

**State Office of Administrative Hearings and Rules**

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**REQUEST FOR RULEMAKING (RFR)**

In accordance with MCL 24.239(1): “Before initiating any changes or additions to rules, an agency shall file with the State Office of Administrative Hearings and Rules a request for rulemaking.” The agency will complete this form and send an electronic copy to the SOAHR at [soahr\\_rules@michigan.gov](mailto:soahr_rules@michigan.gov). The SOAHR will review the request for rulemaking and send its response to the agency (see last page).

Department or agency	Natural Resources and Environment
Bureau/Division	Air Quality
Address	525 West Allegan Street, Lansing, MI 48933
Contact person	Brenda Blemaster, Administrative Rules Coordinator
Telephone	517-335-6984
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**Title of proposed rule(s) or rule set:**

Air Pollution Control Rules: Part 2, Air Use Approval

**Rule number(s) or rule set range of numbers:**

R 336.1210, R 336.1211, and R 336.1299 (Rules 210, 211, and 299)

**Estimated timetable for completion:**

12-18 months

**Brief description of the proposed rule(s):**

Existing rules in Part 2 provide Michigan with the legal authority to require applications for, write, and issue Renewable Operating Permits that comply with the federal requirements under Title V of the Clean Air Act. Recent federal-level promulgation of new rules that modify applicability levels under Title V for greenhouse gases requires that Michigan modify Rule 210 and Rule 211 to allow permitting of facilities subject to federal Title V requirements by virtue of greenhouse gas emissions only.

Rule 299 contains all of the standards that have been adopted by reference in the existing Part 2 rules. Modification of Rule 211 will also require that Rule 299 be modified to include the adoption by reference of the United States Environmental Protection Agency’s rule, 40 C.F.R., part 98, subpart A, “Table A-1 – Global Warming Potentials,” which gives the global warming potential for each of the six greenhouse gases.

**State or federal statutory or regulatory basis for this proposed rule(s)** [include statutory references and public acts, as necessary]:

Sections 5503 and 5512, Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, provide for the promulgation of rules.

**Problem the proposed rule intends to address/solve:**

Existing Michigan Part 2 rules do not allow the state to fully implement the recently promulgated federal Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule. Rule 210 and Rule 211 must be modified to give Michigan legal authority to write and issue permits for facilities that become subject to federal Title V requirements by virtue of their greenhouse gas emissions only.

Rule 299 contains all of the standards that have been adopted by reference in the existing Part 2 rules. Updating this information with the most recent version and the most recent cost for each standard will remove any possibility of obtaining/using obsolete adoption by reference materials. The adoption by reference referred to in Rule 211 will be added to the existing list of standards adopted by reference in Rule 299.

**Reviewed by the following Departmental Regulatory Affairs Officer (RAO):**

Susan Maul

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↓ To be completed by the SOAHR ↓

**Reviewed by SOAHR Representative:**

Norene Lind, Administrative Rules Manager

**SOAHR Response:**

Date RFR received: 7-26-10 <b>Amended: 12-9-10 &amp; 12-20-10</b>		
Approval	<input checked="" type="checkbox"/>	
Disapproval	<input type="checkbox"/>	Explain:
More information needed	<input type="checkbox"/>	Explain:
Date RFR approved: 7-26-10 <b>Amended: 12-9-10 &amp; 12-20-10</b>		SOAHR #: 2010-035 NE

(SOAHR-RFR March 2008)