

Response to Comments Document

APPLICANT DETAILS

Company: Universal Coating, Inc.

Location: 5204 Energy Drive, Flint, Michigan

Application No.: APP-2023-0147

Permit No.: 28-24

Project Description: Universal Coating, Inc. (Universal) requested the following changes to their current air use permit (also referred to as a Permit to Install or PTI), No. 28-24:

- The addition of two new tumble spray coating lines to be controlled by the existing Regenerative Thermal Oxidizer (RTO).

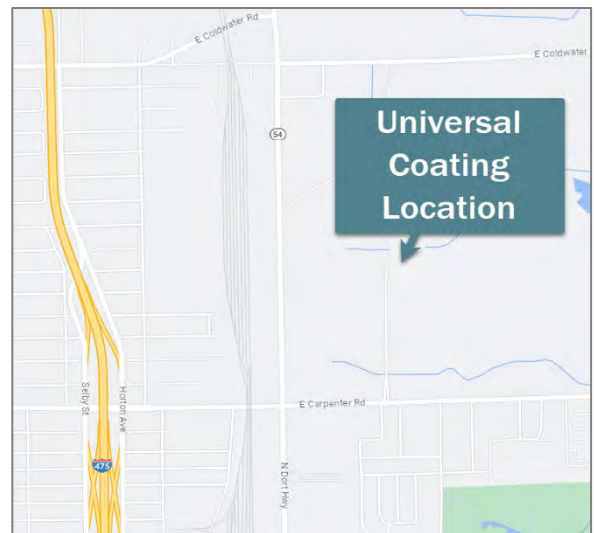


Figure 1: Location of Universal Coating's facility

DECISION MAKER

The decision maker for this project is Annette Switzer, 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 Universal's project, detail the comments received during the comment period and our responses, and discuss the changes made, if any. In addition, the document contains the decision maker's final decision on the proposed project.

PUBLIC PARTICIPATION PROCESS

The public participation process involved providing information for public review including a [summary about the proposed project](#); a [technical fact sheet](#); [proposed permit terms and conditions](#); a public comment period; an in-person informational meeting and public hearing that also utilized an online broadcast; and the receipt of written and verbal public comments on staff's analysis of the application and the proposed permit.

On January 9, 2024, the AQD communicated about the public comment period in the following ways:

- Copies of the [Notice of Air Permit Public Comment and Public Hearing](#) and supporting documents were posted at Michigan.gov/EGLEAirPublicNotice.
- 401 persons 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 public informational meeting, and the public hearing was placed in The Flint Journal. The notice provided pertinent information regarding the proposed action; the locations of available information; a telephone number to request additional information; the date, time, and location of the public informational meeting and public hearing; the closing date of the public comment period; and the address where written comments were being received.

The public informational session was held online and at the Gloria Coles Flint Public Library, 1026 East Kearsley Street, Flint on February 8, 2024, and approximately 14 people attended. A panel of representatives from the AQD was available to answer questions regarding the proposed project. The meeting began at 5:30 p.m. and concluded at approximately 7:00 p.m. The meeting was recorded and is [available to view](#).

Following the informational session, a public hearing was held the same night. The hearing began at 7:00 p.m. with Jenifer Dixon as the hearings officer and Annette Switzer as the decision maker. Only comments on the proposed permit action were received. Approximately 14 people attended the public hearing with 7 people providing oral comments. The public hearing concluded at 7:40 p.m.

In total, 15 sets of comments were received during the comment period.

SUMMARY OF COMMENTS RECEIVED AND AQD'S RESPONSE

The remainder of this document is a listing of the comments received during the public comment period and the 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

1. Comment

Some commenters requested EGLE to lower Universal's permitted emissions limits.

AQD Response:

After the public meeting and hearing, the AQD spoke with the company about taking another look at their emission calculations and the possibility of taking lower emission limits. Although the limits, as drafted would have met air quality rules and regulations, Universal has voluntarily agreed to lowering the volatile organic compound (VOC), acetone, and methyl acetate combined emission limit from 49.7 tons per year (tpy) to 48.0 tpy in Special Condition No. I.1.

2. Comment

EGLE should be more specific in how Universal shows compliance with their capture efficiency from the coating lines.

AQD Response:

Special Condition No. IV.4 has been updated to specify that a device must be maintained to measure either the velocity or pressure drop across the permanent total enclosure (PTE) portion of the group of 12 coating lines, FG-RTO.

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. This includes:

- A. [Permit Requirements](#)
- B. [Air Toxics](#)
- C. [Monitoring Requirements](#)
- D. [Process/Operational Limits](#)
- E. [Enforcement](#)
- F. [Dispersion Modeling](#)
- G. [Environmental Justice and Public Participation Process](#)
- H. [Miscellaneous](#)

A. Permit Requirements**1. Comment**

Universal's permit currently allows it to use any subcategory 1 fuel type to power its equipment. EGLE should require Universal to use the *least polluting fuel* to power its facility and to burn only gas and the least polluting fuel as a backup. EGLE previously required Ajax to use fuel switching and materials restrictions due to environmental justice concerns in the nearby community.

