



STATE OF MICHIGAN
JOCELYN BENSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

April 28, 2025

NOTICE OF FILING

ADMINISTRATIVE RULES

To: Secretary of the Senate
Clerk of the House of Representatives
Joint Committee on Administrative Rules
Michigan Office of Administrative Hearings and Rules (Administrative Rule #23-014-EQ)
Legislative Service Bureau (Secretary of State Filing #25-04-14)
Department of Environment, Great Lakes, and Energy

In accordance with the provisions of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2023-014-EQ (Secretary of State Filing #25-04-14) on this date at 12:44 P.M. for the Department of Environment, Great Lakes, and Energy entitled, "2023-14 EQ Part 9. Emission Limitation and Prohibitions--Miscellaneous".

These rules become effective immediately after filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

Sincerely,

Jocelyn Benson
Secretary of State

Lashana Threlkeld P.G.
Lashana Threlkeld, Departmental Supervisor
Office of the Great Seal

Enclosure



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

MARLON I. BROWN, DPA
DIRECTOR

April 28, 2025

The Honorable Jocelyn Benson
Secretary of State
Office of the Great Seal
Richard H. Austin Building – 1st Floor
430 W. Allegan
Lansing, MI 48909

Dear Secretary Benson:

Re: Michigan Administrative Rules #: 2023-14 EQ

The Michigan Office of Administrative Hearings and Rules received administrative rules, dated March 6, 2024 for the Department of Environment, Great Lakes and Energy “**Part 9. Emission Limitation and Prohibitions--Miscellaneous**”. We are transmitting these rules to you pursuant to the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6.

Sincerely,

A handwritten signature in black ink, appearing to read "Marlon I. Brown".

Michigan Office of Administrative Hearings and Rules



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA
DIRECTOR

LEGAL CERTIFICATION OF RULES

I certify that I have examined the attached administrative rules, dated March 6, 2024, in which the Department of Environment, Great Lakes, and Energy proposes to modify a portion of the Michigan Administrative Code entitled “Air Pollution Control—Part 9. Emission Limitations and Prohibitions-- Miscellaneous” by:


- ◆ Amending R 336.1902.

The Legislative Service Bureau has approved the proposed rules as to form, classification, and arrangement.

I approve the rules as to legality pursuant to the Administrative Procedures Act, MCL 24.201 *et seq.* and Executive Order No. 2019-6. In certifying the rules as to legality, I have determined that they are within the scope of the authority of the agency, do not violate constitutional rights, and are in conformity with the requirements of the Administrative Procedures Act.

Dated: August 6, 2024

Michigan Office of Administrative Hearings and Rules

By: 
Ashlee N. Lynn,
Attorney



GRETCHEN WHITMER
GOVERNOR

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



PHILLIP D. ROOS
DIRECTOR

CERTIFICATE OF ADOPTION

I, Phillip D. Roos, Director of the Department of Environment, Great Lakes, and Energy, do formally adopt the attached administrative rules, by amending R 336.1902 of the Michigan Administrative Code.

These rules are adopted pursuant to Sections 5503 and 5512 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, MCLs 324.5503 and 324.5512, and Executive Reorganization Order Nos. 1995-16, 2009-31, 2011-1, and 2019-1, MCLs 324.99903, 324.99919, 324.99921, and 324.99923.

July 31, 2024

Date

Phillip D. Roos, Director

MOAHR 2023-14 EQ



Since 1941

Legal Division

Kevin H. Studebaker, Director

CERTIFICATE OF APPROVAL

On behalf of the Legislative Service Bureau, and as required by section 45 of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.245, I have examined the proposed rules of the Department of Environment, Great Lakes, and Energy, dated March 6, 2024, amending R 336.1902 of the Department's rules entitled "Air Pollution Control – Part 9. Emission Limitations and Prohibitions - Miscellaneous." I approve the rules as to form, classification, and arrangement.

Dated: August 6, 2024

LEGISLATIVE SERVICE BUREAU

By 

Rachel M. Hughart,
Legal Counsel

DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY

AIR QUALITY DIVISION

AIR POLLUTION CONTROL

Filed with the secretary of state on April 28, 2025

These rules become effective immediately after filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the director of the department of environment, Great Lakes, and energy by sections 5503 and 5512 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.5503 and 324.5512, and Executive Reorganization Order Nos. 1995-16, 2009-31, 2011-1, and 2019-1, MCL 324.99903, 324.99919, 324.99921, and 324.99923)

R 336.1902 of the Michigan Administrative Code is amended, as follows:

PART 9. EMISSION LIMITATIONS AND PROHIBITIONS - MISCELLANEOUS

R 336.1902 Adoption of standards by reference.

