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GOVERNOR

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




PHILLIP D. ROOS  
DIRECTOR

VIA EMAIL

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: February 13, 2025 

SUBJECT: Joint Committee on Administrative Rules (JCAR) Briefing Memo for  
Rule Set No. 2023-11 EQ

### Rules Background

The Part 1 General Provisions of the Air Pollution Control administrative rules were originally developed in 1967. The purpose of rules contained in Part 1 of the Michigan Air Pollution Control Rules (MAPCR) are to provide definitions to key terms found throughout the rules. Due to the broad nature of these definitions, they impact a large variety and number of industries regulated under the MAPCR. These rules are revised on an as-needed basis, to reflect the most current definitions to support the MAPCR.

### Summary of Proposed Rule Changes

The proposed rule revisions for Part 1 are being done to align with federal standards. They will revise and add additional definitions needed to support revisions done in subsequent rule parts developed to fulfill the federal Clean Air Act (CAA) 42 U.S.C. 7401 et seq. The proposed rules add additional definitions to further support and clarify the MAPCR, as well as revise existing definitions for “carcinogens” and exemptions in the “volatile organic compound” and “toxic air contaminant” definitions to align with the United States Environmental Protection Agency’s (USEPA) regulatory definitions and toxics research findings.

### 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 1 rules. The workgroup convened periodically, both in person and virtually, to discuss work and research during the development of these rules.

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The stakeholders consisted primarily of environmental consultants, facility environmental staff, environmental group representatives, and academia representatives, as well as additional Department of Environment, Great Lakes, and Energy (EGLE) staff.

### **Public Engagement and Public Hearing/Comment/Information**

A public hearing was held on May 22, 2024, in Constitution Hall, William Ford Conference Room, 2nd Floor, South Tower, 525 West Allegan Street, Lansing, Michigan 48933. The public hearing was also available virtually. This public hearing was for three rule packages: Part 1, Part 8, and Part 9 rules. Nine people attended the hearing in person, all of whom were EGLE staff, and nine attended virtually. Eight people spoke at the hearing; five of whom were staff members conducting the hearing. No one spoke at the hearing regarding the Part 1 rule package.

The public comment period began on April 22, 2024, and ended at 5:00 p.m. on May 22, 2024. The EGLE Air Quality Division received one written comment submittal.

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

No changes were made due to public comment.

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

The concept of revising the definition for “carcinogen” under R 336.1103(c) was suggested. Specifically, the comment was to remove the paragraph that defines chemicals as carcinogens if determined through another generally accepted guideline for carcinogen risk assessment based on sound science and defensible evidence, aside from the USEPA guidelines for carcinogen risk assessment. No change was made and the language remains to adequately protect public health from carcinogens based on current, relevant, and accurate science.

Attachments: List of Stakeholder Group Participants  
List of Public Commenters

cc/att: Phillip D. Roos, Director, EGLE  
Aaron B. Keatley, Chief Deputy Director, EGLE  
James Clift, Deputy Director, EGLE  
Travis Boeskool, Deputy Director, EGLE  
Dale Shaw, EGLE  
Annette Switzer, 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
Brandy Brown	EGLE
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 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
David Darling	American Coatings Association
Erica Shuff	EGLE
Frank Buono	Ajax Metal
Gary Jones	PRINTING United Alliance
Greg Myers	Marathon Petroleum
Jason Aagenes	Cleveland-Cliffs Inc.
Jason Geer	Michigan Oil and Gas Association
Jason Prentice	Consumers Energy
Jay Olaguer	EGLE
Jeff Hummel	General Motors

Jeff Pfof	Environmental Partners, Inc.
Jeffrey Korniski	EGLE
Jennifer Clark	Michigan Oil and Gas Association
Jessica Alderton	General Motors
Jim Walker	Consumers Energy
Joe Hazewinkel	Wolverine Power Cooperative
John Caudell	As-Needed Resources
Kate Ross	Consumers Energy
Kelly Guertin	DTE Energy
Kenneth Baker	Selfridge ANG Base
Kim Alfonsi	Barr Engineering
Kim Essenmacher	General Motors
Kurt Kissling	Warner Norcross + Judd LLP
Lisa Fishbeck	TCE Energy
Marissa Vaerten	EGLE
Mark Paasche	Selfridge ANG Base
Michael E. Gruber II	Consumers Energy
Michael Wood	Wolverine Power Cooperative
Michele Buckler	Detroit Diesel Corporation
Mike Lebeis	DTE Energy
Nicholas Georges	The Household & Commercial Products Association
Regina Strong	EGLE
Rhett Cash	American Coatings Association
Rich Zavoda	Cleveland-Cliffs Inc.
Rick Burns	NTH Consultants
Rob Streight	Ford Motor Company
Robert Irvine	EGLE
Ryan Birkenholz	Golder
Sandra Walker	Stellantis
Sara Kaltunas	Packaging Corp. of America
Saranya Panneerselvam	Ajax Metal
Scott Venman	Barr Engineering
Stephanie Jarrett	Fishbeck
Steve Walters	Waste Management
Steven Kohl	Warner Norcross + Judd LLP
Sue Kueick	Fishbeck
Tina Reynolds	Michigan Environmental Council
Tom Shanley	EGLE

Tracey McDonald	EGLE
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Zac Adelman	LADCO

### List of Public Commenters

<b>Name</b>	<b>Affiliation</b>
Caroline Liethen	Michigan Manufacturers Association