AQD Response

Changes to fuels and fuel burning is out of the scope of this permit and cannot be changed during this action. The fuel-burning equipment being referred to is included in the company's Renewable Operating Permit (ROP), but it is not part of the proposed project for this permit application.

2. Comment

Based on the record of noncompliance and VOC emissions exceedances, EGLE should require additional pollution controls to protect the community from the increased emissions and increase the frequency of VOC testing from the current timeframe of once every five years.

AQD Response

As part of the review performed for the project, EGLE considered Best Available Control Technology (BACT) as outlined in Rule 702. The RTO used to control emissions from all 12 lines (the 10 existing and the 2 new) was determined to meet the requirements for BACT.

The last stack testing performed at the facility for VOCs was done in 2021. The equipment passed the stack test so the next required test will be in 2026. If problems arise with the equipment prior to 2026, Universal may be required to test again to ensure that the control equipment is operating properly. In addition, the facility must comply with their Malfunction Abatement Plan (MAP) if there are any malfunctions with their control equipment.

3. Comment

At a minimum, EGLE should exercise its discretion to strengthen this permit in light of environmental justice concerns. Rule 901 and the Michigan Environmental Protection Act (MEPA) provide support for additional measures to protect air and public health.

AQD Response

Rule 901 allows EGLE to add provisions to address nuisance issues like dust and odors. This would allow the AQD to implement a nuisance minimization plan or fugitive dust plan to minimize these types of issues at a facility. These plans would outline actions and procedures that a company would be required to take to reduce things like dust and odors. There was no indication of any dust or odor issues from this facility with the proposed project. If these types of issues arise, a plan could be required in the future, if warranted.

B. Air Toxics

1. Comment

There have been concerns from multiple commenters about the high rate of asthma in this area. Has this been taken into account? This area has one of the highest rates of asthma in the State. There is concern that the high asthma rates are caused by the pollution from the industrial facilities in this area.

AQD Response:

It can be difficult to determine why someone has developed asthma. This type of evaluation is outside of the scope of the permit application review process.

The AQD is aware of some information that has determined causes for asthma in this area. Specifically, in Michigan, there are annual asthma reports that track work-related asthma. This is one of the few sources that determine why some have developed asthma. From those reports, Universal has not been identified as a facility with a reported case of work-related asthma. To the best of our knowledge, there are no reports that show emissions from this facility has caused asthma in the community.

There is other information on targeted efforts in the Flint area to understand what may be worsening asthma symptoms as well as what interventions may be successful in improving health outcomes for asthmatics. This information includes:

- A presentation on associations between ozone, sulfur dioxide, and asthma-related emergency room visits for children
- A presentation on tailored environmental interventions under the Genesee County Childhood Asthma Taskforce that focused on addressing indoor air quality to significantly reduce adverse health outcomes for children who have asthma

The health-based screening levels are designed to be protective against adverse health effects even in sensitive groups, like people who have asthma. There are pollutants proposed to be emitted that have been shown to be asthma triggers, but they are proposed to be emitted at concentrations that are not associated with adverse health effects. When the facility is operating according to their air permits, emissions from this facility are not expected to increase asthma rates or trigger asthma symptoms.

2. Comment

EGLE can require even lower emission rates on a case-by-case basis for specific TACs through Rule 228. Rule 228 grants EGLE the authority where the Department determines that the requirements specified by Best Available Control Technology for Toxics (T-BACT), or the health-based screening level may not provide adequate protection of human health or the environment in a particular instance.

EGLE should consider the synergistic effects of other TACs, all relevant environmental and land use data, and data relating to exposure scenarios.

AQD Response:

The AQD has specific rules used for determining required toxic air contaminant (TAC) emission reductions. Michigan Air Pollution Control Rule 225 requires predicted air concentrations from new or modified emission units not to exceed applicable screening levels established to prevent noncancer effects and to protect against cancer risks. Through the review of the proposed project, T-BACT for non-VOCs was determined to be proper operation of the RTO.

Rule 228 allows the AQD to lower the maximum allowable emission rate for a TAC on a case-by-case basis if adequate protection of human health or the environment is not expected to be provided by rules like Rule 225. This determination must be based on scientific information about the TACs and their expected impacts. The evaluation for whether a lower maximum allowable emission rate is needed is typically based on the technical review, specific source types, and public comments received. The technical review and this particular source type did not suggest a lower maximum allowable emission rate was needed, particularly when considering whether the TACs being emitted are persistent, bioaccumulative, and toxic (PBTs). For PBTs (like mercury and dioxins), multi-pathway risk assessments are conducted to verify if health is sufficiently protected from the predicted exposures. Based on public comment, further discussion related to [U.S. Environmental Protection Agency's \(USEPA\) AirToxScreen](#) is included in the following paragraphs.

