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STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



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**Air Toxics Workgroup (ATW)
Meeting Summary
March 5, 2013**

Members Present:

Stuart Batterman, U of M	John Caudell, Fishbeck Thompson Carr & Huber
Greg Ryan, DTE Energy	Steve Kohl, Warner Norcross & Judd
Brad Venman, NTH	Brad van Guilder, Sierra Club (on telephone)
Kim Essenmacher, GM	David Gustafson, Dow Chemical Co.
Chris Bush for Kory Groetsch, MDCH	Bob Sills, AQD
Carrie Houtman, Dow Chemical Co.	Mary Ann Dolehanty, AQD
Joy Taylor Morgan, AQD, Facilitator	

Members Absent:

James Clift, MI Environmental Council

Guests/Observers Present:

Mary Maupin, AQD	Mike Depa, AQD
Jim Sygo, Deputy Director MDEQ	Dave Fiedler, Regulatory Affairs Officer, MDEQ
Mark Mitchell, AQD	

The meeting was initiated with introductions because of the ATW's soon-to-be-new member Carrie Houtman, who will be replacing David Gustafson upon his retirement in the next couple of months, and, Chris Bush was sitting in for Kory Groetsch. The group had no changes to the second meeting summary, so the meeting summary was finalized and placed on the ATW web page.

A-1(8)

The group began with the discussion of A-1(8), which is a recommendation to stop conducting elaborate and costly stack tests. One of the most significant sectors affected by this recommendation is the "hot mix asphalt plants." AQD staff addressed this issue previously by developing a paper titled, "Eliminating the Mandatory Testing Requirement for Toxic Air Contaminants for Hot Mix Asphalt Plants in Michigan," dated 6/1/2012. The group felt that this paper addressed the concern for this source sector. However, the Workgroup members (Members) sought a commitment that the AQD will not similarly require prolonged and expensive stack testing for other sectors (such as wood fired boilers). The AQD responded that they will continue to need to require stack testing in the future to verify emission estimates and compliance with permit limits, and that the data are used for those purposes.

Members also pointed out that the regulated community does not have access to stack test results across all sources tested in Michigan, other than the FOIA process, which seems to be an inefficient way to compile, review and utilize such data. They are interested in having the AQD develop a template for companies to electronically submit stack test results in a consistent manner, which can be compiled by the AQD, and made available to anyone.

The AQD agreed that increasing the accessibility of the data to outside parties was a good idea, but that the AQD didn't have the resources at this time to develop and implement the idea. The question was asked of Jim Sygo, who said that there is a concern for the resources it would require developing it. However, as long as the data entered are not retroactive and there is a specific template that people can follow, it may be reasonable; however, the State can't force facility representatives to complete and submit a stack test data template. He thought it may not be feasible to develop a useful database using a common template unless a statute or rule change made it a requirement to use the template.

Members were interested in presenting the stack testing template and database idea to Karen Kajiya-Mills (Supervisor of the AQD Technical Programs Unit) for her input. AQD staff and Greg Ryan will discuss it with her. Members will share what reporting systems other states may have developed.

A-1(1)

Recommendation A-1(1), which addresses Rule 224 and VOCs, was discussed next. AQD staff felt that as written, the AQD was complying with the recommendation. The Members felt that Rule 224 could be written more clearly to show that VOCs are exempt from T-BACT. AQD staff was amenable to the suggestion and will develop draft language.

A-1(4)

Recommendation A-1(4) regarding the exemption of clean fuels was next discussed. AQD staff presented a draft discussion paper titled, "Clean Fuels Discussion." Staff have begun conducting a modeling exercise to demonstrate what air toxics emissions from fuel combustion may be reasonably anticipated to have ambient air impacts above the ITSL or IRSL. Thus far, preliminary results are available for natural gas and diesel fuel. The Members were favorable to the approach outlined in the document to evaluate the fuels and better inform the Rule 225 exemption issue. AQD staff will continue further development of the document, and develop additional results including biofuels, to allow the Members to make a more informed recommendation.

A-1(5)

A discussion of recommendation A-1(5) regarding exemption of pollution control projects commenced. Mary Ann Dolehanty distributed two documents titled, "Chapter 7: Pollution Control Projects," which is from the now-outdated PSD workbook, and a copy of R. 285 "Permit to install exemptions: miscellaneous." On page four of the first document, it listed pollution control devices that are environmentally beneficial. Staff felt that the concept had merit, but that an appropriate definition of what would be regarded as a "pollution control project" was critical. It was noted that some pollution control equipment can result in an increase of a pollutant (ex. SCRs and ammonia). Projects that involve the addition of pollution control equipment but also involve a fuel switch greatly complicate the issue; one member agreed and recommended that fuel switches be excluded from the proposed exemption. The Members stated that it would be important to develop a definition of a "pollution control project;" staff will work with John Caudell and Steve Kohl on that.

