

SENATE BILL NO. 530

September 17, 2019, Introduced by Senator BAYER and referred to the Committee on Appropriations.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 5501 and 5522 (MCL 324.5501 and 324.5522), section 5501 as amended by 1998 PA 245 and section 5522 as amended by 2015 PA 60.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1** Sec. 5501. As used in this part:
- 2** (a) "Air contaminant" means a dust, fume, gas, mist, odor,

1 smoke, vapor, or any combination thereof.

2 (b) "Air pollution" means the presence in the outdoor
 3 atmosphere of air contaminants in quantities, of characteristics,
 4 under conditions and circumstances, and of a duration that are or
 5 can become injurious to human health or welfare, to animal life, to
 6 plant life, or to property, or that interfere with the enjoyment of
 7 life and property in this state. ~~, and excludes all aspects~~ **Air**
 8 **pollution does not mean any health or safety hazard that is an**
 9 **aspect** of employer-employee relationships. ~~as to health and safety~~
 10 ~~hazards.~~ With respect to any mode of transportation, nothing in
 11 this part or in the rules promulgated under this part shall be
 12 inconsistent with the federal regulations, emission limits,
 13 standards, or requirements on various modes of transportation. Air
 14 pollution does not mean those usual and ordinary odors associated
 15 with a farm operation if the person engaged in the farm operation
 16 is following generally accepted agricultural and management
 17 practices.

18 (c) "Air pollution control equipment" means any method,
 19 process, or equipment that removes, reduces, or renders less
 20 noxious air contaminants discharged into the atmosphere.

21 (d) "Category ~~I~~ **A** facility" means a fee-subject facility that
 22 is ~~a~~ **an electric provider and is any of the following:**

23 (i) **A** major stationary source as defined in ~~section 302 of~~
 24 ~~title III of the clean air act, 77 Stat. 400, 42 U.S.C. 7602, an~~ **42**
 25 **USC 7602.**

26 (ii) **An** affected source as defined pursuant to ~~section 402 of~~
 27 ~~title IV of the clean air act, chapter 360, 104 Stat. 2641, 42~~
 28 ~~U.S.C. 7651a, or a~~ **42 USC 7651a.**

29 (iii) **A** major stationary source as defined in ~~section 169a of~~

1 ~~subpart 2 of part C of title I of the clean air act, chapter 360,~~
 2 ~~91 Stat. 742, 42 U.S.C. 7491.~~ **42 USC 7491.**

3 (e) "Category ~~II~~-B facility" means a fee-subject facility that
 4 is not an electric provider and is any of the following:

5 (i) A major stationary source as defined in 42 USC 7602.

6 (ii) An affected source as defined pursuant to 42 USC 7651a.

7 (iii) A major stationary source as defined in 42 USC 7491.

8 (f) "Category C facility" means a fee-subject facility that is
 9 not a category A or category B facility and that is a major source
 10 as defined in ~~section 112 of part A of title I of the clean air~~
 11 ~~act, 84 Stat. 1685, 42 U.S.C. 7412, or 42 US 7412.~~

12 (g) "Category D facility" means a fee-subject facility that is
 13 not a category A, category B, or category C facility and that is
 14 subject to requirements of ~~section 111 of part A of title I of the~~
 15 ~~clean air act, chapter 360, 84 Stat. 1683, 42 U.S.C. 7411, except~~
 16 ~~that a category II facility that also meets the definition of a~~
 17 ~~category I facility is a category I facility.~~ **42 USC 7411.**

18 ~~(f) "Category III facility" means any fee-subject facility~~
 19 ~~that is not a category I or category II facility.~~ **However, a source**
 20 **is not a category D facility if any of the following apply:**

21 (i) All equipment at the source meets a permit to install
 22 exemption in R 336.1280 to R 336.1291 of the Michigan
 23 Administrative Code and does not have an active permit to install.

24 (ii) The source is stripper well property as defined in 26 USC
 25 613A(c) (6) (E) .

