

**LAWS AND RULES THAT REQUIRE PUBLIC PARTICIPATION**

	<i><b>What actions are required an opportunity for public comment and a public hearing?</b></i>	<i><b>What are the requirements?</b></i>
<p><b>Section 324.5511 Natural Resources and Environmental Protection Act (NREPA)</b></p>	<p>Section 324.5511(3) requires that an “opportunity for public comment and a public hearing” on the following draft actions be provided:</p> <ul style="list-style-type: none"> <li>• Major source or major modification under Title I of the Clean Air Act (CAA)</li> <li>• Renewable Operating Permits</li> <li>• Consent Orders</li> <li>• “A permit for which there is known public controversy”</li> <li>• General permits</li> </ul>	<p>Section 324.5511(3)(a) – Public notice</p> <ul style="list-style-type: none"> <li>• “...Publication in a newspaper of general circulation in the area where the source is located, or in a state publication designed to give general public notice, and by other means determined to be necessary by the department to assure adequate notice to the public.”</li> <li>• Persons on a mailing list, developed by the department and “any other person who requests in writing to be notified of a permit action involving a specific source.”</li> </ul> <p>Section 324.5511(3)(b) – Notice Content</p> <ul style="list-style-type: none"> <li>• Details the information required to be included in the notice.</li> </ul> <p>Section 324.5511(3)(c) – Timing</p> <ul style="list-style-type: none"> <li>• “The department shall provide at least 30 days for public comment and shall give notice of any public hearing at least 30 days in advance of the hearing.”</li> </ul> <p>Section 324.5511(3)(d) – Records</p> <ul style="list-style-type: none"> <li>• “The department shall keep a record of the commenters and the issues raised during the public comment period and public hearing, if held, and these records shall be available to the public.”</li> </ul>
<p><b>Section 324.5528 NREPA</b></p>	<p>Section 324.5528(3) requires “an opportunity for public comment on the terms and conditions of a consent order.”</p>	<p>Section 324.5528(3) – Public Comment</p> <ul style="list-style-type: none"> <li>• “The department shall provide public notice and an opportunity for public comment on the terms and conditions of a consent order. Upon the request of any person the department shall provide a copy of the proposed consent order.”</li> </ul>
<p><b>Administrative Procedures Act (APA) Sections 41 and 42</b></p>	<p>Section 24.241 requires notice of public hearing before adoption of rule; opportunity to present data, views, questions, and arguments; time, contents, and transmittal of notice; renewal of requests for notices; provisions governing public hearing; presence and participation of certain persons at public hearing required.</p>	<p>Section 24.241(1)-(5)</p> <ul style="list-style-type: none"> <li>• Includes information and requirements for noticing rules for public review prior to adoption.</li> </ul> <p>Section 24.242(1)-(5)</p> <ul style="list-style-type: none"> <li>• Includes: Notice of public hearing; publication requirements; submission of copy to office of regulatory reform; publication of notice in Michigan register; distribution of copies of notice of public hearing; meeting of joint committee on administrative rules.             <ul style="list-style-type: none"> <li>▪ Shall publish the notice not less than 10 days and not more than 60 days before the date of the public hearing in at least 3 newspapers of general circulation</li> </ul> </li> </ul>