Rule 902. (1) The following standards are adopted by reference in these rules. Copies are available for inspection and purchase at the Air Quality Division, Department of Environment, Great Lakes, and Energy, P.O. Box 30260, Lansing, Michigan 48909-7760, at a cost as of the time of adoption of these rules (AQD price). Copies may also be obtained from the U.S. Government Publishing Office by calling 205-512-1800, or by accessing their online bookstore at <http://bookstore.gpo.gov> at a cost as of the time of adoption of these rules (GPO price). The standards can also be viewed or printed, or both, free of charge at <http://www.ecfr.gov>:

(a) "National Primary and Secondary Ambient Air Quality Standards," 40 CFR part 50 (2022), AQD price \$61.00 and GPO price \$51.00 for part 50 to part 51.

(b) The following sections of "Requirements for Preparation, Adoption, and Submittal of Implementation Plans," 40 CFR part 51 (2022), AQD price \$61.00 and GPO price \$51.00 for part 50 to part 51:

(i) "Definitions," 40 CFR 51.100.

(ii) "Legally enforceable procedures," 40 CFR 51.160.

(iii) "Permit requirements," 40 CFR 51.165.

(iv) "Prevention of significant deterioration of air quality," 40 CFR 51.166.

(v) "Definitions," 40 CFR 51.301 to "Requirements related to the Grand Canyon Visibility Transport Commission," 40 CFR 51.309.

March 6, 2024

- (vi) "Recommended Test Methods for State Implementation Plans," Appendix M.
 - (vii) "Emission Offset Interpretive Ruling," Appendix S.
 - (viii) "Guideline on Air Quality Models," Appendix W.
 - (ix) "Guidelines for BART Determinations under the Regional Haze Rule," Appendix Y.
- (c) The following sections of "Approval and Promulgation of Implementation Plans," 40 CFR part 52 (2022); AQD price \$74.00 and GPO price \$64.00 for part 52 (52.01 to 52.1018):
- (i) "Prevention of significant deterioration of air quality," 40 CFR 52.21.
 - (ii) "Control strategy: Ozone control measures for Cook, DuPage, Kane, Lake, McHenry and Will Counties," 40 CFR 52.741.
 - (d) "Quality Assurance Requirements for Prevention of Significant Deterioration (PSD) Air Monitoring," 40 CFR part 58, appendix B (2022); AQD price \$46.00 and GPO price \$36.00 for part 53 to part 59.
 - (e) "Standards of Performance for New Stationary Sources," 40 CFR part 60, subparts A to WW (2022); AQD price \$74.00 and GPO price \$64.00 for part 60 (60.1 to 60.499).
 - (f) "Standards of Performance for New Stationary Sources (Continued)," 40 CFR part 60, subpart XX to UUUUa, except 40 CFR part 60, subpart AAA, "Standards of Performance for New Residential Wood Heaters," (2022); AQD price \$74.00 and GPO price \$64.00 for part 60 (60.500 to end).
 - (g) 40 CFR part 60 appendices A-1 to A-8, B, and F (2022); AQD price \$73.00 and GPO price \$63.00 for part 60 appendices.
 - (h) "National Emission Standards for Hazardous Air Pollutants," 40 CFR part 61 (2022); AQD price \$61.00 and GPO price \$51.00 for part 61 to part 62.
 - (i) "National Emission Standards for Hazardous Air Pollutants for Source Categories," 40 CFR part 63, subparts A to Y (2022); AQD price \$74.00 and GPO price \$64.00 for part 63 (63.1 to 63.599).
 - (j) "National Emission Standards for Hazardous Air Pollutants for Source Categories (Continued)," 40 CFR part 63, subparts AA to DDD (2022); AQD price \$63.00 and GPO price \$53.00 for part 63 (63.600 to 63.1199).
 - (k) "National Emission Standards for Hazardous Air Pollutants for Source Categories (Continued)," 40 CFR part 63, subparts EEE to PPP (2022); AQD price \$66.00 and GPO price \$56.00 for part 63, (63.1200 to 63.1439).
 - (l) "National Emission Standards for Hazardous Air Pollutants for Source Categories (Continued)," 40 CFR part 63, subparts QQQ to YYYY (2022); AQD price \$47.00 and GPO price \$37.00 for part 63 (63.1440 to 63.6175).
 - (m) "National Emission Standards for Hazardous Air Pollutants for Source Categories (Continued)," 40 CFR part 63, subparts ZZZZ to MMMMM (2022); AQD price \$50.00 and GPO price \$40.00 for part 63 (63.6580 to 63.8830).
 - (n) "National Emission Standards for Hazardous Air Pollutants for Source Categories (Continued)," 40 CFR part 63, subpart NNNNN to HHHHHHHH (2022); AQD price \$76.00 and GPO price \$66.00 for part 63 (63.8980 to end).
 - (o) "Compliance Assurance Monitoring," 40 CFR part 64 (2022); AQD price \$44.00 and GPO price \$34.00 for part 64 to part 71.
 - (p) The following sections of "State Operating Permit Programs," 40 CFR part 70 (2022); AQD price \$44.00 and GPO price \$34.00 for part 64 to part 71:

