

DEPARTMENT OF ENVIRONMENTAL QUALITY

AIR QUALITY DIVISION

PART 2. AIR USE APPROVAL

R 336.1201 Permits to install.

Rule 201. (1) Except as allowed in R 336.1202, R 336.1277 to R 336.1290, or R 336.2823(15) a person shall not install, construct, reconstruct, relocate, or modify any process or process equipment, including control equipment pertaining thereto, which may emit any of the following, unless a permit to install which authorizes such action is issued by the department:

(a) Any air pollutant regulated by title I of the clean air act and its associated rules, including 40 C.F.R. §§51.165 and 51.166, adopted by reference in R 336.1299.

(b) Any air contaminant.

A person who plans to install, construct, reconstruct, relocate, or modify any such process or process equipment shall apply to the department for a permit to install on an application form approved by the department and shall provide the information required in R 336.1203.

(2) The department may issue a permit to install for any of the following reasons:

(a) To authorize a person to install, construct, reconstruct, relocate, or modify a process or process equipment pursuant to subrule (1)(a) of this rule.

(b) To establish limits on potential to emit. The limits shall comply with the provisions of R 336.1205(1)(a).

(c) To consolidate terms and conditions from existing permits to install within a renewable operating permit pursuant to R 336.1214a.

(d) To authorize a person to install, construct, reconstruct, relocate, or modify process or process equipment solely pursuant to subrule (1)(b) of this rule or to consolidate state-only enforceable conditions within a renewable operating permit when the renewable operating permit is issued pursuant to R 336.1214. This permit may establish terms and conditions that are legally enforceable solely pursuant to R 336.1224 to R 336.1232, R 336.1901, or other regulations that are not federally enforceable. Each condition in a permit issued pursuant to this subrule shall be identified as state-only enforceable.

(3) A permit to install may be approved subject to any condition, specified in writing, that is reasonably necessary to assure compliance with all applicable requirements.

(4) If a person decides not to install, construct, reconstruct, relocate, or modify the process or process equipment as authorized by a permit to install, then the person, or the authorized agent pursuant to R 336.1204, shall notify the department, in writing, and upon receipt of the notification by the department, the permit to install shall become void. If the installation, reconstruction, or relocation of the equipment, for which a permit has been issued, has not commenced within, or has been interrupted for, 18 months, then the permit to install shall become void, unless otherwise authorized by the department as a condition of the permit to install.

(5) Upon issuance of a permit to install, the emissions from the process or process equipment allowed by the permit to install shall be included in the potential to emit of the stationary source. Upon the physical removal of the process or process equipment, or upon a determination by the department that the process or process equipment has been permanently shut down, the permit to install shall become void and the emissions allowed by the permit to install shall no longer be included in the potential to emit of the stationary source.

(6) Except as provided in subrule (8) of this rule and R 336.1216, operation of the process or process equipment is allowed by the permit to install. The department may void a permit to install upon any of the following actions:

(a) A new permit to install authorizing the action is approved by the department in accordance with subrule (2)(a), (b), or (d) of this rule, and the new permit to install renders all portions of the old permit obsolete.

(b) All terms and conditions of the permit to install are incorporated into a renewable operating permit, in accordance with the provisions of R 336.1212(5) and R 336.1213, and a source-wide permit to install is issued pursuant to R 336.1214a.

(c) All of the emission units, processes, or process equipment covered by the permit to install are physically removed from the stationary source or the department makes a determination that the emission units, processes, or process equipment covered by the permit to install have been permanently shut down.

(7) The department may require 1 or both of the following notification requirements as a condition of a permit to install:

(a) Not more than 30 days after completion of the installation, construction, reconstruction, relocation, or modification authorized by the permit to install, unless a different period is specified in the permit to install, the person to whom the permit to install was issued, or the authorized agent pursuant to R 336.1204, shall notify the department, in writing, of the completion of the activity. Completion of the installation, construction, reconstruction, relocation, or modification is considered to occur not later than commencement of trial operation of the process or process equipment.

(b) Within 12 months after completion of the installation, construction, reconstruction, relocation, or modification authorized by the permit to install, or 18 months after the effective date of this rule, whichever is later, unless a different period is specified in the permit to install, the person to whom the permit to install was issued, or the authorized agent pursuant to R 336.1204, shall notify the department, in writing, of the status of compliance of the process or process equipment with the terms and conditions of the permit to install. The notification shall include all of the following:

(i) The results of all testing, monitoring, and recordkeeping performed by the stationary source to determine the actual emissions from the process or process equipment and to demonstrate compliance with the terms and conditions of the permit to install.

(ii) A schedule of compliance for the process or process equipment.

(iii) A statement, signed by the person owning or operating the process or process equipment, that, based on information and belief formed after reasonable inquiry, the statements and information in the notification are true, accurate, and complete.

(8) If evidence indicates that the process or process equipment is not performing in accordance with the terms and conditions of the permit to install, the department, after notice and opportunity for a hearing, may revoke the permit to install consistent with section 5510 of the act. Upon revocation of the permit to install, operation of the process or process equipment shall be terminated. Revocation of a permit to install is without prejudice and a person may file a new application for a permit to install that addresses the reasons for the revocation.

History: 1980 AACS; 1992 AACS; 1995 AACS; 1996 AACS; 2003 AACS; 2008 AACS.

R 336.1201a General permits to install.

Rule 201a. (1) The department may, after notice and opportunity for public participation

pursuant to section 5511(3) of the act, issue a general permit to install covering numerous similar stationary sources or emission units. A general permit to install shall include terms and conditions which are necessary to assure that the stationary source or emission unit will comply with all applicable requirements and shall be consistent with the permit content requirements of R 336.1205(1)(a). The general permit to install shall also identify criteria by which a stationary source or emission unit may qualify for the general permit to install. The department shall grant the terms and conditions of the general permit to install to stationary sources or emission units that qualify within 30 days of receipt by the department of a complete application. An applicant shall be subject to enforcement action if the department later determines that the stationary source or emission unit does not qualify for the general permit to install.