		<p>in different parts of the state, 1 of which shall be in the Upper Peninsula</p> <ul style="list-style-type: none"> <li>▪ Additional methods include publication in trade, industry, governmental, or professional publications or posting on the website of the agency or the office of regulatory reform</li> <li>▪ Office of regulatory reform publishes the draft in the Michigan Register.</li> <li>▪ Office of regulatory reform will send the rule to the applicable Senate and House committee</li> </ul>
<b>R 336.1205</b>	<p>Rule 205(1)(b)</p> <ul style="list-style-type: none"> <li>• Requires public comment for all PSD major source applications, major modifications, and permits that restrict the potential to emit for process equipment at levels greater than 90% of the applicable requirement.</li> </ul>	As required under Section 324.5511(3)
<b>R 336.1214</b>	<p>Rule 214(3)</p> <ul style="list-style-type: none"> <li>• Requires public comment for Initial and Renewal ROPs, significant modifications, and reopenings.</li> </ul>	As required under Section 324.5511(3)
<b>R 336.2817</b>	<p>Rule 1817</p> <ul style="list-style-type: none"> <li>• Outlines the requirements for public participation under Part 18 (PSD Rules), major sources and major modifications at existing major sources.</li> </ul>	<p>Rule 1817(c) – Notification</p> <ul style="list-style-type: none"> <li>• Notify the public, by advertisement in a newspaper of general circulation in each region in which the proposed major source would be constructed. (Includes requirement for notification)</li> </ul> <p>Rule 1817(d) – List of individuals to be included on the notification.</p> <p>Rule 1817(e) – Hearing</p> <ul style="list-style-type: none"> <li>• Provide opportunity for a public hearing for interested persons to appear and submit written or oral comments.</li> </ul> <p>Rule 1817(f) –</p> <ul style="list-style-type: none"> <li>• Consider all comments received during comment period. Make all comments available.</li> </ul> <p>Rule 1817(g) – Requirement to make a permit decision.</p> <p>Rule 1817(f) – Permit decision</p> <ul style="list-style-type: none"> <li>• Notify the applicant in writing of the final determination and make the notification available for public inspection at the same location where the department made available preconstruction information and public comments relating to the major source.</li> </ul>

<p><b>40 CFR Part 124</b></p>	<p>Subpart A includes requirements for:</p> <ul style="list-style-type: none"> <li>Public notice of permit actions, public comments and requests for hearing, public hearing, and computation of time.</li> </ul>	<p>40 CFR Part 124 Subpart A</p> <ul style="list-style-type: none"> <li>124.10 – Public notice of permit actions and public comment period.</li> <li>124.11 – Public comments and requests for public hearings.</li> <li>124.12 – Public hearings.</li> <li>124.15 – Issuance and effective date of the permit.</li> <li>124.17 – Response to comments.</li> <li>124.20(a)-(d) – Computation of time. <ul style="list-style-type: none"> <li>Any time period scheduled to begin on the occurrence of an act or event shall begin on the day after the act or event.</li> <li>Any time period scheduled to begin before the occurrence of an act or event shall be computed so that the period ends on the day before the act or event.</li> <li>If the final day of any time period falls on a weekend or legal holiday, the time period shall be extended to the next working day.</li> <li>Whenever a party or interested person has the right or is required to act within a prescribed period after the service of notice or other paper upon him or her by mail, 3 days shall be added...</li> </ul> </li> </ul>
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**PUBLIC COMMENT PROCEDURES**

<p><b>Permit to Install (PTI)</b></p>			
<p>Notification of Public Comment and Public Comment Period</p>	<p>Required:</p> <ul style="list-style-type: none"> <li>A newspaper of local circulation</li> <li>Other Department publications under Section 324.5511</li> <li>Interested party notification</li> <li>30 day comment period and opportunity for a hearing with 30 day notice</li> </ul>	<p>In Practice:</p> <ul style="list-style-type: none"> <li>A newspaper of local circulation <ul style="list-style-type: none"> <li><i>Notice of Hearing</i></li> </ul> </li> <li>Air Quality Division (AQD) public notice website <ul style="list-style-type: none"> <li><i>Notice of Hearing</i></li> <li><i>Letter to the Company</i></li> <li><i>Letter to Interested Parties</i></li> <li><i>Draft Permit Conditions</i></li> <li><i>Fact Sheet</i></li> </ul> </li> <li>Department Calendar <ul style="list-style-type: none"> <li><i>Statement about public comment</i></li> </ul> </li> </ul>	<p>Enhanced:</p> <ul style="list-style-type: none"> <li>A newspaper of local circulation <ul style="list-style-type: none"> <li><i>Notice of Hearing</i></li> </ul> </li> <li>Air Quality Division (AQD) public notice website <ul style="list-style-type: none"> <li><i>Notice of Hearing</i></li> <li><i>Letter to the Company</i></li> <li><i>Letter to Interested Parties</i></li> <li><i>Draft Permit Conditions</i></li> <li><i>Fact Sheet</i></li> <li><i>Proposed Project Summary</i></li> </ul> </li> <li>Department Calendar <ul style="list-style-type: none"> <li><i>Statement about public comment</i></li> </ul> </li> <li>Permit specific website with information regarding the source and permitting action</li> <li>Additional Meetings</li> <li>Potential extension of comment period</li> </ul>

