



SENATE BILL No. 19

January 13, 1993, Introduced by Senator EHLERS and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend section 2 of Act No. 348 of the Public Acts of 1965, entitled as amended

"Air pollution act,"

as amended by Act No. 218 of the Public Acts of 1987, being section 336.12 of the Michigan Compiled Laws; and to add sections 14b, 14c, and 14d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 2 of Act No. 348 of the Public Acts of
2 1965, as amended by Act No. 218 of the Public Acts of 1987, being
3 section 336.12 of the Michigan Compiled Laws, is amended and sec-
4 tions 14b, 14c, and 14d are added to read as follows:

5 Sec. 2. As used in this act:

6 ~~(a) "Commission" means the air pollution control~~
7 ~~commission.~~

1 (A) ~~-(b)-~~ "Air contaminant" means a dust, fume, gas, mist,
2 odor, smoke, vapor or any combination thereof.

3 (B) ~~-(c)-~~ "Air pollution" means the presence in the outdoor
4 atmosphere of air contaminants in quantities, of characteristics
5 and under conditions and circumstances, and of a duration ~~-which-~~
6 THAT are or can become injurious to human health or welfare, to
7 animal life, to plant life, or to property, or ~~-which interferes-~~
8 THAT INTERFERE with the enjoyment of life and property in this
9 state and excludes all aspects of employer-employee relationships
10 as to health and safety hazards. With respect to any mode of
11 transportation, nothing in this act or in the rules promulgated
12 under ~~-the authority of-~~ this act shall be inconsistent with the
13 federal regulations, emission limits, standards or requirements
14 on various modes of transportation. Air pollution ~~-shall-~~ DOES
15 not ~~-be construed to-~~ mean those usual and ordinary odors associ-
16 ated with a farm operation ~~-within a zoned agricultural area-~~ if
17 the person engaged in the farm operation is following generally
18 accepted agricultural and management practices.

19 (C) ~~-(d)-~~ "Air cleaning device" means any method, process,
20 or equipment ~~-which-~~ THAT removes, reduces, or renders less nox-
21 ious air contaminants discharged into the atmosphere.

22 (D) "COMMISSION" MEANS THE AIR POLLUTION CONTROL
23 COMMISSION.

24 (E) "DEPARTMENT" MEANS THE DEPARTMENT OF NATURAL RESOURCES.

25 (F) ~~-(e)-~~ "Farm operation" has the meaning ascribed to it in
26 the Michigan right to farm act, Act No. 93 of the Public Acts of

1 1981, being sections 286.471 to 286.474 of the Michigan Compiled
2 Laws.

3 (G) ~~-(f)-~~ "Generally accepted agricultural and management
4 practices" has the meaning ascribed to it in ~~the Michigan right~~
5 ~~to farm act,~~ Act No. 93 of the Public Acts of 1981. ~~, being~~
6 ~~sections 286.471 to 286.474 of the Michigan Compiled Laws.~~

7 (H) "MAJOR EMITTING FACILITY" MEANS A STATIONARY SOURCE THAT
8 EMITS 100 TONS OR MORE PER YEAR OF ANY OF THE FOLLOWING:

9 (i) PARTICULATES.

10 (ii) SULFUR DIOXIDES.

11 (iii) VOLATILE ORGANIC COMPOUNDS.

12 (iv) OXIDES OF NITROGEN.

13 SEC. 14B. (1) BY MARCH 15 OF EACH YEAR, THE OWNER OR OPERA-
14 TOR OF A MAJOR EMITTING FACILITY SHALL SUBMIT INFORMATION REGARD-
15 ING THE FACILITY'S EMISSIONS TO THE DEPARTMENT PURSUANT TO THE
16 EMISSION INVENTORY SYSTEM ESTABLISHED IN RULES PROMULGATED UNDER
17 THIS ACT.

18 (2) FOR THE STATE FISCAL YEAR ENDING SEPTEMBER 30, 1993, IF
19 BY APRIL 15 THE OWNER OR OPERATOR OF A MAJOR EMITTING FACILITY
20 HAS NOT SUBMITTED THE INFORMATION REQUIRED UNDER SUBSECTION (1),
21 THE DEPARTMENT SHALL USE THE PREVIOUS YEAR'S EMISSION DATA FOR
22 PURPOSES OF THE EMISSION INVENTORY SYSTEM AND SHALL ASSESS A PEN-
23 ALTY AGAINST THE OWNER OR OPERATOR. THE PENALTY SHALL BE 5% OF
24 WHAT THE OWNER'S OR OPERATOR'S BILL FOR THAT MAJOR EMITTING
25 FACILITY WOULD BE UNDER SECTION 14C, USING THE PREVIOUS YEAR'S
26 EMISSION DATA, FOR EACH MONTH THE INFORMATION IS LATE UP TO A
27 MAXIMUM PENALTY OF 25% OF THIS AMOUNT. A PENALTY ASSESSED UNDER

1 THIS SECTION SHALL BE COLLECTED AT THE TIME EMISSION FEES ARE
2 COLLECTED UNDER SECTION 14C.

3 (3) EMISSIONS DATA THAT THE DEPARTMENT RECEIVES AFTER
4 APRIL 15 OF EACH YEAR SHALL BE ENTERED INTO THE EMISSION INVEN-
5 TORY SYSTEM WHEN THE DATA ARE QUALITY ASSURED.