26 (h) "Category E facility" means a fee-subject facility that is
 27 not a category A, category B, category C, or category D facility
 28 and that has an active Title V opt-out permit.

29 (i) "Category F facility" means a fee-subject facility that is

1 not a category A, category B, category C, category D, or category E
2 facility.

3 (j) ~~(g)~~ "Clean air act" means chapter 360, 69 Stat. ~~Stat~~ 322,
4 42 U.S.C. 7401 to 7431, 7470 to 7479, 7491 to 7492, 7501 to 7509a,
5 7511 to 7515, 7521 to 7525, 7541 to 7545, 7547 to 7550, 7552 to
6 7554, 7571 to 7574, 7581 to 7590, 7601 to 7612, 7614 to 7617, 7619
7 to 7622, 7624 to 7627, 7641 to 7642, 7651 to 7651o, 7661 to 7661f,
8 and ~~7671~~ **USC 7401** to 7671q, and regulations promulgated under the
9 clean air act.

10 (k) "Electric provider" means that term as defined in section
11 5 of the clean and renewable energy and energy waste reduction act,
12 2008 PA 295, MCL 460.1005.

13 (l) ~~(h)~~ "Emission" means the emission of an air contaminant.

14 (m) ~~(i)~~ "Farm operation" has the meaning ascribed to it in
15 means that term as defined in section 2 of the Michigan right to
16 farm act, 1981 PA 93, MCL ~~286.471 to 286.474~~. **286.472**.

17 (n) ~~(j)~~ "Fee-subject air pollutant" means particulates,
18 expressed as PM-10 pursuant to ~~1996 MR 11, R 336.1116(k)~~ of the
19 Michigan Administrative Code, sulfur dioxide, volatile organic
20 compounds, nitrogen oxides, ozone, lead, and any pollutant
21 regulated under ~~section 111 or 112 of part A of title I of the~~
22 ~~clean air act, chapter 360, 84 Stat. 1683 and 1685, 42 U.S.C. 42~~
23 **USC 7411 and or 7412**, or title III of the clean air act, chapter
24 360, 77 Stat. ~~Stat~~ 400, 42 U.S.C. ~~USC~~ 7601 to 7612, 7614 to 7617,
25 7619 to 7622, and 7624 to 7627. **7628**.

26 (o) "Fee-subject emissions" means emissions of fee-subject air
27 pollutants.

28 (p) ~~(k)~~ "Fee-subject facility" means the following sources:

29 (i) Any major source as defined in 40 ~~C.F.R.~~ **CFR** 70.2.

1 (ii) Any source, including an area source, subject to a
 2 standard, limitation, or other requirement under ~~section 111 of~~
 3 ~~part A of title I of the clean air act, chapter 360, 84 Stat. 1683,~~
 4 ~~42 U.S.C. 42 USC~~ 7411, when the standard, limitation, or other
 5 requirement becomes applicable to that source.

6 (iii) Any source, including an area source, subject to a
 7 standard, limitation, or other requirement under ~~section 112 of~~
 8 ~~part A of title I of the clean air act, 84 Stat. 1685, 42 U.S.C. 42~~
 9 ~~USC~~ 7412, when the standard, limitation, or other requirement
 10 becomes applicable to that source. However, a source is not a fee-
 11 subject facility solely because it is subject to a regulation,
 12 limitation, or requirement under ~~section 112(r) of part A of title~~
 13 ~~I of the clean air act, chapter 360, 84 Stat. 1685, 42 U.S.C.~~
 14 ~~7412.42 USC 7412 (r)~~ .

15 (iv) Any affected source under title IV.

16 (v) Any other source in a source category designated by the
 17 administrator of the United States ~~environmental protection agency~~
 18 **Environmental Protection Agency** as required to obtain an operating
 19 permit under title V, when the standard, limitation, or other
 20 requirement becomes applicable to that source.

