

SENATE BILL NO. 255

April 10, 2019, Introduced by Senator LASATA and referred to the Committee on Environmental Quality.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 5505 (MCL 324.5505), as amended by 2005 PA 57.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5505. (1) Except as provided in subsection (4), a person
2 shall not install, construct, reconstruct, relocate, alter, or
3 modify any process or process equipment without first obtaining
4 from the department a permit to install, or a permit to operate
5 authorized pursuant to rules promulgated under subsection (6) if

1 applicable, authorizing the conduct or activity.

2 (2) The department shall promulgate rules to establish a
3 permit to install program to be administered by the department.
4 Except as provided in subsections (4) and (5), the permit to
5 install program is applicable to each new or modified process or
6 process equipment that emits or may emit an air contaminant. The
7 start date for emissions offsets eligible to be applied to a permit
8 to install shall be the date established by federal rule or, if a
9 date is not established by federal rule, January 1 of the year
10 after the emissions baseline year used for the purpose of preparing
11 the relevant state implementation plan. The department shall make
12 available information in the permit database and the air emissions
13 inventory established under section 5503(k), to identify emissions
14 reductions that may be used as emissions offsets. This subsection
15 does not authorize the department to seek permit changes to make
16 emissions reductions available for use as emissions offsets.

17 (3) A permit to install may authorize the trial operation of a
18 process or process equipment to demonstrate that the process or
19 process equipment is operating in compliance with the permit to
20 install issued under this section.

21 (4) The department may promulgate rules to provide for the
22 issuance of general permits and to exempt certain sources,
23 processes, or process equipment or certain modifications to a
24 source, process, or process equipment from the requirement to
25 obtain a permit to install or a permit to operate authorized
26 pursuant to rules promulgated under subsection (6). However, the
27 department shall not exempt any new source or modification that
28 would meet the definition of a major source or major modification
29 under parts C and D of title I of the clean air act, 42 USC 7470 to

1 7515.

2 (5) The department may issue a permit to install, a general
3 permit, or a permit to operate authorized under rules promulgated
4 under subsection (6) if applicable, that authorizes installation,
5 operation, or trial operation, as applicable, of a source, process,
6 or process equipment at numerous temporary locations. Such a permit
7 shall ~~include~~ **do both of the following:**

8 (a) Include terms and conditions necessary to ~~assure~~ **ensure**
9 compliance with all applicable requirements of this part, the rules
10 promulgated under this part, and the clean air act, including those
11 necessary to ~~assure~~ **ensure** compliance with all applicable ambient
12 air standards, emission limits, and increment and visibility
13 requirements pursuant to part C of title I of the clean air act, 42
14 USC 7470 to 7492, at each location. ~~and shall require~~

15 **(b) Require** the owner or operator of the process, source, or
16 process equipment to notify the department at least 10 days in
17 advance of each change in location. **However, if electronic**
18 **notification is used, the notification shall be given at least the**
19 **following number of business days before the change of location:**

20 **(i) 5 business days unless subparagraph (ii) applies.**

21 **(ii) 2 business days, if, at least 10 days before the change of**
22 **location, the owner provided the department a list of anticipated**
23 **operating locations for that calendar year and if the change of**
24 **location is on that list.**

25 (6) The department may promulgate rules to establish a program
26 that authorizes issuance of nonrenewable permits to operate for
27 sources, processes, or process equipment that are not subject to
28 the requirement to obtain a renewable operating permit pursuant to
29 section 5506.

1 (7) The failure of the department to act on an
2 administratively and technically complete application for a permit
3 to install, a general permit, or a permit to operate authorized
4 under rules promulgated under subsection (6), in accordance with a
5 time requirement established pursuant to this part, rules
6 promulgated under this part, or the clean air act may be treated as
7 a final permit action solely for the purposes of obtaining judicial
8 review in a court of competent jurisdiction to require that action
9 be taken by the department on the application without additional
10 delay.

11 (8) Any person may appeal the issuance or denial by the
12 department of a permit to install, a general permit, or a permit to
13 operate authorized in rules promulgated under subsection (6), for a
14 new source in accordance with section 631 of the revised judicature
15 act of 1961, 1961 PA 236, MCL 600.631. Petitions for review shall
16 be the exclusive means to obtain judicial review of such a permit
17 and shall be filed within 90 days after the final permit action,
18 except that a petition may be filed after that deadline only if the
19 petition is based solely on grounds arising after the deadline for
20 judicial review. Such a petition shall be filed no later than 90
21 days after the new grounds for review arise. Appeals of permit
22 actions for existing sources are subject to section 5506(14).

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