

Certification of Nonattainment New Source Review Requirements  
for the 2015 8-Hour Ozone National Ambient Air Quality  
Standards



MICHIGAN DEPARTMENT OF  
ENVIRONMENT, GREAT LAKES, AND ENERGY

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## Proposed Revisions to the State of Michigan State Implementation Plan

### Introduction

Title 40 of the Code of Federal Regulations (CFR) § 51.1314 (83 FR 63033, December 6, 2018) states “...the state shall submit a nonattainment NSR plan or plan revision for a specific ozone NAAQS no later than 36 months after the effective date of the area’s designation of nonattainment or redesignation to nonattainment for that ozone NAAQS.”

The State of Michigan, through the Michigan Department of Environment, Great Lakes, and Energy (EGLE), is submitting this State Implementation Plan (SIP) revision certifying that Michigan’s existing Nonattainment New Source Review (NNSR) Requirements program and rules meet the NNSR SIP requirements of 40 CFR § 51.165. This SIP certification was completed to address Michigan’s 2015 ozone NAAQS nonattainment area requirements.

Enclosed is a table of 40 CFR 51.165 requirements necessary to implement the NNSR program and explanations of how Michigan’s regulations meet those requirements. This submittal demonstrates compliance with the requirements of 40 CFR, Section 51, Appendix V, and includes the technical support required to satisfy the federal Clean Air Act (CAA) Section 110(l) anti-backsliding requirements.

Table 1 contains the 40 CFR 51.165 requirements and aligns Michigan’s applicable rules and definitions required under 40 CFR 51.1314. The Michigan rules defined below were all SIP approved May 12, 2021, 86 FR 25954 (state effective date January 2, 2019).

**Table 1 - NNSR SIP/Regulatory Elements Checklist for Ozone**

<b>40 CFR 51.165 (a)(1)(iv)(A)(1)</b>	Any stationary source of air pollutants that emits, or has the potential to emit, 100 tons per year or more of any regulated NSR pollutant, except that lower emissions thresholds shall apply in areas subject to subpart 2, subpart 3, or subpart 4 of part D, title I of the Act, according to paragraphs (a)(1)(iv)(A)(1)(i) through (viii) of this section.
Michigan Rule R 336.2901(u)(i)(A)	Any stationary source of air pollutants that emits, or has the potential to emit, 100 tons per year or more of any regulated new source review pollutant, except that lower emissions thresholds shall apply in areas subject to subpart 2, subpart 3, or subpart 4 of part D, title 1 of the clean air act.
<b>40 CFR 51.165 (a)(1)(iv)(A)(1)(i)</b>	50 tons per year of volatile organic compounds in any serious ozone nonattainment area.
R 336.2901(u)(i)(A)(1)	In any serious ozone nonattainment area, 50 tons per year of volatile organic compounds.
<b>40 CFR 51.165 (a)(1)(iv)(A)(1)(ii)</b>	50 tons per year of volatile organic compounds in an area within an ozone transport region, except for any severe or extreme ozone nonattainment area.
R 336.2901(u)(i)(A)(2)	In an area within ozone transport region except for any severe or extreme ozone nonattainment area, 50 tons per year of volatile organic compounds.

