

Response to Comments Document

APPLICANT DETAILS

Company: FCA US LLC – Detroit Assembly Complex - Mack (FCA Mack)

Location: 4000 St. Jean Street, Detroit, Michigan

Application No.: APP-2022-0125

Permit No.: 14-19B

Project Description: Request to modify Permit to Install (PTI) No. 14-19A, per Consent Order No. [2022-16](#). The modification includes:

- Adding requirements for installing and continuously operating a second regenerative thermal oxidizer (RTO), referred to as RTO2.
- Routing ductwork from existing equipment to RTO2.
- Increasing emission limits for particulate matter (PM), PM less than or equal to 10 microns in diameter (PM10), and PM less than or equal to 2.5 microns in diameter (PM2.5).

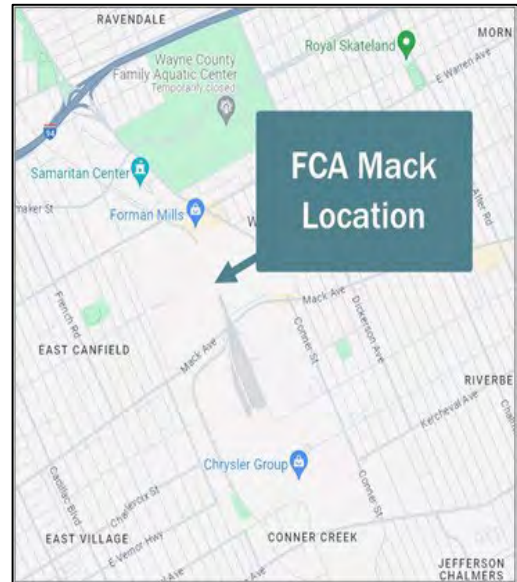


Figure 1: FCA Mack Location

DECISION

The proposed permit was approved, with changes, by the decision maker on November 8, 2024. The decision maker for this project is Chris Ethridge, Assistant Director of the Air Quality Division (AQD) for the Michigan Department of Environment, Great Lakes, and Energy (EGLE).

PURPOSE

The purpose of the Response to Comments document is to discuss the public participation process for FCA Mack's project, detail the comments received during the comment period and our responses, and discuss the changes made, if any.

PUBLIC PARTICIPATION PROCESS

The public participation process involved providing information for public review including a [summary of the proposed project](#), a [technical fact sheet](#), and [proposed permit terms and conditions](#). The public comment period included an in-person informational session and public hearing. Written and verbal public comments were received throughout the comment period on evaluating the application and the proposed permit. More detailed information is included below.

On June 12, 2024, the public comment period was opened. Information was shared in the following ways:

- Copies of the Notice of Air Permit Public Comment Period and Public Hearing and supporting documents were posted at Michigan.gov/EGLEAirPublicNotice.

- Ninety-two people who had previously expressed interest and had provided a complete email address or mailing address were either emailed or mailed information about the public comment period in an [interested party letter](#).
- A notice announcing the public comment period, the hybrid (in person and streamed online) public informational session, and the hybrid public hearing was placed in the Michigan Chronicle. The notice provided pertinent information regarding the proposed action; the locations of available information; a telephone number to request additional information; the date, time, location, and website link of the public informational session and public hearing; the closing date of the public comment period; and the address where written comments were being received.

The hybrid public informational session and hearing were originally scheduled for July 17, 2024, at Detroit Southeastern High School. However, the school experienced unexpected infrastructure issues during the public comment period and could not accommodate the in-person portion of the informational session and hearing. On July 31, 2024, the AQD extended the public comment period until September 9, 2024, and sent updated communications about the public comment period in the following ways:

