



GRETCHEN WHITMER
GOVERNOR


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



DANIEL EICHINGER
ACTING DIRECTOR

VIA EMAIL

TO: Governor Gretchen Whitmer
Members of the Michigan Legislature

FROM: Daniel Eichinger, Acting Director 

DATE: March 1, 2023

SUBJECT: Air Quality Division Annual Program Report – Fiscal Year 2022

In accordance with Section 5522(8) and (9) of Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, attached is the Department of Environment, Great Lakes, and Energy's (EGLE) report on the Air Quality Division Annual Program for fiscal year 2022.

If you need further information, please contact Jennifer Kang, Manager, Administration Section, Air Quality Division, at 517-582-0827; or you may contact me at 517-512-5992.

Attachment

cc/att: Kathryn Summers, Director, Senate Fiscal Agency
Mary Ann Cleary, Director, House Fiscal Agency
Christopher M. Harkins, Director, State Budget Office
JoAnne Huls, Chief of Staff, Governor's Office
Curtis Hertel Jr., Director of Legislative Affairs, Governor's Office
Marc Rehmann, Policy Director, Governor's Office
Chris Semrinec, Senate Fiscal Agency
Austin Scott, House Fiscal Agency
Jacques McNeely, State Budget Office
Zach Hendrix, State Budget Office
Aaron B. Keatley, Chief Deputy Director, EGLE
Travis Boeskool, Legislative Liaison, EGLE
Paul McDonald, EGLE
Dale Shaw, EGLE
Annette Switzer, EGLE
Jennifer Kang, EGLE

**MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY
AIR QUALITY DIVISION ANNUAL PROGRAM REPORT – FISCAL YEAR 2022**

This year-end report from the Michigan Department of Environment, Great Lakes, and Energy’s (EGLE) Air Quality Division (AQD) is required to detail Emissions Control Fund appropriations. The information is organized as directed by Section 5522(8) of Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

A) A total of 125.6 full-time equated positions performed enforcement, compliance, and permitting activities. From that total, 60.1 full-time equated positions performed these activities in the Title V Program as defined in Section 5501 of Part 55. The other 65.5 full-time equated positions performed enforcement, compliance, and permitting activities in the non-Title V Program.

B) Permits to Install:

i. There were 350 Permit to Install applications received in fiscal year (FY) 2022.

ii.

Permits to Install - Final Actions	Total Number
Final action taken on applications and permits.	570
Applications approved.	337
Applications denied.	1
Applications and permits voided (88 of which were due to issuance of Renewable Operating Permits).	376

iii.

Approved Permits to Install	Total Number
Number required to complete public participation before final action.	20
Number not required to complete public participation before final action.	317

iv. The average number of final permit actions per reviewer (full-time equated) is 32.

	Permits to Install	Percentage	Total Number
v.	Applications reviewed for administrative completeness within 10 days of receipt by EGLE.	98	328
vi.	Applications reviewed for technical completeness within 30 days of receipt by EGLE.	100	337
vii.	Applications submitted to EGLE that were administratively complete as received.	96	322
viii.	Applications for which a final approval was taken within 60 days of receipt of a technically complete application for those not required to complete public participation or within 120 days if public participation was required.	64	216

C) Renewable Operating Permit (ROP) Program:

- i. A total of 48 ROP applications were received in FY 2022.
- ii. The AQD received 86 new requests for ROP modifications in FY 2022.

ROP - Final Actions	Total Number
Final action taken on ROP applications.	45
Applications approved.	45
Applications denied.	0
Applications voided (withdrawn by the applicant).	0

ROP		Percentage	Total Number
iii.	Permit applications initially processed within the required time.	100	1
iv.	Permit renewals processed within the required time.	39	17
	Permit modifications processed within the required time.	15	13
v.	Permit applications reopened by EGLE.	N/A	11
vi.	General permits issued by EGLE.	N/A	N/A

NOTE: An ROP modification application is made once a subject facility has obtained a Permit to Install and has commenced operations. The intent of the ROP modification is to incorporate the new requirements from the Permit to Install into the ROP. The ROP is renewed every five years. If a modification is submitted within 18 months of the renewal date, the modification will be held and the change requested in the modification will be made in the renewal process. While the renewal is pending or until the changes have been incorporated into the ROP, a facility continues to operate under the conditions of the Permit to Install. This process does not affect the ability to operate nor the AQD’s ability to ensure compliance. The AQD started processing modifications in February 2012. AQD staff processed 86 modifications outside of an ROP renewal or voidance process. Out of 121 existing modification applications, 69 will be incorporated during the ROP renewal.

D) There were 433 (including Asbestos) Violation Notices sent during FY 2022.

