

## Section Break

### Other Comments

#### **Comments requesting partial revisions:**

1. March 20, 2025  
Consumers Energy  
Kathryn Ross<sup>1</sup>

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<sup>1</sup> Please note, the comment regarding revision to R 336.2010(6) was not considered because it was not one of the rules open for comment under rule package 2023-15EQ.

## Vaerten, Marissa (EGLE)

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**From:** Kathryn R. Ross <kate.ross@cmsenergy.com>  
**Sent:** Thursday, March 20, 2025 2:36 PM  
**To:** Vaerten, Marissa (EGLE)  
**Cc:** Thomas R. Schmelter; JAMES M. WALKER  
**Subject:** Consumers Energy's Comments on Proposed Revisions to Part 10 Rule package (2023-15 EQ)  
**Attachments:** Rule Set 2023-15 EQ Part 10 Proposed Revisions - CE Comments (final) 3.20.2025.pdf  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed

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Hello Marissa – Please find attached Consumers Energy's comments on proposed revisions to EGLE-AQD's Part 10 – Intermittent Testing and Sampling rules package (2023-15 EQ).

We appreciate the opportunity to review and provide comments. Should you have any questions on our comments, please feel free to reach out to me or Tom Schmelter of our Regulatory Compliance and Testing Section.

Thank you!

*Kate Ross* • Consumers Energy • Environmental Quality & Sustainability - Air Quality Section • 1945 W. Parnall Rd. Jackson, MI 49201 • 517-788-0648 • [kate.ross@cmsenergy.com](mailto:kate.ross@cmsenergy.com)

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March 20, 2025

Attn: Ms. Marissa Vaerten  
Michigan Department of Environment, Great Lakes, and Energy  
Air Quality Division  
P.O. Box 30260  
Lansing, MI 48909-7760

**Electronic Submittal:** [VaertenM@Michigan.gov](mailto:VaertenM@Michigan.gov)

**RE: Consumers Energy Company's Comments on EGLE – AQD's Proposed Revisions to the Part 10. Intermittent Testing and Sampling (Rule Set 2023-15 EQ)**

Consumers Energy Company (Consumers Energy or CE) appreciates the opportunity to comment on the Michigan Department of Environment, Great Lakes, and Energy (EGLE) – Air Quality Division's (AQD) Proposed Revisions to the Part 10 Intermittent Testing and Sampling rules, as posted on the Department of Licensing and Regulatory Affairs' Administrative Rulemaking System under the Request For Rulemaking 2023-15 EQ.

Consumers Energy, Michigan's largest utility, provides electric and natural gas service to more than 6 million of the state's 10 million residents in all 68 counties in the Lower Peninsula. While Consumers Energy will cease operating our remaining three coal-fired electric generating units (EGUs) this year, our electric generating facilities which have emission testing requirements will continue to consist of fourteen natural gas-fired EGUs, in addition to two oil and gas-fired EGUs, wind, solar and hydroelectric generating facilities; additionally, CE's natural gas delivery operations is comprised of seven compressor stations, with currently eighteen emission units that have emission testing requirements. Furthermore, NorthStar Clean Energy, also a wholly owned subsidiary of CMS Energy Corporation like Consumers Energy, through its subsidiaries and equity investments, is engaged in domestic independent power production with fifteen EGUs in addition to solar and wind facilities operating in Michigan.

Consumers Energy understands that EGLE-AQD has proposed these regulatory revisions to update the reference guidelines and publications to align with current versions used, as well as modify portions of the rule to provide clarity for performance testing and notifications. EGLE has stated that the proposed rules will take effect immediately after filing with the Secretary of State.

## Comments on Proposed Changes to the Part 10 Rules Set

Consumers Energy strives to be compliant with all federal and state environmental regulations and provides the following comments to be addressed to provide additional clarifications and alignment with U.S. Environmental Protection Agency (EPA) requirements and industry best practices.

- R 336.2001(1)(a) – The reference to a “permit to operate” is outdated (the requirement to obtain a permit to operate was removed from the AQD rules effective July 26, 1995) and therefore the change to subparagraph (a) to require testing “before” issuance of a permit to operate seems unnecessary. Rather, the language in subparagraph (a) should be stricken (with proper updates to the subsequent paragraph labeling), noted as “rescinded” or revised for clarity.
- R 336.2003(3) – Consumers Energy requests inclusion of language that allows the owner or operator of a source to request approval from the department to test under alternate operating conditions. There are legitimate cases where we propose to test at conditions other than maximum routine operating conditions, including long term equipment derates and to ensure a representative test based upon historic operating conditions. Additionally, when other federal regulations allow for testing under alternate operating conditions, allowance of such provisions should be incorporated into the AQD rules. We propose adding the bold italic text to the first portion of this subparagraph:

“All performance tests must be conducted while the source of air contaminant is operating at maximum routine operating conditions, or under other conditions, within the capacity of the equipment, as may be requested by the department, ***or proposed by the owner or operator and approved by the department, or as allowed and/or defined by other Federal regulation.*** Other conditions ...”.
- R 336.2003(4) – Method 3 reagents have become increasingly difficult to obtain. Is the language of this section prescribing the use of Method 3 specifically or would Methods 3A, 3B, 3C be allowed? Please consider allowing Methods 3, 3A, 3B, or 3C to be used for the determination of molecular weight and the calculation of emissions corrected to 50% excess air and including these methods explicitly within the regulatory language.
- R 336.2003(5) – Consider standard temperature as 68°F consistent with USEPA instead of 70°F. This change would need to be applied throughout rule.

- R 336.2010(6) – The most current edition of the Standard Methods for the Examination of Water and Wastewater is 24<sup>th</sup> edition, not 23<sup>rd</sup>. Consider citing as 24<sup>th</sup> or latest edition.
- R 336.2011(b)(ii)(C) – The size of the sample storage containers should not be specified as 500 or 1000 milliliters. Smaller or alternatively sized storage containers should be permitted. See also R336.2012(b)(ii)(C)
- R 336.2011(d)(i)(C)(iv) – Asbestos string gasket should be replaced with heat-resistant fiberglass, graphite, or other material. See also R336.2012(d)(i)(C)
- R 336.2011(d)(iii) – Spell check milliliter (its millileter as written)
- R 336.2011(d)(iv) – As the use of mercury-in-glass thermometers becomes less common, suggest calibration against mercury-in-glass thermometer or other calibrated thermometer.

Consumers Energy thanks you for your time and consideration of our comments. If a markup version of the proposed Part 10 rules containing Consumers Energy's comments is preferred, we would be happy to submit one if requested.

Should you have any questions or concerns, please do not hesitate to contact me or Thomas Schmelter ([thomas.schmelter@cmsenergy.com](mailto:thomas.schmelter@cmsenergy.com)) regarding any technical testing comments.

Respectfully Submitted,



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CC: Thomas R. Schmelter (electronic copy)