

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 7. Emission Limitation and Prohibitions - New Sources of Volatile Organic Compounds Emissions

5. Rule numbers or rule set range of numbers:

R 336.1701 - R 336.1710

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 rules contained in Part 7. Emission Limitations and Prohibitions – New Sources of Volatile Organic Compound Emissions, of the Michigan Air Pollution Control Rules (MAPCR) is to address requirements for new sources of volatile organic compounds (VOC) through best available control technology. The proposed rule changes are to rescind the Part 7 gasoline market rules (R 336.1703 through R 336.1706) which are being incorporated into the 2022-018 EQ rule package for Part 6. Emission Limitations and Prohibitions – Existing Sources of VOC Emissions Rules. Additionally, proposed revisions to R 336.1702 will provide clarity regarding the request to use alternative emission limits as a compliance method for new sources of VOC.

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 federal Clean Air Act, 42 U.S.C. 7401 et seq (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 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 rule changes in this submittal are necessary to avoid repetitive requirements on VOC sources due to the updates required to implement reasonably available control technology under the CAA Section 182(b), for Michigan's moderate 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 revisions are necessary to avoid conflict with or duplication of similar rules, compliance requirements, or other standards located in Part 6 of the MAPCR. The proposed rule changes will not duplicate similar rules, compliance requirements, or other standards adopted by 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 of the rules 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 rules do not exceed any regulation, 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 rules have been drafted with input from stakeholders and addresses 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 two evaluations of the rules were in 1997 and 2002. Since then, the federal regulations and guidance upon which these rules were based have not changed or been created. There have not been any changes in technology, economic conditions, or other factors that impact the regulatory activity covered by these rules since the last evaluation.

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?

The proposed rule changes to 2022-018 EQ, Part 6 remove the need for rules R 336.1703 to R 336.1706.

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