

# HOUSE BILL No. 4999

September 21, 2011, Introduced by Reps. Tlaib, Durhal, Howze, Rutledge, Nathan, Lipton, Olumba, Santana and Jackson and referred to the Committee on Regulatory Reform.

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

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 5506A. (1) AN APPLICATION FOR A PERMIT UNDER THIS PART  
2        FOR A SOURCE LOCATED OR PROPOSED TO BE LOCATED IN A LIKELY  
3        DISPARATE IMPACT AREA SHALL INCLUDE A REPORT PAID FOR BY THE  
4        APPLICANT ON CUMULATIVE POLLUTION LEVELS AND EFFECTS. THE REPORT IS  
5        SUBJECT TO DEPARTMENT REVIEW AND APPROVAL. THE AREA OF STUDY FOR  
6        THE REPORT SHALL BE IDENTIFIED THROUGH AIR DISPERSION MODELING OF  
7        CRITERIA POLLUTANTS AND TOXIC AIR CONTAMINANTS. THE MODELING  
8        PROTOCOLS AND RESULTS ARE SUBJECT TO DEPARTMENT REVIEW AND  
9        APPROVAL.

10        (2) THE DEPARTMENT SHALL HOLD AT LEAST 1 PUBLIC MEETING ON AN

1 APPLICATION FOR A PERMIT DESCRIBED IN SUBSECTION (1) AND AT LEAST 1  
2 PUBLIC MEETING ON A PROPOSED DRAFT PERMIT. THE APPLICANT SHALL  
3 PARTICIPATE IN THE MEETINGS.

4 (3) IN ADDITION TO OTHER REQUIREMENTS OF THIS PART, THE  
5 DEPARTMENT SHALL NOT ISSUE A PERMIT DESCRIBED IN SUBSECTION (1)  
6 UNLESS THE DEPARTMENT HAS CONSIDERED CUMULATIVE POLLUTION LEVELS  
7 AND EFFECTS. THE DEPARTMENT MAY DENY OR PLACE CONDITIONS ON THE  
8 PERMIT BASED ON CUMULATIVE POLLUTION LEVELS AND EFFECTS.

9 (4) AS USED IN THIS SECTION:

10 (A) "CUMULATIVE POLLUTION LEVELS AND EFFECTS" MEANS CUMULATIVE  
11 LEVELS AND EFFECTS OF PAST AND CURRENT ENVIRONMENTAL POLLUTION FROM  
12 ALL ORIGINS AND IN ALL MEDIA ON THE ENVIRONMENT AND RESIDENTS OF  
13 THE GEOGRAPHIC AREA WITHIN WHICH THE SOURCE'S AIR EMISSIONS ARE  
14 LIKELY TO BE DEPOSITED.

15 (B) "LIKELY DISPARATE IMPACT AREA" MEANS A LOCATION WITHIN A  
16 ZIP CODE CONTAINING 35 OR MORE ACTIVE PERMITS UNDER THIS PART.