

SENATE BILL No. 465

September 9, 2015, Introduced by Senator SHIRKEY and referred to the Committee on Natural Resources.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 5503 (MCL 324.5503).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5503. (1) ~~The~~ **SUBJECT TO SUBSECTION (2), THE** department
2 may do 1 or more of the following:

3 (a) Promulgate rules to establish standards for ambient air
4 quality and for emissions.

5 (b) Issue permits for the construction and operation of
6 sources, processes, and process equipment, subject to enforceable
7 emission limitations and standards and other conditions reasonably
8 necessary to assure compliance with all applicable requirements of
9 this part, rules promulgated under this part, and the clean air
10 act.

11 (c) In accordance with this part and rules promulgated under

1 this part, deny, terminate, modify, or revoke and reissue permits
2 for cause. If an application for a permit is denied or is
3 determined to be incomplete by the department, the department shall
4 state in writing with particularity the reason for denial or the
5 determination of incompleteness, and, if applicable, the provision
6 of this part or a rule promulgated under this part that controls
7 the decision.

8 (d) Compel the attendance of witnesses at proceedings of the
9 department upon reasonable notice.

10 (e) Make findings of fact and determinations.

11 (f) Make, modify, or cancel orders that require, in accordance
12 with this part, the control of air pollution.

13 (g) Enforce permits, air quality fee requirements, and the
14 requirements to obtain a permit.

15 (h) Institute in a court of competent jurisdiction proceedings
16 to compel compliance with this part, rules promulgated under this
17 part, or any determination or order issued under this part.

18 (i) Enter and inspect any property as authorized under section
19 5526.

20 (j) Receive and initiate complaints of air pollution in
21 alleged violation of this part, rules promulgated under this part,
22 or any determination, permit, or order issued under this part and
23 take action with respect to the complaint as provided in this part.

24 (k) Require reports on sources and the quality and nature of
25 emissions, including, but not limited to, information necessary to
26 maintain an emissions inventory.

27 (l) Prepare and develop a general comprehensive plan for the

1 control or abatement of existing air pollution and for the control
2 or prevention of any new air pollution.

3 (m) Encourage voluntary cooperation by all persons in
4 controlling air pollution and air contamination.

5 (n) Encourage the formulation and execution of plans by
6 cooperative groups or associations of municipalities, counties or
7 districts, or other governmental units, industries, and others who
8 severally or jointly are or may be the source of air pollution, for
9 the control of pollution.

10 (o) Cooperate with the appropriate agencies of the United
11 States or other states or any interstate or international agencies
12 with respect to the control of air pollution and air contamination
13 or for the formulation for the submission to the legislature of
14 interstate air pollution control compacts or agreements.

15 (p) Conduct or cause to be conducted studies and research with
16 respect to air pollution control, abatement, or prevention.

17 (q) Conduct and supervise programs of air pollution control
18 education including the preparation and distribution of information
19 relating to air pollution control.

20 (r) Determine by means of field studies and sampling the
21 degree of air pollution in the state.

22 (s) Provide advisory technical consultation services to local
23 communities.

24 (t) Serve as the agency of the state for the receipt of money
25 from the federal government or other public or private agencies and
26 the expenditure of that money after it is appropriated for the
27 purpose of air pollution control studies or research or enforcement

1 of this part.

2 (u) Do such other things as the department considers
3 necessary, proper, or desirable to enforce this part, a rule
4 promulgated under this part, or any determination, permit, or order
5 issued under this part, or the clean air act.

6 (2) THE DEPARTMENT, THE DIRECTOR OR HIS OR HER DESIGNEE, OR
7 THE GOVERNOR OR HIS OR HER DESIGNEE SHALL NOT SUBMIT TO THE UNITED
8 STATES ENVIRONMENTAL PROTECTION AGENCY A PLAN, OR A REVISION TO A
9 PLAN, TO ADDRESS GREENHOUSE GAS EMISSIONS FROM EXISTING FOSSIL
10 FUEL-FIRED ELECTRIC GENERATING UNITS UNDER SECTION 111(D) OF THE
11 CLEAN AIR ACT, 42 USC 7411, UNLESS ALL OF THE FOLLOWING
12 REQUIREMENTS ARE MET:

13 (A) THE DEPARTMENT SUBMITTED THE PLAN AND A STUDY ON THE
14 FEASIBILITY OF COMPLYING WITH THE PLAN, INCLUDING AN ANALYSIS ON
15 THE PLAN'S EFFECT ON ELECTRIC RATES, TO THE SECRETARY OF THE SENATE
16 AND THE CLERK OF THE HOUSE OF REPRESENTATIVES OF THIS STATE.

17 (B) THIRTY DAYS HAVE ELAPSED SINCE THE SUBMISSION OF THE PLAN
18 UNDER SUBDIVISION (A) AND THE LEGISLATURE DID NOT WITHIN THAT TIME
19 PERIOD DISAPPROVE THE PLAN BY CONCURRENT RESOLUTION.

20 (C) THERE IS NO PENDING LITIGATION BY A STATE AGAINST THE
21 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY CONCERNING FEDERAL
22 REQUIREMENTS FOR A PLAN TO ADDRESS GREENHOUSE GAS EMISSIONS FROM
23 EXISTING FOSSIL-FUEL-FIRED GENERATING UNITS UNDER SECTION 111(D) OF
24 THE CLEAN AIR ACT, 42 USC 7411, AND ALL RIGHTS TO APPEAL A JUDGMENT
25 OR FINAL ORDER IN ANY SUCH LITIGATION HAVE BEEN EXHAUSTED OR HAVE
26 EXPIRED.

27 Enacting section 1. This amendatory act takes effect 90 days

1 after the date it is enacted into law.