(2) A person who owns or operates a stationary source or emission unit that would qualify for a general permit to install issued by the department pursuant to subrule (1) of this rule shall apply to the department for coverage under the terms of the general permit to install or may apply for a permit to install consistent with R 336.1201. The department may require the use of application forms designed for use with a specific general permit to install issued by the department. The application forms shall include all information necessary to determine qualification for, and to assure compliance with, the general permit to install. Without repeating the public participation process pursuant to subrule (1) of this rule, the department may grant a request by a person for authorization to install and operate a stationary source or emission unit pursuant to a general permit to install.

(3) The department shall maintain, and make available to the public upon request, a list of the persons that have been authorized to install and operate a stationary source or emission unit pursuant to each general permit to install issued by the department.

History: 1996 AACCS; 2003 AACCS.

R 336.1202 Waivers of approval.

Rule 202. (1) If the requirement for approval of a permit to install before construction will create an undue hardship to the applicant, the applicant may request a waiver to proceed with construction from the department. The application for a waiver shall be in writing, shall explain the circumstances that will cause the undue hardship, and shall be signed by the owner or his or her authorized agent. The application shall be acted upon by the department within 30 days. If a waiver is granted, the applicant shall submit pertinent plans and specifications for approval as soon as is reasonably practical. The applicant, after a waiver is granted, shall proceed with the construction at his or her own risk; however, operation of the equipment shall not be authorized until the application for a permit to install has been approved by the department. After construction, modification, relocation, or installation has begun or been completed, if the plans, specifications, and completed installations do not meet department approval, then the application for a permit to install shall be denied, unless the alterations required to effect approval are made within a reasonable time as specified by the department.

(2) The provisions of subrule (1) of this rule shall not apply to any of the following:

(a) Any activity that is subject to R 336.2802, prevention of significant deterioration regulations, or R 336.2902, nonattainment new source review regulations.

(b) Construction or reconstruction of a major source of hazardous air pollutants as defined in and subject to, national emission standards for hazardous air pollutants for source categories.

(c) Construction or modification as defined in and subject to 40 C.F.R. part 61, national emission standards for hazardous air pollutants, adopted by reference in R 336.1299.

For the purpose of this subrule, "activity" means the concurrent and related installation, construction, reconstruction, relocation, or modification of any process or process equipment.

History: 1980 AACCS; 2003 AACCS; 2008 AACCS.

R 336.1203 Information required.

Rule 203. (1) An application for a permit to install shall include information required by the department on the application form or by written notice. This information may include, as necessary, any of the following:

(a) A complete description, in appropriate detail, of each emission unit or process covered by the application. The description shall include the size and type along with the make and model, if known, of the proposed process equipment, including any air pollution control equipment. The description shall also specify the proposed operating schedule of the equipment, provide details of the type and feed rate of material used in the process, and provide the capture and removal efficiency of any air pollution control devices. Applications for complex or multiple processes shall also include a block diagram showing the flow of materials and intermediate and final products.

(b) A description of any federal, state, or local air pollution control regulations which the applicant believes are applicable to the proposed process equipment, including a proposed method of complying with the regulations.

(c) A description in appropriate detail of the nature, concentration, particle size, pressure, temperature, and the uncontrolled and controlled quantity of all air contaminants that are reasonably anticipated due to the operation of the proposed process equipment.

(d) A description of how the air contaminant emissions from the proposed process equipment will be controlled or otherwise minimized.

(e) A description of each stack or vent related to the proposed process equipment, including the minimum anticipated height above ground, maximum anticipated internal dimensions, discharge orientation, exhaust volume flow rate, exhaust gas temperature, and rain protection device, if any.

(f) Scale drawings showing a plan view of the owner's property to the property lines and the location of the proposed equipment. The drawings shall include the height and outline of all structures within 150 feet of the proposed equipment and show any fence lines. All stacks or other emission points related to the proposed equipment shall also be shown on the drawings.

(g) Information, in a form prescribed by the department, that is necessary for the preparation of an environmental impact statement if, in the judgment of the department, the equipment for which a permit is sought may have a significant effect on the environment.

(h) Data demonstrating that the emissions from the process will not have an unacceptable air quality impact in relation to all federal, state, and local air quality standards.

(2) The department may require additional information necessary to evaluate or take action on the application. The applicant shall furnish all additional information, within 30 days of a written request by the department, except as provided by the following provisions:

(a) The applicant may request a longer period of time, in writing, specifying the reason why 30 days was not reasonable for submitting the information.

(b) The department may provide written notice to the applicant of an alternate time period for the submittal, either as part of the original request or upon the granting of an extension requested by the applicant.

(3) An applicant may reference a permit application previously submitted to the department

tor the purpose of supplying a portion of the information required by this rule. Any reference to a previously submitted permit application shall clearly identify the permit application number assigned to the previous application by the department. If acceptable to the department, an applicant may also reference other previously submitted information for the purpose of supplying a portion of the information required by this rule.

History: 1980 AACCS; 2003 AACCS.

R 336.1204 Authority of agents.

Rule 204. When a person files an application for a permit to install as the agent of an applicant, the applicant shall furnish the department with written authorization for the filing of the application. The authorization shall indicate if the applicant intends that the department contact the agent directly with questions regarding the application and also indicate if the agent is authorized to negotiate the terms and conditions of the permit to install.

History: 1980 AACCS; 2003 AACCS.

R 336.1205 Permit to install; approval.

Rule 205. (1) The department shall not approve a permit to install for a stationary source, process, or process equipment that meets the definition of a major stationary source or major modification under any part of these rules unless the requirements specified in subdivisions (a) and (b) of this subrule have been met. In addition, except as provided in subrule (3) of this rule, the department shall not approve a permit to install that includes limitations which restrict the potential to emit from a stationary source, process, or process equipment to a quantity below that which would constitute a major source or major modification under any part of these rules unless both of the following requirements have been met:

(a) The permit to install contains emission limits that are enforceable as a practical matter. An emission limit restricts the amount of an air contaminant that may be emitted over some time period. The time period shall be set in accordance with the applicable requirements and, unless a different time period is provided by the applicable requirement, should generally not be more than 1 month, unless a longer time period is approved by the department. A longer time period may be used if it is a rolling time period, but shall not be more than an annual time period rolled on a monthly basis. If the emission limit does not reflect the maximum emissions of the process or process equipment operating at full design capacity without air pollution control equipment, then the permit shall contain 1 of the following:

(i) A production limit which restricts the amount of final product that may be produced over the same time period used in the emission limit and which comports with the true design and intended operation of the process or process equipment.