To estimate both risks from aggregate exposures to individual pollutants as well as risks from the combined exposures of pollutants that causes similar adverse effects, there is data from the USEPA's AirToxScreen. AirToxScreen is used as a preliminary screening tool to estimate local outdoor air concentrations based on emissions data from sources like regulated industries, traffic, and secondary pollution that forms in the air from reactive pollutants. With AirToxScreen, there are health risk estimates for breathing approximately 100 various pollutants, including some of the pollutants that are emitted by Universal:

- Benzene
- Ethyl benzene
- Formaldehyde

- Methanol
- Methyl Isobutyl Ketone
- Phenol
- Toluene
- Triethylamine
- 1, 1, 2-Trichloroethane
- And Xylenes

In the latest version of AirToxScreen, which is based on 2019 emissions data, the total added cancer risk from exposure to outdoor air emissions was estimated. This cancer risk is the additional risk of developing cancer beyond background average lifetime cancer risk. In ZIP codes within a 1-mile radius of Universal (ZIP codes 48505, 48506, and 48458), the added cancer risk is about 20 in one million, which is similar to the national average of 25 in one million and the statewide average of 19 in one million.

Also based on the 2019 emissions data, the risk of a noncancer adverse effect in the respiratory system from exposure to outdoor air emissions that affect the respiratory system was estimated. This combined risk is called the Respiratory Hazard Index (HI), where an HI less than one is not likely to be a health concern. In the ZIP codes within a 1-mile radius of Universal, this combined risk for noncancer respiratory effects is at a maximum of 0.2. This local cumulative risk is also about the same as the national and statewide cumulative risk for a noncancer adverse effect in the respiratory system. These cumulative risk estimates were also evaluated at the census tract and census block group levels within the one-mile radius of the facility, and the HI was still at most 0.2. Historically as well as in the most recent version of AirToxScreen, estimates for hazard indexes for other organs, like the brain or liver, are lower than the HI.

The results from AirToxScreen allow for a screening level assessment of some indicators for cumulative risk, and those results do not indicate the need for a lower maximum allowable emission rate.

In the summer of 2023, there were also two mobile monitoring campaigns performed by the USEPA in the Flint area. Both campaigns were conducted over two to three days. None of the air monitoring data showed concentrations that were above health benchmarks for short-term exposure.

There are important limitations to both the modeling assessment provided by AirToxScreen and the mobile air monitoring campaign data. For example, AirToxScreen does not take into account things like lived experience of local residents, historical air quality issues, violation of emission limits and other things that are not reflected in assessments like AirToxScreen. The AQD does not have local outdoor air estimates for some pollutants, because some pollutants are not in the AirToxScreen assessment and do not have standard reference monitoring methods.

The available data for local air quality do not show unacceptable increased health risks. While this is based on limited data that may underestimate risks, compliance, and enforcement actions to address historical violations continue to be a priority in this area to ensure good local air quality. Considered together, the available information does not indicate the need for a lower maximum allowable emission rate and the use of Rule 228.

3. Comment

Universal's proposed new additions to its facility will add cumulative pollution to this already heavily polluted area. There are multiple sources of VOCs in this location that should be considered in aggregate. The analysis performed has "limited applicability to the real world," and this is especially so when a source proposes emissions in a community like Flint.

AQD Response:

There are other sources of air pollution, including VOCs, in the area; there are also other sources of information that more comprehensively categorize local air quality. While these sources of information were not included in the permit review because the emissions from the proposed project were not large enough to require certain analyses, these sources of information were reviewed because of public concerns and comments.

Air monitoring projects in the area as well as cumulative risk assessments from the USEPA's AirToxScreen do not suggest that this area has poor air quality. While there are important limitations to this information that suggest some exposures and risks may have been underestimated, there are also ongoing compliance and enforcement actions to address previous air quality violations.

4. Comment

A cumulative impact assessment should be performed that includes, at a minimum, the following: "A detailed written description of the municipal and neighborhood setting of the facility, including the location of community and residential dwellings, hospitals, nursing homes, playgrounds, parks, schools, and comprehensive demographic, economic zoning, and physical descriptions. In addition, it should include a list of all required federal, state, or local permits, and an assessment of the facility's impact on each environmental and public health stressor, identified in EJ Screen, for the impacted community.

AQD Response:

The USEPA's Office of Research and Development's (ORD) 2022 definition of cumulative impacts is "all the combined exposures to chemical and non-chemical stressors and their effects on health, well-being, and quality of life." In 2003, the USEPA defined cumulative risk assessment as "an analysis, characterization, and possible quantification of the combined risks to human health or the environment from multiple agents or stressors." Risk assessments evaluate the chance or likelihood that an adverse effect will happen from an event, like coming into contact with a pollutant. Risk assessments are the type of evaluations and decision making that many of the AQD's rules and laws utilize.

Under the AQD's rules, there is both authority and methodologies to do certain cumulative risk assessments. These assessments are focused on three areas: accounting for multiple sources of the same pollutant, accounting for multiple pollutants, and accounting for sensitive groups.

Michigan Air Pollution Control Rule 225 requires predicted air concentrations from new or modified emission units to not exceed applicable screening levels established to prevent noncancer effects and to protect against cancer risks. The health-based screening levels were developed to be protective for the general public, including sensitive groups like people who have asthma. Following evaluation under Rules 225, 226(d), and 228 gives the AQD the

authority to include background levels and estimates for other sources in the application review for TACs. Additional analysis, like including background levels, under Rule 226(d) is done when exemptions from meeting health-based screening levels are sought. Since Universal's predicted emissions meet the requirements under Rule 225, an exemption as applicable under Rule 226(d) was not sought and therefore not done.