- Copies of the [Notice of Air Permit Public Comment Period and Public Hearing](#) and supporting documents were posted at Michigan.gov/EGLEAirPublicNotice.
- Ninety-two people who had previously expressed interest and had provided a complete email address or mailing address were either emailed or mailed information about the public comment period in an interested party letter.
- An updated notice announcing the public comment period, the hybrid public informational session, and the hybrid public hearing were placed in the Michigan Chronicle. The notice provided pertinent information regarding the proposed action; the locations of available information; a telephone number to request additional information; the date, time, location, and website link of the public informational session and public hearing; the closing date of the public comment period; and the address where written comments were being received.
- The hybrid public informational session was held in person on September 5, 2024, at the Samaritan Center, Detroit, Michigan. Approximately 66 people attended either in person or logged onto the streaming website. A panel of representatives from the AQD was available to answer questions regarding the proposed project. The public informational session began at 6:00 p.m. and concluded at approximately 7:15 p.m. The session was recorded and is [available to view](#).
- Following the informational session, a hybrid public hearing was held the same night. The hearing began at approximately 7:20 p.m. with Jenifer Dixon as the hearings officer and Chris Ethridge as the decision maker. Only comments on the proposed permit action were received. Approximately 66 people attended the public hearing either in person or logged onto the streaming website, with 12 providing oral comments. The public hearing concluded at 8:15 p.m.

A total of 46 written comments and 6 voicemail comments were received during the public comment period and the hearing.

SUMMARY OF SIGNIFICANT COMMENTS RECEIVED AND AQD'S RESPONSE

The remainder of this document lists the comments received during the public comment period, the hybrid public hearing, and the department's response. The first section discusses the comments received that resulted in changes to the final permit terms and conditions, if any, and the basis for each change. The last section discusses the department's response to all other significant comments not resulting in changes to the final permit.

Comments Resulting in Changes to the Final Permit

Two changes were made to the final permit as a result of comments received.

1. Comment

The test method reference on page 40 to "40 CFR (Code of Federal Regulations) Part 51, Appendix A" for PM10/PM2.5 testing should be changed to "40 CFR Part 51, Appendix M" or should be more specifically identified with a specific test method indicated and planned to be used from those listed in Appendix M and should cover both filterable and condensable PM.

40 CFR Part 51, Appendix A does not contain any listing of emission testing methods approved for PM10/PM2.5 by the United States Environmental Protection Agency (USEPA).

AQD Response:

The commenter is correct. The test method reference is incorrect as listed in the draft permit and should be updated to "40 CFR Part 51, Appendix M." This appendix contains test method requirements for filterable and condensable PM.

Condition Change

The references to "40 CFR Part 51, Appendix A" have been corrected to "40 CFR Part 51, Appendix M."

2. Comment

The AQD noted that obsolete footnotes and stacks were referenced on pages 20, 23, 24, 26, and 76. The second RTO (RTO2) has been installed and is in operation. Therefore, any footnote stating 'This stack shall be removed after the concentrator exhaust is routed to SVRTO2' is obsolete. In addition, stacks designated as SVC1CCOBS (Color 1 CC Observation Zone), SVC2CCOBS (Color 2 CC Observation Zone), and SVBOOTHCONC are obsolete, as these sources are exhausted to SVRTO2.

AQD Response:

Obsolete footnotes and stacks will be removed from the final permit.

Condition Change

Obsolete footnotes and stacks were removed from pages 20, 23, 24, 26, and 76.

Summary of Significant Comments

This section summarizes the comments received during the comment period that did not result in changes to the final permit. The section is sorted by the type of comment, or what topic the comment was related to.

- A. [Permit Requirements](#)
- B. [Public Health and Environmental Concerns](#)
- C. [Air Toxics and Risk Assessment](#)
- D. [Dispersion Modeling](#)
- E. [Best Available Control Technology](#)
- F. [Permit Review Process](#)
- G. [Enforcement](#)
- H. [Non-attainment Issues](#)
- I. [Environmental Justice & Public Participation Process](#)
- J. [Miscellaneous](#)

A. Permit Requirements

Emissions

1. Comment

The AQD should approve the permit to operate RTO2 but not allow the increase in PM emission limits.

AQD Response

The AQD reviews the project as proposed in the application submitted by the company. The application included the proposed increases in PM emission limits.

The AQD and FCA had discussions regarding the proposed increases. FCA agreed to lower the increases from those originally proposed, but stated some level of increase was necessary for the RTO2 Project.

