

INTRODUCTION OF A-1

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Environmental Advisory Rules Committee

- * **Richard Barr, Honigman Miller Schwartz and Cohn**
- * **Skiles Boyd, DTE Energy**
- * **John Caudell, FTCH&H**
- * **James Clift, Michigan Environmental Council**
- * **Troy Cumings, Warner Norcross & Judd**
- * **Randy Gross, MDEQ**
- * **David Gustafason, The Dow Chemical Company**
- * **Linda Hilbert, Consumers' Energy**
- * **Carol Issacs, Attorney General's Office**
- * **John McCulloch, Oakland County Water Resources**
- * **Andy Such, MMA**
- * **Brian Warner, Wolverine Power**

REGULATORY REINVENTION

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DEQ Regulatory Reinvention

The purpose of this Web page is to provide up-to-date information on the DEQ's progress in addressing the recommendations contained in the Office of Regulatory Reinvention's (ORR) Final Report dated December 2011. Please send any questions or comments to Dave Fiedler, Regulatory Affairs Officer, at fiedlerd@michigan.gov or call 517-335-6927.

Regulatory Reinvention within the DEQ

When Governor Snyder last year called on his newly-created Department of Licensing and Regulatory Affairs to take a hard look at Michigan's regulatory structure, it started a statewide conversation between regulators and stakeholders.

The Michigan Department of Environmental Quality (DEQ) was among the top agencies responding to the call for a regulatory reform. Snyder's Executive Order 2011-5 created a 12-member Environmental Advisory Rules Committee, composed of manufacturing representatives, utility representatives, environmental consultants, attorneys, a representative from the environmental community, and the DEQ's Director of Policy and Legislative Affairs.

- [DEQ Regulatory Reinvention Additional Information](#)
- [ORR Environmental Recommendations](#)
- [ORR Press Release](#)
- [Members of the Environmental Advisory Rules Committee](#)
- [DEQ Implementation Plan](#) (Updated October 12, 2012)
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Recommendation A-1

“Outdated air toxics regulations are in need of reform”

- **MACT standards make air toxics rules redundant**
- **Numbers game heightens public anxiety**
- **Cost of stack testing**
- **Delays in permit issuance**

Recommendation A-1 contains 9 parts

1. Rule 224 – T-BACT

“The parts of Rule 224 pertaining to T-BACT review of air toxics that are VOC compounds should be rescinded because it’s already required in Rule 702“

*** VOCs are exempted from Rule 224.**

2. Rule 225 - Limit Modification Reviews

“Limit modifications reviews to increases in the Hazardous Air Index exceeding 10% above the permitted baseline.”

- **Uses the concept in Jerry Avery Memo (1993).**
- **Calculate Hazardous Potential to determine if change in emissions is meaningful and therefore requires permit.**
- **See page 3-19 of the Permit to Install – Determining Applicability Guidebook.**

3. Rule 225 - Exempt MACT Sources

“Exempt sources that are identified in a MACT source category from the health based screening level requirement”

- **Rule 226(b) exempts sources subject to a MACT which have had an EPA residual risk assessment after the MACT. The exemption is only for HAPs.**

4. Rule 225 - Exempt Clean Fuels

“Exempt clean fuels such as natural gas, low sulfur #2 fuel oil, and non-chemically treated biofuels from health-based screening level requirement”

- **Not all fuel switches need permit to install**
- **Need demonstration**

5. Rule 225 - Exempt Pollution Control

“Exempt pollution control projects from the health-based screening level requirement”

- **Rule 285(f) exempts pollution control equipment from permit to install if the equipment itself does not generate significant of criteria air pollutants or meaningful quantity of TACs.**

6. Rule 625 – Limit TACs to HAPs

“ Limit the number of TACs to the federal HAPs list”

- **The HAPs list is not an all-inclusive list of air toxics that may pose an unacceptable public health risk.**

7. Rule 255 – Exposure Limits

“Make the acceptable exposure limits consistent with other nearby states.”

- **Rule 229 sets the methods to derive screening levels.**
- **Rule 231 Cancer risk assessment screening methodology.**
- **Rule 232 Initial threshold screening level.**

8. Rule 255 Stack Tests

“ Don’t require applicants to test to provide research data, since the DEQ does not use the information for subsequent permit reviews”

- **Primary purpose of testing is to ensure compliance with emission rates. A potential secondary use is to apply it to similar sources in lieu of available emissions factors.**

9. Rule 228 - Rescind

“Rule 228 allows the AQD to go beyond the requirements of the rule for any reason”

- **Rule 228 is used to evaluate interactive effects of two or more TACs, deposition or bioaccumulation.**
- **Doesn't happen that often.**