

Michigan Office of Administrative Hearings and Rules
Administrative Rules Division (ARD)

MOAHR-Rules@michigan.gov

REQUEST FOR RULEMAKING (RFR)

1. Department:

Environment, Great Lakes and Energy

2. Bureau:

Air Quality Division

3. Promulgation type:

Full Process

4. Title of proposed rule set:

Part 1. General Provisions

5. Rule numbers or rule set range of numbers:

R 336.1101 - R 336.1128

6. Estimated time frame:

12 months

Name of person filling out RFR:

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7. Describe the general purpose of these rules, including any problems the changes are intended to address.

The purpose of rules contained in Part 1. General Provisions of the Michigan Air Pollution Control Rules (MAPCR) is to provide definitions to key terms found throughout the rules. The proposed rule revisions for Part 1 will revise and add additional definitions needed to support revisions done in subsequent rule parts developed to fulfill the federal Clean Air Act, 42 U.S.C. 7401 et seq (CAA). The proposed rules add additional definitions to further support and clarify the MAPCR, as well as revise existing definitions for "Carcinogens" and exemptions for "Volatile organic compounds" (VOCs) and "Toxic air contaminant" definitions to align with the United States Environmental Protection Agency's (USEPA) regulatory definitions and toxics research findings.

8. Please cite the specific promulgation authority for the rules (i.e. department director, commission, board, etc.).

Section 5503(a) of Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), gives the department the authority to promulgate rules. Section 5512(1) of Part 55 of the NREPA, states the department shall promulgate rules for a variety of purposes including controlling or prohibiting air pollution and complying with the CAA.

A. Please list all applicable statutory references (MCLs, Executive Orders, etc.).

MCL 324.5503(a) and MCL 324.5512(1).

B. Are the rules mandated by any applicable constitutional or statutory provision? If so, please explain.

MCL 324.5512 requires the department to promulgate rules for, among other things, the purpose of controlling or prohibiting air pollution and complying with the CAA. A majority of the proposed rules in this submittal are necessary to define language used in another part of the MAPCR that addresses these requirements by limiting VOC emissions under the requirements of the CAA under Section 182(b), as it pertains to ozone nonattainment areas. Additional proposed rule changes are based on the USEPA final approval to revise the regulatory definition of VOCs under the CAA.

9. Please describe the extent to which the rules conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

These rules do not conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

10. Is the subject matter of the rules currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda?

The subject matter of these rules is not currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda.

11. Are the rules listed on the department's annual regulatory plan as rules to be processed for the current year?

Yes, the rules are listed in the department's annual regulatory plan as rules to be processed for the current year.

12. Will the proposed rules be promulgated under Section 44 of the Administrative Procedures Act, 1969 PA 306, MCL 24.244, or under the full rulemaking process?

Full Process

13. Please describe the extent to which the rules exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

The proposed rules do not exceed any regulations, compliance requirements, or other standards adopted by the state, regional, or federal level.

14. Do the rules incorporate the recommendations received from the public regarding any complaints or comments regarding the rules? If yes, please explain.

The proposed rules have been drafted with input from stakeholders and addresses their concerns as sufficiently as possible. The stakeholders consisted of environmental consultants, facility environmental staff, and environmental groups.

15. If amending an existing rule set, please provide the date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed the regulatory activity covered by the rules since the last evaluation.

The last two evaluations of the rules were in 2008 and 2016 for the rule set. There have not been any changes in technology, economic conditions, or other factors that impact the regulatory activity covered by these rules since the last evaluations.

16. Are there any changes or developments since implementation that demonstrate there is no continued need for the rules, or any portion of the rules?

No, there are not any changes or developments since implementation that demonstrate there is no continued need for the rules, or any portion of the rules.

17. Is there an applicable decision record (as defined in MCL 24.203(6) and required by MCL 24.239(2))? If so, please attach the decision record.

No