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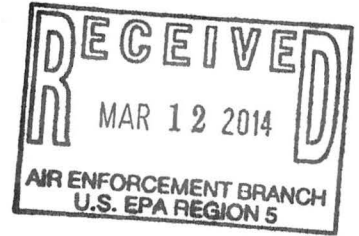


RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



February 28, 2014



Mr. George Czerniak, Director
Office of Air and Radiation Division
United States Environmental Protection Agency
Region 5
77 West Jackson Boulevard (A-18J)
Chicago, Illinois 60604-3507

Dear Mr. Czerniak:

Pursuant to the May 16, 1996 Memorandum of Agreement between the Michigan Department of Environmental Quality (MDEQ) and the United States Environmental Protection Agency (USEPA), Region 5, the MDEQ requests delegation of authority to implement and enforce the National Emissions Standards for Hazardous Air Pollutants (NESHAPs) for the following subparts of *Code of Federal Regulations, Title 40, Part 63 (Sec. 63.1200-63.1439)* (Protection of Environment) Air Programs:

- Subpart O, Ethylene Oxide Emission Standards for Sterilization Facilities,
- Subpart RRR, Secondary Aluminum Production,
- Subpart VVV, Publically Owned Treatment Works,
- Subpart GGGGG, Site Remediation,
- Subpart YYYYYY, Electric Arc Furnace Steelmaking Area Sources,
- Subpart ZZZZZ, Iron and Steel Foundry Area Sources, and
- Subpart ZZZZZZ, Aluminum, Copper and Other Non-Ferrous Foundry Area Sources.

The MDEQ incorporated by reference the above NESHAP Subparts without change into the Air Pollution Control Rules, under the authority of Part 55, Natural Resources and Environmental Protection Act, 1994 Act 451, as amended. Rule 902 (R 336.1902) incorporates the standards by reference and was most recently updated effective March 11, 2013. Rules 940 (R 336.1940) and 945 through 947 (R 336.1945 through R 336.1947) became effective on September 11, 2008, and Rules 948 through 950 (R 336.1948 through R 336.1950) became effective March 11, 2013. These rules require compliance with the standards by the subject sources. Enclosed are copies of the effective rules, certification of the rules, and the notice of filing of these rules by the Secretary of State.

We would appreciate timely attention to this request for delegation of the above NESHAP Subparts so that the MDEQ can provide clear direction to facilities in their efforts to comply with the standards.

Mr. George Czerniak
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February 28, 2014

If there are any questions related to this matter, please contact Ms. Barb Rosenbaum, Air Quality Division, at 517-284-6759; rosenbaumb@michigan.gov; or MDEQ, P.O. Box 30260, Lansing, Michigan, 48909-7760; or you may contact me.

Sincerely,



G. Vinson Hellwig, Chief
Air Quality Division
517-284-6773

Enclosures

cc/enc: Mr. Jim Sygo, Deputy Director, MDEQ
Ms. Lynn Fiedler, MDEQ
Ms. Barb Rosenbaum, MDEQ

DEPARTMENT OF-ENVIRONMENTAL QUALITY

AIR QUALITY DIVISION

AIR POLLUTION CONTROL

(By authority conferred on the director of the department of environmental quality by sections 5503 and 5512 of 1994 PA 451, MCL 324.5503 and MCL 324.5512, and Executive Reorganization Order Numbers 1995-16, MCL 324.99903, 2009-31, MCL 324.99919, and 2011-1, MCL 324.99921)

PART 9. EMISSION LIMITATIONS AND PROHIBITIONS—MISCELLANEOUS

R 336.1902 Adoption of standards by reference.

Rule 902. The following standards are adopted in these rules by reference and are available as noted. Copies are available for inspection and purchase at the Air Quality Division, Department of Environmental Quality, 525 West Allegan Street, P.O. Box 30260, Lansing, Michigan 48909-7760, at a cost as of the time of adoption of these rules (AQD price). Copies may be obtained from the Superintendent of Documents, U.S. Government Printing Office, 732 North Capitol Street, NW, Washington, DC 20401, by calling 1-866-512-1800, or by accessing their online bookstore at <http://bookstore.gpo.gov> at a cost as of the time of adoption of these rules (GPO price). The standards can be viewed and/or printed free of charge at <http://ecfr.gpoaccess.gov>.

(a) Title 40 C.F.R., part 51, appendix Y, "Guidelines for BART Determinations Under the Regional Haze Rule," and 40 C.F.R. §51.301, "Definitions," (2011); AQD price \$61.00/\$51.00 GPO price for parts 50-51.

