

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 9. Emission Limitation and Prohibitions--Miscellaneous

5. Rule numbers or rule set range of numbers:

R 336.1901 - R 336.1974

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 R 336.1902, "Adoptions of standards by reference," provides information for the reference material appearing throughout the Michigan Air Pollution Control Rules.

The proposed rules provide revisions and additional adopted standards to support revisions pending or completed in other rule parts developed to fulfill the ozone requirements under the federal Clean Air Act, 42 U.S.C. 7401 et seq (CAA). The proposed revisions also consist of updates to reference prices to align with what is currently offered by the respective sources, including the Air Quality Division (AQD); and revisions to the publication dates referenced, the physical and web addresses listed in the rule to reflect the current information, and availability of these reference materials from their respective agencies.

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(1) requires the department to promulgate rules for, among other things, the purpose of controlling or prohibiting air pollution, complying with the CAA, and establishing suitable emission standards. The rules in this submittal are necessary to support additional rule revisions addressing the requirements of Section 172 of the CAA as it pertains to ozone nonattainment areas.

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.

The proposed revision does not conflict with or duplicate any 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 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 rule does not exceed any similar 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 rule has been drafted with input from stakeholders and address 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 evaluation of the rule was November 4, 2021. Since then, there have been minimal economic condition changes, such being the price of access to documents, which has changed the regulatory activity covered by the rules.

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