			<ul style="list-style-type: none"> <li>• Press Release</li> <li>• Twitter</li> </ul>
Hearing	<p>Required:</p> <ul style="list-style-type: none"> <li>• Provide an opportunity for a hearing (does not require that the hearing be located near the facility)</li> </ul>	<p>In Practice:</p> <ul style="list-style-type: none"> <li>• For major sources, major modifications and PTIs of known public controversy: <ul style="list-style-type: none"> <li>▪ <i>Public hearing if requested in writing in the area where the facility is located</i></li> <li>▪ <i>Informational session prior to the hearing</i></li> </ul> </li> <li>• For PTIs with restrictions greater than 90% of an applicable threshold: <ul style="list-style-type: none"> <li>▪ <i>Public hearing if requested in writing</i></li> </ul> </li> <li>• Materials: <ul style="list-style-type: none"> <li>▪ <i>Fact Sheet</i></li> <li>▪ <i>Draft Permit Conditions</i></li> <li>▪ <i>Frequently Asked Questions Document</i></li> </ul> </li> </ul>	<p>Enhanced:</p> <ul style="list-style-type: none"> <li>• For major sources, major modifications and PTIs of known public controversy: <ul style="list-style-type: none"> <li>▪ <i>Public hearing if requested in writing in the area where the facility is located</i></li> <li>▪ <i>Informational session prior to the hearing</i></li> </ul> </li> <li>• Additional informational sessions</li> <li>• Materials: <ul style="list-style-type: none"> <li>▪ <i>Fact Sheet</i></li> <li>▪ <i>Proposed Project Summary</i></li> <li>▪ <i>Draft Permit Conditions</i></li> <li>▪ <i>Frequently Asked Questions Document</i></li> <li>▪ <i>Other handouts as appropriate</i></li> <li>▪ <i>Maps and charts for visual aid</i></li> </ul> </li> </ul>
Decision	<p>Required:</p> <ul style="list-style-type: none"> <li>• Part 18 (PSD Rules) requires notification of the applicant and interested parties of the permit decision.</li> <li>• Required to respond to comments.</li> </ul>	<p>In Practice:</p> <ul style="list-style-type: none"> <li>• Notification of the permit decision for all applications that go out to public comment including: <ul style="list-style-type: none"> <li>▪ <i>The company – Letter with permit decision and attached final conditions, if applicable, mailed and emailed to the applicant</i></li> <li>▪ <i>Interested parties – Mailed or emailed notification of the permit decision and information regarding where they can view the final permit or documents</i></li> </ul> </li> <li>• Materials: <ul style="list-style-type: none"> <li>▪ <i>Letter to the Company</i></li> <li>▪ <i>Letter to Interested Parties</i></li> <li>▪ <i>Final Permit Conditions, if applicable</i></li> <li>▪ <i>Response to Comments Document, if completed</i></li> </ul> </li> </ul>	<p>Enhanced:</p> <ul style="list-style-type: none"> <li>• Notification of the permit decision for all applications that go out to public comment including: <ul style="list-style-type: none"> <li>▪ <i>The company – Letter with permit decision and attached final conditions, if applicable, mailed and emailed to the applicant</i></li> <li>▪ <i>Interested parties – Mailed or emailed notification of the permit decision and information regarding where they can view the final permit or documents</i></li> <li>▪ <i>Press release – statement regarding decision</i></li> <li>▪ <i>Twitter– statement regarding decision</i></li> </ul> </li> <li>• Materials: <ul style="list-style-type: none"> <li>▪ <i>Letter to the Company</i></li> <li>▪ <i>Letter to Interested Parties</i></li> <li>▪ <i>Final Permit Conditions, if applicable</i></li> <li>▪ <i>Response to Comments</i></li> </ul> </li> </ul>