Rule 228 allows the AQD to determine on a case-by-case basis, that the maximum allowable emission rate for a given TAC(s) determined in rules like Rule 225 does not provide adequate protection of human health or the environment, and an alternative maximum allowable emission rate should be established. The technical review and this particular source type did not suggest a lower maximum allowable emission rate was needed. Based on public comments, further evaluation was done, and it was determined that a lower maximum allowable emission rate was not needed.

5. Comment

EGLE should assess the cumulative impacts of Universal's PTI Application (including all emission units at the proposed facility, fugitive emissions from the proposed facility, and emissions from nearby industrial facilities) because the proposed additional tumble spray lines create toxic pollution harmful to human health and welfare, under Rule 228 and Rule 203 of the Michigan Air Pollution Control Rules. EGLE should have required Universal to prepare a community profile and potential environmental justice concerns associated with the facility's emissions of toxic air contaminants.

AQD Response:

The AQD has authority to conduct limited cumulative risk assessments for TACs, depending on the proposed permit and equipment being proposed. However, this authority cannot be broadly applied to all permit reviews. In this case, multiple emissions units at the facility were evaluated together instead of just the two proposed additional tumble spray lines. Furthermore, facility-wide emissions for ethylbenzene were evaluated to determine if they meet Rule 225(3). While the cumulative risk assessments the AQD performs are limited, we continue to consider how cumulative impact assessments can be better incorporated into the program's work as regulatory authority and existing methodologies allow.

Michigan Air Pollution Control Rule 225 requires predicted air concentrations from new or modified emission units to not exceed allowed screening levels established to prevent noncancer effects and to protect against cancer risks. It was determined that a lower maximum emission limit as allowed under Rule 228 was not needed to be health protective.

Rule 203 only allows the AQD to request information not present in the application that is needed in order to complete the review of the application. The AQD does not have the authority to require Universal to prepare a community profile and potential environmental justice concerns above what is required in the permit application.

6. Comment

Rule 901(a) also provides EGLE with the authority to require a cumulative impacts analysis. To determine whether a proposed permit will comply with Rule 901(a), EGLE must have a better understanding of how the permit will contribute to the injurious effects on human health or safety. As explained in EGLE's guidance, ["Application of Rule 901\(b\) in the Permit to Install"](#)

[Review Process](#),” Air Quality Division’s staff and the source of pollution have the responsibility to proactively reduce the likelihood that the facility will generate a nuisance.

AQD Response:

Rule 901(a) states that a person shall not cause or permit the emission of an air contaminant or water vapor in quantities that cause, alone or in reaction with other air contaminants, injurious effects to human health or safety, animal life, plant life of significant economic value, or property. By meeting the health-based screening levels through Michigan’s air toxics rules and meeting the BACT through Rule 702, the AQD expects that Rule 901(a) will also be met. Specifically, with the application of the health-based screening levels and requirements for the BACT, it is not anticipated that the emissions from the facility will cause injurious health effects.

Rule 901 allows the AQD to add provisions to a permit to address nuisance issues like dust and odors. This would allow the AQD to implement a nuisance minimization plan or fugitive dust plan to minimize these types of issues at a facility. The facility is complying with its current permit and does not have any outstanding Rule 901 violations. There was no indication of any dust or odor issues from this facility with the proposed project. If these types of issues arise, a plan may be required in the future.

Additionally, the two new lines will be controlled by the existing RTO which will reduce the emissions from the lines, as well as reduce the likelihood of odors.

7. Comment

Several comments were received regarding the current health of individuals in the area, especially people with asthma, cardiovascular disease, or cancer. How will the increase in pollution affect the health of the people in the area? How will it affect the children and elderly? How will pollution levels affect people in the future?

AQD Response:

The AQD is determined to protect the health and welfare of all citizens of the State of Michigan. To accomplish this, the AQD utilizes the state and federal air quality rules and regulations that are in place to protect public health and the environment. For this review, the state-specific rules require compliance with health-based screening levels for TACs. Screening levels are developed to protect from cancer and noncancer effects based on toxicological research and the best available information is used to establish exposure levels and exposure times. This includes protection of the health of sensitive groups, like people with asthma and cardiovascular disease. The emissions from Universal were evaluated, compared to the screening levels, and found to be well below them except for ethyl benzene. As a result, an emission limit has been set for ethyl benzene. If the facility is operated in compliance with the requirements of the permit, the health of the community, including sensitive groups, is not expected to be negatively affected.

The AQD also tracks information like local community health assessments and health statistics because it is important to understand the larger context of the area surrounding the facility. This information includes the 2022 Flint and Genesee County Community Health Needs Assessment Report and the Cancer Incidence Data Review for 2000-2018. There is also 2019-2021 data collected by the Michigan Department of Health and Human Services that shows age-adjusted asthma hospitalization rates. The asthma hospitalization rates at that time were higher for ZIP

codes surrounding the facility as compared to the statewide rate. The statewide asthma hospitalization rate was 2.5 in 10,000 people. For the three ZIP codes within a one-mile radius of the facility, the local hospitalization rates were approximately 9.8 in 10,000 people. For the specific ZIP code in which the facility is located, the asthma hospitalization rate was 15.4 in 10,000 people. While the AQD follows this information, it is not directly used in the evaluation of proposed emissions from a permit application. The health-based screening levels are designed to be protective against adverse health effects even in sensitive groups, like people who have asthma.