<b>40 CFR 51.165 (a)(1)(iv)(A)(1)(iii)</b>	25 tons per year of volatile organic compounds in any severe ozone nonattainment area.
R 336.2901(u)(i)(A)(3)	In any severe ozone nonattainment area, 25 tons per year of volatile organic compounds.
<b>40 CFR 51.165 (a)(1)(iv)(A)(1)(iv)</b>	10 tons per year of volatile organic compounds in any extreme ozone nonattainment area.
R 336.2901(u)(i)(A)(4)	In any extreme ozone nonattainment area, 10 tons per year of volatile organic compounds.
<b>40 CFR 51.165 (a)(1)(iv)(A)(2)</b>	For the purposes of applying the requirements of paragraph (a)(8) of this section to stationary sources of nitrogen oxides located in an ozone nonattainment area or in an ozone transport region, any stationary source which emits, or has the potential to emit, 100 tons per year or more of nitrogen oxides emissions, except that the emission thresholds in paragraphs (a)(1)(iv)(A)(2)(i) through (vi) of this section shall apply in areas subject to subpart 2 of part D, title 1 of the Act.
R 336.2901(u)(i)(B)	For the purposes of applying the requirements of R 336.2902(8) to stationary sources of nitrogen oxides located in an ozone nonattainment area or in an ozone transport region, any stationary source which emits, or has the potential to emit, 100 tons per year or more of nitrogen oxide emissions, except that the following emission thresholds shall apply in areas subject to subpart 2 of part D, title 1 of the clean air act.
<b>40 CFR 51.165 (a)(1)(iv)(A)(2)(i)</b>	100 tons per year or more of nitrogen oxides in any ozone nonattainment area classified as marginal or moderate.
R 336.2901(u)(i)(B)(1)	In any ozone nonattainment area classified as marginal or moderate, 100 tons per year or more of nitrogen oxides.
<b>40 CFR 51.165 (a)(1)(iv)(A)(2)(ii)</b>	100 tons per year or more of nitrogen oxides in any ozone nonattainment area classified as a transitional, submarginal, or incomplete or no data area, when such area is located in an ozone transport region.
R 336.2901(u)(i)(B)(2)	In any ozone nonattainment area classified as a transitional, submarginal, or incomplete or no data area, when such area is located in an ozone transport region, 100 tons per year or more of nitrogen oxides.
<b>40 CFR 51.165 (a)(1)(iv)(A)(2)(iii)</b>	100 tons per year or more of nitrogen oxides in any area designated under section 107(d) of the Act as attainment or unclassifiable for ozone that is located in an ozone transport region.
R 336.2901(u)(i)(B)(3)	In any area designated under section 107(d) of the clean air act as attainment or unclassifiable for ozone that is located in an ozone transport region, 100 tons per year or more of nitrogen oxides.
<b>40 CFR 51.165 (a)(1)(iv)(A)(2)(iv)</b>	50 tons per year or more of nitrogen oxides in any serious nonattainment area for ozone.
R 336.2901(u)(i)(B)(4)	In any serious nonattainment area for ozone, 50 tons per year or more of nitrogen oxides.
<b>40 CFR 51.165 (a)(1)(iv)(A)(2)(v)</b>	25 tons per year or more of nitrogen oxides in any severe nonattainment area for ozone.
R 336.2901(u)(i)(B)(5)	In any severe nonattainment area for ozone, 25 tons per year or more of nitrogen oxides.