21 (vi) **Any source with an active title V opt-out permit.**

22 (q) ~~(l)~~ "Fund" means the emissions control fund created in
 23 section 5521.

24 (r) ~~(m)~~ "General permit" means a permit to install, permit to
 25 operate authorized pursuant to rules promulgated under section
 26 5505(6), or an operating permit under section 5506, for a category
 27 of similar sources, processes, or process equipment. General
 28 provisions for issuance of general permits shall be provided for by
 29 rule.

1 **(s)** ~~(n)~~ "Generally accepted agricultural and management
2 practices" ~~has the meaning ascribed to it in~~ **means that term as**
3 **defined in section 2 of** the Michigan right to farm act, 1981 PA 93,
4 MCL ~~286.471 to 286.474.~~ **286.472.**

5 **(t)** ~~(o)~~ "Major emitting facility" means a stationary source
6 that emits 100 tons or more per year of any of the following:

7 (i) Particulates.

8 (ii) Sulfur dioxides.

9 (iii) Volatile organic compounds.

10 (iv) Oxides of nitrogen.

11 **(u)** ~~(p)~~ "Process", **unless the context requires a different**
12 **meaning,** means an action, operation, or a series of actions or
13 operations at a source that emits or has the potential to emit an
14 air contaminant.

15 **(v)** ~~(q)~~ "Process equipment" means all equipment, devices, and
16 auxiliary components, including air pollution control equipment,
17 stacks, and other emission points, used in a process.

18 **(w)** ~~(r)~~ "Responsible official" means, for the purposes of
19 signing and certifying as to the truth, accuracy, and completeness
20 of permit applications, monitoring reports, and compliance
21 certifications, any of the following:

22 (i) For a corporation: a president, secretary, treasurer, or
23 vice-president in charge of a principal business function, or any
24 other person who performs similar policy or decision making
25 functions for the corporation, or an authorized representative of
26 that person if the representative is responsible for the overall
27 operation of 1 or more manufacturing, production, or operating
28 facilities applying for or subject to a permit under this part and
29 either the facilities employ more than 250 persons or have annual

1 sales or expenditures exceeding \$25,000,000.00, or if the
2 delegation of authority to the representative is approved in
3 advance by the department.

4 (ii) For a partnership or sole proprietorship: a general
5 partner or the proprietor.

6 (iii) For a county or municipality or a state, federal, or other
7 public agency: a principal executive officer or ranking elected
8 official. For this purpose, a principal executive officer of a
9 federal agency includes the chief executive officer having
10 responsibility for the overall operations of a principal geographic
11 unit of the agency.

12 (iv) For sources affected by the acid rain program under title
13 IV: the designated representative insofar as actions, standards,
14 requirements, or prohibitions under that title are concerned.

15 (x) ~~(s)~~—"Schedule of compliance" means, for a source not in
16 compliance with all applicable requirements of this part, rules
17 promulgated under this part, and the clean air act at the time of
18 issuance of an operating permit, a schedule of remedial measures
19 including an enforceable sequence of actions or operations leading
20 to compliance with an applicable requirement and a schedule for
21 submission of certified progress reports at least every 6 months.
22 Schedule of compliance means, for a source in compliance with all
23 applicable requirements of this part, rules promulgated under this
24 part, and the clean air act at the time of issuance of an operating
25 permit, a statement that the source will continue to comply with
26 these requirements. With respect to any applicable requirement of
27 this part, rules promulgated under this part, and the clean air act
28 effective after the date of issuance of an operating permit, the
29 schedule of compliance shall contain a statement that the source

1 will meet the requirements on a timely basis, unless the underlying
2 applicable requirement requires a more detailed schedule.

3 **(y)** ~~(t)~~ "Source" means a stationary source as defined in
4 ~~section 302(z) of title III of the clean air act, 77 Stat. 400, 42~~
5 ~~U.S.C. 42 USC~~ 7602, and has the same meaning as stationary source
6 when used in comparable or applicable circumstances under the clean
7 air act. A source includes all the processes and process equipment
8 under common control that are located within a contiguous area, or
9 a smaller group of processes and process equipment as requested by
10 the owner or operator of the source, if in accordance with the
11 clean air act.