(ii) An operational limit which restricts the way the process or process equipment is operated and which comports with the true design and intended operation of the process or process equipment. An operational limit may include conditions specifying any of the following:

(A) The installation, operation, and maintenance of air pollution control equipment.

(B) The hours of operation of the stationary source, process, or process equipment, if the hours are less than continuous.

(C) The amount or type of raw materials used by the stationary source, process, or process equipment.

(D) The amount or type of fuel combusted by the stationary source, process, or process

equipment.

(E) The installation, operation, and maintenance of a continuous gas flow meter and a continuous emission monitor for the air contaminant for which an enforceable emission limit is required.

(iii) For volatile organic compound surface coating operations where an add-on control is not employed, an emission or usage limit coupled with a requirement to calculate or demonstrate daily compliance.

(b) A draft permit has been subjected to the public participation process specified in section 5511(3) of the act. The department shall provide a copy of the draft permit to the United States environmental protection agency for review and comment at or before the start of the public comment period. The department shall also provide a copy of each final permit to install issued pursuant to this rule to the United States environmental protection agency.

(2) The department shall not approve a permit to install to construct a major source or reconstruct a major source under any applicable requirement of section 112 of the clean air act unless the requirements of subrule (1)(a) and (b) of this rule have been met. In addition, except as provided in subrule (3) of this rule, the department shall not approve a permit to install that includes limitations which restrict the potential to emit of a stationary source, process, or process equipment to a quantity below that which would constitute a major source or modification under any applicable requirement of section 112 of the clean air act unless the requirements of subrule (1)(a) and (b) of this rule have been met.

(3) The department may approve a permit to install that includes limitations which restrict the potential to emit of a stationary source, process, or process equipment to a quantity below that which would constitute a major source or major modification under any part of these rules without meeting the requirement of subrule (1)(b) of this rule if the emission limitations restrict the potential to emit of the stationary source, process, or process equipment to less than 90% of the quantity referenced in the applicable requirement.

History: 1995 AACCS; 1996 AACCS; 1998 AACCS; 2003 AACCS; 2008 AACCS.

R 336.1206 Processing of applications for permits to install.

Rule 206. (1) The department shall review an application for a permit to install for administrative completeness pursuant to R 336.1203(1) within 10 days of its receipt by the department. The department shall notify the applicant in writing regarding the receipt and completeness of the application.

Except for permit to install applications subject to a public comment period pursuant to R 336.1205(1)(b) or section 5511(3) of the act, the department shall take final action to approve or deny a permit within 60 days of receipt of all information required pursuant to R 336.1203(1) and (2). The department shall take final action to approve or deny a permit to install subject to a public comment period pursuant to R 336.1205(1)(b) or section 5511(3) of the act within 120 days of receipt of all information required pursuant to R 336.1203(1) and (2). For the purpose of this subrule, the time between when the department requests additional information from an applicant and when the applicant actually provides that information shall not be included in the 60-day and 120-day time frames for final action by the department. The failure of the department to act on an application that includes all the information required pursuant to R 336.1203(1) and (2) within the time frames specified in this subrule may be considered a final permit action solely for the purpose of obtaining judicial *review* in a court of competent jurisdiction to require that action be taken by the department without additional delay.

History: 1980 AACCS; 2003 AACCS.

R 336.1207 Denial of permits to install.

Rule 207. (1) The department shall deny an application for a permit to install if, in the judgment of the department, any of the following conditions exist:

(a) The equipment for which the permit is sought will not operate in compliance with the rules of the department or state law.

(b) Operation of the equipment for which the permit is sought will interfere with the attainment or maintenance of the air quality standard for any air contaminant.

(c) The equipment for which the permit is sought will violate the applicable requirements of the clean air act, as amended, 42 U.S.C. §7401 et seq., including any of the following:

(i) The standards of performance for stationary sources, 40 C.F.R. part 60, adopted by reference in R 336.1299.

(ii) The national emission standards for hazardous air pollutants, 40 C.F.R. part 61, adopted by reference in R 336.1299.

(iii) The requirements of prevention of significant deterioration of air quality, R 336.2801 to R 336.2819 and R 336.2823.

(iv) The requirements of nonattainment new source review, R 336.2901 to R 336.2903, R 336.2907, and R 336.2908.

(v) The requirements for control technology determinations for major sources in accordance with 40 C.F.R. §63.40 to §63.44 and §63.50 to §63.56, adopted by reference in R 336.1299.

(d) Sufficient information has not been submitted by the applicant to enable the department to make reasonable judgments as required by subdivisions (a) to (c) of this subrule.

(2) When an application is denied, the applicant shall be notified in writing of the reasons therefor. A denial shall be without prejudice to the applicant's right to a hearing pursuant to section 5505(8) of the act or for filing a further application after revisions are made to meet objections specified as reasons for the denial.

History: 1980 AACCS; 2003 AACCS; 2008 AACCS.

R 336.1209 Use of old permits to limit potential to emit.

Rule 209. (1) A person may use a permit to install or a permit to operate issued before May 6, 1980, or a wayne county permit issued before a delegation of authority to wayne county pursuant to section 14f of the act, to limit the potential to emit of a stationary source to a quantity less than the amount which would cause the stationary source to be subject to the requirements of R 336.1210 by complying with the requirements of subrule (2) of this rule, if the permit meets both of the following requirements:

(a) The permit contains emission limits that are less than the maximum emissions of the process or process equipment operating at full design capacity without air pollution control equipment, and the permit contains a production or operational limit consistent with the requirements of R 336.1205 (1) (a).

