

Process for Streamlining of the EPA's Review of Michigan's Renewable Operating Permits

September 3, 2026

Consistent with Rules 214(4), (5) and (6), Rules 216(2) and (3), Rule 217, and the EPA's May 11, 2026, "*Guidance on Streamlining Title V Operating Permit Reviews*,"¹ the EPA and EGLE agree to the following process with respect to review periods for draft and proposed Renewable Operating Permits (ROPs):

A. Concurrent Review Pathway:

1. The 30-day public comment period and the EPA's 45-day review period will be initiated at the same time (i.e., concurrently). Concurrent 30-day public comment and EPA 45-day review may be conducted for ROP initials, renewals, significant modifications, or reopenings. EGLE will notify the EPA by email of the start date(s) of the 30-day public comment and EPA's 45-day review periods. EGLE will post the 30-day public comment, and EPA's 45-day review periods for the proposed permit, in the relevant sections of its website.
2. ROPs shall undergo a sequential 30-day public comment period followed by a re-proposed EPA 45-day review period if EGLE receives substantial and relevant public comments during the initial concurrent public comment period. Consistent with Rule 214(5) and 40 CFR part 70, substantial and relevant comments in this context include, but are not limited to, comments that concern whether the ROP includes terms and conditions addressing federal applicable requirements and requirements under 40 CFR part 70, including adequate monitoring and related recordkeeping and reporting requirements.²
3. EGLE will identify and label each ROP that is undergoing concurrent review as a "DRAFT/PROPOSED" permit.
4. The EPA may provide comments on the draft/proposed permit during the 30-day public comment period portion of the concurrent review.
5. Once the 30-day public comment period is over, should no significant changes to the ROP occur due to not receiving any substantial and relevant comments, no further notification to the EPA will be provided. EGLE will update its website as appropriate when the 30-day public comment period ends.
6. If no substantial and relevant public comments are received, EGLE may issue the final permit after the EPA's 45-day review period ends or when the EPA notifies EGLE that it has completed its review or does not intend to review the proposed permit as specified in Section C, below.

¹ <https://www.epa.gov/system/files/documents/2026-05/guidance-on-streamlining-title-v-operating-permit-reviews-5-11-26.pdf>

² 85 FR 6436 (February 5, 2020) (discussing "significant comments")

B. Sequential Review Pathway:

1. EGLE may choose to process certain ROPs under the sequential review process where the EPA's 45-day review period begins after the 30-day public comment period ends. To distinguish from permits undergoing the concurrent review process, EGLE will label each draft ROP that is undergoing the sequential process as a "DRAFT" permit.
2. An ROP that is undergoing concurrent review will revert to sequential review under the following conditions:
 - a. EGLE receives substantial and relevant public comments during the 30-day public comment period; and/or
 - b. EGLE makes significant revisions to the draft permit.
3. EGLE will notify the EPA by email to initiate the 45-day review period for the re-proposed ROP, and to announce availability of EGLE's responses to comments (if substantial and relevant comments were received during the 30-day public comment period) and other supporting documents.
4. EGLE will label each proposed ROP that is only in EPA's 45-day review period as a "PROPOSED" permit.

C. Expedited Review Process:

1. The EPA may proactively waive its 45-day review of any proposed ROP undergoing concurrent or sequential review when it determines that it does not intend to review or has completed its review of the proposed permit. The EPA shall notify EGLE by email of this decision at any point during the EPA's 45-day review period.
2. EGLE may request by email that the EPA conduct an expedited review or waive review of a proposed ROP that is undergoing concurrent or sequential review. EGLE's request will include the name of the source, State Registration Number, and permit number. The EPA will attempt to waive the remainder of its 45 day review period or object to the ROP within 10 working days of the request.
3. EGLE shall not issue a final initial, renewal, significant modification, reopening, or minor modification of an ROP until after EPA's 45-day review period has ended or until EPA has notified EGLE that they will not object to issuance of the final permit, whichever is earlier.
4. Upon receipt of the EPA's notification of its waiver under this section, EGLE may issue the final permit immediately.

D. Calculation of Deadlines:

1. Regardless of whether EGLE conducts a concurrent or sequential review for a particular ROP, both the EPA's 45-day review and the 60-day public petition period that follows shall be based on the date on which the proposed permit is transmitted to, and received by, the EPA.
2. EGLE and the EPA will calculate the 45-day EPA review period and petition deadlines using the following standardized and reproducible method:
 - a. Day 1 of the EPA's 45-day review period is the day **after** the proposed permit is transmitted to the EPA;
 - b. Day 1 of the 60-day period in which to petition the Administrator is the day **after** the end of the 45-day review period;
 - c. Count every day, including weekends and Federal holidays (beginning dates can fall on a weekend or holiday);
 - d. If the end date of either the 45-day EPA review or the 60-day public petition period would fall on a weekend or Federal holiday, it continues to run until the end of the next business day.