2) BY 1 YEAR AFTER THE EFFECTIVE DATE OF THE 2018 AMENDATORY
12 ACT THAT ADDED THIS SECTION, THE DEPARTMENT SHALL PROMULGATE RULES
13 TO IMPLEMENT THIS SECTION, INCLUDING A DEFINITION OF AREAS OF HIGH
14 POPULATION DENSITY.

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