(b) The potential to emit of the stationary source, including the emissions authorized by the permit, is less than the quantity of emissions that would cause the stationary source to be considered a major source pursuant to R 336.1211 (1) (a).

(2) Except as provided by subrule (3) of this rule, a person shall meet both of the following requirements to use a permit to install or permit to operate issued before May 6, 1980, or a wayne

county permit issued before a delegation of authority to wayne county pursuant to section 14f of the act, to limit the potential to emit of a stationary source:

(a) submit a written notice to the department, on a form provided by the department, of the intent that the terms and conditions of the permit to install, permit to operate, or the wayne county permit be used to limit the potential to emit of the stationary source under the provisions of this rule. The written notice shall include a certification signed by the person that the stationary source, process, or process equipment is in full compliance with the permit to install, permit to operate, or the wayne county permit.

(b) Maintain records, conduct monitoring, and submit reports as required by the permit and as required pursuant to any applicable requirement to show that the stationary source, process, or process equipment is operating in compliance with the terms and conditions of the permit and any applicable requirements.

(3) A person need not notify the department pursuant to subrule (2) (a) of this rule if the potential to emit of the stationary source, including the emissions authorized by the permit to install or permit to operate issued before May 6, 1980, or the wayne county permit issued before a delegation of authority to wayne county pursuant to section 14f of the act, is less than 50% of the quantity that would cause the stationary source to be considered a major source pursuant to R 336.1211(1) (a).

History: 1995 AACCS.

R 336.1212 Administratively complete applications; insignificant activities; streamlining applicable requirements; emissions reporting and fee calculations.

Rule 212. (1) A timely and administratively complete application for a stationary source subject to the requirements of R 336.1210 shall meet the requirements of R 336.1210(2) and shall contain all information that is necessary to implement and enforce all applicable requirements that include a process-specific emission limitation or standard or to determine the applicability of those requirements.

(2) All of the following activities are considered to be insignificant activities at a stationary source and need not be included in an administratively complete application for a renewable operating permit:

(a) Repair and maintenance of grounds and structures.

(b) All activities and changes pursuant to R 336.1285(a) to (f); however, if any compliance monitoring requirements in the renewable operating permit would be affected by the change, then application shall be made to revise the permit pursuant to R 336.1216.

(c) All activities and changes pursuant to R 336.1287(!) to (h); however, if any compliance monitoring requirements in the renewable operating permit would be affected by the change, then application shall be made to revise the permit pursuant to R 336.1216.

(d) Use of office supplies.

(e) Use of housekeeping and janitorial supplies.

(f) Sanitary plumbing and associated stacks or vents.

(g) Temporary activities related to the construction or dismantlement of buildings, utility lines, pipelines, wells, earthworks, or other structures.

(h) Storage and handling of drums or other transportable containers that are sealed during storage and handling.

(i) Fire protection equipment, fire fighting and training in preparation for fighting fires. Prior approval by the department for open burning associated with training in preparation for fighting

fires is required pursuant to R 336.1310.

(j) Use, servicing, and maintenance of motor vehicles, including cars, trucks, lift trucks, locomotives, aircraft, or watercraft, except where the activity is subject to an applicable requirement. The applicable requirement or the emissions of those air contaminants addressed by the applicable requirement shall be included in a timely and administratively complete application pursuant to R 336.1210. Examples of applicable requirements may include an applicable requirement for a fugitive dust control or operating program or an applicable requirement to include fugitive emissions pursuant to R 336.1211(1)(a)(ii). For the purpose of this subdivision, the maintenance of motor vehicles does not include painting or refinishing.

(k) Construction, repair, and maintenance of roads or other paved or unpaved areas, except where the activities are subject to an applicable requirement. The applicable requirement or the emissions of the air contaminants addressed by the applicable requirement shall be included in a timely and administratively complete application pursuant to R 336.1210. Examples of applicable requirements include an applicable requirement for a fugitive dust control or operating program or an applicable requirement to include fugitive emissions pursuant to R 336.1211(1)(a)(ii).

(l) Piping and storage of sweet natural gas, including venting from pressure relief valves and purging of gas lines.

(3) The following process or process equipment need not be included in an administratively complete application for a renewable operating permit, unless the

process or process equipment is subject to applicable requirements that include a process-specific emission limitation or standard:

- (a) All cooling and ventilation equipment listed in R 336.1280.
- (b) Cleaning, washing, and drying equipment listed in R 336.1281(a) to (f) and (i).
- (c) Electrically heated furnaces, ovens, and heaters listed in R 336.1282(a).
- (d) All other equipment listed in R 336.1283.
- (e) Containers listed in R 336.1284(a), (c), (d), (h), and (j) to (m).
- (f) Miscellaneous equipment listed in R 336.1285(h) to (p), (r) to (!), (v) to (ii), (kk), and (II)

except for externally vented equipment listed in R 336.1285(I)(vi).

- (g) All plastic processing equipment listed in R 336.1286.
- (h) Surface coating equipment listed in R 336.1287(b), (d), (e), (i), (j), and (k).
- (i) All oil and gas processing equipment listed in R 336.1288.
- (j) Asphalt and concrete production equipment listed in R 336.1289(a) to (c).

(4) Unless subject to a process-specific emission limitation or standard, all of the following process or process equipment need only be listed in an administratively complete application for a renewable operating permit. The list shall include a description of the process or process equipment, including any control equipment pertaining to the process or process equipment, the source classification code (SCC), and a reference to the subdivision of this subrule that identifies the process or process equipment:

- (a) Cleaning, washing, and drying equipment listed in R 336.1281(g), (h), and (j).
- (b) Fuel-burning furnaces, ovens, and heaters listed in R 336:1282.
- (c) Containers listed in R 336.1284(b), (e), (f), (g), and (i).
- (d) Miscellaneous process or process equipment listed in R 336.1285(9), (q), (u), and (jj) and externally vented process equipment listed in R 336.1285(I)(vi).
- (e) Surface-coating equipment listed in R 336.1287(a) and (c).
- (f) Concrete batch production equipment listed in R 336.1289(d).

