

# 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.

