

# SENATE BILL No. 326

May 16, 2019, Introduced by Senators CHANG, IRWIN, GEISS, BULLOCK, ALEXANDER, BAYER and BRINKS and referred to the Committee on Environmental Quality.

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

10           (2) THE DEPARTMENT SHALL HOLD AT LEAST 1 PUBLIC MEETING ON AN  
11 APPLICATION FOR A PERMIT DESCRIBED IN SUBSECTION (1) AND AT LEAST 1

1 PUBLIC MEETING ON A PROPOSED DRAFT PERMIT. THE APPLICANT SHALL  
2 PARTICIPATE IN THE MEETINGS.

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

8 (4) AS USED IN THIS SECTION:

9 (A) "CUMULATIVE POLLUTION LEVELS AND EFFECTS" MEANS BOTH OF  
10 THE FOLLOWING:

11 (i) CUMULATIVE LEVELS OF PAST AND CURRENT ENVIRONMENTAL  
12 POLLUTION FROM ALL ORIGINS AND IN ALL MEDIA IN THE GEOGRAPHIC AREA  
13 WITHIN WHICH THE SOURCE'S AIR EMISSIONS ARE LIKELY TO BE DEPOSITED.

14 (ii) THE EFFECTS OF THAT CUMULATIVE ENVIRONMENTAL POLLUTION ON  
15 THE ENVIRONMENT AND RESIDENTS OF THAT AREA.

16 (B) "LIKELY DISPARATE IMPACT AREA" MEANS A ZIP CODE AREA WHERE  
17 EMISSIONS OCCUR UNDER 35 OR MORE ACTIVE PERMITS UNDER THIS PART.