

State Budget Office
Office of Regulatory Reinvention
111 S. Capitol Avenue; 8th Floor, Romney Building
Lansing, MI 48933
Phone: (517) 335-8658 FAX: (517) 335-9512

REQUEST FOR RULEMAKING (RFR)

Under the Administrative Procedures Act (APA), 1969 PA 306, the department/agency that has the statutory authority to promulgate the rules must file a request for rulemaking with the Office of Regulatory Reinvention before initiating any changes or additions to the rules. Please submit an electronic copy to the ORR at orr@michigan.gov.

1. Department:

Department of Environmental Quality (DEQ)

2. Division/agency/bureau:

Air Quality Division

3. Name, address, e-mail, and phone number of agency contact person:

Ms. Erica Wolf, Environmental Quality Analyst
Air Quality Division
Michigan Department of Environmental Quality
525 West Allegan Street
2nd Floor, South
Lansing, MI 48909
wolfel@michigan.gov
517-284-6766

4. Title of proposed rule(s) or rule set:

Part 4. Emission Limitations and Prohibitions – Sulfur Bearing Compounds

5. Rule number(s) or rule set range of numbers:

R 336.1401, R 336.1401a, R 336.1402, R 336.1404, and R 336.1420.

6. Estimated timetable for completion, or statutory deadline, if applicable:

Eight months

7. Describe the general goal/purpose of these rules. Include a discussion of the problem(s) - the rule rescissions, additions, or amendments intended to address:

The primary purpose of the revisions to R 336.1401, R 336.1402, and R 336.1404 is to update American Society of Testing and Materials (ASTM) and federal standards adopted by reference. R 336.1401a is being amended to remove the definition of used oil. That definition has been replaced by a definition in R 336.1121(c). R 336.1420, which pertains to the Clean Air Interstate Rule (CAIR) SO₂ trading program, is being rescinded because the entire rule will be addressed by an adoption by reference in R 336.1902(1)(t) and (u) currently undergoing revision in ORR rule set 2017-006 EQ.

8. Please cite the specific promulgation authority for the rule(s) (i.e. department director, commission, board, etc.), listing all applicable statutory references. Are the rule(s) mandated by any applicable constitutional or statutory provision? If so, please explain.

Sections 5503 and 5512 of Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended allows for the promulgation of rules.

9. Please describe the extent to which the rule(s) conflict with or duplicate similar rules or regulations adopted by the state or federal government [include statutory references and public acts, as applicable]:

There is no conflict.

10. Is the subject matter of the rule(s) currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda?

The subject matter is not contained in other documents.

11. Is the rule(s) listed on the department's annual regulatory plan as a rule to be processed for the current year?

Yes, the rules are listed in the DEQ's 2018-2019 Annual Regulatory Plan.

12. Will the proposed rule(s) be promulgated under Sections 44 or 48 of the Administrative Procedures Act, 1969 PA 306, as amended, being MCL 24.244 or 24.248? Will the rule(s) be promulgated under the full rulemaking process? Please explain.

The rules will be promulgated under the full rulemaking process.

Note: If this request for rulemaking applies to rules that will be promulgated pursuant to **Sections 44 or 48** of the Administrative Procedures Act, 1969 PA 306, as amended, MCL 24.244 or 24.248, you do not have to answer questions 13 to 18.

13. Please describe the extent to which the rule(s) exceed national or regional compliance requirements or other standards:

The rules do not exceed any national or regional compliance requirement or standard.

14. Do the rule(s) incorporate the recommendations of any Advisory Rules Committee formed pursuant to Executive Order 2011-5? If yes, please explain.

The rules do not incorporate recommendations of any committee.

15. Do the rule(s) incorporate the recommendations received from the public regarding any complaints or comments regarding the rule(s)? If yes, please explain.

The rules do not incorporate recommendations received from the public.

16. If amending an existing rule set, please provide the date of the last evaluation of the rule(s) and the degree, if any, to which technology, economic conditions, or other

factors have changed the regulatory activity covered by the rule(s) since the last evaluation:

R 336.1401, R 336.1401a, R 336.1402, R 336.1404, and R 336.1420 were last amended in 2013. Since that time, dates on certain material adopted by reference have changed and require updating.

17. Are there any changes or developments since implementation that demonstrate there is no continued need for the rule(s), or any portion of the rules?

There is a continued need for R 336.1401, R 336.1401a, R 336.1402, and R 336.1404. R 336.1420 is no longer needed as it is now adopted by reference in R 336.1902.

18. Is there an applicable decision record (as defined in MCL 24.203(6) and required by MCL 24.239(2))? If so, please attach the decision record.

Not applicable

19. Reviewed by the following Departmental Regulatory Affairs Officer (RAO):

David Fiedler

 ↓ To be completed by the ORR ↓

Date RFR received:

7-25-2018

Based on the information provided in this RFR, the ORR concludes that there are sufficient policy and legal bases for approving the RFR.

ORR assigned rule set number:	2017-062 EQ
Date of approval: 8/1/18	Explanation: <i>This Request for Rulemaking satisfies the requirements of the Administrative Procedures Act, 1969 PA 306, MCL 24.241 et seq., and Executive Order 2011-5.</i>

Based on the information provided in this RFR, the ORR is not approving the RFR at this time.

Date of disapproval:	Explanation:
More information needed:	Explanation: