



REGION 5
CHICAGO, IL 60604

August 11, 2026

Ms. Annette Switzer
Director, Air Quality Division
Michigan Department of Environment,
Great Lakes, and Energy
P.O. Box 30260
Lansing, Michigan 48909-7760

Dear Ms. Switzer:

I am pleased to transmit to you the final 2025 Michigan New Source Review and Title V Program Evaluation Reports. The enclosed reports provide information regarding the U.S. Environmental Protection Agency's program evaluation findings, including program strengths and highlights as well as areas that both agencies will continue to focus on improving.

We greatly appreciate your assistance and thoughtful responses during the program evaluation, and we look forward to continuing our cooperative working relationship. If you have any questions, please contact me or Genevieve Damico, Air Permits Section Supervisor, at (312) 353-4761.

Sincerely,

**JOHN
MOONEY**

Digitally signed by JOHN
MOONEY
Date: 2026.08.11
14:57:44 -05'00'

John Mooney
Director
Air and Radiation Division

Enclosure



Review of Michigan Department of Environment, Great Lakes, and Energy (EGLE)'s New Source Review Program

2025 Evaluation Final Report

United States Environmental Protection Agency, Region 5
Air & Radiation Division
77 West Jackson Boulevard
Chicago, Illinois 60604

August 11, 2026

Executive Summary

During Federal Fiscal Year 2025, as part of its ongoing oversight of state and local New Source Review and Title V permit programs, the U.S. Environmental Protection Agency conducted an evaluation of the Michigan Department of Environment, Great Lakes, and Energy's New Source Review Permit to Install program.

This final report summarizes the EPA's findings and conclusions regarding EGLE's compliance with the statutory and regulatory requirements for NSR permitting programs, based on EGLE's answers to the questionnaire that the EPA provided, our discussion of EGLE's responses during the program evaluation meeting, follow up discussions regarding responses, and the EPA's staff knowledge of the program based on experience with reviewing EGLE's permits and programs.

The EPA found that EGLE's NSR permit development and implementation process is well organized, supported by comprehensive permit writing tools, and multimedia resources. The EPA also identified areas where certain improvements can be made.

1.0. Evaluation Findings

1.1. Introduction

EGLE implements a State Implementation Plan-approved NSR program, which consists of the PSD program for attainment areas and the NNSR program for nonattainment areas. The EPA last approved revisions to Michigan's PSD and NNSR rules on May 12, 2021.¹

EGLE and the EPA engage in regular collaborative discussions to address pending NSR permits and programmatic permitting matters, with meetings scheduled monthly and supplemented as necessary. These interactions promote the exchange of permitting information and foster a collaborative approach to resolve concerns related to the program as they arise. The EPA staff work in partnership with EGLE permit writers, offering support and expertise on individual permits as necessary.

1.2. Findings Related to the 2020 Evaluation

The EPA last conducted an evaluation of EGLE's NSR program on October 22, 2020, and issued a report summarizing its findings on May 4, 2021. While the 2021 NSR Report noted strengths in EGLE's implementation of the NSR program, it also identified areas needing improvement and provided specific recommendations for addressing those areas. As part of the 2025 evaluation, we revisited each of our recommendations from the 2021 NSR Report to determine whether EGLE had made progress on the identified issues. The following sections describe the EPA's 2025 findings relating to the 2021 NSR Report's recommendations.

1.2.1. Public Participation

Our 2020 program evaluation commended EGLE for continuing to improve and expand its public participation process for permits to install in the public comment period. EGLE provided access to pertinent permitting documents. Due to the COVID-19 pandemic, EGLE began implementing virtual public hearings which allowed EGLE to continue issuing PTI permits while meeting the regulatory requirements of its SIP. As further discussed in section 1.3, below, we find that EGLE has continued to improve on this process by making more documents available to the public electronically and dedicating a team of staff to addressing public participation issues.

¹ See 86 FR 25954

1.2.2. Synthetic Minor Permit Limits, Test Methods and Averaging Times

In 2020, the EPA recommended that EGLE develop procedures ensuring that synthetic minor permit conditions are readily identifiable, enforceable as a practical matter, and adequately supported in the PTI Evalform document, a technical support document permit writers use to document their technical review. We also suggested improvements to how EGLE addresses test methods and averaging times in PTI permits. During our 2025 evaluation, EGLE shared that all air permit engineers are being trained on how to evaluate synthetic minor and opt-out applications, properly document reviews, and write such permits in a manner that ensures they are enforceable as a practical matter as defined in Michigan Rule R 336.1205. This includes training on the necessary monitoring, recordkeeping, reporting, and testing requirements. EGLE has also updated its procedures for addressing test methods and averaging times in permits.

1.3. 2025 Evaluation Findings

1.3.1. Public Access to Permit Records

In December 2024, EGLE's AQD began using a new web-based data management system called MiEnviro Portal. MiEnviro is a comprehensive database which includes electronic submission of compliance reports, permit applications, notifications, plans, public comments, and other information necessary to meet regulatory requirements to implement the federal Clean Air Act and Michigan's Natural Resources and Environmental Protection Act.² All emissions reporting for asbestos, permitting, and compliance is now conducted through MiEnviro. Among the expected benefits of MiEnviro are:

- simplified submission of regulatory requirements including applications, reports, and emissions data for permittees; and
- public access to more information than previously available on EGLE's webpages, including easier access to permit applications, compliance reports, inspections reports, and air quality related items open for public comment.