<b>40 CFR 51.165 (a)(1)(iv)(A)(2)(vi)</b>	10 tons per year or more of nitrogen oxides in any extreme nonattainment area for ozone; or
R 336.2901(u)(i)(B)(6)	In any extreme nonattainment area for ozone, 10 tons per year or more of nitrogen oxides.
<b>40 CFR 51.165 (a)(1)(iv)(A)(3)</b>	Any physical change that would occur at a stationary source not qualifying under paragraphs (a)(1)(iv)(A)(1) or (2) of this section as a major stationary source if the change would constitute a major stationary source by itself.
R 336.2901(u)(i)(C)	Any physical change that would occur at a stationary source not qualifying under R 336.2901(u)(i)(A) or (B) as a major stationary source if the change would constitute a major stationary source by itself.
<b>40 CFR 51.165 (a)(1)(iv)(B)</b>	A major stationary source that is major for volatile organic compounds shall be considered major for ozone.
R 336.2901(u)(i)(C)(ii)	A major stationary source that is major for volatile organic compounds shall be considered major for ozone.
<b>40 CFR 51.165 (a)(1)(v)(B)</b>	Any significant emissions increase (as defined in paragraph (a)(1)(xxvii) of this section) from any emissions units or net emissions increase (as defined in paragraph (a)(1)(vi) of this section) at a major stationary source that is significant for volatile organic compounds shall be considered significant for ozone.
R 336.2901(t)(ii)	Any significant emissions increase from any emissions units or net emissions increase at a major stationary source that is significant for volatile organic compounds shall be considered significant for ozone.
<b>40 CFR 51.165 (a)(1)(v)(E)</b>	For the purpose of applying the requirements of (a)(8) of this section to modifications at major stationary sources of nitrogen oxides located in ozone nonattainment areas or in ozone transport regions, whether or not subject to subpart 2, part D, title I of the Act, any significant net emissions increase of nitrogen oxides is considered significant for ozone.
R 336.2901(t)(v)	For the purposes of applying the requirements of R 336.2902(8) to modifications at major stationary sources of nitrogen oxides located in ozone nonattainment areas or in ozone transport regions, whether or not subject to subpart 2, part D, title 1 of the clean air act, any significant net emissions increase of nitrogen oxides is considered significant for ozone.
<b>40 CFR 51.165 (a)(1)(v)(F)</b>	Any physical change in, or change in the method of operation of, a major stationary source of volatile organic compounds that results in any increase in emissions of volatile organic compounds from any discrete operation, emissions unit, or other pollutant emitting activity at the source shall be considered a significant net emissions increase and a major modification for ozone, if the major stationary source is located in an extreme ozone nonattainment area that is subject to subpart 2, part D, title I of the Act.
R 336.2901(t)(vi)	Any physical change in, or change in the method of operation of, a major stationary source of volatile organic compounds that results in any increase in emissions of volatile organic compounds from any discrete operation, emissions unit, or other pollutant emitting activity at the source shall be considered a significant net emissions increase

	and a major modification for ozone, if the major stationary source is located in an extreme ozone nonattainment area that is subject to subpart 2, part D, title 1 of the clean air act.
<b>40 CFR 51.165 (a)(1)(x)(A)</b>	Significant means, in reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates: Ozone: 40 tpy of volatile organic compounds or Nitrogen oxides
R 336.2901(hh)(i)	“Significant” means, in reference to a net emissions increase or the potential of a source to emit any of the following pollutants at a rate of emissions that would equal or exceed any of the following pollutant emission rates:
<b>40 CFR 51.165 (a)(1)(x)(A)</b>	Significant means, in reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates: Ozone: 40 tpy of volatile organic compounds or Nitrogen oxides
R 336.2901(hh)(i)(D)	Ozone: 40 tons per year of volatile organic compounds or of nitrogen oxides.
<b>40 CFR 51.165 (a)(1)(x)(B)</b>	Notwithstanding the significant emissions rate for ozone in paragraph (a)(1)(x)(A) of this section, significant means, in reference to an emissions increase or a net emissions increase, any increase in actual emissions of volatile organic compounds that would result from any physical change in, or change in the method of operation of, a major stationary source locating in a serious or severe ozone nonattainment area that is subject to subpart 2, part D, title I of the Act, if such emissions increase of volatile organic compounds exceeds 25 tons per year.
R 336.2901(hh)(ii)	Notwithstanding the significant emissions rate for ozone in R 336.2901(hh)(i)(D), significant means, in reference to an emissions increase or a net emissions increase, any increase in actual emissions of volatile organic compounds that would result from any physical change in, or change in the method of operation of, a major stationary source located in a serious or severe ozone nonattainment area that is subject to subpart 2, part D, title 1 of the clean air act, if such emissions increase of volatile organic compounds exceeds 25 tons per year.
<b>40 CFR 51.165 (a)(1)(x)(C)</b>	For the purposes of applying the requirements of paragraph (a)(8) of this section to modifications at major stationary sources of nitrogen oxides located in an ozone nonattainment area or in an ozone transport region, the significant emission rates and other requirements for volatile organic compounds in paragraphs (a)(1)(x)(A), (B), and (E) of this section shall apply to nitrogen oxides emissions.
R 336.2901(hh)(iii)	For the purposes of applying the requirements of R 336.2902(8) to modifications at major stationary sources of nitrogen oxides located in an ozone nonattainment area or in an ozone transport region, the significant emission rates and other requirements for volatile organic compounds in R 336.2901(hh)(i)(D), R 336.2901(hh)(ii) and R 336.2901(hh)(v) shall apply to nitrogen oxides emissions.