- (i) "Definitions," 40 CFR 70.2.
 - (ii) "State program submittals and transition," 40 CFR 70.4(b)(12), (14), and (15).
 - (iii) "Emissions trading," 40 CFR 70.6(a)(8).
 - (iv) "Re-openings for cause by EPA," 40 CFR 70.7(g).
 - (v) "Transmission of information to the Administrator," 40 CFR 70.8(a)(1) and (2).
 - (vi) "EPA objection," 40 CFR 70.8(c).
 - (vii) "Public petitions to the Administrator," 40 CFR 70.8(d).
 - (q) "Permits Regulation," 40 CFR part 72 (2022); AQD price \$78.00 and GPO price \$68.00 for part 72 to part 79.
 - (r) "Sulfur Dioxide Opt-Ins," 40 CFR part 74 (2022); AQD price \$78.00 and GPO price \$68.00 for part 72 to part 79.
 - (s) "Continuous Emission Monitoring," 40 CFR part 75 (2022); AQD price \$78.00 and GPO price \$68.00 for part 72 to part 79.
 - (t) "Acid Rain Nitrogen Oxides Emission Reduction Program," 40 CFR part 76 (2022); AQD price \$78.00 and GPO price \$68.00 for part 72 to part 79.
 - (u) "NOx Budget Trading Program and CAIR NOx and SO2 Trading Programs for State Implementation Plans," 40 CFR part 96, subparts A, "NOx Budget Trading Program General Provisions" to I "Individual Unit Opt-ins" (2022); AQD price \$76.00 and GPO price \$66.00 for part 96 to part 99.
 - (v) "Federal NOx Budget Trading Program, CAIR NOx and SO2 Trading Programs, CSAPR NOx and SO2 Trading Programs, and Texas SO2 Trading Program" 40 CFR part 97 (2022); AQD price \$76.00 and GPO price \$66.00 for part 96 to part 99.
- (2) The following United States Environmental Protection Agency (U.S. EPA) documents are adopted by reference in these rules. A copy is available for inspection and purchase at the Air Quality Division, Department of Environment, Great Lakes, and Energy, P.O. Box 30260, Lansing, Michigan 48909-7760, at a cost as of the time of adoption of these rules of \$20.00 each. A copy may also be obtained from the U.S. EPA, Mail Code 340T, 1200 Pennsylvania Avenue, NW, Washington, DC 20460 or on the U.S. EPA Online Library System website, <https://cfpub.epa.gov/ols/>, free of charge as of the time of adoption of these rules.
- (a) "Advances in Inhalation Gas Dosimetry for Derivation of a Reference Concentration (RfC) and Use in Risk Assessment," EPA/600/R-12/044, September 2012.
 - (b) "Alternative Control Techniques Document: NOx Emissions from Cement Manufacturing," EPA-453/R-94-004, 1994.
 - (c) "Benchmark Dose Technical Guidance," EPA/100/R-12/001, June 2012.
 - (d) "Compilation of Air Pollutant Emission Factors. Volume 1. Stationary Point and Area Sources. Fifth Edition," AP-42-ED-5, January 1995.
 - (e) "Control of Volatile Organic Emissions from Manufacture of Synthesized Pharmaceutical Products, Appendix B," EPA-450/2-78-029, December 1978.
 - (f) "EPA Air Pollution Control Cost Manual (Sixth Edition)," EPA-452/B-02-001, January 2002.
 - (g) "Control Techniques Guidelines for Miscellaneous Industrial Adhesives," EPA/453/R-08/005, September 2008.
 - (h) "Control Techniques Guidelines for Miscellaneous Metal and Plastic Parts Coatings," EPA/453/R-08/003, September 2008.
 - (i) "Guidelines for Carcinogen Risk Assessment," EPA/630/P-03-001B, March 2005.

