



**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**

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Date: 2026.08.11  
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John Mooney  
Director  
Air and Radiation Division

Enclosure



# **Review of Michigan Department of Environment, Great Lakes, and Energy's Title V Permit 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 Title V Renewable Operating Permit program.

This final report summarizes the EPA's findings and conclusions regarding EGLE's compliance with the statutory and regulatory requirements for Title V 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 Title V permit development and implementation process is well organized and 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's state operating permit program, which is established to meet the requirements of Title V of the Clean Air Act and 40 C.F.R. Part 70, is found in Michigan Administrative Rule 336.1216. The EPA approved Michigan's operating permit program on December 10, 2003 (68 FR 63735).

EGLE's Title V program is administered through the Field Operations section within the Air Quality Division. The Field Operations section is further broken down into ten district offices, complemented by a Technical Programs Unit and the recently established Renewable Operating Permit Central Unit. Staff from these offices issue renewable operating permits as well as perform inspections of Title V major facilities.

EGLE and the EPA meet frequently to discuss pending Title V permits and programmatic permitting issues. During these interactions both agencies share permitting information and identify issues of potential concern. EPA staff collaborate with EGLE permit writers on individual permits, as needed, to address concerns and issue final permits that fulfill all CAA and Michigan State Implementation Plan requirements.

### **1.2. Findings Related to the 2020 Evaluation**

The EPA last conducted an evaluation of EGLE's Title V program during FFY 2020 and issued a report summarizing its findings on April 6, 2021. The 2021 Report noted strengths in EGLE's implementation of the Title V program, identified areas that could use improvement and provided specific recommendations for addressing them. As part of the 2025 evaluation, the EPA revisited each of its recommendations from the 2021 Report to determine the progress that EGLE has made on the identified issues. The following sections describe the EPA's 2025 findings relating to the 2021 Title V Report recommendations.

#### **1.2.1. Source Specific Plans**

EGLE updated its procedures in December 2018 to ensure that source-specific plans required by the ROP, such as operation and maintenance plans, are publicly available throughout the term of the ROP. EPA's previous file review of permits issued after December 2018 indicates that most plans are publicly available. EGLE has taken significant steps to improve availability of these plans, including outreach to District Office supervisors and office staff regarding the posting procedures. An ROP workgroup also considered enhancements and clarifications to the existing procedures, resulting in updated instructions to several sections of the ROP Manual. The EPA acknowledges the effort to ensure all source specific plans are made publicly available in accordance with 40 C.F.R. § 70.7(h)(2) and considers this issue from the 2021 Title V Report fully addressed.

### **1.2.2. Title V Backlog**

In 2021, EGLE established the ROP Central Unit to process approximately 50% of all ROP applications received by the AQD. ROP processing assignments are made intentionally so that staff can specialize in industrial categories and related regulations as subject experts. This also allows for greater consistency within ROPs issued for similar industries and reduces the amount of time required for review. The Michigan ROP application backlog has since reduced from a high of 30% in 2021 to as low as 25% in 2024 but continues to fluctuate. The EPA recommends that EGLE continue its progress to reduce the backlog.

### **1.2.3. Synthetic Minor Limits**

The 2021 report previously noted that synthetic minor limits can be difficult to identify in ROPs. EGLE and the EPA have discussed that synthetic minor limits are generally established and addressed under the Permits to Install program. Where EGLE finds that the ROP implementing regulations allow them to improve the enforceability of dated applicable requirements, they will do so.

### **1.2.4. Test Methods and Averaging Times**

The EPA previously commented that ROPs should specifically identify the test methods that the source will use to demonstrate compliance with each emission limit in accordance with provisions found in 40 C.F.R. § 70.6. The EPA also expressed concern with the lack of emission limit averaging times, emphasizing situations where emission limits and averaging times may not agree. As a result of these findings, EGLE developed additional stack testing permit template language and clarified its guidance to permit writers that had, in some cases, been misinterpreted as a default to a one-hour averaging time. While the new test method citations reference whole appendices instead of individual methods, the EPA acknowledges the progress EGLE has made and will continue to work with EGLE as this issue comes up in specific permit actions.

## **1.3. 2025 Evaluation Findings**

### **1.3.1. Permit Development and Issuance**

EGLE continues to improve and expand its permitting program to be more accessible to the public. EGLE has recently created a central information database called MiEnviro where permits and their related documents can be easily accessed by stakeholders. MiEnviro also allows the regulated community to submit permit applications, test data, and any other permit-required information electronically. The options to submit a public comment are clearly outlined in the public notice documents, as well as opportunities for holding and attending public hearings. The project's technical fact sheet and staff report provide a well written description of why a permit is necessary, what CAA requirements were evaluated

and included, what the facility does, and its permit history, in addition to a description of the analysis made to ensure ambient air quality in the surrounding area is protected.

