

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).

Date of request	April 1, 2010
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 19, New Source Review For Major Sources Impacting Nonattainment Areas

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

R 336.2901

Estimated timetable for completion:

6 months

Brief description of the proposed rule(s):

Modify existing language in Air Pollution Control Rule R 336.2901 to add a significance threshold for the PM2.5 pollutant.

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 Nonattainment New Source Review (NSR) by adding requirements for PM2.5, specifically, a significance threshold. A significance threshold is established by EPA to limit the applicability of nonattainment NSR regulations to larger sources, those above the significance level. PM2.5 is a new standard with a new significance level. R 336.2901 is revised to add the new threshold.

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: 4-5-10		
Approval	<input checked="" type="checkbox"/>	
Disapproval	<input type="checkbox"/>	Explain:
More information needed	<input type="checkbox"/>	Explain:
Date approved: 4-5-10		SOAHR #: 2010-022 NE

(SOAHR –RFR June 2005)