



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



STEVEN E. CHESTER
DIRECTOR

January 31, 2006

VIA E-MAIL and U.S. MAIL

Mr. John M. Mooney, Chief
Criteria Pollutant Section (AR-18J)
U.S. Environmental Protection Agency
77 West Jackson Boulevard
Chicago, Illinois 60604



Attention: Docket ID No. EPA-R05-OAR-2004-MI-0001

Dear Mr. Mooney:

The Michigan Department of Environmental Quality (MDEQ), on behalf of the State of Michigan, submits the attached comments in response to the U.S. Environmental Protection Agency's (EPA's) *Federal Register* notice of December 29, 2005, regarding the "Approval and Promulgation of Implementation Plans; Michigan."

The MDEQ supports EPA's approval of all of the rules that they are proposing for approval. The two rules that EPA is proposing to disapprove are Rule 602 (R336.1602) and Rule 1041 (R336.2041). The MDEQ believes that further consideration should be given by EPA on these two rules before disapproving them for the reasons provided in the attached comments. Also, the MDEQ requests clarification on specific sections of Rule 1041 that EPA finds confusing.

The MDEQ appreciates the opportunity to comment on this proposed EPA action. Please contact Mr. Robert Irvine, Air Quality Division, at 517-373-7042 if you have any questions on these comments, or you may contact me.

Sincerely,

G. Vinson Hellwig, Chief
Air Quality Division
517-373-7069

Attachment

cc/att: Mr. Jim Sygo, Deputy Director, MDEQ
Mr. Robert Irvine, MDEQ

**State of Michigan's Comments on EPA's
Approval and Promulgation of Implementation Plans; Michigan
Docket ID No. EPA-R05-OAR-2004-MI-0001
January 31, 2006**

The Michigan Department of Environmental Quality (MDEQ) supports the U.S. Environmental Protection Agency's (EPA's) approval of all of the rules that they are proposing for approval. The two rules that EPA is proposing to disapprove are addressed below.

Rule 602 (R 336.1602)

The EPA states that a revision to Rule 602(2) containing references to Rule 610 are not approvable. The MDEQ's current version of Rule 610 is not approved in the State Implementation Plan (SIP), but an earlier version of Rule 610 is in the SIP. The Rule 602 revisions, if approved by EPA as requested in MDEQ's SIP submittal, would eliminate the approved references in Rule 602.

The MDEQ believes that the proposed Rule 602 revisions are appropriate and necessary to conform to the current version of Rule 610. Further, EPA's concern about eliminating the approved references should not be an issue because the version of Rules 602 and 610 that are approved in the SIP, according to the EPA Region V Michigan SIP Web site, contain identical language as the current MDEQ Rules 602 and 610 in the specific subrules in question. The revisions being made to Rule 602 are simply changing the Rule 610 references to align with numbering changes to the relevant subrules in Rule 610. The fact that there are some other portions of MDEQ's current Rule 610 that are not approved by EPA and in the SIP should not impact the specific revisions that EPA is proposing to disapprove. The MDEQ therefore asks EPA to find the Rule 602 revisions approvable.

Rule 1041 (R 336.2041)

The EPA states that there are multiple problems with Rule 1041, which make it unapprovable, as follows:

- 1. The MDEQ added language to subrule (1) that allows the State to alter the SIP without submitting these changes to EPA for approval.*
- 2. The MDEQ changed references to Rule 610 to reflect revisions to that rule, which is problematic since the current MDEQ version of Rule 610 is not approved in the SIP.*
- 3. The rewording of several subparts is confusing.*

Regarding issue number 1, the MDEQ agrees that language was added to subrule (1) that could allow recordkeeping requirements to be accepted by the MDEQ but that are not SIP-approved. This was added to address any existing orders, agreements, contracts, or rules that contain recordkeeping provisions but are not made part of the SIP. The intent was to prevent the unacceptable burden to these sources of having to redo previously approved recordkeeping provisions to fit the new Rule 1041 provisions.

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All recordkeeping in orders, agreements, contracts, or rules that are initiated after Rule 1041 became effective would be expected to follow the requirements in Rule 1041. Therefore the MDEQ believes that EPA should accept this language in subrule (1) into the SIP.

Regarding issue number 2, the MDEQ recognizes that there may be provisions in Rule 1041 that impact portions of Rule 610 that are not approved into the SIP, but requests that EPA specifically identify these provisions. The MDEQ agrees that until the current version of Rule 610 is approved into the SIP, any "currently unidentified revisions" to Rule 1041 cannot be approved into the SIP. However, the MDEQ also requests that EPA approve any portions of Rule 1041 that reference parts of Rule 610 that have basically remained the same in the earlier SIP-approved version of Rule 610 and current version.

Regarding issue number 3, the MDEQ cannot respond because there are no specific problems identified by EPA. The MDEQ asks that EPA specifically identify rewording that is confusing so the MDEQ can respond.