A-1(6)

Discussion followed on recommendation A-1(6), which is to limit the number of air toxics to the federal HAP list. Bob Sills gave an overview of the current definition of Toxics Air Contaminants (TACs), which is an open-ended definition and includes 41 exemptions. He mentioned that Texas also has an open-ended definition and a list of more than 3,000 screening levels; they also have 12 toxicologists whereas the AQD has 3.5. Some states do only use the HAP list. A

DEQ stakeholder workgroup visited this same issue in 1997 and recommended not to have a finite list of air toxics. It was mentioned that the HAP list does not necessarily include the most toxic compounds, for example hydrochloric acid is on the HAP list, but sulfuric acid is not on the HAP list and is more toxic.

Members stated that a lot of front-end work must be done by applicants and consultants before a permit application is ever submitted, and often that effort is made more lengthy and onerous due to the current broad TAC definition. Most states have a defined list of regulated air toxics, such as Ohio. The current DEQ approach is overly broad and is a barrier to a complete permit application.

Members were also concerned that a relatively simple material change also made them go through an air toxics review. A Member mentioned that getting a screening level from Texas is much quicker than in Michigan and sometimes can occur within two days. The AQD usually develops screening levels in under two weeks, sometimes within two days; but, if key studies must be obtained and reviewed, that could take more time. AQD staff said that they process 450-500 permits each year and a new screening level is needed approximately once every two weeks.

A Member also mentioned that if HAPs are controlled, then often other air toxics of similar types will be controlled. There are a limited number of types of air pollution control, and they are effective on categories of compounds. A discussion took place on how a pollutant is added to a list, and most felt that this was important to have a mechanism to add or delete a pollutant from a list. Staff stated that, if the DEQ had a defined list, it would be important to retain the authority to address public health concerns for air toxics from a proposed process, even if the air toxics were not on the list. One Member mentioned that if there is a finite list and Rule 228 is rescinded, there is a major conflict. A suggestion was made to keep the 1,200 substances currently on the screening level list, but group them into different categories and possibly use surrogates for other pollutants.

Because the group had various views on this topic, and staff requested clearer direction on what approach(es) to pursue in the coming meetings, Joy suggested that they vote on three different options. The voting was conducted at the end of the meeting (see results below). The three options were:

- 1) Use the HAP list only;
- 2) Use the HAP list plus other substances, with a caveat to add/address other substances, and;
- 3) Status Quo.

A-1(7)

A discussion took place regarding recommendation A-1(7), which is to make the acceptable exposure limits consistent with other nearby states. Bob reminded Members of the different methods used by nearby states, some more protective, some not as protective. Members clarified the recommendation in the ORR report; the recommendation is to try to be consistent with other nearby states with regard to the methods used to develop the screening levels, and the resulting screening level values and averaging times. Staff indicated that AQD can develop more detailed comparisons of EPA Region 5 state air toxics risk assessment approaches, and is open to recommendations for rule changes to derive appropriate health-based screening levels. It was noted that the DEQ conservatively applies a 24-hour averaging time for RfC- and RfD-based ITSLs, which is not consistent with the EPA's application of RfCs in their assessments

- 1) Use the HAP list only
- 2) Use the HAP list plus other substances, with a caveat to add/address other substances
- 3) Status Quo

The results were for option 1) HAPs list only:

1 vote for "Agree with Reservations"
5 votes for "Mixed Feelings"
3 votes for "Strongly Disagree"

For option 2) HAP list plus other substances with caveat to add

3 votes for "Endorse"
4 votes for "Agree with Reservations"
1 vote for "Mixed Feelings"
1 for "Strongly Disagree"

For option 3) Status quo:

3 votes were for "Endorse"
1 vote was for "Disagree"
5 votes were for "Strongly Disagree"

(These are the results with all but one member voting to date.)

Action Items to be Completed Prior to the Next ATW Meeting:

- The AQD will develop language to address A-1(8) that covers hot mix asphalt plants and investigate if a template for stack test data can be developed and utilized.
- John Caudell offered to share stack test templates from other states with the AQD.
- The AQD will draft a potential revision to Rule 224 to more clearly demonstrate that VOCs regulated under R. 702 are exempt from T-BACT.
- Mary Ann, John, Steve and David G. will develop a definition of "pollution control projects" and examples and appropriate boundaries for the definition (i.e., no increase of TACs.)
- AQD staff will continue development of the clean fuels document.
- The AQD will investigate how other states are able to add pollutants to their list and address unlisted substances in permit review.
- The AQD will compare the lists from Region 5 states and compare similar chemicals with these states to determine if the criteria are similar for deriving screening levels.
- John offered to provide emission factors for clean fuels.
- Steve Kohl offered to provide some draft rule language regarding A-1(3) MACT exemptions from R225.
- Greg Ryan and the AQD offered to contact Karen Kajiya-Mills, Supervisor, AQD Technical Programs Unit, regarding developing a template for stack test data.

Meeting Summary prepared by: Joy Taylor Morgan, Facilitator 3-6-13