12 **(z)** ~~(u)~~ "Title IV" means title IV of the clean air act,
13 pertaining to acid deposition control, ~~chapter 360, 104 Stat. 2584,~~
14 ~~42 U.S.C. 42 USC~~ 7651 to 7651o.

15 **(aa)** ~~(v)~~ "Title V" means title V of the clean air act, ~~chapter~~
16 ~~360, 104 Stat. 2635, 42 U.S.C. 42 USC~~ 7661 to 7661f.

17 **(bb)** "Title V opt-out permit" means a permit to install that
18 includes all of the following:

19 **(i)** Specified emission limits below thresholds for title V
20 applicability.

21 **(ii)** Operational restriction.

22 **(iii)** Monitoring or record-keeping requirements to make
23 subparagraphs **(i)** and **(ii)** practically enforceable through a permit.

24 Sec. 5522. (1) Until October 1, ~~2019,~~ **2023**, the owner or
25 operator of each fee-subject facility shall pay air quality fees as
26 required and calculated under this section. The department may levy
27 and collect an annual air quality fee from the owner or operator of
28 each fee-subject facility in this state. The legislature intends
29 that the fees required under this section meet the minimum

1 requirements of the clean air act and that this expressly stated
 2 fee system serve as a limitation on the amount of fees imposed
 3 under this part on the owners or operators of fee-subject
 4 facilities in this state.

5 (2) The annual air quality fee shall be calculated for each
 6 fee-subject facility, according to the following procedure:

7 (a) Except as provided in ~~subdivision (d)~~, **subdivisions (g)**
 8 **and (h)**, for category ~~I-A~~ facilities, the annual air quality fee
 9 ~~shall be is~~ the sum of a ~~facility charge of \$5,250.00 and an~~
 10 emissions charge as specified in subdivision ~~(e) or (f)~~. **(i) and a**
 11 **facility charge. The facility charge is as follows, based on the**
 12 **amount of fee-subject emissions:**

13 (i) If the amount of fee-subject emissions is capped under
 14 subdivision (i), \$45,000.00.

15 (ii) For 1,000 or more tons \$30,000.00.

16 (iii) For 100 or more tons but less than 1000 tons, \$15,750.00.

17 (iv) For 60 or more tons but less than 100 tons, \$12,500.00.

18 (v) For 6 or more tons but less than 60 tons, \$10,500.00.

19 (vi) For zero or more tons but less than 6 tons, \$5,250.00.

20 (b) For category ~~II-B~~ facilities, the annual air quality fee
 21 ~~shall be is~~ the sum of a ~~facility charge of \$1,795.00 and an~~
 22 emissions charge as specified in subdivision ~~(e) or (f)~~. **(j) and a**
 23 **facility charge. The facility charge is as follows, based on the**
 24 **amount of fee-subject emissions:**

25 (i) For 2,000 or more tons, \$21,000.00.

26 (ii) For 200 or more tons but less than 2,000 tons, \$15,750.00.

27 (iii) For 60 or more tons but less than 200 tons, \$10,500.00.

28 (iv) For 6 or more tons but less than 60 tons, \$7,500.00.

1 (v) For zero or more tons but less than 6 tons, \$5,250.00.

2 (c) For category C facilities, the annual air quality fee is
3 the sum of an emissions charge as specified in subdivision (j) and
4 a facility charge. The facility charge is as follows, based on the
5 amount of fee-subject emissions:

6 (i) For 60 or more tons, \$4,500.00.

7 (ii) For 6 or more tons but less than 60 tons, \$3,500.00.

8 (iii) For zero or more tons but less than 6 tons, \$2,500.00.