Our evaluation determined that what the company proposed meets all applicable air quality rules and regulations. Therefore, the AQD is legally required to issue the permit because the project complies with all applicable air quality rules and regulations.

Process/Operational Limits

2. Comment

FCA Mack should be required to reduce production on air quality alert days.

AQD Response

There is no legal basis to prohibit the facility's operation during an air quality alert day. The evaluation determined the National Ambient Air Quality Standards (NAAQS) and AQD health-based standards will be met when operating within the parameters of the permit.

3. Comment

Comments requested that specific process parameters, as well as associated monitoring requirements, be included in the permit and Malfunction Abatement Plan (MAP) to ensure proper operation of PM-emitting sources and good combustion from the RTOs.

AQD Response

The permit requires inspections of particulate control equipment to ensure proper operation and stack testing of various emitting sources. These requirements are considered in conjunction with the required MAP and are sufficient to verify the proper operation of the particulate control equipment.

The RTO must be operated properly, which includes achieving good combustion. In addition, the RTOs must meet the following requirements:

1. Maintaining a minimum temperature based on either manufacturer's specifications or the most recent acceptable stack test,
2. Maintaining a minimum retention time of 0.5 seconds, and
3. Achieving a minimum 95% destruction efficiency or a maximum outlet volatile organic compound (VOC) concentration of 5 parts per million as propane.

Not meeting these requirements would be considered a malfunction of an RTO. The MAP requires the facility to identify operating variables for the RTOs and the normal operating ranges of these variables to avoid failures or malfunctions of that equipment. Those variables are typically established by the manufacturer's specifications, which are written to achieve good combustion.

The VOC and particulate matter control devices are required to be part of the MAP for the facility. The permit condition language requiring the MAP is specifically written to allow for flexibility and quick response to changes in the facility operations. This is only true for changes that do not meet the definition of modification and therefore do not require a permit. Placing specific operational requirements in the MAP removes that necessary flexibility.

B. Public Health and Environment Concerns

1. Comment

Please provide air monitoring data from FCA's on-site monitors located at the plant and a map showing the location of those monitors.

AQD Response

The monitoring station is located near the facility as shown in Figure 2. A Freedom of Information Act (FOIA) request must be submitted to obtain detailed air monitoring data directly from the AQD. FOIA requests can be submitted in three ways:

- Online: [Freedom of Information Act \(FOIA\) Requests](#)
- Mail: Michigan Department of Environment, Great Lakes, and Energy
ATTN: FOIA Coordinator
P.O. Box 30457
Lansing, MI 48909-7957
- Fax: 517-241-0858



Figure 2: Map of FCA air monitor location

C. Air Toxics and Risk Assessment

1. Comment

Multiple comments were received questioning how operation of an RTO could lead to an increase in PM_{2.5} emissions and asked whether an RTO emits other pollutants.

AQD Response

An RTO burns natural gas, which produces multiple air pollutants and toxic air contaminants. These air contaminants include particulate matter in the form of fine particulate or PM_{2.5}. All compounds emitted by burning natural gas, including those from RTO₂, were included in the project's emission calculations, evaluated as part of the application review, and found to meet their respective NAAQS or AQD health-based standards.

2. Comment

Multiple requests asking that a combined impact/health assessment be done.

AQD Response

The laws and rules within our regulatory authority are used to protect public health and the environment. They are health-based standards designed to be protective of the public. Current laws do not give us the authority to require a health assessment. The AQD contacted and worked with the Michigan Department of Health and Human Services (MDHHS) in 2021-22 per public health concerns he AQD was receiving from the community. The AQD worked with the MDHHS to share monitoring/sampling data collected around the facility. The MDHHS even conducted their own ambient air sampling around the facility on November 22 and December 8, 2021. As a result of this sampling, the MDHHS did not take any additional actions to investigate public health concerns around the facility.

