

**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:

MCL 24.244 (1)

4. Title of proposed rule set:

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

5. Rule numbers or rule set range of numbers:

R 336.1701 – R 336.1710

6. Estimated time frame:

3 months

Name of person filling out RFR:

Cari DeBruler

E-mail of person filling out RFR:

DEBRULER@michigan.gov

Phone number of person filling out RFR:

517-899-5275

Address of person filling out RFR:

525 W. Allegan Street, Lansing MI 48909

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) emissions. The proposed rule changes are to rescind the Part 7 gasoline market rules (R 336.1703 through R 336.1706), which were incorporated into the 2022-018 EQ rule package for Part 6. Emission Limitations and Prohibitions – Existing Sources of Volatile Organic Compound Emissions Rules.

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 rescissions 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 rescissions are necessary to avoid conflict with or duplication of similar rules, compliance requirements, or other standards located in Part 6 of the MAPCR.

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?

No, the rules were not listed in the department's annual regulatory plan as rules to be rescinded 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?

MCL 24.244 (1)

A. Explain why the rules are being promulgated under 24.244.

These rules are being promulgated under Section 44 of the Administrative Procedures Act because they are obsolete and duplicative. R 336.1703 – 1706 rules were incorporated into the preceding 2022-018 EQ rules package, R 336.1606 – 1609, which went into effect on 4-18-2023.

Based on the information provided in this RFR, MOAHR concludes that there are sufficient policy and legal bases for approving the RFR. The RFR satisfies the requirements of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 to 24.328, and Executive Order No. 2019-6.