(j) “Protocol for Determining the Daily Volatile Compound Emission Rate of Automobile and Light-duty Truck Topcoat Operations,” EPA-453/R-08/002, September 2008.

(k) “Supplemental Guidance for Assessing Susceptibility from Early-Life Exposure to Carcinogens,” EPA/630/R-03-003F, March 2005.

(3) The following Federal Register documents are adopted by reference in these rules. A copy is available for inspection and purchase at the Air Quality Division, Department of Environment, Great Lakes, and Energy, P.O. Box 30260, Lansing, Michigan 48909-7760, at a cost as of the time of adoption of these rules of \$10.00 each. The Federal Register documents may also be viewed or printed, or both, free of charge at as of the time of adoption of these rules at <https://www.govinfo.gov/>:

(a) U.S. EPA Emissions Trading Policy statement, 51 FR 43814, December 4, 1986.

(b) U.S. EPA Recommended Policy on Control of Volatile Organic Compounds, Table 1, 42 FR 35314, July 8, 1977.

(4) The following standards are adopted by reference in these rules. Copies are available for inspection and purchase at the Air Quality Division, Department of Environment, Great Lakes, and Energy, P.O. Box 30260, Lansing, Michigan 48909-7760, at the cost as of the time of adoption of these rules (AQD price). Copies may also be obtained from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, Pennsylvania 19428-2959 or on the ASTM website, www.astm.org, at a cost as of the time of adoption of these rules (ASTM price):

(a) Standard Test Method for Distillation of Petroleum Products and Liquid Fuels at Atmospheric Pressure, ASTM method D86, 2020; AQD price \$88.00 and \$78.00 ASTM price.

(b) Standard Test Method for Pour Point of Petroleum Products, ASTM D97, 2017; AQD price \$64.00 and ASTM price \$54.00.

(c) Standard Test Method for Vapor Pressure of Petroleum Products, ASTM D323, 2020; AQD price \$70.00 and ASTM price \$60.00.

(d) Standard Specification for Fuel Oils, ASTM D396, 2021; AQD price \$70.00 and ASTM price \$60.00.

(e) Standard Test Method for Distillation of Cutback Asphalt, ASTM D402/D402M, 2014; AQD price \$64.00 and ASTM price \$54.00.

(f) Standard Specification for Aviation Gasolines, ASTM D910, 2021; AQD price \$64.00 and ASTM \$54.00.

(g) Standard Specification for Diesel Fuel Oils, ASTM D975, 2021; AQD price \$88.00 and ASTM price \$78.00.

(h) Standard Test Method for Density of Liquid Coatings, Inks, and Related Products, ASTM D1475, 2013; AQD \$58.00 and ASTM price \$48.00.

(i) Standard Specification for Aviation Turbine Fuels, ASTM D1655, 2022; AQD price \$92.00 and ASTM price \$82.00.

(j) Standard Test Method for Volatile Content of Coatings, ASTM D2369, 2020; AQD price \$64.00 and ASTM price \$54.00.

(k) Standard Specification for Gas Turbine Fuel Oils, ASTM D2880 2020; AQD price \$64.00 and ASTM price \$54.00.

(l) Standard Test Method for Determination of Nitrogen Oxides, Carbon Monoxide, and Oxygen Concentrations in Emissions from Natural Gas-Fired Reciprocating Engines,

Combustion Turbines, Boilers, and Process Heaters Using Portable Analyzers, ASTM D6522, 2000; AQD price \$74.00 and ASTM price \$64.00.

(m) Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels, ASTM D6751, 2020; AQD price \$70.00 and ASTM price \$60.00.

(n) Standard Test Method for Elemental, Oxidized, Particle-Bound and Total Mercury in Flue Gas Generated from Coal-Fired Stationary Sources (Ontario Hydro Method), ASTM D6784, 2016; AQD price \$88.00 and ASTM price \$78.00.

(o) Standard Test Method for Distillation of Emulsified Asphalt, ASTM D6997, 2020; AQD price \$58.00 and ASTM price \$48.00.

(p) Standard Specification for Diesel Fuel Oil, Biodiesel Blend (B6 to B20), ASTM D7467, 2020; AQD price \$88.00 and ASTM price \$78.00.

(q) Standard Practices for General Techniques of Infrared Quantitative Analysis, ASTM E168, 2016; AQD price \$64.00 and ASTM price \$54.00.

(r) Standard Practices for General Techniques of Ultraviolet-Visible Quantitative Analysis, ASTM E169, 2016; AQD price \$70.00 and ASTM price \$60.00.

(s) Standard Practice for Packed Column Gas Chromatography, ASTM E260, 2019; AQD price \$70.00 and ASTM price \$60.00.