			<i>Document, if completed</i>
<b>Renewable Operating Permit (ROP)</b>			
Notification of Public Comment and Public Comment Period	<p>Required:</p> <ul style="list-style-type: none"> <li>• A newspaper of local circulation or in a state publication designed for providing public notice</li> <li>• Interested party notification</li> <li>• 30 day comment period and opportunity for a hearing with 30 day notice</li> <li>• Provide to any affected state</li> <li>• Keep a record of the commenters and the issues raised during the public participation process and make the records available to the public</li> </ul>	<p>In Practice:</p> <ul style="list-style-type: none"> <li>• Department Calendar <ul style="list-style-type: none"> <li>▪ <i>Notification about public comment</i></li> </ul> </li> <li>• Air Quality Division (AQD) public notice website <ul style="list-style-type: none"> <li>▪ <i>Public Notice</i></li> <li>▪ <i>Staff Report</i></li> <li>▪ <i>Draft ROP</i></li> <li>▪ <i>Plans associated with the ROP</i></li> <li>▪ <i>ROP Application</i></li> </ul> </li> <li>• Letter sent to Interested Parties</li> <li>• ROP packet made available for public review at an alternative location as needed (i.e., local library, town hall) and include that location in the public notice Email sent to EPA and affected states <ul style="list-style-type: none"> <li>▪ <i>Notification of the public comment period</i></li> <li>▪ <i>Provide link to documents on public notice website</i></li> </ul> </li> <li>• Letter sent to the Responsible Official with copy of the Staff Report and Draft ROP, documents emailed to other company contacts</li> <li>• Records of comments are maintained in the ROP file and substantive comments are addressed in the Addendum to the Staff Report</li> </ul>	<p>Enhanced:</p> <ul style="list-style-type: none"> <li>• A newspaper of local circulation <ul style="list-style-type: none"> <li>▪ <i>Public Notice</i></li> </ul> </li> <li>• Department Calendar <ul style="list-style-type: none"> <li>▪ <i>Notification about public comment</i></li> </ul> </li> <li>• Air Quality Division (AQD) public notice website <ul style="list-style-type: none"> <li>▪ <i>Public Notice</i></li> <li>▪ <i>Staff Report</i></li> <li>▪ <i>Draft ROP</i></li> <li>▪ <i>Plans associated with the ROP</i></li> <li>▪ <i>ROP Application</i></li> </ul> </li> <li>• Letter sent to Interested Parties</li> <li>• ROP packet made available for public review at an alternative location as needed (i.e., local library, town hall) and include that location in the public notice Email sent to EPA and affected states <ul style="list-style-type: none"> <li>▪ <i>Notification of the public comment period</i></li> <li>▪ <i>Provide link to documents on public notice website</i></li> </ul> </li> <li>• Letter sent to the Responsible Official with copy of the Staff Report and Draft ROP, documents emailed to other company contacts</li> <li>• Records of comments are maintained in the ROP file and substantive comments are addressed in the Addendum to the Staff Report</li> <li>• Additional Public Meetings</li> <li>• Potential extension of comment period</li> <li>• Press Release</li> <li>• Twitter</li> </ul>
Hearing	<p>Required:</p> <ul style="list-style-type: none"> <li>• Provide an opportunity for a hearing</li> <li>• Keep a record of the commenters and the issues raised during the</li> </ul>	<p>In Practice:</p> <ul style="list-style-type: none"> <li>• For Initial/Renewal ROPs, significant modifications and reopenings: <ul style="list-style-type: none"> <li>▪ <i>Public hearing either scheduled up front or if requested in writing – held in the area where the facility is</i></li> </ul> </li> </ul>	<p>Enhanced:</p> <ul style="list-style-type: none"> <li>• For Initial/Renewal ROPs, significant modifications and reopenings: <ul style="list-style-type: none"> <li>▪ <i>Public hearing either scheduled up front or if requested in writing – held in the area where the facility</i></li> </ul> </li> </ul>

