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March 27, 2026

Ms. Katie Caskey
Air and Radiation Division (AR-18J)
Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

RE: Air Plan Approval; Michigan; 2015 Ozone Moderate Reasonably Available Control Technology, Docket ID No. EPA-R05-OAR-2025-0235 (NOx RACT)

Dear Ms. Caskey:

On February 27, 2026, the US EPA (EPA) proposed (91 Fed Reg 9794) to approve revisions and additions to Michigan Air Pollution Control Rules (MAPCR) Parts 6 and 8 for inclusion in the Michigan State Implementation Plan (SIP). The EPA proposal states that "Michigan submitted these SIP revisions to meet the Moderate Volatile Organic Compound (VOC) and Nitrogen Oxide (NOX) Reasonably Available Control Technology (RACT) requirements for the Western Michigan nonattainment areas (Berrien, Western portion of Allegan, and Western portion of Muskegon counties) under the 2015 ozone National Ambient Air Quality Standard (NAAQS or standard). The EPA is also proposing to approve MAPCR Rules that limit VOC emissions from consumer products and architectural and industrial maintenance coatings, as SIP strengthening measures for the Western Michigan nonattainment areas under the 2015 ozone standard. The Michigan Department of Environment, Great Lakes, and Energy (Michigan or EGLE) submitted the VOC SIP revisions on March 7, 2024, supplementing the submittal on May 2, 2024, and submitted the NOX SIP revisions on May 5, 2025, supplementing the submittal on August 6, 2025." Comments on the proposed approval are due March 30, 2026.

The Midwest Ozone Group¹ ("MOG") is pleased to provide comments² in support of the proposed approval. MOG is an affiliation of companies and associations that draws upon its

¹ The membership of the Midwest Ozone Group includes: Ameren, American Electric Power, American Forest & Paper Association, American Iron and Steel Institute, American Wood Council, Appalachian Region Independent Power Producers Association, Associated Electric Cooperative, Berkshire Hathaway Energy, Big Rivers Electric Corp., Buckeye Power, Inc., Citizens Energy Group, City Water, Light & Power (Springfield IL), Cleveland-Cliffs Inc., Council of Industrial Boiler Owners, East Kentucky Power Cooperative, ExxonMobil, FirstEnergy Corp., Indiana Energy Association, Indiana-Kentucky Electric Corporation, Indiana Municipal Power Agency, Indiana Utility Group, Hoosier Energy REC, inc., LGE/ KU, Marathon Petroleum Company, National Lime Association, North American Stainless, Nucor Corporation, Ohio Utility Group, Ohio Valley Electric Corporation, Olympus Power, Steel Manufacturers Association, and Wabash Valley Power Alliance.

² These comments were prepared with the technical assistance of Alpine Geophysics, LLC.

collective resources to seek solutions to the development of legally and technically sound air quality programs that may impact their facilities, their employees, their communities, their contractors, and the consumers of their products. MOG's primary efforts are to work with policy makers in evaluating air quality policies by encouraging the use of sound science.

MOG has been actively engaged in a variety of issues and initiatives related to the development and implementation of air quality policy, including the development of transport rules, NAAQS standards, nonattainment designations, petitions under Sections 126, 176A and 184(c) of the Clean Air Act ("CAA"), NAAQS implementation guidance, the development of Good Neighbor State Implementation Plans, exceptional events and 179B demonstrations, and related regional haze and climate change issues.

I. Regulatory Background

As noted in the proposed approval, on October 26, 2015, EPA promulgated a new 8-hour primary ozone NAAQS of 70 ppb, which is met at an ambient air quality monitoring site when the 3-year average of the annual fourth-highest daily maximum 8-hour average ozone concentration is less than or equal to 0.070 ppm, as determined in accordance with appendix U of 40 CFR part 50.1 Following promulgation of a new Upon promulgation of a new or revised NAAQS, EPA is required to designate all areas of the country as either “attainment” (meets the standard), “nonattainment” (does not meet the standard), or “unclassifiable” (any area that cannot be classified on the basis of available information). Delegated states are then primarily responsible for developing plans for attaining and maintaining the NAAQS in areas within their jurisdiction, State planning requirements include provisions for implementing emissions controls, tracking progress toward attainment and monitoring and reporting air quality data, with the overarching goal of attaining and maintaining the NAAQS as expeditiously as practical, but no later than the CAA’s maximum attainment date. Effective on August 3, 2018, EPA initially designated 51 areas throughout the country, including the Western Michigan areas, as nonattainment for the 2015 ozone NAAQS. The Western Michigan nonattainment areas were initially classified as Marginal.

Effective November 7, 2022, EPA determined that the Western Michigan nonattainment areas failed to attain by the Marginal area attainment date and the areas were reclassified by operation of law to Moderate. Effective January 16, 2025, EPA determined that the Western Michigan nonattainment areas failed to attain by the Moderate area attainment date and the areas were reclassified to Serious by operation of law. Michigan’s Serious RACT SIP was due on January 1, 2026, but this action addresses RACT for Moderate nonattainment only.

With respect to NO_x RACT, Michigan promulgated “Part 8. Emission Limitations and Prohibitions—Oxides of Nitrogen,” which had not been previously submitted or approved into Michigan’s SIP. Michigan promulgated NO_x RACT emission standards for various sizes of engines, boilers, combustion turbines, miscellaneous process-specific combustion sources, and Alternative NO_x RACT, which are contained in MAPCR R 336.1840–R336.1845. As part of EPA’s due diligence analysis, it compared Michigan’s NO_x RACT rules to other relevant State rules and ACTs and found Michigan’s rules to be in some cases more stringent than other states’ NO_x RACT rules and consistent with the ACTs. EPA has not identified any new control

technologies that are reasonably available considering technological and economic feasibility for these sources.

II. The EPA Proposal

EPA is proposing to approve various revisions and additions to MAPCR Part 8 into the Michigan SIP as meeting the Moderate NO_x RACT requirements of CAA sections 182(b)(2) and NO_x RACT requirements of 182(f) of the CAA, respectively, for the Western Michigan nonattainment areas under the 2015 ozone standard.

III. Conclusion

MOG appreciates the opportunity to comment, agrees with the EPA analysis regarding the Michigan NO_x RACT regulations, and supports EPA finalizing the rule as proposed.

Very truly yours,

A handwritten signature in blue ink that reads "Edward L. Kropp". The signature is written in a cursive, slightly slanted style.

Edward L. Kropp
Counsel
Midwest Ozone Group