9. Comment

Some commenters requested to lower Universal's permitted emissions limits for toxics to 10% of the health-based screening levels. Universal's two spray lines will markedly increase levels of hazardous air pollutants—even in small concentrations—which can increase cancer, respiratory, cardiovascular, renal, and nervous system problems.

AQD Response:

Other programs like the USEPA's programs for Superfund site screening level risk assessments have used 10% of screening levels that protect against noncancer-related adverse health effects. In the supporting materials that addresses frequently asked questions about the USEPA's program, the agency notes that 10% of the screening level is used in preliminary assessments to be health protective when there are multiple pollutants being evaluated. To account for multiple TACs together, the AQD relies on health-based screening levels based on mixtures and/or specific groups of TACs that are known via the scientific literature to have additive and/or synergistic effects. Within this review, there are two TACs with screening levels based on either a mixture of TACs or a specific group of similar TACs. One is a potential complex mixture, light aromatic solvent naphtha (petroleum), that has a health-based screening level to protect against potential effects from the complex mixture. The other is a potential group of different forms of xylene. Beyond the ways that the AQD currently accounts for multiple pollutants when scientific evidence and methodologies afford a way to do so, the AQD does not have authority to require no pollutant exceed 10% of its respective screening level. Screening levels are set at levels where noncancer health effects are not expected to occur and cancer risks are low. For example, for health-based screening levels developed to protect against noncancer effects, safety factors are often used to account for continuous exposures even though people may not be exposed continuously. Safety factors are also used to protect sensitive groups of people.

C. Monitoring Requirements

1. Comment

How is Universal being monitored? How is Universal showing compliance with their permit, and how will EGLE ensure that they're following it?

AQD Response

PTI 28-24 contains recordkeeping and monitoring requirements that Universal must follow and which include:

- Recording the temperature of the RTO continuously;
- Maintaining a current listing of the chemical composition of all materials used;

- Keeping material use records and emissions calculations; and
- Monitoring and recording parameters showing that the PTE is functioning correctly.

The AQD ensures Universal is meeting its permit requirements by conducting bi-annual inspections. During these inspections, the RTO control panel is observed to ensure the RTO combustion chamber temperature is above the minimum requirement of 1,550 degrees Fahrenheit, and records are reviewed to ensure that this requirement is met during operations. Maintenance records are reviewed to determine that visual inspections were performed each quarter, accuracy audits of the flow monitoring devices were performed quarterly, and leak checks were conducted on the capture devices every month. RTO maintenance records are obtained and reviewed for monthly, quarterly, semi-annual, and annually serviced items. In addition, the AQD may go on-site to observe stack testing or in response to complaints received. The purpose of stack testing, record keeping, and reporting by the facility is to track emissions from the facility. These requirements are addressed in Section V. Testing/Sampling and Section VI. Monitoring/Recordkeeping of the permit conditions.

The last stack test for destruction efficiency and capture efficiency of the control system was conducted on November 1 and November 2, 2021. The final results were:

- 98.2% destruction efficiency of VOCs.
- 100% capture efficiency for the permanent total enclosure.

The next testing of the destruction efficiency and capture efficiency of the control system will be conducted in 2026. Universal is also required to submit semi-annual reports in which they must certify compliance or noncompliance with all permit terms and conditions. The semi-annual reports contain information on the material use and emissions calculations which are double-checked by AQD staff and compared against the permitted emission limits.

2. Comment

EGLE should require the installation of ambient air monitors so that EGLE and the community can better track emissions from the facility.

AQD Response

The purpose of ambient air monitors is to monitor the outside air for compliance with the National Ambient Air Quality Standards and provide data to support modeling and other research. In addition, many ambient air monitors provide the public with near real-time preliminary air quality data. However, ambient air monitoring is not used to track emissions from a facility. The [Enforcement section](#) of this document below discusses how AQD inspectors determine compliance and track emissions.

D. Process/Operational Limits

1. Comment

Universal intends to employ a variety of chemical agents as part of its industrial process. It is unclear if each agent is essential, and to what degree, to Universal's process. If there are nonessential coating agents that do not significantly affect Universal's operation but will increase pollution, then EGLE should restrict the use of those agents as part of Universal's process to minimize the facility's potential pollution impact.

AQD Response

All coatings, purge and clean-up solvents, and materials used in the proposed coating lines were evaluated as part of the application review. The components of the materials used and the potential emission rates for these components were evaluated in a T-BACT review and were also compared against their health-based screening levels. All the proposed components were all determined to be below their respective screening levels.

2. Comment

How can you be absolutely 100% certain that air pollution from Universal can be 100% controlled?

