



MICHIGAN DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY

Annual Regulatory Plan

Report Period:
July 1, 2024 to June 30, 2025

Authority:
MCL 24.253

Submitted:
June 25, 2024

Michigan Department of Environment, Great Lakes, and Energy Executive Summary

The Michigan Department of Environment, Great Lakes, and Energy (EGLE) is responsible for a total of 61 rule sets. EGLE will be evaluating six of the rule sets for possible revisions within the next 12 months.

During the past 12 months, one rule set was promulgated:

- 2023-43 EQ – Part 7: Emission Limitations and Prohibitions – New Sources of Volatile Organic Compound Emissions

EGLE has five rule sets undergoing the rulemaking process:

- 2023-5 EQ – Hazardous Waste Management
- 2023-11 EQ – Part 1. General Provisions
- 2023-13 EQ – Part 8. Emission Limitations and Prohibitions – Oxides of Nitrogen
- 2023-14 EQ – Part 9. Emission Limitations and Prohibitions – Miscellaneous
- 2023-15 EQ – Part 10. Intermittent Testing and Sampling

EGLE Rule Sets Being Evaluated for Revision from July 1, 2024 to June 30, 2025

| Division | Rule Set Title | Rule Citation |
|--|---|-------------------------|
| <u>Air Quality</u> | Part 6. Emission Limitations and Prohibitions – Existing Sources of Volatile Organic Compound Emissions | R 336.1601 – 336.1662 |
| <u>Drinking Water and Environmental Health</u> | Supplying Water to the Public | R 325.10101 – 325.12820 |
| <u>Materials Management</u> | Ionizing Radiation Rules for Radioactive Material | R 325.5150 – 325.5168 |
| | Hazardous Waste | R 299.9101 – 299.11107 |
| | Solid Waste Management | R 299.4101 – 299.4922 |
| <u>Oil, Gas, and Minerals</u> | None | |
| <u>Remediation and Redevelopment</u> | None | |
| <u>Water Resources</u> | Part 41. Sewerage Systems Rules | R 299.2901 – 299.2974 |

**Department of Environment, Great Lakes, and Energy
Air Quality Division (AQD)**

1. Rule(s) to be **processed** between July 1, 2024 and June 30, 2025.

Rule sets currently going through the rulemaking process:

2023-11 EQ – Part 1. General Provisions
2023-13 EQ – Part 8. Emission Limitations and Prohibitions – Oxides of Nitrogen
2023-14 EQ – Part 9. Emission Limitations and Prohibitions – Miscellaneous
2023-15 RW – Part 10. Intermittent Testing and Sampling

Rule sets that may start the rulemaking process after July 1, 2024:

Part 6. Emission Limitations and Prohibitions – Existing Sources of Volatile Organic Compound Emissions (R 336.1601 – R 336.1662)

Potential updates necessary for the reasonably available control technology rules to better align with industry practices and address administrative revisions. Potential updates may also be necessary to revise language surrounding southeast Michigan due to redesignation to attainment on May 19, 2023.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2024 and June 30, 2025. Also, please identify the rules or rule sets that are least important to the mission and function of the agency or are otherwise strong candidates for rescission.

None

3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

No

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

Part 6. Emission Limitations and Prohibitions – Existing Sources of Volatile Organic Compound Emissions planned revisions.

Comments have been received for Part 6 Rules requesting additional clarifying language and for the removal of the southeast Michigan areas from the more stringent standards, now that the area has been redesignated. Adjustments to Part 6 Rules are anticipated pending clarity from a federal challenge to the redesignation of southeast Michigan to attainment for the 2015 ozone National Ambient Air Quality Standard.

A. Describe whether there is a continued need for the rules.

Yes, there is a continued need for Part 6 Rules.

B. Provide a summary of any complaints or comments received from the public concerning the rules.

Several comments have been received for the Part 6 Rules requesting additional clarifying language to the rules and for the removal of the southeast Michigan areas from the more stringent standards now that the area has been redesignated.

C. Describe the complexity of complying with the rules.

Part 6 Rule revisions would be removing geographical areas from complying with recent promulgated regulations, resulting in a decrease in the complexity of compliance with the rules for several industries.

D. Describe whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

None of the Part 6 Rules conflict with or duplicate similar rules or regulations adopted by other regulatory agencies.