9 (d) For category D facilities, the annual air quality fee is
10 the sum of an emissions charge as specified in subdivision (j) and
11 a facility charge. The facility charge is as follows, based on the
12 amount of fee-subject emissions:

13 (i) For 60 or more tons, \$2,500.00.

14 (ii) For 6 or more tons but less than 60 tons, \$2,000.00.

15 (iii) For zero or more tons but less than 6 tons, \$1,795.00.

16 (e) For category E facilities, the annual air quality fee is
17 as follows, based on the amount of fee-subject emissions:

18 (i) For 60 or more tons, \$1,795.00.

19 (ii) For zero or more tons but less than 60 tons, \$250.00.

20 (f) ~~(e)~~ For category ~~HH~~**F** facilities, the annual air quality
21 fee ~~shall be~~ **is** \$250.00.

22 (g) ~~(d)~~ For municipal electric generating facilities ~~that are~~
23 ~~category I facilities and that emit with 646 or more than 730 tons~~
24 ~~of fee-subject air pollutants,~~ **emissions**, the annual air quality
25 ~~fee shall be the following amount, based on the number of tons of~~
26 ~~fee-subject air pollutants emitted:~~

27 ~~(i) For more than 730 tons but less than 5,000 tons, an annual~~
28 ~~fee of \$41,830.00.~~

1 ~~(ii) For 5,000 tons or more, an annual fee equal to the sum of~~
 2 ~~a facility charge of \$5,250.00 and an emissions charge as specified~~
 3 ~~in subdivision (e).~~ **is \$50,000.00.**

4 **(h) For municipal electric generating facilities with less**
 5 **than 646 tons of fee-subject emissions, the annual air quality fee**
 6 **shall be determined in the same manner as provided in subdivision**
 7 **(b) .**

8 **(i)** ~~(e)~~The emissions charge for **a** ~~category I facilities that~~
 9 ~~are electric providers and that are~~ **A facility that is** not covered
 10 by subdivision ~~(d)~~ and for ~~category II facilities that are electric~~
 11 ~~providers shall equal~~ **(g) or (h) equals** the emission charge rate
 12 multiplied by the actual tons of fee-subject ~~air pollutants~~
 13 ~~emitted.~~ **emissions.** The emission charge rate for fee-subject air
 14 pollutants ~~shall be \$51.15.~~ **is \$53.00.** A pollutant that qualifies
 15 as a fee-subject air pollutant under more than 1 class shall be
 16 charged only once. The actual tons of fee-subject ~~air pollutants~~
 17 ~~emitted shall be~~ **emissions is** considered to be the sum of all fee-
 18 subject ~~air pollutants emitted~~ **emissions** at the fee-subject
 19 facility for the calendar year 2 years preceding the year of
 20 billing, but not more than the lesser of the following:

21 (i) 6,100 tons.

22 (ii) 1,500 tons per pollutant, if the sum of all fee-subject
 23 ~~air pollutants~~ **emissions** except carbon monoxide ~~emitted~~ at the fee-
 24 subject facility is less than 6,100 tons.

25 **(j)** ~~(f)~~The emissions charge for ~~category I or category II~~
 26 facilities that are not electric providers shall be calculated in
 27 the same manner as provided in subdivision ~~(e).~~ **(i)**. However, the
 28 actual tons of fee-subject ~~air pollutants emitted shall be~~
 29 **emissions is** considered to be the sum of all fee-subject ~~air~~

1 ~~pollutants emitted~~ **emissions** at a fee-subject facility for the
2 calendar year 2 years preceding the year of billing, but not more
3 than the lesser of the following:

4 (i) 4,500 tons.

5 (ii) 1,250 tons per pollutant, if the sum of all fee-subject
6 ~~air pollutants~~ **emissions** except carbon monoxide ~~emitted~~ at the fee-
7 subject facility is less than 4,500 tons.