AQD Response

The enclosure around the twelve coating lines is designed to meet the requirements of what is called a permanent total enclosure or PTE. To be considered a PTE, the enclosure must meet the [USEPA Method 204 Criteria for Verification of Permanent or Temporary Total Enclosure](#). This includes specific parameters for how the enclosure must be built and how it must operate to be considered a PTE. These criteria are reviewed through inspections, as well as equipment used to monitor the necessary parameters to ensure the enclosure is working as it is designed. Emissions that are within the enclosure will all be routed to the RTO which is required to destroy at least 95% of the pollutants. This is verified through routine testing of the control device to ensure it is operating properly. The last testing done in November of 2021 showed a destruction efficiency of 98.2 percent.

3. Comment

What extra protections are in place to create a greater buffer and ensure that the community is protected from permit exceedances going forward (i.e. additional air-cleaning technologies)?

AQD Response

The permit includes testing and monitoring requirements to ensure that the RTO is operating properly, and that the enclosure is properly capturing all the pollutants from the paint lines. In addition, the applicant must keep records of all materials used in the paint lines and show that they are meeting all the emission limits in the PTI and ROP. The permit also requires the applicant to follow a MAP to ensure that the RTO is operating properly and that if there is a malfunction, the company stops production and addresses the malfunction. Routine inspections will be performed by AQD District Staff to ensure that the permit conditions are followed, and all applicable requirements are met.

E. Enforcement

1. Comment

Universal has violated their permit multiple times in the past. Was this taken into consideration when reviewing the application for the proposed permit? Did the most recent violation change any terms for what type of air quality cleaning technology should be installed to add in the two new lines?

AQD Response

The previous violations did not influence the review for the current project as those violations were resolved through enforcement, which is outside of the review of this application. An important part of the review of this application was to ensure the existing capture and control system had the additional pollutants created from the two new paint lines. The existing enclosure and control device were determined to be sized appropriate and to have the capacity available. It was also determined that the capture and control system met the requirements of BACT which includes the existing control device, the emission limits associated with the spray coating lines, and the use of high-volume low pressure spray applicators.

2. Comment

Was the 2021 violation notice considered in the air quality modeling for this request? If so, how did it influence the modeling?

AQD Response

Violations are not included in the modeling as they occur outside of normal, permitted operations and cannot be predicted. Violations are addressed by the AQD Enforcement Unit, and any violating facility would be subject to legal penalties such as fines or making changes to their operation. Such changes to their operations would require re-permitting, which may also include modeling.

3. Comment

What happens if they violate their permit?

AQD Response

Failure to comply with the requirements of the conditions of a permit typically results in the issuance of a violation notice (VN). A VN is an official communication between the AQD and the company. The company has 21 days to respond to the VN. If the company's response is insufficient, the AQD may send a second VN requesting additional information. If the company's response(s) is/are insufficient or the violations are egregious, the VN may be referred to the AQD's Enforcement Unit. The AQD would then seek to enter into an administrative consent order (ACO). The ACO is a legally binding written agreement that would require a monetary penalty and set a timeline of the steps needed for the facility to come back into compliance.

F. Dispersion Modeling

1. Comment

EGLE should use its authority to require Universal to model the whole facility's emissions to confirm that it complies with the applicable screening levels.

AQD Response

The emissions of TACs from all twelve lines were modeled against their respective health-based screening levels and all were found to be meeting their values.

2. Comment

A commenter noted that they are concerned with the facility impacting their neighborhood directly east of the facility. They also noted concern about nearby lakes, rivers, schools, and parks. There are concerns regarding the impact that the facility will have on these areas.

AQD Response

Nearly 2,500 “virtual monitors,” spaced 75 feet apart around the facility property lines and 150 feet apart in the surrounding neighborhoods, were used to predict worst-case impacts resulting from the proposed project. With the relatively short stacks, the worst-case impacts were expected at the facility property line and were confirmed via air dispersion modeling. That worst-case impact, on the property line, plus all other virtual monitor impacts, are acceptable per current health thresholds.

G. Environmental Justice & Public Participation Process

1. Comment

Commenters have noted that this facility is in an Environmental Justice area with eight other industrial facilities nearby. In addition, nearby facilities are currently subject to civil rights investigation. What is EGLE doing to protect these residents and what considerations were made for Environmental Justice during the review of Universal’s permit application? Please provide a summary of the steps EGLE took to address community concerns and steps taken to provide opportunities for meaningful engagement for this permit action.

AQD Response

Both EGLE and the AQD are aware the area has environmental justice concerns. Although EGLE does not have an official policy on environmental justice outside of the considerations in our [Limited English Proficiency Plan](#) (LEP), we do our best to meet the needs of the community. Our staff have been working to better and more regularly engage with this community during and outside of permitting actions.

The receipt and initial evaluation of this permit application started internal conversations on how to engage with the community about what Universal was requesting. The company was asking to add more equipment, but not to increase any permitted emission limits. For purposes of this comment response the Flint Coalition refers collectively to a group of advocates in Flint who have partnered with EGLE on several air quality related education activities as well as being part of a group advocating for environmental equality in Flint. Below is a listing of the steps we took to assess and respond to feedback from community members:

- The Universal Coating permit application was received on June 2, 2023, and posted on the AQD’s [Application of Interest page](#) once it was considered administratively complete.
- In September 2023, the AQD permit engineer began working on the application. The engineer pulls the [USEPA EJSCREEN](#) information and apply the EGLE LEP to determine whether translation needs to be done.
 - In this case it was determined, per the LEP, that the requirements for limited English proficiency were not triggered, and translation was not automatically done.