	<p>hearing and make the records available to the public</p>	<p><i>located</i></p> <ul style="list-style-type: none"> <li>▪ <i>Informational session prior to the hearing</i></li> <li>• Materials: <ul style="list-style-type: none"> <li>▪ <i>Staff Report</i></li> <li>▪ <i>Draft ROP</i></li> <li>▪ <i>Plans associated with the ROP</i></li> <li>▪ <i>Frequently Asked Questions Document</i></li> </ul> </li> <li>• Records of comments are maintained in the ROP file and substantive comments are addressed in the ROP Staff Report Addendum</li> </ul>	<p><i>is located</i></p> <ul style="list-style-type: none"> <li>▪ <i>Informational session prior to the hearing</i></li> <li>• Additional informational sessions</li> <li>• Materials: <ul style="list-style-type: none"> <li>▪ <i>Staff Report</i></li> <li>▪ <i>Draft ROP</i></li> <li>▪ <i>Plans associated with the ROP</i></li> <li>▪ <i>Frequently Asked Questions Document</i></li> <li>▪ <i>Other handouts as appropriate</i></li> <li>▪ <i>Maps and charts for visual aid</i></li> </ul> </li> <li>• Records of comments are maintained in the ROP file and substantive comments are addressed in the ROP Staff Report Addendum.</li> </ul>
Decision	<p>Required:</p> <ul style="list-style-type: none"> <li>• Prepare Proposed Initial/Renewal ROP or significant modification</li> <li>• If substantive changes made to the ROP, provide company with 7-30 days to review and comment</li> <li>• Send Proposed ROP to EPA for 45 day comment</li> </ul>	<p>In Practice:</p> <ul style="list-style-type: none"> <li>• Incorporate applicable comments into the Proposed ROP</li> <li>• Create an Addendum to the Staff Report <ul style="list-style-type: none"> <li>▪ <i>Discuss significant comments received from the public, affected states, EPA and the company</i></li> <li>▪ <i>Provide AQD response and identify any changes made to the ROP</i></li> <li>▪ <i>If no comments received, state this in the addendum</i></li> </ul> </li> <li>• If substantive changes were made to the Draft ROP, provide the company 7-15 days to review and comment on the changes</li> <li>• After company review, or if no changes were made, send letter to company notifying them of EPA review period starting</li> <li>• Send letter to interested parties with link to Proposed ROP and Staff Report and notification that EPA review has begun</li> <li>• Send email to EPA to begin their 45 day review of the Proposed ROP</li> </ul>	<p>Enhanced:</p> <ul style="list-style-type: none"> <li>• Incorporate applicable comments into the Proposed ROP</li> <li>• Create an Addendum to the Staff Report <ul style="list-style-type: none"> <li>▪ <i>Discuss significant comments received from the public, affected states, EPA and the company</i></li> <li>▪ <i>Provide AQD response and identify any changes made to the ROP</i></li> <li>▪ <i>If no comments received, state this in the addendum</i></li> </ul> </li> <li>• If substantive changes were made to the Draft ROP, provide the company 7-15 days to review and comment on the changes <ul style="list-style-type: none"> <li>▪ <i>Meet with the company to discuss changes and any questions they have</i></li> </ul> </li> <li>• After company review, or if no changes were made, send letter to company notifying them of EPA review period starting</li> <li>• Send letter to interested parties with link to Proposed ROP and Staff Report and notification that EPA review has begun</li> </ul>

