



GRETCHEN WHITMER
GOVERNOR

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



LIESL EICHLER CLARK
DIRECTOR

VIA E-MAIL

TO: Representative Luke Meerman, Chair, JCAR
Senator Jon Bumstead, Alternate Chairperson, JCAR
Evan Keimach, Senate Majority Policy Office
Jimmy Biehl, House Republican Policy Office
Tim Reeves, Counsel, JCAR
Elizabeth Edberg, Counsel, JCAR

FROM: Taylor Ridderbusch, Legislative Analyst, Office of Legislative Affairs

DATE: August 16, 2021

SUBJECT: Joint Committee on Administrative Rules (JCAR) Briefing Memo for Rule Set No. 2020-60 EQ

Rules Primer

Rule 902 is required as part of the State Implementation Plan, under Section 110 of the federal Clean Air Act (CAA) 42 U.S.C. 7401 et seq., that must be submitted to the United States Environmental Protection Agency (USEPA).

Rule 974 is required by Section 111(d) of the federal CAA that must be submitted to the USEPA as part of the delegation process for existing commercial and industrial solid waste incinerators.

The rules are expected to have a beneficial impact on the regulated community by providing consistency in implementation of the Air Pollution Control Rules through Rule 902. Changes to Rule 974 are expected to have beneficial impact on the environment by lowering emissions of hazardous air pollutants from commercial and industrial solid waste incinerators (CISWI).

Summary of Draft Proposed Rule Changes

R 336.1902, "Adoptions of standards by reference." Proposed revisions consist primarily of updates to costs associated with obtaining a copy of the reference material to align with what is currently offered by the respective sources, including the Air Quality Division. The update also revises the publication dates referenced. Revisions were also made to the physical and web addresses listed in the rule to reflect the current information and availability of these reference materials from their respective agencies.

R 336.1974, “Emission standards for existing commercial and industrial solid waste incinerators.” Proposed revisions address the most recent amendments to Subpart DDDD made by the USEPA on March 18, 2019. The rule revisions will account for the changes to Subpart DDDD, which would result in a rule that directly mirrors Subpart DDDD except for the compliance date. The compliance date of the rule, as required under MCL 24.247, will be seven days after rule promulgation. The compliance date in Subpart DDDD has passed; therefore, Michigan units will need to be in compliance seven days after rule promulgation.

Summary of the Final Proposed Rule

Stakeholder Engagement

EGLE staff shared draft rule language with the Air Advisory Council and the Michigan Manufactures Association before beginning the rulemaking process. Staff presented information on the draft language to both organizations and sought feedback. No changes were recommended.

Public Engagement and Public Hearing/Comment/Information

A public hearing was held virtually on Wednesday, March 31, 2021. No members of the community or delegates attended the hearing. Eight Department of Environment, Great Lakes, and Energy (EGLE) staff members were in attendance. No comments were received during the hearing.

The public comment period began March 1, 2021 and ended at 5:00 p.m. on March 31, 2021. No written comments were received during the comment period.

Modifications Made Due to Public Comment

Due to no comments being received during the public comment period or at the hearing, no changes were made to the draft proposed rules.

Significant Issues Not Incorporated in the Final Proposed Rules

No significant issues arose during the entire rulemaking process.

cc: Liesl Eichler Clark, Director, EGLE
Aaron B. Keatley, Chief Deputy Director, EGLE
Amy Epkey, Senior Deputy Director, EGLE
James Clift, Deputy Director, EGLE
Dale Shaw, Regulatory Affairs Officer, EGLE
Mary Ann Dolehanty, EGLE
Cari DeBruler, EGLE