(b) Title 40 C.F.R., part 61, subpart M, "National Emission Standards for Asbestos" (2011); AQD price \$61.00/\$51.00 GPO price for parts 61-62.

(c) Title 40 C.F.R., part 63, subpart A, "General Provisions" (2011); AQD price \$74.00/\$64.00 GPO price for part 63 (63.1-63.599).

(d) Title 40 C.F.R., part 63, subpart N, "National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks" (2011); AQD price \$74.00/\$64.00 GPO price for part 63 (63.1-63.599).

(e) Title 40 C.F.R., part 63, subpart O, "Ethylene Oxide Emissions Standards for Sterilization Facilities" (2011); AQD price \$74.00/\$64.00 GPO price for part 63 (63.1-63.599).

(f) Title 40 C.F.R., part 63, subpart LLL, "National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry" (2011); AQD price \$66.00/\$56.00 GPO price for part 63 (63.1200-63.1439).

(g) Title 40 C.F.R., part 63 subpart RRR, "National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production" (2011); AQD price \$50.00/\$40.00 GPO price for part 63 (63.1440-63.6175).

(h) Title 40 C.F.R., part 63, subpart VVV, "National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works" (2011); AQD price \$50.00/\$40.00 GPO price for part 63

(63.1440-63.6175).

(i) Title 40 C.F.R., part 63, subpart GGGGG, "National Emission Standards for Hazardous Air Pollutants: Site Remediation" (2011); AQD price \$50.00/\$40.00 GPO price for part 63 (63.6580-63.8830).

(j) Title 40 C.F.R., part 63, subpart YYYYY, "National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities" (2011); AQD price \$50.00/\$40.00 GPO price for part 63 (63.8980-end).

(k) Title 40 C.F.R., part 63, subpart ZZZZZ, "National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources" (2011); AQD price \$50.00/\$40.00 GPO price for part 63 (63.8980-end).

(l) Title 40 C.F.R., part 63, subpart ZZZZZZ, "National Emissions Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries" (2011); AQD price \$50.00/\$40.00 GPO price for part 63 (63.8980-end).

History: 2008 AACS; 2013 MR 6, Eff. March 11, 2013.

R 336.1940 Emission standards for ethylene oxide commercial sterilization and fumigation operations; adoption by reference.

Rule 940. The provisions of 40 C.F.R., part 63 subpart O, are adopted by reference in R 336.1902. A person responsible for the operation of a facility subject to the provisions of 40 C.F.R., part 63, subpart O, entitled "Ethylene Oxide Emissions Standards for Sterilization Facilities," shall comply with those provisions.

History: 2000 AACS; 2008 AACS.

R 336.1945 Emission standards for publicly owned treatment works; adoption by reference.

Rule 945. The provisions of 40 C.F.R., part 63, subpart VVV, are adopted by reference in R 336.1902. The owner or operator of a facility subject to the provisions of 40 C.F.R., part 63, subpart VVV, entitled "National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works," shall comply with those provisions.

History: 2008 AACS.

R 336.1946 Emission standards for secondary aluminum production; adoption by reference.

Rule 946. The provisions of 40 C.F.R., part 63, subpart RRR, are adopted by reference in R 336.1902. The owner or operator of a facility subject to the provisions of 40 C.F.R., part 63 subpart RRR, entitled "National Emission Standards for Hazardous

Air Pollutants for Secondary Aluminum Production," shall comply with those provisions.

History: 2008 AACS.

R 336.1947 Emission standards for site remediation; adoption by reference.

Rule 947. The provisions of 40 C.F.R., part 63, subpart GGGGG, are adopted by reference in R 336.1902. The owner or operator of a facility subject to the provisions of 40 C.F.R., part 63, subpart GGGGG, entitled "National Emission Standards for Hazardous Air Pollutants: Site Remediation," shall comply with those provisions.

History: 2008 AACS.

R 336.1948 Emission standards for electric arc furnace steelmaking facilities; adoption by reference.

Rule 948. The provisions of 40 C. F. R., part 63, subpart YYYYY, are adopted by reference in R 336.1902. The owner or operator of a facility subject to the provisions of 40 C.F.R., part 63, subpart YYYYY, entitled "National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities," shall comply with those provisions.

History: 2013 MR 6, Eff. March 11, 2013.

R 336.1949 Emissions standards for iron and steel foundry area sources; adoption by reference.

Rule 949. The provisions of 40 C.F.R., part 63, subpart ZZZZZ, are adopted by reference in R 336.1902. The owner or operator of a facility subject to the provisions of 40 C.F.R., part 63, subpart ZZZZZ, entitled "National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources," shall comply with those provisions.