			<ul style="list-style-type: none"> <li>▪ <i>Meet with interested parties to explain changes made or not made and why</i></li> <li>• Send email to EPA to begin their 45 day review of the Proposed ROP</li> </ul>
<b>Consent Orders</b>			
Notification of Public Comment and Public Comment Period	<p>Required:</p> <ul style="list-style-type: none"> <li>• A newspaper of local circulation or other Department publications</li> <li>• Interested party notification</li> <li>• 30 day comment period and opportunity for a hearing with 30 day notice</li> </ul>	<p>In Practice:</p> <ul style="list-style-type: none"> <li>• Air Quality Division (AQD) enforcement website <ul style="list-style-type: none"> <li>▪ <i>Draft Consent Order</i></li> <li>▪ <i>Staff Report</i></li> </ul> </li> <li>• Department Calendar <ul style="list-style-type: none"> <li>▪ <i>Statement about public comment period</i></li> </ul> </li> </ul>	<p>Enhanced:</p> <ul style="list-style-type: none"> <li>• Reposted the Consent Order for an additional 30 days</li> </ul>
Hearing	<p>Required:</p> <ul style="list-style-type: none"> <li>• Provide an opportunity for a hearing (does not require that the hearing be located near the facility)</li> </ul>	<p>In Practice:</p> <ul style="list-style-type: none"> <li>• For major all consent orders: <ul style="list-style-type: none"> <li>▪ <i>Public hearing if requested in writing in the area where the facility is located</i></li> <li>▪ <i>Informational session prior to the hearing</i></li> </ul> </li> <li>• Materials: <ul style="list-style-type: none"> <li>▪ <i>Draft Consent Order</i></li> </ul> </li> </ul>	<p>Enhanced:</p>
Decision	<p>Required:</p> <ul style="list-style-type: none"> <li>• There are no requirements for posting the final decision.</li> </ul>	<p>In Practice:</p> <ul style="list-style-type: none"> <li>• The final Consent Order and Staff Report, if available are posted to the AQD Enforcement website</li> </ul>	<p>Enhanced:</p> <ul style="list-style-type: none"> <li>• If needed a Response to Comments document is drafted for the comments received regarding the Consent Order</li> </ul>
<b>Consent Judgements</b>			
Notification of Public Comment and Public Comment Period	<p>Required:</p> <ul style="list-style-type: none"> <li>• NA, Court entered document.</li> </ul>	<p>In Practice:</p> <ul style="list-style-type: none"> <li>• NA, Court entered document.</li> </ul>	<p>Enhanced:</p> <ul style="list-style-type: none"> <li>• If it is a facility with known controversy the Consent Judgement will be posted for informational purposes.</li> </ul>
Hearing	<p>Required:</p> <ul style="list-style-type: none"> <li>• NA, Court entered document.</li> </ul>	<p>In Practice:</p> <ul style="list-style-type: none"> <li>• NA, Court entered document.</li> </ul>	<p>Enhanced:</p> <ul style="list-style-type: none"> <li>• If it is a facility with known controversy an informational meeting</li> </ul>

			may be held to present information relative to a Consent Judgement. At the meeting questions may be taken and answered.
Decision	Required: <ul style="list-style-type: none"><li>• NA, Court entered document.</li></ul>	In Practice: <ul style="list-style-type: none"><li>• NA, Court entered document.</li></ul>	Enhanced:

<b>Rules/SIP</b>			
Notification of Public Comment and Public Comment Period	Required: <ul style="list-style-type: none"> <li>• Notice in 3 newspapers 10 to 60 days prior to a hearing</li> <li>• 30 day public comment period</li> <li>• Published in the Michigan Register</li> </ul>	In Practice: <ul style="list-style-type: none"> <li>• 3 newspapers across the state</li> <li>• Office of regulatory reinvention posts the rules to the Michigan Register at least 1 day prior to the hearing date</li> <li>• Department Calendar               <ul style="list-style-type: none"> <li>▪ <i>Statement about public comment</i></li> </ul> </li> </ul>	Enhanced: <ul style="list-style-type: none"> <li>• At times will convene a stakeholder groups as appropriate for rule making</li> </ul>
Hearing	Required: <ul style="list-style-type: none"> <li>• Hearing required</li> </ul>	In Practice: <ul style="list-style-type: none"> <li>• Hearing held in Lansing, Michigan</li> <li>• Materials               <ul style="list-style-type: none"> <li>▪ <i>Rules revisions</i></li> <li>▪ <i>SIP</i></li> <li>▪ <i>Staff Report</i></li> </ul> </li> </ul>	Enhanced:
Decision	Required: <ul style="list-style-type: none"> <li>• There are no requirements for posting the final decision.</li> </ul>	In Practice: <ul style="list-style-type: none"> <li>• Final rules posted on website.</li> </ul>	Enhanced: <ul style="list-style-type: none"> <li>• Press release</li> <li>• Twitter</li> </ul>