E. 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 regulatory activity covered by the rules.

EGLE evaluated revisions to the Part 6 Rules in 2023; however, since then there was a regulatory decision approved by the United States Environmental Protection Agency (USEPA) to redesignate the southeast Michigan area back into attainment for the 2015 Ozone standard.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

EGLE's Regulations, Laws, Rules, and Policies [website](#) directs the public to the MOAHR administrative rules websites, as copied below:

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[Pending Administrative Rules](#)
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6. Please provide a list of the items identified for action in the 2024 ARP that have been completed and those that remain outstanding.

Completed Rule Sets

Part 7. Emission Limitations and Prohibitions – New Sources of Volatile Organic Compound Emissions.

The rule revisions were effective October 11, 2023.

Outstanding Rule Sets

Part 2. Air Use Approval

Part 3. Emission Limitations and Prohibitions – Particulate Matter

Part 6. Emission Limitations and Prohibitions – Existing Sources of Volatile Organic Compound Emissions

Part 18. Prevention of Significant Deterioration of Air Quality

Part 19. New Source Review for Major Sources Impacting Nonattainment Areas

**Department of Environment, Great Lakes, and Energy
Drinking Water and Environmental Health Division (DWEHD)**

7. Rule(s) to be **processed** between July 1, 2024 and June 30, 2025.

Rule sets currently going through the rulemaking process:

None

Rule sets that may start the rulemaking process after July 1, 2024:

Supplying Water to the Public (R 325.10101 – 325.12820)

Part 1 – Part 28 promulgated under the Michigan Safe Drinking Water Act, 1976 PA 399 will be amended to incorporate recently promulgated federal regulations regarding per- and polyfluoroalkyl substances (PFAS) in drinking water. These revisions are necessary for Michigan to obtain primary enforcement authority (primacy) for these regulations.

8. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2024 and June 30, 2025. Also, please identify the rules or rule sets that are least important to the mission and function of the agency or are otherwise strong candidates for rescission.

None

9. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

Part 117, Septage Waste Servicers, of the Natural Resources Environmental Protection Act, 1994 PA 451, as amended (NREPA) (Specifically MCL 324.11701 – 324.11720).

EGLE has not had the resources to promulgate rules for the Part 117 septage waste receiving facilities and continuing education requirements. However, EGLE has successfully implemented the receiving facility and education provisions using the statutory authorities.

10. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

Supplying Water to the Public (R 325.10101 – 325.12820)

Concerns have been expressed regarding the financial and logistical challenge to regulated entities, particularly as it relates to the 2018 revisions to lead and copper requirements.

A. Describe whether there is a continued need for the rules.

Yes, these regulations are critical to protecting public health.

B. Provide a summary of any complaints or comments received from the public concerning the rules.

Municipalities are most concerned with the cost associated with full lead service line replacement and challenges associated with accessing private property to replace lead service lines.

C. Describe the complexity of complying with the rules.

Lead and copper regulations are extremely complex, including extensive sampling, reporting, treatment, and education requirements.

D. Describe whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

None of these rules conflict with or duplicate similar rules or regulations adopted by other regulatory agencies. However, the USEPA is currently updating federal lead and copper regulations, which will result in the DWEHD updating Michigan's lead and copper requirements as needed.

E. 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 regulatory activity covered by the rules.

EGLE promulgated revisions to Michigan lead and copper rules in 2018. The USEPA's most recent revisions to federal lead and copper requirements were promulgated in late 2020, however the USEPA plans additional federal revisions to these requirements in late 2024. Increased attention on lead in drinking water is driving more stringent regulations nationwide. Additional federal and state funding is being made available to assist with service line replacement costs.

11. Please provide the URL link the department or bureau is currently using to display their administrative rules.

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12. Please provide a list of the items identified for action in the 2024 ARP that have been completed and those that remain outstanding.

Completed Rule Sets

None

Outstanding Rule Sets

Supplying Water to the Public (R 325.10101 – 325.12820)
Groundwater Quality Control Rules (R 325.1601 – 325.1781)
Public Swimming Pools (R 325.2111 – 325.2199)

**Department of Environment, Great Lakes, and Energy
Materials Management Division (MMD)**

13. Rule(s) to be **processed** between July 1, 2024, and June 30, 2025.

Rule sets currently going through the rulemaking process:

2023-5 EQ – Hazardous Waste Management

Rule sets that may start the rulemaking process after July 1, 2024:

Ionizing Radiation Rules for Radioactive Material (R 325.5150 – 325.5168)
Part 3: Control and Licensing of TENORM, will be added to establish radiation protection standards and licensing requirements. Adoption of the protection standards and licensing requirements is intended to make the regulation of TENORM more transparent and consistent with the existing ionizing radiation rules.

