



GRETCHEN WHITMER
GOVERNOR

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



PHILLIP D. ROOS
DIRECTOR

VIA EMAIL

TO: Governor Gretchen Whitmer
Members of the Michigan Legislature

FROM: Phillip D. Roos, Director 

DATE: March 5, 2024

SUBJECT: Air Quality Division Annual Program Report – Fiscal Year 2023

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 2023.

If you need further information, please contact Jennifer Kang, Manager, Administration Section, Air Quality Division, at 517-582-0827 or KangJ@Michigan.gov; or you may contact me at 517-614-6873.

Attachment

cc/att: Kathryn Summers, Director, Senate Fiscal Agency
Mary Ann Cleary, Director, House Fiscal Agency
Jennifer Flood, Director, State Budget Office
JoAnne Huls, Chief of Staff, Governor's Office
Patti Tremblay, Director of Legislative Affairs, Governor's Office
Marc Rehmann, Policy Director, Governor's Office
Jonah Houtz, Senate Fiscal Agency
Austin Scott, House Fiscal Agency
Jacques McNeely, State Budget Office
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MICHIGAN DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY

Legislative Report

Air Quality Division Annual Program Report

Report Period:
Fiscal Year 2023

Authority:
MCL 324.5522(8) and (9)

If you need this information in an alternate format, contact EGLE-Accessibility@Michigan.gov or call 800-662-9278.

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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 126.6 full-time equated positions performed enforcement, compliance, and permitting activities. From that total, 58.3 full-time equated positions performed these activities in the Title V Program as defined in Section 5501 of Part 55. The other 68.3 full-time equated positions performed enforcement, compliance, and permitting activities in the non-Title V Program.

B) Permits to Install:

i. There were 337 permit to Install applications received in fiscal year (FY) 2023.

ii.

Permits to Install - Final Actions	Total Number
Final action taken on applications and permits.	487
Applications approved.	289
Applications denied.	2
Applications and permits voided (71 of which were due to issuance of Renewable Operating Permits).	232

iii.

Approved Permits to Install	Total Number
Number required to complete public participation before final action.	15
Number not required to complete public participation before final action.	274

iv. The average number of final permit actions per reviewer (full-time equated) is 22.

	Permits to Install	Percentage	Total Number
v.	Applications reviewed for administrative completeness within 10 days of receipt by EGLE.	96	277
vi.	Applications reviewed for technical completeness within 30 days of receipt by EGLE.	98	284
vii.	Applications submitted to EGLE that were administratively complete as received.	92	266
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.	72	207

C) Renewable Operating Permit (ROP) Program:

- i. A total of 50 ROP applications were received in FY 2023.
- ii. The AQD received 83 new requests for ROP modifications in FY 2023.

ROP - Final Actions	Total Number
Final action taken on ROP applications.	46
Applications approved.	46
Applications denied.	0
Applications voided (withdrawn by the applicant).	4

ROP		Percentage	Total Number
iii.	Permit applications initially processed within the required time.	N/A	N/A
iv.	Permit renewals processed within the required time.	65	30
	Permit modifications processed within the required time.	15	13
v.	Permit applications reopened by EGLE.	N/A	0
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 357 (including Asbestos) Violation Notices sent during FY 2023.

E) Penalty money collected from all consent orders and judgments was \$2,178,448.66.

F) Enforcement actions that included payment of penalty:

Company Name	Enforcement Action
Worthen Industries, Inc., dba Worthen Coated Fabrics	AQD No. 2022-15
FCA US, LLC	AQD No. 2022-16
A&L Iron and Metal, Inc.	AQD No. 2022-17
RDC Construction Services, Inc.	AQD No. 2022-19
Graphic Packaging International, LLC	AQD No. 2022-20

Company Name (Cont'd.)	Enforcement Action
Sparrow Health System	AQD No. 2022-21
Choice Schools Associates, LLC	AQD No. 2022-22
PD Services, LLC	AQD No. 2022-23
American Chemical Solutions, LLC	AQD No. 2023-01
Brembo North America, Inc.	AQD No. 2023-02
Mold Masters Co.	AQD No. 2023-03
Ajax Metal Processing, Inc.	AQD No. 2023-04
Clark Street Enterprises, LLC	AQD No. 2023-05
Wright Coatings Company, dba Wright Coating Technologies	AQD No. 2023-06
The Andersons Marathon Holdings Company	AQD No. 2023-07
Woodworth, Inc.	AQD No. 2023-08
Corteva Agriscience, LLC	AQD No. 2023-09
Cliff A. Messing Excavation, Inc.	AQD No. 2023-10
FCA US, LLC	AQD No. 2023-11
Ervin Amasteel Division	AQD No. 2023-12
Minth Group LTD	AQD No. 2023-13
BASF Corporation	AQD No. 2023-14
Graymont Western Lime, Inc.	AQD No. 2023-15
Great Lakes Cremation, Inc.	AQD No. 2023-16
Biwer Sawmill, Inc.	AQD No. 2023-17
McDonagh	2020-548-CE
Lukazcek Excavating and Drainage, LLC, and Andrew W. Lukazcek	2022-609-CE
AL Saylor Excavating/Demolition, LLC	2022-062-CE
Metro Services, LLC; Lamar Grace and Simply Construction, LLC	2022-315-CE

- G) The total number of inspections was 39. The number of inspections done for ROP sources was 212. The number of inspections of non-ROP sources was 627.
- H) A total of 2,543 complaints were received during FY 2023 (513 of the 2,543 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 56 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:

Enforcement	Total Number
Hearings	0
Civil Actions	4
Consent Orders	22 (9 for Title V Sources)
Administrative Penalty Orders	3
Emergency Orders	0

J) Revenue in the Title V fund at the end of FY 2023 was \$10,269,533.

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

AQD EXPENDITURES BY FUND AND PROGRAM FUNCTION

Program Function	General and Other Funds Total (57%)	USEPA Grants (23%)	Air Fees (20%)	Total (100%)
Permit Section	2,595,528 (16%)	223,974 (3%)	46,464 (1%)	2,865,966 (10%)
Enforcement Unit	435,463 (3%)	40,691 (1%)	454,551 (8%)	930,705 (3%)
Field Operations	7,316,244 (45%)	1,141,645 (18%)	4,422,911 (79%)	12,880,800 (46%)
Air Quality Evaluation Section	1,727,757 (11%)	674,258 (10%)	115,768 (2%)	2,517,783 (9%)
Air Monitoring Section	1,715,055 (11%)	4,387,469 (68%)	40,595 (1%)	6,143,119 (22%)
Administration	2,380,526 (14%)	13,408 (0%)	514,814 (9%)	2,908,748 (10%)
Total AQD Expenditures	16,170,573 (100%)	6,481,445 (100%)	5,595,103 (100%)	28,247,121 (100%)
Revenues Appropriated	18,126,514	7,815,496	10,741,478	36,683,488

NOTE: Air Emissions Fund expenditures of \$223,593 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	2,397,415	143,472		23,309		31,332	2,595,528
Enforcement Unit	408,594	26,869					435,463
Field Operations	5,152,531	960,371	107,137	77,537		1,018,668	7,316,244
Air Quality Evaluation Section	1,161,911	477,151			88,695		1,727,757
Air Monitoring Section	1,361,935	353,120					1,715,055
Administration	2,242,128	138,398					2,380,526
Total AQD Expenditures	12,724,514	2,099,381	107,137	100,846	88,695	1,050,000	16,170,573
Revenues Appropriated	12,724,514	3,841,000	213,400	147,600	150,000	1,050,000	18,126,514