<b>40 CFR 51.165 (a)(1)(x)(E)</b>	Notwithstanding the significant emissions rates for ozone under paragraphs (a)(1)(x)(A) and (B) of this section, any increase in actual emissions of volatile organic compounds from any emissions unit at a major stationary source of volatile organic compounds located in an extreme ozone nonattainment area that is subject to subpart 2, part D, title I of the Act shall be considered a significant net emissions increase.
R 336.2901(hh)(v)	Notwithstanding the significant emissions rates for ozone in R 336.2901(hh)(i)(D) and R 336.2901(hh)(ii), any increase in actual emissions of volatile organic compounds from any emissions unit at a major stationary source of volatile organic compounds located in an extreme ozone nonattainment area that is subject to subpart 2, part D, title 1 of the clean air act shall be considered a significant net emissions increase.
<b>40 CFR 51.165 (a)(1)(xxxvii)(C)(1)</b>	Volatile organic compounds and nitrogen oxides are precursors to ozone in all ozone nonattainment areas.
R 336.2901(ff)	(ff) "Regulated new source review pollutant" means any of the following: (i) Oxides of nitrogen (NO <sub>x</sub> ) or any volatile organic compounds. (ii) Any pollutant for which a NAAQS has been promulgated. (iii) Any pollutant that is a constituent or precursor of a general pollutant listed under paragraphs (i) or (ii) of this subdivision, provided that a constituent or precursor pollutant may only be regulated under new source review as part of regulation of the general pollutant.
<b>40 CFR 51.165 (a)(3)(ii)(C)(1)</b>	Emissions reductions achieved by shutting down an existing emission unit or curtailing production or operating hours may be generally credited for offsets if they meet the requirements in paragraphs (a)(3)(ii)(C)(1)(i) through (ii) of this section.
R 336.2908(5)(c)(i)	Emissions reductions that have been achieved by shutting down an existing emission unit or curtailing production or operating hours may be generally credited for offsets only if they meet all of the following requirements:
<b>40 CFR 51.165 (a)(3)(ii)(C)(1)(i)</b>	Such reductions are surplus, permanent, quantifiable, and federally enforceable.
R 336.2908(5)(c)(i)(A)	The reductions are surplus, permanent, quantifiable and federally enforceable.
<b>40 CFR 51.165 (a)(3)(ii)(C)(1)(ii)</b>	The shutdown or curtailment occurred after the last day of the base year for the SIP planning process. For purposes of this paragraph, a reviewing authority may choose to consider a prior shutdown or curtailment to have occurred after the last day of the base year if the projected emissions inventory used to develop the attainment demonstration explicitly includes the emissions from such previously shutdown or curtailed emission units. However, in no event may credit be given for shutdowns that occurred before August 7, 1977.