- Specific information about the proposed permit application and what the AQD was planning was shared verbally during online meetings and via email several times starting in October 2023. These “Flint Air Quality Actions” updates were shared with the Flint Coalition as well as others on our interested parties list.
- Details of what Universal was asking as well as questions about the process were addressed at EGLE/EPA/Flint virtual meetings as well as during one-on-one phone calls prior to the comment period opening.
- In November 2023, the coalition was engaged specifically to get feedback on how the AQD planned to conduct the public comment period and the subsequent meeting and hearing. Feedback requested included:
 - Should the meeting be in person, hybrid, or online?
 - The community wanted in person and hybrid if possible, so we worked to do that.
 - Where should the meeting be held to be convenient and accessible to community members?
 - The community wanted the meeting held at the River Park Apartments community room. Unfortunately, the room could not be made available for the meeting. The community gave a second choice of the Gloria Coles Flint Public Library. The library is accessible by bus and the community assured the AQD this location was a good one.
 - Would the date of the planned meeting work and not conflict with other community events?
 - The community said February 8 would work.
- The start of the comment period was delayed ensuring the location would work and to accommodate the holidays.
- The comment period started on January 9 and ran through February 15, 2024.
- Getting the word out about the public comment period and the meeting included the following:
 - January 9 - GovDelivery note was sent to the AQD and EJ lists and a subsequent email to the Flint Coalition and Ajax Interested Party list.
 - January 9 - Direct email or hard copy mailing to all persons on our Interested Party list. This includes a letter about the proposed action and ways they can get more information.
 - January 29 – A GovDelivery reminder note was sent to the AQD and EJ lists and a subsequent email to the Flint Coalition and Interested Party list.
 - A flyer was developed and shared with the Flint Coalition so they could share it with other community members.
 - All of this is posted on the AQD’s Air Permit Open for Comment webpage. Information shared included:
 - [Proposed Project Summary](#) – a high level summary of the action written in plain language.
 - [Technical Fact Sheet](#) – a technical look at the rules and regulations that apply to the action.
 - [Notice of Air Permit Comment Period and Public Hearing](#)
 - [Proposed Permit Terms and Conditions](#)
 - [Company Letter](#)
 - [Interested Party Letter](#)

- Additional one-on-one personal emails and conversations were had with community members to encourage participation and address any initial questions.
- Getting comments:
 - There are four ways persons can provide comments – by email, by US post, by voicemail, and/or at the public hearing.
 - It is emphasized that you do not need to be present at the hearing to provide comments and we extend comment periods longer than 30 days to give communities ample time to review information, ask questions, and provide comments.
- At the public meeting and hearing:
 - The meeting and hearing were held on February 8. Approximately 30 people attended in person and online.
 - All attendees, whether they were in person or online could voice questions and provide verbal comments, if they wanted to.
 - AQD staff from multiple program areas were available to ensure we could be responsive to a variety of community concerns.
 - The AQD worked to incorporate Community Norms developed with the Flint Coalition in our presentation.
 - Plain language considerations as well as a conversational style informational session were used to answer as many questions as possible from the community,
 - Plain language considerations included very specific feedback from this community during air quality related community learning sessions.
 - Staff were available for one-on-one conversations, and
 - Many community members expressed thanks and appreciation during the meeting.
- After the meeting:
 - The [video](#) was posted on [EGLE's YouTube channel](#) and transcribed for accessibility.
 - A follow-up note was sent to everyone who attended the meeting with helpful information about the meeting, how to comment, and where to watch the video if desired (112 views as of March 14, 2024).
- Next Steps:
 - The comment period closed on February 15.
 - A Response to Comments document will be formulated. This document is intended to be plain language but also addresses comments detailing whether or not a change was made to the permit and why.
 - This will be shared directly with the coalition via email, all persons on the Interested Parties list, and anyone who attended the meeting as well as on the AQD's webpage.

2. Comment

EGLE should continue to improve public notification regarding air permits in environmental justice communities. Participation in the meetings by Zoom should include access to the names of all the participants to increase transparency and engagement. Many residents still did

not receive the actual notice. EGLE should mail a notice to all residents within at least a one-mile radius of the facility seeking a permit.

AQD Response

The AQD appreciates this comment regarding including the names of all participants attending meetings virtually. We are evaluating how to do this for future meetings. For the Universal meeting, we did use a variety of ways to let community members know about the meeting. (Please see the previous comment response for detailed information). The AQD is considering all options related to getting the word out about our public meetings and looking into ways we can provide a direct mailing to area residents that also makes the best use of resources. The AQD is researching what other state agencies and other EGLE divisions do related to this and will consider this option as an additional form of outreach for future meetings.