Concerning combined impacts, we use data from the USEPA's Air Tox Screen which measures the combined impacts and associated risk from air pollution. Air Tox Screen shows that air pollution is not a major contributor to adverse health effects in the Detroit area. Air Tox Screen calculates cumulative risk from many sources of air pollution including factories, automobiles,

wildfire smoke, and background sources. Air Tox Screen also evaluates chemicals formed from the combination of other chemicals in the air. The USEPA sets a level of concern when the cancer risk level is above 100-in-1-million. The latest Air Tox Screen assessment is from 2020. The USEPA found that the cancer risk from air pollution around FCA Mack is 30-in-1-million or 0.003% and is slightly higher than the cancer risk for the State of Michigan which is 20-in-1-million or 0.002%. Air Tox Screen also evaluated cumulative exposure to non-cancer air pollutants.

According to the USEPA, the measurement of non-cancer risk from combined exposure to multiple chemicals in the air is called the Hazard Index. If a Hazard Index is below 1, then the exposure is considered safe. The Hazard Index from air pollution around FCA Mack is 0.2, which is well within the health-protective range.

3. Comment

Multiple comments cited concerns about residents' health should the AQD approve the proposed permit.

AQD Response

We appreciate community members sharing their experiences and health concerns. Our evaluation has determined that, based on the information available, the FCA Mack plant is unlikely to adversely affect or worsen these health conditions. This conclusion is based on several considerations. The proposed emissions were thoroughly evaluated, and all proposed emissions are below their respective health-based screening levels. We extensively modeled the proposed emissions against the USEPA's recently updated PM_{2.5} NAAQS, set at 9.0 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$). The proposed emissions were determined to be below the PM_{2.5} NAAQS.

4. Comment

Multiple comments cited concerns about approving the proposed permit given the existing PM_{2.5} concentrations in the Detroit Metro Area. A study by authors Schulz et al. (2018) was cited and current PM_{2.5} readings close to the standard were noted.

AQD Response

The Schulz et al. (2018) paper is a good snapshot of the fine particulate matter in the Detroit area compared to the prior PM_{2.5} standard of 12.0 $\mu\text{g}/\text{m}^3$. For criteria pollutants (particulate matter is one of the criteria pollutants), the USEPA periodically reviews the latest available scientific data. The USEPA found studies that showed the possibility of adverse effects from PM_{2.5} below the NAAQS of 12.0 $\mu\text{g}/\text{m}^3$. They set the new PM_{2.5} NAAQS standard at 9.0 $\mu\text{g}/\text{m}^3$. This is a health-based standard set to protect public health, including the health of sensitive or at-risk groups. These groups include children, older adults, people with asthma, people with heart and other respiratory problems as well as communities of color and low socioeconomic status populations.

The Schulz et al. (2018) paper did not show that air pollution was responsible for health problems in the Detroit area. Furthermore, Schulz et al. (2018) did not perform a long-term epidemiology study of the population which would have better answered such questions. The authors noted a correlation between high particulate matter exposure and adverse health outcomes by looking at levels of PM and mortality data from the MDHHS for 2013. The MDHHS website pointed out that the data cannot reveal the overall causes of mortality or other socioeconomic factors that may have contributed to people's deaths such as whether those who died had adequate access to medical care.

The AQD modeled the permit's proposed PM_{2.5} emission limit and background PM_{2.5} levels against the latest PM_{2.5} NAAQS of 9.0 µg/m³ annual average. The proposed PM_{2.5} levels are below the updated standard. An evaluation of the USEPA's Air Tox Screen showed that the risk from air pollution is not contributing to adverse health effects in the Detroit area. The USEPA's Air Tox Screen calculates the risk at the census block level for 140 of the 188 Hazardous Air Pollutants. The USEPA's Air Tox Screen is meant to give a snapshot of the outdoor air quality for air toxics released from factories, automobiles, wildfires, and background sources, and includes chemical transformations in the air.

The latest data for the USEPA's Air Tox Screen is from 2019 for noncancer respiratory risk, referred to as the Respiratory Hazard Index (RHI). If the RHI is below 1, then the exposure is considered safe. The RHI from air pollution around FCA Mack is 0.2 and, therefore, well within the health-protective range. According to the USEPA's Air Tox Screen, the greatest contribution to the RHI in this area is from on-road sources, which do not fall under the AQD's regulatory authority.