R 336.2908(5)(c)(i)(B)	The shutdown or curtailment occurred after the last day of the base year for the SIP planning process. The department may choose to consider a prior shutdown or curtailment to have occurred after the last day of the base year if the projected emissions inventory used to develop the attainment demonstration explicitly includes emissions from such previously shutdown or curtailed emission units. However, credit shall not be given for shutdowns that occurred before August 7, 1977.
<b>40 CFR 51.165 (a)(3)(ii)(C)(2)</b>	Emissions reductions achieved by shutting down an existing emissions unit or curtailing production or operating hours and that do not meet the requirements in paragraph (a)(3)(ii)(C)(1)(ii) of this section may be generally credited only if:
R 336.2908(5)(c)(ii)	Emissions reductions that are achieved by shutting down an existing emissions unit or curtailing production or operating hours and that do not meet the requirements of R 336.2908(5)(c)(i)(A) and (B) may be generally credited only if they meet either of the following:
<b>40 CFR 51.165 (a)(3)(ii)(C)(2)(i)</b>	The shutdown or curtailment occurred on or after the date the construction permit application is filed; or
R 336.2908(5)(c)(ii)(A)	The shutdown or curtailment occurred on or after the date the construction permit application is filed.
<b>40 CFR 51.165 (a)(3)(ii)(C)(2)(ii)</b>	The applicant can establish that the proposed new emissions unit is a replacement for the shutdown or curtailed emissions unit, and the emissions reductions achieved by the shutdown or curtailment met the requirements of paragraph (a)(3)(ii)(C)(1)(i) of this section.
R 336.2908(5)(c)(ii)(B)	The applicant can establish that the proposed new emissions unit is a replacement for the shutdown or curtailed emissions unit, and the emissions reductions are surplus, permanent, quantifiable and federally enforceable.
<b>40 CFR 51.165 (a)(8)</b>	The plan shall provide that the requirements of this section applicable to major stationary sources and major modifications of volatile organic compounds shall apply to NO <sub>x</sub> emissions from major stationary sources and major modifications of NO <sub>x</sub> in an ozone transport region or in any ozone nonattainment area, except in ozone nonattainment areas or in portions of an ozone transport region where the Administrator has granted a NO <sub>x</sub> waiver applying the standards set forth under section 182(f) of the Act and the waiver continues to apply.
R 336.2902(8)	The requirements of this part that apply to major stationary sources and major modifications of volatile organic compounds shall also apply to NO <sub>x</sub> emissions from major stationary sources and major modifications of NO <sub>x</sub> in an ozone transport region or in any ozone nonattainment area, except in ozone nonattainment areas or portions of an ozone transport region where the USEPA has granted a NO <sub>x</sub> waiver applying the standards set forth under section 182(f) of the clean air act and the waiver continues to apply.



<b>40 CFR 51.165 (a)(9)(ii)</b>	The plan shall require that in meeting the emissions offset requirements of paragraph (a)(3) of this section for ozone nonattainment areas that are subject to subpart 2, part D, title I of the Act, the ratio of total actual emissions reductions of volatile organic compounds to the emissions increase of volatile organic compounds shall be as follows:
R 336.2908(6)	For facilities meeting the emissions offset requirements of R 336.2908(5) for ozone nonattainment areas that are subject to subpart 2, part D, title 1 of the clean air act, the facility must meet the following requirements:
<b>40 CFR 51.165 (a)(9)(ii)</b>	The plan shall require that in meeting the emissions offset requirements of paragraph (a)(3) of this section for ozone nonattainment areas that are subject to subpart 2, part D, title I of the Act, the ratio of total actual emissions reductions of volatile organic compounds to the emissions increase of volatile organic compounds shall be as follows:
R 336.2908(6)(a)	The ratio of total actual emissions reductions of volatile organic compounds or NO <sub>x</sub> to the emissions increase of volatile organic compounds or NO <sub>x</sub> shall be as follows:
<b>40 CFR 51.165 (a)(9)(ii)(A)</b>	In any marginal nonattainment area for ozone - at least 1.1:1
R 336.2908(6)(a)(i)	In any marginal nonattainment area for ozone, the ratio shall be 1.1:1.
<b>40 CFR 51.165 (a)(9)(ii)(B)</b>	In any moderate nonattainment area for ozone - at least 1.15:1
R 336.2908(6)(a)(ii)	In any moderate nonattainment area for ozone, the ratio shall be 1.15:1.
<b>40 CFR 51.165 (a)(9)(ii)(C)</b>	In any serious nonattainment area for ozone - at least 1.2:1
R 336.2908(6)(a)(iii)	In any serious nonattainment area for ozone, the ratio shall be 1.2:1.
<b>40 CFR 51.165 (a)(9)(ii)(D)</b>	In any severe nonattainment area for ozone - at least 1.3:1 (except that the ratio may be at least 1.2:1 if the approved plan also requires all existing major sources in such nonattainment area to use BACT for the control of volatile organic compounds); and
R 336.2908(6)(a)(iv)	In any severe nonattainment area for ozone, the ratio shall be 1.3:1, except that the ratio may be 1.2:1 if all existing major sources in the severe nonattainment area use BACT for the control of volatile organic compounds.
<b>40 CFR 51.165 (a)(9)(ii)(E)</b>	In any extreme nonattainment area for ozone - at least 1.5:1 (except that the ratio may be at least 1.2:1 if the approved plan also requires all existing major sources in such nonattainment area to use BACT for the control of volatile organic compounds); and
R 336.2908(6)(a)(v)	In any extreme nonattainment area for ozone, the ratio shall be 1.5:1, except that the ratio may be 1.2:1 if all existing major sources in the extreme nonattainment area use BACT for the control of volatile organic compounds.