(g) Process or process equipment which has limited emissions and which is listed in R 336.1290.

(5) As a part of an application for a renewable operating permit, a person may seek to establish that certain terms or conditions of a permit to install, permit to operate, or order entered pursuant to the act are not appropriate to be incorporated into the renewable operating permit or should be modified to provide for consolidation or clarification of the applicable requirements. An application for a renewable operating permit may include information necessary to demonstrate any of the following:

(a) That a term or condition of a permit to install, permit to operate, or order entered pursuant to the act is no longer an applicable requirement.

(b) That a term or condition of a permit to install, permit to operate, or order entered pursuant to the act should be modified to provide for consolidation or clarification of the applicable requirement. A person shall demonstrate that the modification results in enforceable applicable requirements which are equivalent to the applicable requirements contained in the original permit or order and that the equivalent requirements do not violate any other applicable requirement.

(c) That the equipment should be combined into emission units different from the emission units contained in a permit to install, permit to operate, or order entered pursuant to the act to provide for consolidation or clarification of the applicable requirement. A person shall demonstrate that the realignment of the emission units results in enforceable applicable requirements which are equivalent to the applicable requirements contained in the original permit or order and that the equivalent requirements do not violate any other applicable requirement.

(6) Beginning with the annual report of emissions required pursuant to R 336.202 and section 5503(k) of the act for calendar year 1995, or the first calendar year after a stationary source becomes a major source as defined by R 336.1211(1)(a), whichever is later, each stationary source subject to the requirements of this rule shall report the emissions, or the information necessary to determine the emissions, of each regulated air pollutant. The information shall be submitted utilizing the emissions inventory forms provided by the department. For the purpose of this subrule, "regulated air pollutant" means all of the following:

(a) Nitrogen oxides or any volatile organic compound.

(b) A pollutant for which a national ambient air quality standard has been promulgated under the clean air act.

(c) A pollutant that is subject to any standard promulgated under section 111 of the clean air act.

(d) A class I or II substance that is subject to a standard promulgated under or established by title VI of the clean air act.

(e) A pollutant that is subject to a standard promulgated under section 112 or other requirements established under section 112 of the clean air act, except for pollutants regulated solely pursuant to section 112(r) of the clean air act. Pollutants subject to a standard promulgated or other requirements established under section 112 of the clean air act include both of the following:

(i) A pollutant that is subject to requirements under section 112(g) of the clean air act. If the administrator of the United States environmental protection agency fails to promulgate a standard by the date established pursuant to section 112(e) of the clean air act, any pollutant for which a stationary source would be major shall be considered to be regulated on the date 18 months after the applicable date established pursuant to section 112(e) of the clean air act.

(ii) A pollutant for which the requirements of section 112(g)(2) of the clean air act have been

met, but only with respect to the specific stationary source that is subject to the section 112(g)(2) requirement.

(7) For the purpose of calculating the annual air quality fee pursuant to section 5522 of the act, the actual emissions of a fee-subject air pollutant from all process or process equipment shall be determined. However, the actual emissions of a fee-subject air pollutant from process or process equipment listed pursuant to subrules

(2) to (4) of this rule need not be calculated unless either of the following provisions is met:

(a) The process or process equipment is subject to a process-specific emission limitation or standard for the specific fee-subject air pollutant.

(b) The actual emissions from the process or process equipment exceed 10% of significant, as defined in R 336.1119(e), for that air pollutant.

History: 1995 AACCS; 1996 AACCS; 2001 AACCS; 2003 AACCS.

R 336.1216 Modifications to renewable operating permits.

Rule 216. (1) All of the following provisions apply to administrative permit amendments:

(a) An administrative permit amendment is a modification to a renewable operating permit that involves any of the following:

(i) A change that corrects typographical errors.

(ii) A change in the name, address, or phone number of the responsible official or other contact person identified in the application for the renewable operating permit or a similar minor administrative change at the stationary source.

(iii) A change that provides for more frequent monitoring or reporting.

(iv) A change in the ownership or operational control of a stationary source where the department determines that no other change in the permit is necessary, if a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new persons owning or operating the stationary source has been submitted to the department. The new person owning or operating the stationary source shall also notify the department of any change in the responsible official or contact person regarding the renewable operating permit.

(v) A change that incorporates into the renewable operating permit the terms and conditions of a permit to install issued pursuant to R 336.1201, if the permit to install includes terms and conditions that comply with the permit content requirements contained in R 336.1213, the procedure used to issue the permit to install was substantially equivalent to the requirements of R 336.1214(3) and (4) regarding public participation and review by affected states, the process or process equipment is in compliance with, and no changes are required to, the terms and conditions of the permit to install that are to be incorporated into the renewable operating permit, and both of the following have occurred:

(A) A person has notified the department, in writing, within 30 days after completion of the installation, construction, reconstruction, relocation, or modification of the process or process equipment covered by the permit to install, unless a different time frame is specified by an applicable requirement and required by the permit to install.

(B) Upon completion of all testing, monitoring, and recordkeeping required by the terms and conditions of the permit to install, but not later than 12 months after the date of completion reported in subparagraph (A) of this paragraph unless a different time frame is specified in the permit to install, a person has requested that the contents of the permit to install be incorporated into the renewable operating permit as an administrative permit amendment. The request shall include all

of the following:

(1) The results of all testing, monitoring, and recordkeeping performed by the person to determine the actual emissions from the process or process equipment and to demonstrate compliance with the terms and conditions of the permit to install.

(2) A schedule of compliance for the process or process equipment.

(3) A certification by the responsible official which states that, based on information and belief formed after reasonable inquiry, the statements and information in the request are true, accurate, and complete.

(b) An administrative permit amendment, for changes identified in subdivision (a)(i) to (iv) of this subrule, shall be reviewed and final action taken according to the following procedure:

(i) The department shall take final action to approve or deny the request for an administrative permit amendment within 60 days of the receipt of the request, unless the department requests additional information to clarify the request. If the department requests additional information, the department shall take final action within 60 days of the receipt of the additional information. Upon approval of the request, the change shall be incorporated into the renewable operating permit without providing notice to the public or affected states. The change shall be clearly designated as an administrative permit amendment.