Hazardous Waste (R 299.9101 – R 299.11107)
Settlement of an ongoing Title VI of the Civil Rights Act of 1964, 42 United States Code § 2000d et seq., lawsuit against EGLE may require some revisions to the administrative rules promulgated under Part 111, Hazardous Waste Management, of the NREPA. If a final settlement is reached, MMD will initiate the revisions required as part of the settlement.

Solid Waste Management (R 299.4101 – R 299.4922)
The USEPA has authorized Michigan to administer its state Solid Waste Management Program in lieu of the federal program. Amendments to Part 115, Solid Waste Management, of the NREPA, were passed on December 28, 2022, and became effective on March 29, 2023. These statutory changes switch the program focus from landfill disposal to materials management, add authorizations for additional materials management facilities, and change the county planning focus from landfill disposal capacity to materials management facility capacity. The rules require updating to align with the statutory changes.

14. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2024, and June 30, 2025. Also, please identify the rules or rule sets that are least important to the mission and function of the agency or are otherwise strong candidates for rescission.

None

15. Has the agency failed to promulgate any statutorily required rules or failed to utilize any statutorily required rules? Please explain.

No

16. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

Neither the hazardous waste management nor solid waste management rules referenced above are problematic to industry per se. Both rule sets are continually reviewed to ensure they are regulated community-friendly in terms of clarity and consistency with governing federal regulations, and by offering streamlined requirements and levels of regulation where feasible.

A. Describe whether there is a continued need for the rules.

Yes, there is a continued need for both rule sets as EGLE has been granted authority to administer its hazardous and solid waste programs in lieu of the respective federal programs.

B. Provide a summary of any complaints or comments received from the public concerning the rules.

The MMD is not aware of any specific complaints or comments received from the public concerning the rules.

C. Describe the complexity of complying with the rules.

The hazardous waste program rules are very complex, regulating hazardous waste from cradle to grave. The rules cover the identification and listing of hazardous waste; generators; transporters; hazardous waste treatment, storage, and disposal facilities; financial assurance; special wastes; and materials adopted by reference. The solid waste program rules are sophisticated as well, covering such areas as the identification of different types of solid waste; management options; transportation; requirements for transfer facilities and landfill design, construction, and operation; and financial assurance.

D. Describe whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

The hazardous waste and solid waste program rules do not conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government, rather as authorized programs, state program rules typically supersede their federal counterparts.

E. 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 regulatory activity covered by the rules.

The hazardous waste and solid waste program rules are evaluated on an ongoing basis to ensure the State is meeting the requirements necessary to

maintain its federal authorizations. Technological and scientific advances may allow for additional design and management options as long as they are not less stringent than the governing federal programs' requirements.

17. Please provide the URL link the department or bureau is currently using to display their administrative rules.

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18. Please provide a list of the items identified for action in the 2024 ARP that have been completed and those that remain outstanding.

Completed Rule Sets:

None

Outstanding Rule Sets:

Solid Waste Management (R 299.4101 – R 299.4922)

**Department of Environment, Great Lakes, and Energy
Oil, Gas, and Minerals Division (OGMD)**

19. Rule(s) to be **processed** between July 1, 2024 and June 30, 2025.

Rule sets currently going through the rulemaking process:

None

Rule sets that may start the rulemaking process after July 1, 2024:

None

20. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2024 and June 30, 2025. Also, please identify the rules or rule sets that are least important to the mission and function of the agency or are otherwise strong candidates for rescission.

None

21. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

No

22. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

Emerging well types related to carbon sequestration and hydrogen storage are potential industry pain points. These types of wells are force fit into the current Part 625 Mineral Well program and would be better served through a stand-alone statute and rule set or require adjustments to the Part 625 Rules.

A. Describe whether there is a continued need for the rules.

Yes, there is a continued need for the rules.