EGLE also provides a wide array of training resources for their ROP staff, facilitating consistent and accurate permits. This includes annual ROP training, specific source permit templates, peer review, and staff guidance documents. The recent addition of the ROP Central Unit helps build specific industry specialization for permit writers and enhance permit accuracy for addressing complex industry needs.

### **1.3.2. Identification of State-only and Federally Enforceable Requirements**

EGLE uses certain footnotes to distinguish between state-only and federally enforceable requirements. Footnote “1” denotes a state-only enforceable requirement while footnote “2” denotes a federally enforceable requirement. The EPA previously commented that some ROPs either lacked a footnote altogether or included footnotes “1” or “2” in permit conditions that did not align with the designated footnote criteria. EGLE acknowledges that certain ROPs, especially for older facilities, may contain improper footnote usage and require correction. As part of this program evaluation process, the EPA recommends EGLE implement a quality control measure that verifies footnotes are appropriately referenced.

### **1.3.3. Practical Enforceability of Permit Terms**

Many ROPs contain permit conditions that specify controls or other associated equipment to be installed, calibrated, maintained, and operated in a “satisfactory manner.” The EPA commented on specific permits that EGLE should clarify what non-specific terms like “satisfactory manner” mean for the specific condition and include any applicable details that may help define the term when it is used in a permit condition to satisfy the requirements under 40 C.F.R. § 70.6. EGLE explains that specific information for such conditions can often be found in an accompanying source-specific off-permit plan, such as a malfunction and abatement plan. The EPA continues to recommend that EGLE consider including any details that clarify terms such as “satisfactory manner” directly within the permit itself as it is critical to understanding the compliance expectations.

### **1.3.4. Fees**

EGLE last reauthorized its ROP fee program in 2023 for fiscal years 2024-2027, with the fee calculation methodology remaining unchanged. EGLE is committed to ensuring fees are sufficient by factoring inflation, expected expenditure increases, and expected billable emissions for the time period covered by the reauthorization when developing the specific fee structure. EGLE utilizes an accounting system with specific account codes for funding sources. The codes aid in financial queries that detail how funds were utilized and the activities they supported. Administration personnel track all ROP program expenditures through the use of these codes, ensuring all program fees are used only on program

expenditures. As part of the evaluation, EGLE reported that its fee program generates sufficient revenue.

### **1.3.5. Permit File Review**

The EPA reviewed six ROPs as part of this program evaluation. EGLE provided permit records for each of the sources, including manufacturers of automotive and aerospace products, bricks, food ingredients, and boxboards. For each provided ROP, the EPA evaluated synthetic minor hazardous air pollutant limits and their associated monitoring, recordkeeping, and reporting conditions.

The EPA found that EGLE properly documented in the record that there were synthetic minor HAP limits established, identified and incorporated into the permits any applicable National Emission Standards for Hazardous Air Pollutants, and included in the record and made available online any associated off-permit plans. The EPA also found the following areas for improvement:

- **Permit discrepancies:** An instance where a state-only enforceable toxic air pollutant limit was not appropriately identified with a footnote. A conflict in the reported annual emissions and facility's potential to emit provided in the staff report, with the actual emissions exceeding the PTE.
- **Improving the practical enforceability of facility-wide HAP limits:** The EPA observed that boilerplate monitoring language was often used to ensure compliance with source-wide HAP limits that were broad or very close to the synthetic minor threshold (e.g., HAP limits of <10 tpy and <25 tpy limits). The permit record did not explain how continuous compliance with these source-wide limits would be determined, aside from any additional individual NESHAP requirements.

## **1.4. State Feedback**

### **1.4.1. Concerns and Recommendations**

EGLE informed the EPA that there is a concern pertaining to changing federal regulations and a lack of guidance on how to address the changes to applicable federal standards. EGLE explains that the reconsideration of these standards will create uncertainty and confusion for the regulated community and the state if existing permits and rules conflict. It is also noted that a lack of movement on state and federal enforcement actions will delay the issuance of ROPs.

EGLE recommends that the EPA improve the communication and coordination between permitting and enforcement when consent decrees include permitting actions. EGLE also recommends that the EPA provide more national trainings on complex and widely

applicable Maximum Achievable Control Technology standards, with particular focus on the Boiler MACT, landfill regulations, and the natural gas transmission and storage MACT.