

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. 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, P.O. Box 30260, Lansing, MI 48909
Contact person	Robert Irvine
Telephone	517-373-7042
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Title of proposed rule(s) or rule set:

Part 18, Prevention of Significant Deterioration of Air Quality

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

R 336.2801 and R 336.2816

Estimated timetable for completion:

6 months

Brief description of the proposed rule(s):

Modify existing language in Air Pollution Control Rule R 336.2801 to add a significance threshold for the PM2.5 pollutant. Modify existing language in Air Pollution Control Rule R 336.2816 to be consistent with the federal requirements for the Prevention of Significant Deterioration of Air Quality, Title 40 of the Code of Federal Regulations, Section 51.166(p).

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

Section 5512 of Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, allows the promulgation of rules.

Problem the proposed rule intends to address/solve:

The U.S. EPA has revised the regulations pertaining to the Prevention of Significant Deterioration by adding requirements for PM2.5, specifically, a significance threshold. A significance threshold is established by EPA to limit the applicability of PSD regulations to larger sources, those above the significance level. PM2.5 is a new standard with a new significance level. R 336.2801 is revised to add the new threshold. The U.S. EPA has proposed to disapprove R 336.2816 from Michigan's State Implementation Plan (SIP) submittal. With this change, Michigan would have full SIP approval of our state

rules for the Prevention of Significant Deterioration.
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Reviewed by the following Departmental Regulatory Affairs Officer (RAO):

Susan Maul

 ↓ To be completed by the SOAHR ↓

Reviewed by SOAHR Representative:

Norene Lind, Administrative Rules Manager

SOAHR Response:

Date received: 10-20-09		
Amended: 4-5-10		
Approval		
Disapproval		Explain:
More information needed		Explain:
Date approved: 10-21-09		SOAHR #: 2009-055 NE
Amended: 4-5-10		

(SOAHR –RFR June 2005)