6 SEC. 14C. (1) THE OWNER OR OPERATOR OF A MAJOR EMITTING
7 FACILITY SHALL PAY TO THE DEPARTMENT AN EMISSION FEE OF \$3.00 FOR
8 THE STATE FISCAL YEAR ENDING SEPTEMBER 30, 1993 FOR EACH TON OF
9 PARTICULATES, SULFUR DIOXIDES, VOLATILE ORGANIC COMPOUNDS, AND
10 OXIDES OF NITROGEN THAT THE MAJOR EMITTING FACILITY EMITS, UP TO
11 4,000 TONS MAXIMUM FOR EACH POLLUTANT LISTED IN THIS SUBSECTION.
12 THIS FEE SHALL BE BASED UPON ACTUAL EMISSIONS AS DETERMINED BY
13 THE MOST RECENT CALENDAR YEAR FOR WHICH QUALITY ASSURED DATA FROM
14 THE EMISSION INVENTORY SYSTEM AS PROVIDED IN RULES PROMULGATED
15 UNDER THIS ACT ARE AVAILABLE. THE DEPARTMENT SHALL FORWARD MONEY
16 COLLECTED PURSUANT TO THIS SUBSECTION TO THE STATE TREASURER FOR
17 DEPOSIT INTO THE CLEAN AIR ACT IMPLEMENTATION ACCOUNT WITHIN THE
18 EMISSIONS CONTROL FUND CREATED UNDER SECTION 14D.

19 (2) IN ADDITION TO THE EMISSION FEE PROVIDED IN
20 SUBSECTION (1), THE OWNER OR OPERATOR OF A MAJOR EMITTING FACIL-
21 ITY SHALL PAY TO THE DEPARTMENT AN EMISSION FEE OF \$2.65 FOR THE
22 STATE FISCAL YEAR ENDING SEPTEMBER 30, 1993 FOR EACH TON OF PAR-
23 TICULATES, SULFUR DIOXIDES, VOLATILE ORGANIC COMPOUNDS, AND
24 OXIDES OF NITROGEN THAT THE FACILITY EMITS, UP TO 4,000 TONS MAX-
25 IMUM FOR EACH POLLUTANT LISTED IN THIS SUBSECTION. THIS FEE
26 SHALL BE BASED UPON ACTUAL EMISSIONS AS DETERMINED BY THE MOST
27 RECENT CALENDAR YEAR FOR WHICH QUALITY ASSURED DATA FROM THE

1 EMISSION INVENTORY SYSTEM AS PROVIDED IN RULES PROMULGATED UNDER
2 THIS ACT ARE AVAILABLE. THE DEPARTMENT SHALL FORWARD MONEY COL-
3 LECTED PURSUANT TO THIS SUBSECTION TO THE STATE TREASURER FOR
4 DEPOSIT INTO THE PERMIT REVIEW AND URBAN AIRSHED STUDY ACCOUNT
5 WITHIN THE EMISSIONS CONTROL FUND CREATED UNDER SECTION 14D.

6 (3) THE DEPARTMENT SHALL PROVIDE THE OWNER OR OPERATOR OF
7 EACH MAJOR EMITTING FACILITY A BILL FOR THE AMOUNT OF THE EMIS-
8 SION FEES THE MAJOR EMITTING FACILITY OWES UNDER THIS SECTION AND
9 ANY PENALTY ASSESSED UNDER SECTION 14B. THE BILL SHALL BE FOR
10 EMISSIONS DURING THE MOST RECENT CALENDAR YEAR FOR WHICH QUALITY
11 ASSURED DATA FROM THE EMISSION INVENTORY SYSTEM ARE AVAILABLE.
12 THE OWNER OR OPERATOR OF THE MAJOR EMITTING FACILITY SHALL PAY
13 THE AMOUNT DUE WITHIN 45 DAYS OF THE DATE OF THE BILL. IF THE
14 OWNER OR OPERATOR OF THE MAJOR EMITTING FACILITY FAILS TO SUBMIT
15 THE AMOUNT DUE WITHIN THIS TIME PERIOD, THE DEPARTMENT SHALL
16 ASSESS THE OWNER OR OPERATOR A PENALTY OF 5% OF THE AMOUNT OF
17 UNPAID EMISSION FEES FOR EACH MONTH THAT THE PAYMENT IS OVERDUE
18 UP TO A MAXIMUM PENALTY OF 25% OF THE TOTAL EMISSION FEES OWED.