8 (3) After January 1, but before January 15 of each year, the
9 department shall notify the owner or operator of each fee-subject
10 facility of its assessed annual air quality fee. Payment is due
11 within 90 calendar days ~~of~~ **after** the mailing date of the air
12 quality fee notification. If an assessed fee is challenged under
13 subsection (5), payment is due within 90 calendar days ~~of~~ **after** the
14 mailing date of the air quality fee notification or within 30 days
15 ~~of~~ **after** receipt of a revised fee or statement supporting the
16 original fee, whichever is later. However, to combine fee
17 assessments, the department may adjust the billing date and due
18 date under this subsection for category III facilities that are dry
19 cleaning facilities also subject to the licensing ~~or certification~~
20 requirements of section 13305 of the public health code, 1978 PA
21 368, MCL 333.13305, ~~and~~ **or the certification requirements of**
22 section 5i of the fire prevention code, 1941 PA 207, MCL 29.5i. The
23 department shall deposit all fees collected under this section to
24 the credit of the fund.

25 (4) If the owner or operator of a fee-subject facility fails
26 to submit the amount due within the time period specified in
27 subsection (3), the department shall assess the owner or operator a
28 penalty of 5% of the amount of the unpaid fee for each month that
29 the payment is overdue up to a maximum penalty of 25% of the total

1 fee owed. However, to combine fee assessments, the department may
 2 waive the penalty under this subsection for dry cleaning facilities
 3 described in subsection (3).

4 (5) To challenge its assessed fee, the owner or operator of a
 5 fee-subject facility shall submit the challenge in writing to the
 6 department. The department shall not process the challenge unless
 7 it is received by the department within 45 calendar days ~~of~~**after**
 8 the mailing date of the air quality fee notification described in
 9 subsection (3). A challenge shall identify the facility and state
 10 the grounds upon which the challenge is based. Within 30 calendar
 11 days of receipt of the challenge, the department shall determine
 12 the validity of the challenge and provide the owner with
 13 notification of a revised fee or a statement setting forth the
 14 reason or reasons why the fee was not revised. Payment of the
 15 challenged or revised fee is due within the time frame described in
 16 subsection (3). If the owner or operator of a facility desires to
 17 further challenge its assessed fee, the owner or operator of the
 18 facility has an opportunity for a contested case hearing as
 19 provided for under **chapter 4 of** the administrative procedures act
 20 of 1969, 1969 PA 306, MCL ~~24.201 to 24.328.~~**24.271 to 24.288.**

21 (6) If requested by the department, by March 15 of each year,
 22 or within 45 days ~~of a~~**after the** request, ~~by the department,~~
 23 whichever is later, the owner or operator of each fee-subject
 24 facility shall submit **to the department** information regarding the
 25 facility's previous year's emissions. ~~to the department.~~The
 26 information shall be sufficient for the department to calculate the
 27 facility's emissions for that year and meet the requirements of 40
 28 CFR 51.320 to 51.327.

29 (7) By July 1 of each year, the department shall provide the

1 owner or operator of each fee-subject facility required to pay an
 2 emission charge pursuant to this section with a copy of the
 3 department's calculation of the facility emissions for the previous
 4 year. Within 60 days ~~of~~**after** this notification, the owner or
 5 operator of the facility may provide corrections to the department.
 6 The department shall make a final determination of the emissions by
 7 December 15 of that year. If the owner or operator disagrees with
 8 the determination of the department, the owner or operator may
 9 request a contested case hearing as provided for under **chapter 4 of**
 10 the administrative procedures act of 1969, 1969 PA 306, MCL ~~24.201~~
 11 ~~to 24.328.~~**24.271 to 24.288.**

12 (8) By March 1 annually, the department shall prepare and
 13 submit to the governor, the legislature, the chairpersons of the
 14 standing committees of the senate and house of representatives with
 15 primary responsibility for environmental protection issues related
 16 to air quality, and the chairpersons of the subcommittees of the
 17 senate and house appropriations committees with primary
 18 responsibility for appropriations to the department a report that
 19 details the department's activities of the previous fiscal year
 20 funded by the fund. This report shall include, at a minimum, all of
 21 the following as it relates to the department:

22 (a) The number of full-time equated positions performing title
 23 V and non-title V air quality enforcement, compliance, or
 24 permitting activities.