5. Comment

Monitoring data provided for this facility is based on AQD monitors located over 4 miles away. FCA Mack has monitors on-site that should be used for that purpose.

AQD Response

The monitors on FCA's property are not regulatory and cannot be used for NAAQS compliance. The rules state that the monitors used to show compliance with the NAAQS must measure ambient air. Ambient air is air that is easily accessed by the public. Monitors on industrial property do not meet the definition of ambient air.

Additionally, compliance with the NAAQS is set through federal laws and rules. A state must use approved sampling methods at specific site locations to measure NAAQS pollutants. Any sampling method or site location that doesn't meet federal law and rules cannot be used to determine compliance with the NAAQS.

6. Comment

The AQD should continue collecting air sample data and make all data available for the public to understand any quality impacts the plant is having.

AQD Response

Limited on-site air sampling was conducted on facility property to help determine what may have contributed to the odor issues. This data cannot be used to show whether the facility is complying with a permit. AQD district inspectors determine if a facility is complying with any active permits through regular inspections, stack testing, and records review.

No additional air sampling is planned at this time; however, an effort is being made to place additional community monitoring sites in the area. We are working with the Eastside Community Network to locate a new air monitoring site in the area. We plan to monitor for VOCs, Carbonyls, and continuous PM_{2.5}. This will be a regulatory monitor capable of measuring compliance with the NAAQS.

This new monitor will be part of the AQD's monitoring network and is designed to meet USEPA requirements of assessing air quality in the state to compare to the NAAQS. Therefore, once operational, it will not be used to determine if FCA is meeting its permit conditions.

7. Comment

A comment was received asking how the violations have impacted the surrounding community.

AQD Response

From September 2021 to May 2023, the AQD issued six violation notices (VN) to the FCA Mack Assembly Plant alleging that on eight separate days, nuisance odors were emitted. These odors unreasonably interfered with nearby residents' comfortable enjoyment of life and property. In these cases, we verified that the surrounding community was unreasonably impacted by the presence of nuisance odors from the facility.

A VN was issued on October 20, 2021, alleging that the facility had failed to control VOCs emitted from parts of its painting process as required by its air permit. On December 19, 2021, the facility modified a portion of the process, venting it to the air pollution control equipment. Venting an additional portion of the plant to air pollution control equipment resulted in better control of odor-causing VOCs. The result of the improper construction of the venting was more VOCs being released to the ambient air in the community from the time the plant initially started up in 2021 through December 18, 2021.

Although the release of odor-causing VOCs was reduced with the proper construction of venting, the facility had not permanently addressed odor-causing VOCs from other sections of the paint shop until RTO2 was installed and began operating in June of 2023. Operation of RTO2 results in additional reductions of VOC emissions, as well as better dispersion of odor-causing VOCs.

D. Dispersion Modeling

1. Comment

Multiple commenters disagreed with using the previous standard for PM_{2.5} in the technical review, citing the USEPA's recent revision of the standard.

AQD Response

A proposed project is required to meet all applicable rules and regulations. If a rule or regulation is updated during a permit application review, the analysis is updated to account for that change.

When the application was originally submitted, the NAAQS for PM_{2.5} was 12 µg/m³. At that time, the PM_{2.5} modeling analysis was performed using the originally proposed PM_{2.5} emission limit of 9.45 tons per year (tpy) and showed compliance with the applicable NAAQS.

When the PM_{2.5} NAAQS was lowered to 9.0 µg/m³ in early 2024, updated modeling was submitted and evaluated at the proposed PM_{2.5} emission limit of 6.14 tpy. We evaluated the updated modeling analysis against the new PM_{2.5} standard and determined that the impacts from the proposed project are below the updated NAAQS.

2. Comment

Does air dispersion modeling account for emissions from other facilities in the area and Canadian wildfires?

AQD Response

For criteria pollutants, such as PM_{2.5}, part of the analysis to demonstrate compliance with the NAAQS includes ambient background and nearby source contributions to the overall impact.