<p><b>40 CFR 51.165(a)(9)(iii)</b></p>	<p>Notwithstanding the requirements of paragraph (a)(9)(ii) of this section for meeting the requirements of paragraph (a)(3) of this section, the ratio of total actual emissions reductions of volatile organic compounds to the emissions increase of volatile organic compounds shall be at least 1.15:1 for all areas within an ozone transport region that is subject to subpart 2, part D, title I of the Act, except for serious, severe, and extreme ozone nonattainment areas that are subject to subpart 2, part D, title I of the Act.</p>
<p>R 336.2908(6)(b)</p>	<p>Notwithstanding the requirements of R 336.2908(6)(a) for meeting the requirements of R 336.2908(5), the ratio of total actual emissions reductions of volatile organic compounds to the emissions increase of volatile organic compounds shall be 1.15:1 for all areas within an ozone transport region that is subject to subpart 2, part D, title 1 of the clean air act except for serious, severe, and extreme ozone nonattainment areas that are subject to subpart 2, part D, title 1 of the clean air act.</p>
<p><b>40 CFR 51.165(a)(9)(iv)</b></p>	<p>The plan shall require that in meeting the emissions offset requirements of paragraph (a)(3) of this section for ozone nonattainment areas that are subject to subpart 1, part D, title I of the Act (but are not subject to subpart 2, part D, title I of the Act, including 8-hour ozone nonattainment areas subject to 40 CFR 51.902(b)), the ratio of total actual emissions reductions of volatile organic compounds to the emissions increase of volatile organic compounds shall be at least 1:1.</p>
<p>R 336.2908(6)(c)</p>	<p>For each facility meeting the emissions offset requirements of R 336.2908(5) for ozone nonattainment areas that are subject to subpart 1, part D, title 1 of the clean air act but are not subject to subpart 2, part D, title 1 of the clean air act, including 8-hour ozone nonattainment areas subject to 40 CFR 51.902(b), adopted by reference in R 336.1902, the ratio of total actual emissions reductions of volatile organic compounds to the emissions increase of volatile organic compounds shall be 1:1.</p>
<p><b>40 CFR 51.165(a)(12)</b></p>	<p>The plan shall require that in any area designated nonattainment for the 2008 ozone NAAQS and designated nonattainment for the 1997 ozone NAAQS on April 6, 2015 the requirements of this section applicable to major stationary sources and major modifications of ozone shall include the anti-backsliding requirements contained at § 51.1105.</p>
<p>Not Applicable</p>	<p>Michigan did not have any designated nonattainment areas for the 1997 nor 2008 ozone NAAQS on April 6, 2015; therefore, this requirement is not applicable.</p>

**Code of Federal Regulations Requirements**

40 CFR, Part 51, Appendix V, Section 2, requires specific components be provided with any SIP submittal, divided into three subsections: Administrative (subsection 2.1), Technical (subsection 2.2), and Exceptions (subsection 2.3). The State of Michigan is obligated to address specific components, which are enumerated below.