3. Comment

EGLE should have prepared a description of the Environmental Justice Indicators for the impacted community in its public notice for this application and it should prepare one now. We know EJ Screen was used for Limited English Proficiency but that alone is not sufficient to address environmental justice issues.

AQD Response

When a permit application is submitted, the assigned permit engineer will consult EJSCREEN and do a limited English proficiency evaluation using EGLE's LEP. This is to not only determine if translation into other languages may be helpful to the community, but to see if the proposed permit is in an area with minority and/or low-income populations and potential environmental quality issues. Reviewing this information is used in determining what type of outreach, to whom, and how frequent may be helpful to the community. In this case, the AQD had direct and anecdotal knowledge of the community, which in combination with the information EJSCREEN provided, directed how we planned to meaningfully engage with the community on this application.

The EJSCREEN results for a 1-mile radius around the site show all environmental justice indices have higher percentile scores compared to the rest of the state. This is partially driven by the demographic indicators as there are relatively high populations of people of color as well as populations of people with low incomes in this area. To further understand the context of environmental risks based on results in EJSCREEN, the environmental indicator results around the proposed facility were reviewed. Major air quality-related environmental indicators (for particulate matter, ozone, diesel particulate matter, air toxics cancer risk, and respiratory hazard index) are at or below the 50th percentile, except for the environmental indicator for traffic proximity and volume. This area is at about the 60th percentile as compared to other areas of the state for traffic proximity and volume. However, percentiles for environmental indicators for lead-based paint housing stock and proximity to hazardous waste sources were relatively high for this area as compared to the rest of the state. These other environmental indicators may contribute to air quality as well.

The need for translation services was also evaluated using the USEPA EJSCREEN in a 1-mile radius around the facility. With this information and following EGLE's LEP, it was found translation was not needed based on the analysis showing 0% of people living in linguistically isolated households. A household in which all members aged 14 years and over speak a non-

English language and also speak English less than “very well” is linguistically isolated. Translation services were also available upon request.

4. Comment

Commenters noted that many members of the community were unaware of the public hearing and comment period. They have also noted that EGLE needs a better way to notify residents of potential projects of interest in the area.

AQD Response

Meaningful public involvement is very important to us. The AQD strives to notify as many members of the community as possible and we are always looking at different ways to do this. For the Universal meeting and hearing we began letting local community groups know early that a permit application had been submitted and it would be opened for comment. The AQD engaged with those groups to determine whether the meeting and hearing would be held virtually or in person. We also listened and accommodated the preferred location for the meeting. The AQD used multiple avenues to get the word out, including working with local community groups to disseminate information about the meeting and hearing. We used our list of persons who have interacted with us on previous actions in the area and sent notifications by mail, email, and through our subscription lists related to air quality and environmental justice. In addition, the AQD posted flyers at the library where the meeting was held and shared the flyer with other community groups for awareness.

H. Miscellaneous

1. Comment

Some comments were received outside of the scope and authority of the current decision. These comments included topics like light pollution, traffic, use of tax dollars, and property values.

AQD Response

The permit review process is a technical and legal review of the proposed air pollution source and the decision to issue a permit is based solely on compliance with all applicable state and federal air quality related rules and regulations. The AQD can only base a permit decision on whether a proposal meets the applicable air quality requirements. Other environmental media and local issues such as noise, traffic, and zoning are handled by other agencies or departments. When evaluating an air permit application and making its decision, the AQD cannot consider potential jobs, tax base, property values, community projects, or business profits.

2. Comment

What is the limitation on new equipment? What are the boundaries?

AQD Response

New equipment proposed in a permit application is reviewed based on all applicable state and federal air quality rules and requirements. New equipment may be installed if a company shows that it will meet these requirements. The applicant may only install and operate equipment subject to Michigan Air Pollution Control [Rule 201](#) if it is covered by a permit. The company must also meet the requirements and parameters within its permit.

3. Comment

Some commenters are concerned with odors experienced in the area late at night. How can residents get ahold of EGLE when they encounter these odors?

AQD Response

EGLE receives complaints during non-business hours 24 hours per day 7 days per week at our Pollution Emergency Alerting System (PEAS) line at 800-292-4706. Residents should contact this telephone number which is staffed 24 hours per day. Information received by the PEAS operator is quickly forwarded to the appropriate agencies.

For complaints during business hours, residents may also contact Matt Karl at the Lansing District Office at 517-282-2126. In addition, complaints may be submitted online by following the link below and then clicking on "[Submit an Air Quality Complaint](#)."

4. Comment

I have been told that pollution test monitor is about 40 miles west and is not accurate for our area.

AQD Response

The USEPA sets requirements for placing air monitoring stations throughout each state. The AQD's monitoring network goes beyond the USEPA requirements. The closest air monitoring station to Universal is at Whaley Park in Flint, 2.5 miles from the facility. This monitoring station measures ozone from March through October and particulate matter and metals year-round.

The AQD prepares an Air Monitoring Network Review each year describing where each monitoring site will be located and what will be monitored at each site. The reviews are open for public comment in early May. Based on public comments on the last review, year-round metals monitoring was added to the Flint monitoring station in January 2024. More information is available at <https://www.michigan.gov/egle/about/organization/Air-Quality/air-monitoring>.

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