This was done for the FCA Mack analysis following USEPA rules. Canadian wildfire smoke was not included in the analysis. When including ambient monitor background concentrations for the NAAQS analysis, USEPA guidance warns against including atypical events such as wildfires to determine representative background concentrations.

3. Comment

AQD air monitors are too far away from FCA Mack to be used as background for modeling; FCA's on-site monitors should be used for this purpose.

AQD Response

The East 7-Mile monitor was used to determine representative background. That monitor is 3.5 miles from the FCA Mack facility and is considered a good representation of the ambient background concentration in that area. The FCA Mack monitor is not owned, operated, or maintained by the AQD. As such, we cannot verify or use the data from that monitor.

E. Best Available Control Technology (BACT) Review

1. Comment

Based on many oxidizer manufacturers' data and specifications, RTO destruction efficiencies can achieve much higher values than the 95% that is required. Those higher values should be in the permit.

AQD Response

VOCs were evaluated under State of Michigan Rule 702(a) for BACT, which determined that the RTOs are required to maintain a minimum destruction efficiency (DE) of 95% destruction efficiency. Although RTOs can achieve higher DEs, the BACT analysis showed that 95% would comply with all applicable rules and regulations. This value is also equivalent to RTO requirements in recent permits issued for other, similar manufacturing processes. A higher DE cannot be required on RTOs if the proposed value meets all applicable rules and regulations.

F. Permit Review Process

1. Comment

Why would EGLE allow an RTO instead of requiring FCA to use alternative paint options or a different control device; either of which would decrease overall air emissions?

AQD Response

The initial permit review for FCA Mack determined that alternative paint options, such as powder coatings, do not meet the quality requirements for the vehicles being manufactured at the facility. We cannot require a facility to operate in such a way that it cannot meet product requirements.

The AQD can require a facility to install control equipment based on the review of the applicable rules and regulations. RTOs are the most effective control device to reduce odors from a facility such as FCA Mack. Other control devices are not as effective at controlling compounds from an automotive manufacturing facility that may contribute to odors. In this case, installation and operation of RTO2 was required under the Administrative Consent Order (ACO) to help address odors from the facility.

2. Comment

Multiple commenters requested that the AQD involve community groups in negotiating a proposed permit.

AQD Response

When a company submits an air permit application, the AQD's job is to evaluate the application and determine whether the project, as proposed, can meet the laws in place to protect local community members. Air quality permit engineers write permit conditions to ensure a project will comply with all the air quality rules and regulations that apply.

Although the AQD does not involve community groups in the drafting and negotiating permit terms and conditions, the division strives to involve communities in decision-making when possible and encourage the public to engage in our permitting process. The AQD makes permit applications available for review when requested, hold informational sessions, and are available by email or phone to answer questions about a proposed project, the proposed permit conditions, or the laws that apply to the project. The division's priority is to help the community understand what a company requests and how the rules and regulations protect them.

Public comment is an especially important part of a permitting action. This is the time community members can provide official feedback on the permit conditions. In many instances comments lead to changes or improvements in a final action.

3. Comment

Multiple comments were received opposing the proposed permit based on FCA's multiple violations ("8 violations since 2021").

AQD Response

With few exceptions, the existence of previous violations at a facility cannot be used to deny the issuance of a PTI if the violations have been previously addressed through an ACO. An ACO is a legal document that a company agrees to sign to resolve alleged air quality violations. The AQD has issued seven VNs to FCA Mack and one to the FCA Jefferson North Assembly Plant. Each of the eight VNs issued were resolved through one of two ACOs. In this case, we do not have the ability to deny this permit based on a history of noncompliance.

4. Comment

A comment was received questioning whether it would be ethical to issue the proposed permit and cited recent Air Quality Index data for the Detroit Metro Area.

AQD Response

The AQD reviews applications to determine whether the proposed project and resulting emissions comply with applicable state and federal laws and regulations. We have determined that the proposed permit will meet the existing laws and regulations, including the recently updated PM2.5 NAAQS.

We evaluate a permit application against established standards such as the USEPA NAAQS and the AQD's health-based screening levels.