(5) The following standards are adopted by reference in these rules. Copies are available for inspection and purchase at the Air Quality Division, Department of Environment, Great Lakes, and Energy, P.O. Box 30260, Lansing, Michigan 48909-7760, at the cost as of the time of adoption of these rules (AQD price). Copies may also be obtained from the American Association of State Highway and Transportation Officials, AASHTO Publication Order Department, P.O. Box 933538, Atlanta, Georgia, 31193-3538, or from their website, <https://www.techstreet.com/>, at a cost as of the time of adoption of these rules (AASHTO price):

(a) Standard Method of Test for Emulsified Asphalts, AASHTO T59, 2016; AQD price \$132.00 and AASHTO price \$122.00.

(b) Standard Method of Test for Distillation Cutback Asphalt Products, AASHTO T78, 2015; AQD price \$88.00 and AASHTO price \$78.00.

(6) The following standards are adopted by reference in these rules. Copies are available for inspection and purchase at the Air Quality Division, Department of Environment, Great Lakes, and Energy, P.O. Box 30260, Lansing, Michigan 48909-7760, for \$20.00 as of the time of adoption of these rules. Copies may also be obtained from the National Technical Information Service, U.S. Department of Commerce website, <https://ntrl.ntis.gov/NTRL/>, for free as of the time of adoption of these rules.

(a) PB95-196028, "Compilation of Air Pollution Emission Factors. Volume 1. Stationary Point and Area Sources," (1995).

(b) PB94-183522, "Alternative Control Techniques Document: NO_x Emissions from Cement Manufacturing," (1994).

(c) PB203-060, "Construction Details of Isokinetic Source Sampling Equipment," (1971).

(d) PB209-022, "Maintenance, Calibration, and Operation of Isokinetic Source-Sampling Equipment," (1972).

(7) "TLVs and BEIs. Threshold Limit Values for Chemical Substances and Physical Agents, and Biological Exposure Indices," 2022 is adopted by reference in these rules. A copy is available for inspection and purchase at the Air Quality Division, Department of

Environment, Great Lakes, and Energy, P.O. Box 30260, Lansing, Michigan 48909-7760, at a cost as of the time of adoption of these rules of \$75.95. A copy may also be obtained from the American Conference of Governmental Industrial Hygienists, 3640 Park 42 Drive, Cincinnati, Ohio 45240, or on the American Conference of Governmental Industrial website, www.acgih.org, at a cost as of the time of adoption of these rules of \$54.95.

(8) "NIOSH Pocket Guide to Chemical Hazards," 2017, is adopted by reference in these rules. A copy of this document is available for inspection and purchase at the Air Quality Division, Department of Environment, Great Lakes, and Energy, P.O. Box 30260, Lansing, Michigan 48909-7760, for \$20.00 as of the time of adoption of these rules. Print, online, PDF, or mobile web app formats of this document may also be obtained from the Centers for Disease Control website, <https://www.cdc.gov/niosh/npg/>, for free as of the time of adoption of these rules.

(9) "American Petroleum Institute Manual of Petroleum Measurement Standards Chapter 19.2," 2020, is adopted by reference in these rules. A copy is available for inspection and purchase at the Air Quality Division, Department of Environment, Great Lakes, and Energy, P.O. Box 30260, Lansing, Michigan 48909-7760, at a cost as of the time of adoption of these rules of \$220.00. A copy may also be obtained from the American Petroleum Institute, Techstreet, 3025 Boardwalk Drive, Suite 220, Ann Arbor, Michigan 48108-2775, or at the American Petroleum Institute website at <https://www.techstreet.com/api/pages/home>, at a cost as of the time of adoption of these rules of \$210.00.

(10) The following standards are adopted by reference in these rules. Copies are available for inspection and purchase at the Air Quality Division, Department of Environment, Great Lakes, and Energy, P.O. Box 30260, Lansing, Michigan 48909-7760, for \$10.00 as of the time of adoption of these rules. Copies may also be obtained from the Ozone Transport Commission website at <https://otcair.org/document.asp?fview=modelrules> for free as of the time of adoption of these rules.

(a) "OTC Model Rule for Consumer Products," except section 8(b), (2006).

(b) "OTC Model Rule for Consumer Products," except section 8(b), (2012).

(c) "Technical amendment to the Ozone Transport Commission Consumer Products Model Rule," (2013).

(d) "Model Rule for Architectural and Industrial Maintenance (AIM) Coatings," (2011).

FILED WITH SECRETARY OF STATE

ON 4-28-25 AT 12:44PM