## **Administrative Materials**

### **1. Formal Request.**

Appendix V requires all SIP submittals contain a formal letter of submittal from the Governor or the Governor's designee requesting the U. S. Environmental Protection Agency's (USEPA) approval of the SIP revision.

Subparagraph 2.1(a) requires, in part, *"A formal...letter of submittal from the governor or his designee requesting [US]EPA approval of the plan or revision thereof..."*

A cover letter dated **Month Date, Year**, from EGLE Director Liesl Eichler Clark to Debra Shore, Regional Administrator, USEPA, Region 5, requesting approval of SIP revisions, accompanies this submittal.

If requested, a copy of a delegation letter dated July 3, 2019, from Governor Gretchen Whitmer to the USEPA, Region 5 Regional Administrator, is available. It delegates authority from the Governor to EGLE's Director to make any SIP submittal, request, or application under the CAA.

### **2. Necessary Legal Authority**

Appendix V requires the State to have the necessary legal authority to enforce the requested SIP revision. Subparagraph 2.1(c) requires *"Evidence that the State has the necessary legal authority under State law to adopt and implement the plan."*

Section 5512 of Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, gives the agency the authority to promulgate the revised rules. A copy is available upon request or at the website listed below:

<http://legislature.mi.gov/doc.aspx?mcl-324-5512>

### **3. Sufficient Public Notice**

Appendix V requires the State to submit evidence that public notice was properly conducted. Subparagraph 2.1(f) requires *"Evidence that public notice was given of the proposed change consistent with procedures approved by EPA, including the date of publication of such notice."*

Public notice for the rules addressed in this submittal was given as part of the promulgation process, along with notification that the new rules/changes would be submitted for SIP approval. The public notice addressing revision of the SIP was published in Michigan's environmental calendar located at <http://www.michigan.gov/envcalendar>, from October 31, 2022, through November 29, 2022, a copy of which is available upon request.

### **4. Valid Public Hearing**

Appendix V requires the State submit a certification that a public hearing, if held, followed all applicable requirements and protocols. Subparagraph 2.1(g) requires, *"Certification that public hearings were held in accordance with the information provided in the public notice and the State's laws and constitution, if applicable and consistent with the public hearing requirements in [40 CFR 51.102](#)."*

If a public hearing is requested one will be held.

## 5. Public Comments and Responses

Appendix V requires the State to submit a compilation of public comments and the State's responses to those comments. Subparagraph 2.1(g) requires "*Compilation of public comments and the State's response thereto.*"

*For this SIP revision/certification, the comment portion will be updated upon completion of the public comment period.*

## Technical Materials

### 1. Affected Regulated Pollutants

Appendix V, subparagraph 2.2(a) requires states to submit "*Identification of all regulated pollutants affected by the plan.*"

The certification of these Part 19 rules, which are being requested for inclusion in Michigan's SIP, can potentially affect nitrogen oxides and volatile organic compounds.

### 2. Affected Sources

Appendix V, subparagraph 2.2(b) requires "*Identification of the locations of affected sources including the EPA attainment/nonattainment designation of the locations and the status of the attainment plan for the affected areas.*"

The Part 19 rules included in this request affect NO<sub>x</sub> and VOC emitting sources; however, the certification of these rules will not have an impact on emissions of a source.

### 3. Quantification of Emission Changes

Appendix V requires the State to submit information regarding changes in emissions that might occur from the acceptance of these rules into the SIP. Subparagraph 2.2(c) requires "*Quantification of the changes in plan allowable emissions from the affected sources; estimates of changes in current actual emissions from affected sources or, where appropriate, quantification of changes in actual emissions from affected sources through calculations of the differences between certain baseline levels and allowable emissions anticipated as a result of the revision.*"

No changes were made to Part 19 rules referenced in this SIP.

