

**Michigan Office of Administrative Hearings and Rules**

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Lansing, MI 48909

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**AGENCY REPORT TO THE  
JOINT COMMITTEE ON ADMINISTRATIVE RULES (JCAR)**

**1. Agency Information**

**Agency name:**

Environment, Great Lakes and Energy

**Division/Bureau/Office:**

Air Quality Division

**Name of person completing this form:**

Cari DeBruler

**Phone number of person completing this form:**

517-899-5275

**E-mail of person completing this form:**

DEBRULER@chicago.gov

**Name of Department Regulatory Affairs Officer reviewing this form:**

Dale Shaw

**2. Rule Set Information**

**MOAHR assigned rule set number:**

2021-24 EQ

**Title of proposed rule set:**

Part 8. Emission Limitations and Prohibitions – Oxides of Nitrogen

**3. Purpose for the proposed rules and background:**

The Part 8 Rules were developed to address federal regulations referred to as the “NO<sub>x</sub> SIP Call” and the Clean Air Interstate Rule (CAIR), and to create an emissions trading program to reduce overall nitrogen oxides (NO<sub>x</sub>) concentrations for incorporation into Michigan’s State Implementation Plan (SIP). In 2015, implementation of the Cross State Air Pollution Rule (CSAPR), another federal regulation, replaced the federal CAIR. As such, CAIR references need to be removed from several Part 8 Rules. The trading program in our Part 8 Rules is no longer applicable and must be removed. Additionally, the NO<sub>x</sub> SIP Call requirements for a small subset of sources must be updated.

**4. Summary of proposed rules:**

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The Part 8 Rules were developed to address federal regulations referred to as the “NO<sub>x</sub> SIP Call” and the Clean Air Interstate Rule (CAIR), and to create an emissions trading program to reduce overall nitrogen oxides (NO<sub>x</sub>) concentrations for incorporation into Michigan’s State Implementation Plan (SIP). In 2015, implementation of the Cross State Air Pollution Rule, another federal regulation, replaced the federal CAIR. As such, CAIR references need to be removed from several Part 8 Rules. The trading program in our Part 8 Rules is no longer applicable and must be removed. Additionally, the NO<sub>x</sub> SIP Call requirements for a small subset of sources must be updated. If approved, the rules will be submitted to the USEPA as an amendment to the Michigan State Implementation Plan (SIP). The comment period and public hearing will fulfill requirements contained in the state administrative rules and the federal Clean Air Act.

**5. List names of newspapers in which the notice of public hearing was published and publication dates:**

Oakland Press on December 6, 2021; The Mining Journal on December 6, 2021; Lansing State Journal on December 6, 2021

**6. Date of publication of rules and notice of public hearing in Michigan Register:**

12/15/2021

**7. Date, time, and location of public hearing:**

1/6/2022 01:00 PM at This public hearing will be held in-person and virtually. , In-person: Constitution Hall, Ford Conference Room, 2nd Floor, South Tower, 525 West Allegan St, Lansing, MI 48933. Virtual: <https://bit.ly/3Cyok2t>

**8. Provide the link the agency used to post the regulatory impact statement and cost-benefit analysis on its website:**

<https://ARS.apps.lara.state.mi.us/Transaction/RFRTransaction?TransactionID=1282>

**9. List of the name and title of agency representative(s) attending public hearing:**

Cari DeBruler – Environment, Great Lakes, and Energy (EGLE) – Air Quality Division (AQD)  
Trace McDonald – EGLE - AQD  
Jenifer Dixon – EGLE – Environmental Support Division (ESD)  
Matt Tomlinson – EGLE - ESD  
Jim Ostrowski – EGLE - ESD (Virtual)  
Mary Ann Dolehanty – EGLE - AQD (Virtual)  
Robert Irvine – EGLE - AQD (Virtual)  
Dale Shaw – EGLE – Information Management Division (Virtual)  
Brian Carley – EGLE - AQD (Virtual)  
Tom Shanley – EGLE - AQD (Virtual)

**10. Persons submitting comments of support:**

None

**11. Persons submitting comments of opposition:**

None

**12. Persons submitting other comments:**

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Patty Worden, Senior Environmental Specialist, Corteva Agriscience

**13. Identify any changes made to the proposed rules based on comments received during the public comment period:**

	<b>Name &amp; Organization</b>	<b>Comments made at public hearing</b>	<b>Written Comments</b>	<b>Agency Rationale for Rule Change and Description of Change(s) Made</b>	<b>Rule number &amp; citation changed</b>
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**14. Date report completed:**

3/7/2022