19 (4) THE ATTORNEY GENERAL MAY BRING AN ACTION FOR THE COLLEC-
20 TION OF THE FEES IMPOSED UNDER THIS SECTION AND ANY PENALTY
21 ASSESSED UNDER THIS SECTION OR SECTION 14B.

22 SEC. 14D. (1) THE EMISSIONS CONTROL FUND IS CREATED WITHIN
23 THE STATE TREASURY. THE STATE TREASURER MAY RECEIVE MONEY FROM
24 ANY SOURCE FOR DEPOSIT INTO THE EMISSIONS CONTROL FUND. THE
25 STATE TREASURER SHALL DIRECT THE INVESTMENT OF THE EMISSIONS CON-
26 TROL FUND. THE STATE TREASURER SHALL CREDIT TO THE EMISSIONS
27 CONTROL FUND INTEREST AND EARNINGS FROM FUND INVESTMENTS.

1 (2) MONEY IN THE EMISSIONS CONTROL FUND AT THE CLOSE OF THE
2 FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT LAPSE TO THE
3 GENERAL FUND.

4 (3) THE STATE TREASURER SHALL ESTABLISH, WITHIN THE EMIS-
5 SIONS CONTROL FUND, A CLEAN AIR ACT IMPLEMENTATION ACCOUNT AND A
6 PERMIT REVIEW AND URBAN AIRSHED STUDY ACCOUNT.

7 (4) THE DEPARTMENT SHALL EXPEND MONEY FROM THE EMISSIONS
8 CONTROL FUND, UPON APPROPRIATION, ONLY FOR THE FOLLOWING
9 PURPOSES:

10 (A) MONEY IN THE CLEAN AIR ACT IMPLEMENTATION ACCOUNT SHALL
11 BE USED FOR 1 OR MORE OF THE FOLLOWING:

12 (i) DEVELOPING AND IMPLEMENTING REQUIREMENTS OF PUBLIC LAW
13 101-549, 104 STAT. 2399, COMMONLY REFERRED TO AS THE CLEAN AIR
14 ACT AMENDMENTS OF 1990.

15 (ii) EMISSIONS AND AMBIENT AIR MONITORING.

16 (iii) AUDITS AND INSPECTIONS OF SOURCE-OPERATED MONITORING
17 PROGRAMS.

18 (iv) PREPARING GENERALLY APPLICABLE RULES TO IMPLEMENT
19 REQUIREMENTS OF PUBLIC LAW 101-549, 104 STAT. 2399, COMMONLY
20 REFERRED TO AS THE CLEAN AIR ACT AMENDMENTS OF 1990.

21 (v) MODELING, ANALYSES, OR DEMONSTRATIONS.

22 (vi) PREPARING INVENTORIES AND TRACKING EMISSIONS.

23 (B) MONEY IN THE PERMIT REVIEW AND URBAN AIRSHED STUDY
24 ACCOUNT SHALL BE USED FOR BOTH OF THE FOLLOWING:

25 (i) TO PROVIDE GRANTS FOR LOCAL AIR POLLUTION PROGRAMS THAT
26 COLLECT DATA FOR THE URBAN AIRSHED MODEL.

1 (ii) TO PROCESS PERMIT APPLICATIONS PURSUANT TO THIS ACT
2 UNTIL SUCH TIME THAT ALL PERMIT APPLICATIONS RECEIVED BY THE
3 DEPARTMENT ARE BEING PROCESSED IN A TIMELY MANNER. WHEN PERMIT
4 APPLICATIONS UNDER THIS ACT ARE BEING PROCESSED IN A TIMELY
5 MANNER, MONEY IN THE PERMIT REVIEW AND URBAN AIRSHED STUDY
6 ACCOUNT THAT IS NOT ALLOCATED FOR GRANTS UNDER SUBPARAGRAPH (i)
7 SHALL BE USED FOR THE PURPOSES DESCRIBED IN SUBDIVISION (A),
8 UNLESS THE DEPARTMENT RECOMMENDS AND THE APPROPRIATIONS COMMIT-
9 TEES OF THE SENATE AND HOUSE OF REPRESENTATIVES APPROVE CONTINUED
10 USE OF THIS MONEY OR A PORTION OF THIS MONEY TO PROCESS PERMIT
11 APPLICATIONS.