(ii) Upon approval, the department shall transmit a copy of the administrative permit amendment to the person that requested the amendment and the United States environmental protection agency.

(iii) A person may implement the changes identified in the request for an administrative permit amendment, at the person's own risk, immediately upon submittal of the request to the department. After the change has been made, and until the department takes final action as specified in paragraph (i) of this subdivision, a person shall comply with both of the applicable requirements governing the change and the permit terms and conditions proposed in the application for the administrative amendment. If a person fails to comply with the permit terms and conditions proposed in the application for the administrative amendment during this time period, the terms and conditions contained in the renewable operating permit are enforceable.

(iv) The permit shield provided under R 336.1213(6) does not extend to administrative amendments made pursuant to subdivision (a)(i) to (iv) of this subrule.

(c) An administrative permit amendment, for changes identified in subdivision (a)(v) of this subrule, shall be reviewed and final action taken according to the following procedure:

(i) Within 60 days after receipt by the department of all the information required pursuant to subdivision (a)(v)(B) of this subrule, the department shall determine whether the information provides an acceptable demonstration of compliance with the terms and conditions of the permit to install and shall transmit a copy of the information together with the determination and a proposed amended renewable operating permit to the United States environmental protection agency for a 45-day review period pursuant to 40 C.F.R. §70.B(c).

(ii) The department shall not take a final action to approve the administrative permit amendment if the administrator of the United States environmental protection agency objects to its approval, in writing, within 45 days of receipt by the United States environmental protection agency, of the information required in paragraph (i) of this subdivision. The department shall follow the procedure specified in 40 C.F.R.

§70.S(c) in response to an objection by the administrator of the United States environmental protection agency.

(iii) A person may make the change authorized by the permit to install immediately after the

permit to install has been approved by the department. After the change has been made, and until the department takes final action on the administrative permit amendment as specified in paragraph (ii) of this subdivision, the person shall comply with both the applicable requirements governing the change and the terms and conditions approved as a part of the permit to install. During this time period, the person may choose to not comply with the existing terms and conditions of the renewable operating permit that are modified by the permit to install. However, if the person fails to comply with the terms and conditions of the permit to install during this time period, the terms and conditions contained in the renewable operating permit are enforceable. The permit shield provided under

R 336.1213(6) does not apply to the changes until the administrative permit amendment has been approved by the department.

(d) If the department denies the request for an administrative permit amendment, the department shall notify the person requesting the administrative permit amendment, in writing, that the request has been denied and the reasons for the denial. Any appeal of a denial by the department of an administrative permit amendment shall be pursuant to section 631 of 1961 PA 236, MCL 600.631. The denial of an administrative permit amendment pursuant to subrule (1)(c) of this rule is not a revocation of the permit to install.

(2) All of the following provisions apply to minor permit modifications:

(a) A minor permit modification is a change to a renewable operating permit for which none of the following provisions apply:

(i) The change would violate any applicable requirement.

(ii) The change would significantly affect any existing monitoring, reporting, or recordkeeping requirements contained in the renewable operating permit.

(iii) The change would require or affect any of the following:

(A) A case-by-case determination of a federally enforceable emission limitation or other standard.

(B) For temporary sources, a source-specific determination of ambient impacts.

(C) A visibility or increment analysis.

(iv) The change would seek to establish or affect a federally enforceable term or condition in the renewable operating permit for which there is no corresponding underlying applicable requirement and that the stationary source has assumed to avoid an applicable requirement to which the stationary source would otherwise be subject. Following are examples of the terms and conditions described in this paragraph:

(A) An emissions cap assumed to avoid classification as a modification under any applicable provision of title I of the clean air act.

(B) An alternative emissions limit adopted by the stationary source as part of an early reduction program pursuant to section 112(i)(5) of the clean air act.

(v) The change is defined as a major offset modification or a modification under any applicable requirement of section 111, section 112, or part C of title I of the clean air act.

A minor permit modification includes a change authorized by a permit to install issued pursuant to A 336.1201, if the permit to install includes terms and conditions that comply with the permit content requirement of A 336.1213 and none of the provisions of this subrule apply.

(b) An application requesting a minor permit modification shall contain reasonable responses to all requests for information in the minor permit modification application forms required by the department, including all of the following information:

(i) A description of the change, the emissions resulting from the change, and any new

applicable requirements that will apply if the change occurs.

(ii) The proposed changes to the terms and conditions of the renewable operating permit that the person applying for the minor permit modification believes are adequate to address the change and any new applicable requirements.

(iii) A certification by the responsible official which states that the proposed modification meets the criteria for use of minor permit modification procedures and that, based on information and belief formed after reasonable inquiry, the statements and information in the application are true, accurate, and complete.

(iv) Completed forms, supplied by the department, for the department to use to notify the United States environmental protection agency and any affected states.

(c) A minor permit modification shall be reviewed and final action taken according to the following procedure:

(i) Within 5 working days of receipt by the department of an application for a minor permit modification that meets the requirements of subdivision (b) of this subrule, the department shall notify the United States environmental protection agency and any affected states of the requested minor permit modification.

(ii) The department shall notify the administrator of the United States environmental protection agency and the affected state, in writing, of any refusal by the department to accept any recommendations for the minor permit modification that the affected state submitted to the department during the time period for review specified in paragraph (iii) of this subdivision and before final action has been taken on the minor permit modification. The notice shall include the department's reasons for not accepting any recommendation. The department is not required to accept recommendations that are not based on applicable requirements.

(iii) The department shall not issue a final minor permit modification until after the United States environmental protection agency's 45-day review period or until the United States environmental protection agency has notified the department that the agency will not object to issuance of the minor permit modification. Within 90 days of the department's receipt of an application for a minor permit modification, or 15 days after the end of the United States environmental protection agency's 45-day review period, whichever is later, the department shall take 1 of the following actions and notify, in writing, the person applying for the minor permit modification of that action:

(A) Approve the permit modification as proposed.