### 4. Continued Protection of Federal Standards

Appendix V requires the State to demonstrate that several federal programs are protected if the plan is approved and implemented. Subparagraph 2.2(d) requires "*The State's demonstration that the national ambient air quality standards, prevention of significant deterioration increments, reasonable further progress demonstration, and visibility, as applicable, are protected if the plan is approved and implemented. For all requests to redesignate an area to attainment for a national primary ambient air quality standard, under section 107 of the Act, a revision must be submitted to provide for the maintenance of the national primary ambient air quality standards for at least 10 years as required by section 175A of the Act.*"

No changes were made to Part 19 rules referenced in this SIP. The certification of these rules should cause no impact on the emissions of a source, have any effect on Michigan's

National Ambient Air Quality Standards (NAAQS) attainment status, or result in any backsliding on achieved improvements.

**5. Modeling Information**

Appendix V requires the State to provide modeling analysis to support the proposed revision. Subparagraph 2.2(e) requires *“Modeling information required to support the proposed revision, including input data, output data, models used, justification of model selections, ambient monitoring data used, meteorological data used, justification for use of offsite data (where used), modes of models used, assumptions, and other information relevant to the determination of adequacy of the modeling analysis.”*

A modeling demonstration is not applicable for the changes requested in this submittal.

**6. Continuous Emission Reduction Technology**

Appendix V, subparagraph 2.2(f) requires states to submit *“Evidence, where necessary, that emission limitations are based on continuous emission reduction technology.”*

No evidence that emission limitations are based on continuous emission reduction technology is necessary for this submittal.

**7. Ensuring Emissions Levels**

Appendix V requires the State provide evidence that the submittal has sufficient requirements to enforce allowed emission levels. Subparagraph 2.2(g) requires *“Evidence that the plan contains emission limitations, work practice standards and recordkeeping/reporting requirements, where necessary, to ensure emission levels.”*

For the rules in this submittal, this requirement would not be applicable as no changes to the rules were made.

**8. Compliance and Enforcement Strategies**

Appendix V, subparagraph 2.2(h) requires *“Compliance/enforcement strategies, including how compliance will be determined in practice.”*

This NNSR SIP submittal is being completed as a portion of the attainment demonstration for the 2015 ozone NAAQS nonattainment area requirements. Under Part 19 rules EGLE’s Air Quality Division compliance staff will inspect facilities on a regular basis to determine if facilities are meeting these requirements. Compliance would be determined in the permitting process.

**9. Required Economic and Technological Justifications**

Appendix V, subparagraph 2.2(i) requires *“Special economic and technological justifications required by any applicable EPA policies, or an explanation of why such justifications are not necessary.”*

There are no known USEPA policies that are applicable to this submittal.

## Exceptions for Parallel Processing

Appendix V, subsection 2.3, for the purposes of expediting the review of the plan, has adopted a procedure referred to as “parallel processing.” Parallel processing allows a State to submit the plan prior to actual adoption by the State and provides an opportunity for the State to consider USEPA comments prior to submission of a final plan for final review and action. Further information is available as described in Appendix V; however, the parallel processing procedure is not being utilized for this submittal, therefore no additional discussion is necessary.

## **Clean Air Act Section 110(l) Requirements**

The CAA Section 110(l) governs the submittal of SIP revisions. This section contains EGLE’s Section 110(l) demonstration for the requested SIP revisions in this document. Section 110(l) states: *“Each revision to an implementation plan submitted by a State under this chapter shall be adopted by such State after reasonable notice and public hearing. The Administrator shall not approve a revision of a plan if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress (as defined in section 7501 of this title), or any other applicable requirement of this chapter.”*

This section contains EGLE’s Section 110(l) demonstration for the requested SIP revisions in this document. This SIP submittal does not implement any changes in the control programs or requirements approved in the SIP.

## **Conclusion**

Through this proposed revision to the Michigan SIP, EGLE has demonstrated the satisfaction of all the requirements of 40 CFR Part 51, Appendix V, and CAA Section 110(l). EGLE has demonstrated that the proposed SIP revision will not affect attainment or reasonable further progress. Therefore, EGLE requests that the certification of the rules included in this document be approved into the Michigan SIP.

## Attachments