



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

October 4, 2023

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 #23-043-EQ)
Legislative Service Bureau (Secretary of State Filing #23-10-04)
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 #2023-043-EQ (Secretary of State Filing #23-10-04) on this date at 10:29 A.M. for the Department of Environment, Great Lakes, and Energy entitled, "Part 7. Emission Limitations and Prohibitions – New Sources of Volatile Organic Compound Emissions".

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, Departmental Supervisor
Office of the Great Seal

Enclosure



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
ACTING DIRECTOR

October 4, 2023

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: Administrative Rules – Michigan Office of Administrative Hearings and Rules
Administrative Rules #: 2023-43 EQ

The Michigan Office of Administrative Hearings and Rules received administrative rules, dated September 23, 2023 for the Department of Environment, Great Lakes and Energy “**Part 7. Emission Limitations and Prohibitions – New Sources of Volatile Organic Compound Emissions**”. 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,

Michigan Office of Administrative Hearings and Rules



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 rescinding R 336.1703, R 336.1704, R 336.1705, and R 336.1706 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, 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.

September 27, 2023
Date


Phillip D. Roos, Director

MOAHR 2023-43 EQ



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

ORLENE HAWKS
DIRECTOR

LEGAL CERTIFICATION OF RULES

I certify that I have examined the attached administrative rules, dated September 25, 2023, 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 7. Emission Limitations and Prohibitions – New Sources of Volatile Organic Compound Emissions**" by:

- ◆ Rescinding R 336.1703, R 336.1704, R 336.1705, and R 336.1706.

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: October 2, 2023

Michigan Office of Administrative Hearings and Rules

By: *Emily Leik*

Emily Leik,
Attorney



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 September 25, 2023, rescinding R 336.1703, R 336.1704, R 336.1705, and R 336.1706 of the Department's rules entitled "Air Pollution Control Part 7. Emission Limitations and Prohibitions – New Sources of Volatile Organic Compound Emissions." I approve the rules as to form, classification, and arrangement.

Pursuant to section 44(1) of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.244(1), these rules are being processed without a public hearing.

Dated: October 2, 2023

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 October 4, 2023

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 336.1703, R 336.1704, R 336.1705, and R 336.1706 of the Michigan Administrative Code are rescinded, as follows:

PART 7. EMISSION LIMITATIONS AND PROHIBITIONS--
NEW SOURCES OF VOLATILE ORGANIC COMPOUND EMISSIONS

R 336.1703 Rescinded.

R 336.1704 Rescinded.

R 336.1705 Rescinded.

R 336.1706 Rescinded.

FILED WITH SECRETARY OF STATE

ON 10/4/19 AT 10:29 A.M.