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GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF  
ENVIRONMENT, GREAT LAKES, AND ENERGY  
EXECUTIVE OFFICE



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VIA E-MAIL

TO: Representative Douglas Wozniak, Chair, JCAR  
Senator Paul Wojno, Alternate Chairperson, JCAR  
Catherine Edwards, House Majority Policy Office  
Desmond Miller, Senate Majority Policy Office  
Tim Reeves, Counsel, JCAR  
Rachel Hughart, Counsel, JCAR

FROM: Sydney Hart, Legislative Liaison  
Office of Legislative Affairs

DATE: June 10, 2025

SUBJECT: Joint Committee on Administrative Rules (JCAR) Briefing Memo for Rule  
Set No. 2023-15 EQ

**Rules Background**

The Michigan Air Pollution Control Rules (MAPCR) Part 10 Intermittent Testing and Sampling was originally established in 1980. The purpose of the rule part is to outline applicable intermittent testing and sampling procedures referenced throughout the MAPCR supporting the Department of Environment, Great Lakes, and Energy's (EGLE) Air Quality Division (AQD) air programs.

**Summary of Proposed Rule Changes**

The proposed rule revisions of Part 10 are administrative in nature and provide clarifying language, while others are also necessary to support recent changes to other MAPCRs addressing the federal Clean Air Act (CAA) 42 U.S.C. 7401 et seq., requirements referred to as "Reasonably Available Control Technologies." More specifically, the revisions fall into several categories:

- Updates to reference guidelines and publications to align with current versions used and remove adoption by reference information that has been transferred into R 336.1902, as it is redundant.
- Revision of R 336.2001 to provide clarity and create a unified rule to house the authority of the department surrounding performance testing.
- Addition of language to R 336.2001 and R 336.2003 to clarify the timing surrounding notifications to the department of a performance test and to define the start of a stack test by when a probe from the first sample enters the stack.
- Addition of references to applicable tables and rules in R 336.2041(13) regarding the automobile protocol reference.

These suggested changes will align the regulations with current testing and sampling procedures and may minimally affect sources across the state in a beneficial way.

### **Stakeholder Engagement**

The rules have been drafted with input from stakeholders to address their concerns as sufficiently as possible while still complying with the requirements outlined in the federal CAA. This stakeholder workgroup was originally established in late 2019 to address CAA ozone requirements, which initiated revising the Part 9 rules. The workgroup convened periodically, in person and virtually, to discuss work and research during the development of these rules.

The stakeholders consisted primarily of environmental consultants, facility environmental staff, environmental group representatives, academia representatives, and additional EGLE staff.

### **Public Engagement and Public Hearing**

A public hearing was held on March 20, 2025, in Constitution Hall, William Ford Conference Room, 2nd Floor, South Tower, 525 West Allegan Street, Lansing, Michigan. The public hearing was also available virtually. This public hearing was for rule package 2023-15 EQ covering Part 10 revisions. Six people attended the hearing in person, all of whom were EGLE staff, and four attended virtually. Two people who spoke were staff members conducting the hearing. The public comment period began on February 20, 2025, and ended at 5:00 p.m. on March 20, 2025. The AQD received one written comment.

### **Modifications Made Due to Public Comment**

AQD staff assessed the comments received during the public comment period and made additional revisions, which included the following:

- Removal of obsolete “permit to operate” language.
- Addition of clarifying language regarding approved methods.
- Revision of standard temperature from 70 degrees Fahrenheit to 68 degrees Fahrenheit to align with United States Environmental Protection Agency methods.
- Update to requirements around use of asbestos string gaskets to heat-resistant fiberglass, graphite, or other.
- Update to calibration methods for non-mercury-in-glass thermometers to accommodate other thermometers.
- Correction of typographical errors.

### **Significant Issues Not Incorporated in the Final Proposed Rules**

The following concepts were suggested and discussed. However, the suggested changes would cause undesirable effects; therefore, the following comments did not result in changes to the final proposed rule set:

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- Request to add language under Rule 1003 to allow the owner or operator of a source to request approval from the department to test under alternate operating conditions. No revision was made since current language already supports this type of process.
- A request was made to update a reference document to a newer addition. No change was made because the comment was for a rule that was not part of the public comment rule set.

Attachments: List of Stakeholder Group Participants  
List of Public Commenters

cc/att: Phillip D. Roos, Director, EGLE  
Aaron B. Keatley, Chief Deputy Director, EGLE  
Travis Boeskool, Deputy Director, EGLE  
Ann Larson, Deputy Director, EGLE  
Annette Switzer, EGLE  
Dale Shaw, EGLE  
Cari DeBruler, EGLE

### **List of Stakeholder Group Participants**

<b>Name</b>	<b>Affiliation</b>
Alec Kownacki	EGLE
Alexandria Muench	Ajax Metal
Anthony Percha	GZA GeoEnvironmental, Inc.
Barry J Marietta	DTE Energy
Bob Byrnes	EGLE
Brandi Campbell	University of Michigan
Brian Carley	EGLE
Brian Warner	Wolverine Power Cooperative
Caroline Liethen	Michigan Manufacturers Association
Carrie Brown	The Household & Commercial Products Association
Charles Dunn	Midland Cogeneration Venture
Charlie Anderson	Solutia, Inc.
Chris McFarlane	TC Energy
Chris Occhipinti	NTH Consultants
Chris Waltman	TC Energy
Chris Zeigler	The American Petroleum Institute
Chuck Mills	Asphalt Pavement Association of Michigan
Cindy Grostick	Michigan Manufacturers Association
Cindy Smith	EGLE
Claire Linkhart	The American Petroleum Institute
Dan Zimmerman	EDL Energy (Granger)
Dana Oleniacz	Environmental Information Logistics
Dave Blatnik	Marathon Petroleum
Dave Krause	Ajax Metal
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Tom Shanley	EGLE
Tracey McDonald	EGLE
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### **List of Public Commenters**

<b>Name</b>	<b>Affiliation</b>
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