25 (b) All of the following information related to the permit to
 26 install program authorized under section 5505:

27 (i) The number of permit to install applications received by
 28 the department.

29 (ii) The number of permit to install applications for which a

1 final action was taken by the department. The number of final
 2 actions shall be reported as the number of applications approved,
 3 the number of applications denied, and the number of applications
 4 withdrawn by the applicant.

5 (iii) The number of permits to install approved that were
 6 required to complete public participation under section 5511(3)
 7 before final action and the number of permits to install approved
 8 that were not required to complete public participation under
 9 section 5511(3) prior to final action.

10 (iv) The average number of final permit actions per permit to
 11 install reviewer full-time equivalent position.

12 (v) The percentage and number of permit to install
 13 applications that were reviewed for administrative completeness
 14 within 10 days of receipt by the department.

15 (vi) The percentage and number of permit to install
 16 applications submitted to the department that were administratively
 17 complete as received.

18 (vii) The percentage and number of permit to install
 19 applications for which a final action was taken by the department
 20 within 180 days ~~of~~**after** receipt for those applications not
 21 required to complete public participation under section 5511(3)
 22 prior to final action, or within 240 days ~~of~~**after** receipt for
 23 those applications ~~which are~~ required to complete public
 24 participation under section 5511(3) prior to final action.

25 (viii) The percentage and number of permit to install
 26 applications for which a processing period extension was requested
 27 and granted.

28 (c) All of the following information for the renewable
 29 operating permit program authorized under section 5506:

1 (i) The number of renewable operating permit applications
2 received by the department.

3 (ii) The number of renewable operating permit applications for
4 which a final action was taken by the department. The number of
5 final actions shall be reported as the number of applications
6 approved, the number of applications denied, and the number of
7 applications withdrawn by the applicant.

8 (iii) The percentage and number of initial permit applications
9 processed within the required time.

10 (iv) The percentage and number of permit renewals and
11 modifications processed within the required time.

12 (v) The number of permit applications reopened by the
13 department.

14 (vi) The number of general permits issued by the department.

15 (d) The number of letters of violation sent.

16 (e) The amount of penalties collected from all consent orders
17 and judgments.

18 (f) For each enforcement action that includes payment of a
19 penalty, a description of what corrective actions were required by
20 the enforcement action.

21 (g) The number of inspections done on sources required to
22 obtain a permit under section 5506 and the number of inspections of
23 other sources.

24 (h) The number of air pollution complaints received,
25 investigated, not resolved, and resolved by the department.

26 (i) The number of contested case hearings and civil actions
27 initiated, ~~and the number of contested case hearings and civil~~
28 **actions** completed, and the number of voluntary consent orders,
29 administrative penalty orders, and emergency orders entered or

1 issued, for sources required to obtain a permit under section 5506.

2 (j) The amount of revenue in the fund at the end of the fiscal
3 year.

4 (9) ~~The A~~ report under subsection (8) shall also include the
5 amount of revenue for programs under this part received during the
6 prior fiscal year from fees, from federal funds, and from general
7 fund appropriations. Each of these amounts shall be expressed as a
8 dollar amount and as a percent of the total annual cost of programs
9 under this part.

10 (10) The attorney general may bring an action for the
11 collection of the fees imposed under this section.

12 (11) This section does not apply if the administrator of the
13 United States Environmental Protection Agency determines that the
14 department is not adequately administering or enforcing the
15 renewable operating permit program and the administrator
16 promulgates and administers a renewable operating permit program
17 for this state.

18 ~~(12) As used in this section, "electric provider" means that~~
19 ~~term as defined in section 5 of the clean, renewable, and efficient~~
20 ~~energy act, 2008 PA 295, MCL 460.1005.~~