(B) Revise the draft minor permit modification, with the consent of the person applying for the minor permit modification, and transmit the revised draft minor permit modification to the United States environmental protection agency. Transmittal of a revised draft minor permit modification to the United States environmental protection agency restarts the 45-day review period specified in this paragraph.

(C) Determine that the requested modification does not meet the minor permit modification criteria and should be reviewed under the significant modification procedures. The notification by the department shall specify why the request does not meet the criteria for a minor permit modification.

(D) Deny the permit modification application for cause. The notification by the department shall specify the reasons for the denial. The appeal of a denial by the department of a minor permit modification shall be pursuant to section 631 of 1961 PA 236, MCL 600.631.

(d) A person may make the change proposed in the application for a minor permit modification, at the person's own risk, immediately after the department has received the

application. After the change has been made, and until the department takes final action as specified in subdivision (c)(iii)(A) to (C) of this subrule, a person shall comply with both of the applicable requirements governing the change and the permit terms and conditions proposed in the application for the minor permit modification. During this time period, a person may choose to not comply with the existing permit terms and conditions that the application for a minor permit modification seeks to modify. However, if the person fails to comply with the permit terms and conditions proposed in the application for the minor permit modification during this time period, the terms and conditions contained in the renewable operating permit are enforceable.

(e) Notwithstanding the restrictions of subdivision (a) of this subrule, minor permit modification procedures may be used for permit modifications involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that the approaches have been approved by the administrator of the United States environmental protection agency as a part of Michigan's state implementation plan. The approaches shall identify the specific modifications that can be made using the minor permit modification procedures.

(f) The permit shield under R 336.1213(6) shall not extend to minor permit modifications.

(3) All of the following provisions apply to significant modifications:

(a) A significant modification is a modification to a renewable operating permit which is not an administrative permit amendment pursuant to subrule (1) of this rule, or is not a minor permit modification pursuant to subrule (2) of this rule, and which involves any of the following changes, unless the change is allowed under the terms and conditions of a permit to install that has been approved by the department pursuant to the requirements of subrule (1)(a)(v) of this rule:

(i) A modification under any applicable provision of title I of the clean air act.

(ii) Except as provided pursuant to subrule (1)(c)(iii) of this rule, any change that would result in emissions that exceed the emissions allowed under the renewable operating permit. The emissions allowed under the permit include any emission limitation, production limit, or operational limit, including a work practice standard, required by an applicable requirement, or any emission limitation, production limit, or operational limit, including a work practice standard, that establishes an emissions cap that the stationary source has assumed to avoid an applicable requirement to which the stationary source would otherwise be subject.

(iii) The change would significantly affect an existing monitoring, recordkeeping, or reporting requirement included in the renewable operating permit.

(iv) The change would require or modify a case-by-case determination of an emission limitation or other standard, a source-specific determination of ambient air impacts for temporary sources, or a visibility or increment analysis.

(v) The change would seek to establish or modify an emission limitation, standard, or other condition of the renewable operating permit that the stationary source has assumed to avoid an applicable requirement to which the stationary source would otherwise be subject.

(b) An administratively complete application for a significant permit modification shall be limited to address only the process and process equipment that will be affected by the change.

(c) The terms and conditions of a significant permit modification shall meet all the permit content requirements of R 336.1213 for the process and process equipment affected by the change.

(d) The procedure for taking final action on significant permit modification shall follow the requirements of R 336.1214, except that final actions on significant permit modifications shall be taken within 9 months of the receipt by the department of an administratively complete application.

(e) If a significant permit modification is denied, the department shall notify, in writing, the person applying for the modification. The notification of denial shall specify the reasons for the

denial. Any appeal of a denial by the department of a significant permit modification shall be pursuant to section 631 of 1961 PA 236, MCL 600.631.

(4) All of the following provisions apply to state-only modifications:

(a) A state-only modification to a renewable operating permit involves changes to terms and conditions in the renewable operating permit that are designated as not enforceable under the clean air act pursuant to R 336.1213(5). If the change results in new applicable requirements that must be enforceable under the clean air act, then the change shall not be a state-only modification.

(b) An application requesting a state-only modification shall contain reasonable responses to all requests for information in the application forms required by the department, including all of the following information:

(i) A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs.

(ii) The proposed changes to the terms and conditions of the renewable operating permit that the person applying for the state-only modification believes are adequate to address the change and any new applicable requirements.

(iii) A certification by the responsible official which states that the proposed modification meets the criteria for use of the state-only modification procedures and that, based on information and belief formed after reasonable inquiry, the statements and information in the application are true, accurate, and complete.

(c) A state-only modification shall be reviewed and final action taken within 90 days of the department's receipt of an application for the state-only modification. The department shall take i of the following actions and notify, in writing, the person applying for the state-only modification of that action:

(i) Approve the state-only modification as proposed.

(ii) Revise the draft state-only modification, with the consent of the person applying for the modification, and approve the revised modification.

(iii) Determine that the requested modification does not meet the criteria for a state-only modification and should be reviewed pursuant to subrule (i), (2), or (3) of this rule. The notification by the department shall specify why the request does not meet the criteria for a state-only modification.

(iv) Deny the state-only modification application for cause. The notification by the department shall specify the reasons for the denial. The appeal of a denial by the department of a state-only modification shall be pursuant to section 631 of 1961 PA 236, MCL 600.631.

(d) A person may make the change proposed in the application for a state-only modification, at the person's own risk, immediately after the application has been received by the department. After the change has been made, and until the department takes final action as specified in subdivision (c)(i) to (iv) of this subrule, the person shall comply with both the applicable requirements governing the change and the permit terms and conditions proposed in the application for the minor permit modification. During this time period, the person may choose, at the person's own risk, to not comply with the existing permit terms and conditions that the application for a state-only modification seeks to modify. However, if the person fails to comply with the permit terms and conditions proposed in the application for the state-only modification during this time period, or if the state-only modification is denied by the department, the terms and conditions contained in the renewable operating permit are enforceable.