5. Comment

According to the lead engineer, discussions regarding decreasing particulate emissions from the process before the RTO never occurred. It is difficult to believe that upstream particulate control

systems would incur a large cost and the economic analysis should be performed regarding increasing the number of waterwash systems, fabric filters, filter bank systems, or moving to a finer micron size.

AQD Response

The lead engineer's response during the informational session was related to a discussion of voluntarily balancing out the increase in particulate emissions. This would be considered voluntary since the project, as proposed, meets the applicable rules and regulations.

Although we cannot require a company to make changes to their proposal, we do encourage companies to meet their existing limits when they request an increase. In this case, we strongly encouraged FCA to look at additional means of balancing particulate emissions.

FCA Mack replaced the original fabric filters with the highest efficiency filters possible while still maintaining proper operation of the process as currently designed. Moving to a finer micron size in the existing fabric filter systems is not feasible without redesigning the process to allow for changes in airflow and air-balancing throughout the system. Similarly, adding additional waterwash or fabric filter systems would increase pressure throughout the system and require redesign of the current process, such as installing additional or replacing existing ductwork. We do not have the authority to require a redesign of the system.

We can only require an economic analysis if specific regulations are triggered, such as the Prevention of Significant Deterioration (PSD). Particulate emissions are not subject to PSD or BACT regulations; therefore, the AQD cannot require an economic analysis to be submitted.

G. Enforcement

1. Comment

What is the status of the Supplemental Environmental Project (SEP) at Detroit Southeastern High School?

AQD Response

Due to unanticipated delays, completion of the SEP at Southeastern High School was delayed past September 30, 2023. A recent update from Detroit Public Schools anticipates that the Building Management System will be completely installed and operational by November 28, 2024.

2. Comment

Commenters asked where the fines that FCA Mack has paid have gone, and that all fines should be directed to the impacted community.

AQD Response

As part of a 2022 Consent Order, the company is required to pay at least \$283,832 towards this settlement. Of this total, the company is required to pay a minimum of \$147,000 on a SEP at Southeastern High School, located at 3030 Fairview Street in Detroit. The company paid the remaining \$136,832 fine to the State of Michigan General fund in December 2022.

By rule, monetary fines paid under a consent order must go to the State of Michigan General Fund unless a portion of the fines go to a SEP as part of a settlement. A SEP is a voluntary project that a company elects to do as part of a settlement. We cannot require any specific

project or direct the funds in any way. Although a settlement may include a SEP, monetary fines are necessary to any enforcement settlement, and a SEP cannot offset the entire monetary fine.

H. Nonattainment Issues

1. Comment

FCA Mack should not be allowed to increase PM2.5 emissions when Wayne County is expected to become a nonattainment area under the updated NAAQS.

AQD Response

A proposed project must be evaluated under the applicable rules and regulations at the time of permit issuance. We are not allowed to take potential changes in attainment status into account, nor can we postpone a permit so that a facility is subject to new regulations. We cannot predict with any certainty what specific areas may be changed to nonattainment, nor when a potential change in status may occur. Wayne County is currently considered to be in attainment for PM2.5 and modeling showed that the project is expected to meet the recently updated PM2.5 NAAQS.

2. Comment

A comment was received stating that air standards should be tightened for the Detroit Metro Area.

AQD Response

Air quality standards are regulatory and determined by the USEPA. Those standards are uniform for all areas of the United States. We enforce those standards and ensure that no areas are in violation. If we discover a violation through monitoring and/or modeling, depending on the requirements of the standard, then the violation must be resolved through additional actions described in each standards' USEPA-approved State Implementation Plan for Michigan.

I. Environmental Justice & Public Participation Process

1. Comment

The application review and public participation process are seeded in environmental racism, and are unfair to the low-income, mostly minority communities surrounding the facility.

AQD Response

At this time, the air quality rules and regulations do not have a way to consider additional demographics when deciding whether to issue a proposed permit. The decision is based solely on whether or not the proposed project complies with the applicable air quality rules and regulations.