B. Provide a summary of any complaints or comments received from the public concerning the rules.

Some public complaints have been received regarding confidentiality in Part 625. The statute addresses confidentiality and what can be shared with the public, however, proposed clarification of R 299.2311 (Application Requirements) would allow the OGMD to share additional items that are already shared with the public via the township clerk receiving the first page of a permit application. The proposed changes would also convey well location information, whether hydrogen sulfide gas is expected, the

casing and cementing program proposed, and details regarding the expected base of the lowest freshwater interval.

C. Describe the complexity of complying with the rules.

Emerging well types into the program have some degree of complexity since much of what is emerging has not gone through widespread development. Stakeholder engagement will ensure that any potential rule changes are nimble to account for these unknowns.

D. Describe whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

Emerging well types related to carbon sequestration do have federal requirements pursuant to the federal Safe Drinking Water Act, administered by the USEPA.

E. 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 regulatory activity covered by the rules.

The Part 625 Mineral Well Rules were last revised in 2008. Emerging well types and the public's demand for transparency in our work have changed since the last evaluation.

The Part 615 Rules were last revised in 2018. Since this evaluation of the rules, we have seen a significant increase of wells added to the Orphan Well Program based upon insolvency as well as more wells being consolidated under one operator.

23. Please provide the URL link the department or bureau is currently using to display their administrative rules.

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24. Please provide a list of the items identified for action in the 2024 ARP that have been completed and those that remain outstanding.

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|------|------------------------------|
| | Completed Rule Sets |
| None | |
| | Outstanding Rule Sets |
| None | |

**Department of Environment, Great Lakes, and Energy
Remediation and Redevelopment Division (RRD)**

25. Rule(s) to be **processed** between July 1, 2024 and June 30, 2025.

Rule sets currently going through the rulemaking process:

None

Rule sets that may start the rulemaking process after July 1, 2024:

None

26. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2024 and June 30, 2025. Also, please identify the rules or rule sets that are least important to the mission and function of the agency or are otherwise strong candidates for rescission.

None

27. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

No

28. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

Cleanup Criteria Requirements for Response Activity (R 299.1 – 299.50)

The cleanup criteria provided in the current rules have not been updated substantially since 1998. Based on previous stakeholder discussions, opportunities were identified to update the rules based on more recent science and potential improved processes.

A. Describe whether there is a continued need for the rules.

Yes, there is a continued need for these rules.

B. Provide a summary of any complaints or comments received from the public concerning the rules.

Concerns from both the regulated community and public have been expressed in previous discussions regarding the rules. The concerns will be revisited at such time when a determination is made to move forward with rule revisions.

C. Describe the complexity of complying with the rules.

The Cleanup Criteria Requirements for Response Activity Rules are complex in nature. The complexity of complying with the rules continues to be an integral component of stakeholder evaluation.

D. Describe whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

The rules are state cleanup criteria and do not duplicate federal regulations.

E. 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 regulatory activity covered by the rules.

EGLE promulgated revisions to this rule set in 2013, 2017, and 2022. The entire rule set pertaining to EGLE's cleanup and redevelopment programs last underwent a comprehensive review by the Criteria Stakeholders Advisory Group and the public, March 2014 through January 2018.

29. Please provide the URL link the department or bureau is currently using to display their administrative rules.

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30. Please provide a list of the items identified for action in the 2024 ARP that have been completed and those that remain outstanding.

Completed Rule Sets

None

Outstanding Rule Sets

None

**Department of Environment, Great Lakes, and Energy
Water Resources Division (WRD)**

31. Rule(s) to be **processed** between July 1, 2024 and June 30, 2025.

Rule sets currently going through the rulemaking process:

None

Rule sets that may start the rulemaking process after July 1, 2024:

Part 41. Sewerage Systems Rules (R 299.2901 – R 299.2974)

32. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2024 and June 30, 2025. Also, please identify the rules or rule sets that are least important to the mission and function of the agency or are otherwise strong candidates for rescission.

None

33. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

No

34. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

None

A. Describe whether there is a continued need for the rules.

None

B. Provide a summary of any complaints or comments received from the public concerning the rules.

None

C. Describe the complexity of complying with the rules.

None

D. Describe whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

None

E. 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 regulatory activity covered by the rules.

None

35. Please provide the URL link the department or bureau is currently using to display their administrative rules.

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36. Please provide a list of the items identified for action in the 2024 ARP that have been completed and those that remain outstanding.

| | |
|------------------------------|--|
| Completed Rule Sets | |
| None | |
| Outstanding Rule Sets | |
| None | |