The EPA anticipates that EGLE's implementation of MiEnviro will improve public access to permit records and further promote timely permit issuance.

1.3.2. Other Customer Service Improvements

As part of the transition to MiEnviro, EGLE switched from a paper or e-mail application submittal process to an electronic application submittal process. In addition, MiEnviro offers EGLE potential cost and time savings through its electronic notification system to notify

² The new system was a rebranding of an electronic platform previously called MiWaters and expansion of the system for use beyond EGLE's Water Resources Division.

applicants and the public when those permits and technical support documents are available for viewing in MiEnviro. EGLE continues to send emails (and hard copies as necessary) to the company, interested parties, and local government officials notifying them of opportunities for public comment.

EGLE established the Public Involvement and Permitting Unit within the AQD's Permit Section to assist the Permit Section with developing public participation documents and preparing responses to comments. The unit expects to improve permit issuance times for projects that go through a public comment process, increase community engagement and satisfaction by building trust through transparency of the permitting process, and help streamline the permitting process by improving consistency and efficiency.

1.3.3. Practical Enforceability of Permit Terms

EGLE's NSR permits require control equipment and monitoring devices to be installed, calibrated, maintained, and operated in a manner that ensures compliance with CAA requirements. The EPA previously commented on individual permits about the enforceability of vague terminology such as "operated in a satisfactory manner." The EPA appreciates that specific information for such conditions can often be found in an off-permit plan, such as an operation and maintenance plan. In these cases, the EPA recommended that the permits directly include language to clarify how EGLE would determine when equipment was "operated in a satisfactory manner."³

1.3.4. Permit File Review

EGLE provided two construction permits issued within the last three years for the EPA to review for the purposes of this evaluation. The EPA reviewed a portable asphalt plant permit, focusing on how EGLE typically issues and provides public access to permits, and a metal shredder permit, to observe how EGLE incorporates the information from the EPA's July 2021 [Metal Recycling Facilities Enforcement Alert in the permits](#).

The EPA found that Michigan's PTIs are well written and easy to understand, are readily accessible to the public through MiEnviro, and applicable federal standards are identified and incorporated into the permit. The EPA notes the following opportunities for improvement:

- Compliance plans. We found that some compliance plans (often termed "auxiliary plans" or "off-permit plans") were not consistently publicly available. The EPA's policy suggests that plans referenced in permit documents should be available for public

³ See, e.g., *Options for Limiting the Potential to Emit (PTE) of a Stationary Source Under Section 112 and Title V of the Clean Air Act (Act)*, Memorandum, January 25, 1995.

review.⁴ We also found that some auxiliary plans (e.g., Fugitive Dust Control Plan, Risk Management Plan) do not always include provisions to review and update the plan periodically. EGLE informed the EPA that several templates for auxiliary plans include provisions to require updating the plan if requested by the AQD or if equipment is added or modified. We understand that EGLE intends to upload the plans for new permits to MiEnviro in the future. However, EGLE is still transitioning to using the new system and migrating all legacy documents would require significant resources. The actions EGLE is proposing to undertake to ensure compliance plans are available for public review will resolve this finding. We are also encouraged that EGLE has developed templates to ensure that future permits consistently include provisions requiring the permittee to review and update required compliance plans periodically.

- Clarification on temporary source definition. We found an instance in which a facility which is defined as a “portable stationary source” was allowed to locate at a geographical site for up to 24 months. Michigan’s rules define “portable stationary source” as a source that proposes to relocate and whose emissions at the new location would be temporary.⁵ A “temporary source” is defined as “a stationary source, process, or process equipment that commences operation and is located at a geographic site for not more than 12 consecutive months.”⁶ This condition was carried over from the source’s original PTI and has been unchanged in subsequent permit modifications. Through conversations with EGLE, we learned that the template language for this condition is in alignment with the language in state rules. The EPA appreciates that the one instance described above does not reflect EGLE’s programmatic practice and the EPA is assured that the template will promote compliance with Michigan’s regulatory definition of a temporary source.

1.3.5. Concerns and Recommendations Raised By EGLE

The EPA appreciates EGLE’s feedback and is committed to working with EGLE to address the following concerns and recommendations:

- EGLE continues to see a lack of consistency (or perceive a lack of consistency) across the EPA Regions, especially with respect to Best Available Control Technology determinations (including required control equipment and BACT emission limits) and air quality modeling analyses (concerning both when it is required and how it is performed).

⁴ See, e.g., *In the Matter of: Alliant Energy – WPL Edgewater Generating Station*, Order on Petition Number V-2009-02, August 17, 2010.

⁵ Michigan R 336.2809(1)(c)(i)

⁶ Michigan R 336.1120(a)

- The 2024 annual PM_{2.5} standard (which was reduced by 25%) and its associated significant impact level (which was reduced by more than 25%) combined with high PM_{2.5} background concentrations have made it very difficult for facilities to pass modeling. This has resulted in frustration for companies.
- In 2023, Michigan developed a new VOC Reasonably Available Control Technology rule on the use of industrial cleaning solvents. This rule was based upon the federal Control Technology Guideline for industrial cleaning solvents.⁷ Facilities are having difficulty finding general cleaning solvents which meet the emission limit of 0.42 pounds of VOC per gallon as applied. Likewise, EGLE is having difficulty finding examples of permits where other states or local agencies require facilities to comply with this emission limit.

⁷ EPA-453/R-06-001 2006/09