History: 2013 MR 6, Eff. March 11, 2013.

R 336.1950 Emissions standards for aluminum, copper, and other nonferrous foundry area sources; adoption by reference.

Rule 950. The provisions of 40 C.F.R., part 63, subpart ZZZZZZ, are adopted by reference in R 336.1902. The owner or operator of a facility subject to the provisions of 40 C.F.R., part 63, subpart ZZZZZZ, entitled "National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries," shall comply with those provisions.

History: 2013 MR 6, Eff. March 11, 2013.

THIS COPY TO BE FILED
WITH
SECRETARY OF STATE



LEGISLATIVE
SERVICE
BUREAU

Since 1941

Legal Division

John C. Bollman, Director

CERTIFICATE OF APPROVAL

I hereby certify that the Legislative Service Bureau has examined the attached proposed rules of the Department of Environmental Quality, dated April 28, 2008, amending R 336.1940, R 336.1941, and R 336.1942 and adding R 336.1902, R 336.1943, R 336.1944, R 336.1945, R 336.1946, R 336.1947, R 336.1970, and R 336.1971 to the Department's rules entitled "Air Pollution Control," and further certify that, pursuant to section 45 of 1969 PA 306, MCL 24.245, the Legislative Service Bureau approves the rules as to form, classification, and arrangement.

Dated: May 30, 2008

LEGISLATIVE SERVICE BUREAU

By Elliott Smith / M. Martin
Elliott Smith, Director

Michigan Legislature

124 W. Allegan Street, 3rd Floor • P.O. Box 30036 • Lansing, MI 48909-7536 • (517) 373-9425 • Fax: (517) 373-5642



STATE OF MICHIGAN
TERRI LYNN LAND, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

RECEIVED

SEP 17 2008

AIR QUALITY DIV.

September 11, 2008

**NOTICE OF FILING
ADMINISTRATIVE RULES**

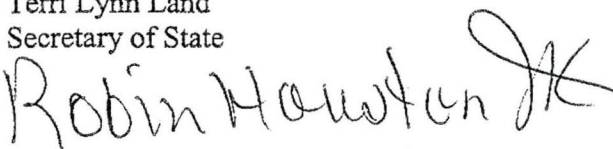
To: Secretary of the Senate
Clerk of the House of Representatives
Joint Committee on Administrative Rules
State Office of Administrative Hearings and Rules (08-09-01)
Legislative Service Bureau (2007-026-EQ)
Department of Environmental Quality

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Michigan Department of Labor and Economic Growth, State Office of Administrative Hearings and Rules filed at 3:40 P.M. this date, administrative rule (08-09-01) for the Department of Environmental Quality "Part 9. Emission Limitations and Prohibitions - Miscellaneous".

This rule becomes effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, 45a(6), or 48 of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Sincerely,

Terri Lynn Land
Secretary of State


Robin Houston, Office Supervisor
Office of the Great Seal

Enclosure



STATE OF MICHIGAN
RUTH JOHNSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

March 11, 2013

NOTICE OF FILING
ADMINISTRATIVE RULES

To: Secretary of the Senate
Clerk of the House of Representatives
Joint Committee on Administrative Rules
State Office of Regulatory Reinvention (Administrative Rule #2012-017-EQ)
Legislative Service Bureau (Secretary of State Filing #13-03-06)
Department of Environmental Quality

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2012-017-EQ (Secretary of State Filing #13-03-06) on this date at 4:43 P.M. for the Department of Environmental, entitled "*Part 9 Emissions Limitations (Miscellaneous)*".

These rules become effective immediately upon filing with the Secretary of State.
Sincerely,

Ruth Johnson
Secretary of State

A handwritten signature in black ink that reads "Robin L. Houston" followed by a stylized flourish.

Robin L. Houston, Departmental Supervisor
Office of the Great Seal

Enclosure



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

STEVE ARWOOD
DIRECTOR

LEGAL CERTIFICATION OF RULES

I certify that I have examined the attached administrative rules, dated August 9, 2012, in which the Department of Environmental Quality proposes to modify a portion of the Michigan Administrative Code entitled, "**Part 9 Emissions Limitations (Miscellaneous)**" by:

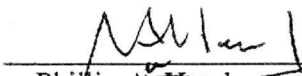
- ◆ Amending R 336.1902.
- ◆ Adding R 336.1948, R 336.1949, and R 336.1950.
- ◆ Rescinding R 336.1933.

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. 2005-1. 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: 2/4/13

Office of Regulatory Reinvention

By: 
Phillip A. Hendges,
Administrative Law Specialist