



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF  
ENVIRONMENT, GREAT LAKES, AND ENERGY  
LANSING



LIESL EICHLER CLARK  
DIRECTOR

December 20, 2019

Mr. John Mooney, Acting Director  
Office of Air and Radiation Division  
United States Environmental Protection Agency, Region 5  
77 West Jackson Boulevard (A-18J)  
Chicago, Illinois 60604-3507

Dear Mr. Mooney:

The Michigan Department of Environment, Great Lakes, and Energy (EGLE) requests clarification from the United States Environmental Protection Agency (USEPA) regarding our delegation of authority over certain National Emission Standards for Hazardous Air Pollutants (NESHAPs). Pursuant to the May 1996 Memorandum of Agreement (MOA) between EGLE and the USEPA, EGLE has obtained delegation of authority from the USEPA to implement and enforce certain NESHAPs from the USEPA. In short, the delegation to implement and enforce area source NESHAPs occurs via letter from the USEPA after EGLE has promulgated a rule incorporating such standards. The delegation to implement NESHAPs for major sources subject to the Clean Air Act Title V Program occurs via letter from the USEPA without any rulemaking by EGLE. Enforcement of NESHAPs for major sources subject to the Title V Program occurs through the delegated Title V program authorities.

It was the intent of both EGLE and the USEPA for delegation to implement NESHAPs for sources subject to the Title V Program to only include delegation for major sources subject to such standards unless EGLE promulgated a rule incorporating by reference such NESHAP. The MOA clearly indicates a mechanism to obtain delegation for NESHAPs for area sources that is different than the mechanism for sources subject to the Title V Program. However, neither EGLE's delegation request letters nor the USEPA's delegation letters were specific on this topic.

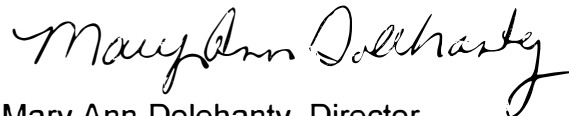
EGLE is requesting the USEPA clarify in writing that all NESHAPs which have been delegated to EGLE, without any rule promulgation incorporating such standards, are applicable only to major sources subject to the Title V Program. This clarification should apply to all current and any future NESHAP standards. Of special note is the USEPA's clarification that the delegation of authority for the Stationary Reciprocating Internal Combustion Engines NESHAP is only applicable to major sources because EGLE did not promulgate any rule incorporating that standard. We would appreciate timely attention to this request.

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EGLE is also requesting the USEPA's assistance to renegotiate the May 1996 MOA to clarify these mechanisms of delegation.

If there are any questions related to this matter, please contact Ms. Erica Wolf, Air Quality Division, at 517-284-6766; or WolfE1@Michigan.gov; or you may contact me.

Sincerely,



Mary Ann Dolehanty, Director  
Air Quality Division  
517-284-6773

cc: Mr. Tom Shanley, EGLE  
Mr. Chris Ethridge, EGLE  
Mr. Bob Irvine, EGLE  
Ms. Erica Wolf, EGLE

This letter seeks clarification on a State Delegation of Authority Approval Letter Dated July 19, 2019. The letter can be read at:  
[https://www.michigan.gov/documents/egle/egle-aqd-sip-state\\_delegation\\_approval\\_letter\\_2019\\_682701\\_7.pdf](https://www.michigan.gov/documents/egle/egle-aqd-sip-state_delegation_approval_letter_2019_682701_7.pdf)