E) Penalty money collected from all consent orders and judgments was \$1,257,546.05.

F) Enforcement actions that included payment of penalty:

Company Name	Enforcement Action
Mr. Tyler Royce	AQD No. 2021-17
Department of Technology, Management and Budget	AQD No. 2021-19
Materials Testing Consultants, Inc.	AQD No. 2021-20
Mack Gratiot, LLC	AQD No. 2022-02
Khansa Group, LLC	AQD No. 2022-03
Sanilac County Land Bank	AQD No. 2022-04
K & J Excavating Company, Inc.	AQD No. 2022-05
Primetime Contracting Services, Inc.	AQD No. 2022-06

Company Name (Cont'd.)	Enforcement Action
Deporre Building, LLC	AQD No. 2022-07
2219 Coolidge, LLC	AQD No. 2022-08
Regal Rigging and Demolition, LLC	AQD No. 2022-09
City Abatement Services, LLC	AQD No. 2022-10
Saginaw Metal Casting Operations of General Motors, LLC	AQD No. 2022-11
Lear Corporation	AQD No. 2022-12
Capital Region Airport Authority	AQD No. 2022-13
Grayling Generation Station Limited Partnership	AQD No. 2022-14
Arbor Hills Landfill, Inc.	No. 2020-0593-CE
J Brown Environmental Construction, Inc.	No. 2019-898-CE
Fricia Enterprises, Inc., dba Industrial Metal Coatings	No. 2021-95-CE
Arbor Hills Energy, LLC	No. 5:21-cv-12098

- G)** The total number of inspections was 929. The number of inspections done for ROP sources was 235. The number of inspections of non-ROP sources was 694.
- H)** A total of 2,482 complaints were received during FY 2022 (788 of the 2,482 complaints pertain to the Arbor Hills Landfill). Complaints were logged, prioritized, evaluated, and resolved according to the AQD's procedures. A complaint is considered resolved if the problem has been abated, a Violation Notice requesting a compliance program has been sent, the district staff was not able to verify the problem, or the complaint was not under the AQD's jurisdiction and a referral was made to the appropriate agency. An on-site inspection was conducted for approximately 54 percent of the complaints. A telephone call or letter followed up the other complaints.
- I)** The following represents the number of contested case hearings and civil actions initiated and completed, and the number of voluntary consent orders, administrative penalty orders, and emergency orders entered or issued for Title V sources:

Enforcement	Total Number
Hearings	0
Civil Actions	4
Consent Orders	13
Administrative Penalty Orders	3
Emergency Orders	0

J) Revenue in the Title V fund at the end of FY 2022 was \$6,733,566.

The information on the following page is required by Section 5522(9) of Part 55:

AQD EXPENDITURES BY FUND AND PROGRAM FUNCTION:

Program Function	General and Other Funds Total (49%)	USEPA Grants (21%)	Air Fees (30%)	Total (100%)
Permit Section	2,157,866 (16%)	282,973 (5%)	39,010 (0%)	2,479,849 (9%)
Enforcement Unit	151,312 (2%)	75,584 (2%)	574,045 (7%)	800,941 (3%)
Field Operations	5,763,788 (43%)	1,166,834 (21%)	5,980,214 (74%)	12,910,836 (48%)
Air Quality Evaluation Section	4,611,402 (34%)	3,967,976 (72%)	269,832 (3%)	8,849,210 (33%)
Administration	683,307 (5%)	6,986 (0%)	1,277,267 (16%)	1,967,560 (7%)
Total AQD Expenditures	13,367,675 (100%)	5,500,353 (100%)	8,140,368 (100%)	27,008,396 (100%)
Revenues Appropriated	13,551,021	7,545,209	10,496,922	31,593,152

NOTE: Air Emissions Fund expenditures of \$186,231 from EGLE's Environmental Support Division are not included in the above totals.

GENERAL AND OTHER FUNDS

Program Function	General Fund	Refined Petroleum Fund	Dry Cleaning License Fees	Oil & Gas	Public Utility Assessment	Renew MI	Total
Permit Section	1,878,877	222,317		35,520		21,152	2,157,866
Enforcement Unit	115,909	35,403					151,312
Field Operations	4,389,626	128,207	107,073	109,959	75	1,028,848	5,763,788
Air Quality Evaluation Section	1,317,728	3,218,647		2,121	72,906		4,611,402
Administration	528,681	154,626					683,307
Total AQD Expenditures	8,230,821	3,759,200	107,073	147,600	72,981	1,050,000	13,367,675
Revenues Appropriated	8,230,821	3,759,200	213,400	147,600	150,000	1,050,000	13,551,021