We recognize the environmental justice concerns the community has brought forth. Although EGLE does not have an official environmental justice policy outside of the considerations in our [Limited English Proficiency Plan](#), we do our best to meet community needs. Our staff have been working to better and more regularly engage with this community during and outside of permitting actions. Outreach around this application included:

- As part of early outreach, we posted the application on the AQD's [Application of Interest page](#) once it was considered administratively complete. How to view the application was shared with some community and advocacy groups.
- Local residents and community groups were consulted about the type of public informational session and hearing (in-person, virtual, or hybrid) and the appropriateness of the location. Based on their feedback, we held a hybrid informational session and hearing at the Samaritan Center in Detroit, MI. The purpose was to allow as much access to as many community members as possible.
- The extended public comment period started on June 12 and was originally scheduled to end on July 23. On July 31, the public comment period was extended to September 9 after the issues at the original hearing location occurred, resulting in a total public comment period of 89 days. Outreach around the comment period is further detailed in the "Public Participation" portion of this document.

J. Miscellaneous

1. Comment

The following items should be implemented and/or provided:

1. Indoor air purification for households and other impacted areas surrounding the facility.
2. Buyout options and/or other support for nearby residents.
3. Air filtration for nearby schools.
4. Regular community meetings with updates and opportunities for feedback regarding their monitoring and how they are maintaining their infrastructure.

AQD Response

The AQD does not have the regulatory authority to provide any of the requested items/programs, nor to place these items in FCA Mack's permit. However, we will take these requests into consideration for any future planned outreach with the community.

2. Comment

FCA should reduce particulate matter emissions at the facility to balance out increases from this project. There is precedence for this with recent projects at the Marathon Detroit Refinery.

AQD Response

The commenter is referencing certain projects at the Marathon Detroit Refinery where Marathon voluntarily included emission reductions as part of those projects. As noted in the response to comments for those projects, the technical review showed that each proposed project would comply with all applicable air quality rules and regulations prior to taking emission reductions into account.

Emission reductions associated with those projects were voluntary and do not set a precedent for future permit applications. While emission reductions would be beneficial to the community, we do not have the authority to require that FCA Mack balance out the increase in particulate emissions.

3. Comment

A vegetative buffer, consisting mainly of mature pine trees, should be placed entirely around the facility.

AQD Response

In PTI No. 14-19, FCA Mack voluntarily requested a requirement be added for the development of an “Additional Projects Plan.” This was done and the City of Detroit has oversight of development and implementation of the plan. A section of the plan addressed a green buffer, resulting in FCA Mack planting 600 trees in various spots on FCA Mack property.

We do not have the authority to require FCA Mack to add additional vegetative buffer beyond what was included in the “Additional Projects Plan.”

4. Comment

A comment was received alleging that the AQD receives funding from secret sources.

AQD Response

The AQD receives its funding from the State of Michigan's General Fund, fees collected from facilities, and the USEPA. There is no fee for submitting a permit application, nor is there any avenue to pay the AQD to perform a quicker review or expedite a permit application.

5. Comment

We need data on the number of children with asthma in nearby schools. There must be programs directed at families in these schools to access asthma education and healthcare resources. EGLE could help coordinate data sharing and public health education programs with the MDHHS.

AQD Response

The AQD does not have access to data on the number of children with asthma in specific schools, nor is it under the AQD's mandate to establish these types of programs or healthcare resources. EGLE is engaged with efforts to coordinate data sharing and other resources with health agencies like the MDHHS. Some examples of these efforts include projects focused on [assisting schools to improve indoor air quality, working with community partners to develop community resiliency plans](#), and working with groups like the [Asthma Collaborative of Detroit](#).

Data available for asthma rates in children, as well as access to other programs for asthma education, would be available through state or local health agencies. Some helpful resources include:

- MDHHS Asthma Data
 - [MI Asthma Dashboard - Detroit: The Asthma Burden, 2016-2019](#)
 - [Infographic: Is Your School Asthma Friendly? \(November 2023\)](#)
 - [Surveillance Brief-Asthma Ed and Mgt Among MI Children \(February 2020\)](#)
- [Michigan school policies and law to address asthma](#)

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