(e) The permit shield provided under R 336.1213(6) does not apply to the state- only modification until the changes have been approved by the department.

History: 1995 AACCS; 1996 AACCS; 2003 AACCS.

R 336.1219 Amendments for change of ownership or operational control.

Rule 219. (1) A person may notify the department, in writing, of a change in ownership or operational control of a stationary source or emission unit authorized by a permit to install or a permit to operate. The notification shall include all of the following information:

(a) A description of the stationary source or emission unit affected by the change and a listing of the permits involved in the request.

(b) An identification of the new owner or operator and a specific date for the transfer of responsibility, coverage, and liability.

(c) A written statement by the new person owning or operating the stationary source or emission unit that the terms and conditions of the permit to install or permit to operate are understood and accepted. Acceptance of the terms and conditions of a permit does not affect the person's ability to subsequently request a modification to the permit to install or permit to operate pursuant to R 336.1201. The new person owning or operating the stationary source shall also notify the department of any change in the contact person regarding the permit.

(2) A change in ownership or operational control of a stationary source or emission unit covered by a renewable operating permit shall be made pursuant to

R 336.1216(1).

History: 1995 AACCS; 2003 AACCS; 2008 AACCS.

R 336.1240 Required air quality models.

Rule 240. All air quality modeling demonstrations required by prevention of significant deterioration of air quality regulations and new source review for major sources in nonattainment areas regulations, or used to support or amend the state implementation plan shall be made in accordance with the models and procedures in 40 C.F.R. §51.160(f) and appendix W adopted by reference in R 336.1299.

History: 1980 AACCS; 1989 AACCS; 2003 AACCS; 2008 AACCS

R 336.1241 Air quality modeling demonstration requirements.

Rule 241. (1) All air quality modeling demonstrations required by the department which are not subject to R 336.1240 shall follow the procedures and methods referenced in R 336.1240, except for the demonstration may be based on the maximum ambient predicted concentration using the most recent calendar year of meteorological data from a representative national weather service, federal aviation administration station, or site specific measurement station.

History: 1980 AACCS; 1989 AACCS; 2003 AACCS; 2008 AACCS

R 336.1278 Exclusion from exemption.

Rule 278. (1) The exemptions specified in R 336.1280 to R 336.1290 do not apply to either of the following:

(a) Any activity that is subject to prevention of significant deterioration of air quality regulations or new source review for major sources in nonattainment areas regulations.

(b) Any activity that results in an increase in actual emissions greater than the significance levels defined in R 336.1119.

For the purpose of this rule, "activity" means the concurrent and related installation, construction, reconstruction, relocation, or modification of any process or process equipment.

(2) The exemptions specified in R 336.1280 to R 336.1290 do not apply to the construction of a new major source of hazardous air pollutants or reconstruction of a major source of hazardous air pollutants, as defined in and subject to 40 C.F.R. §63.2 and §63.5(b)(3), national emission standards for hazardous air pollutants, adopted by reference in R 336.1299.

(3) The exemptions specified in R 336.1280 to R 336.1290 do not apply to a construction or modification as defined in and subject to 40 C.F.R. part 61, national emission standards for hazardous air pollutants, adopted by reference in R 336.1299.

(4) The exemptions in R 336.1280 to R 336.1290 apply to the requirement to obtain a permit to install only and do not exempt any source from complying with any other applicable requirement or existing permit limitation.

History: 1993 AACS; 1994 AACS; 1995 AACS; 1996 AACS; 1997 AACS; 1998 AACS; 2003 AACS; 2008 AACS.

R 336.1278a Scope of permit exemptions.

Rule 278a. (1) To be eligible for a specific exemption listed in R 336.1280 to R 336.1291, any owner or operator of an exempt process or exempt process equipment must be able to provide information demonstrating the applicability of the exemption. The demonstration may include the following information:

(a) A description of the exempt process or process equipment, including the date of installation.

(b) The specific exemption being used by the process or process equipment.

(c) An analysis demonstrating that R 336.1278 does not apply to the process or process equipment.

(2) The demonstration required by this rule shall be provided within 30 days of a written request from the department. Any other records required within a specific exemption shall be provided within timeframes established within that specific exemption.

History: 2003 AACS; 2016 AACS.

R 336.1280 Permit to install exemptions; cooling and ventilating equipment.

Rule 280. (1) This rule does not apply if prohibited by R 336.1278 and unless the requirements of R 336.1278a have been met.

(2) The requirement of R 336.1201(1) to obtain a permit to install does not apply to any of the following:

(a) Cold storage refrigeration equipment and storage of the refrigerant, including cold storage equipment using anhydrous ammonia that has storage capacity of less than 500 gallons.

(b) Comfort air conditioning or comfort ventilating systems not designed or used to remove air contaminants generated by, or released from, specific units of equipment.

(c) Natural draft hoods or natural draft ventilation not designed or used to remove air contaminants generated by, or released from, specific units of equipment.

(d) Water-cooling towers and water-cooling ponds not used for evaporative cooling of process water or not used for evaporative cooling of water from barometric jets or from barometric condensers.

(e) Funeral home embalming processes and associated ventilation systems.

History: 1980 AACCS; 1993 AACCS; 1995 AACCS; 2016 AACCS.

R 336.1281 Permit to install exemptions; cleaning, washing, and drying equipment.

Rule 281. (1) This rule does not apply if prohibited by R 336.1278 and unless the requirements of R 336.1278a have been met.

(2) The requirement of R 336.1201(1) to obtain a permit to install does not apply to any of the following:

(a) Vacuum-cleaning systems used exclusively for industrial, commercial, or residential housekeeping purposes.

(b) Equipment used for portable steam cleaning.

(c) Blast-cleaning equipment using a suspension of abrasive in water and any exhaust system or collector serving them exclusively.

(d) Portable blast-cleaning equipment equipped with appropriately designed and operated enclosure and control equipment.

(e) Equipment used for washing or drying materials, where the material itself cannot become an air contaminant, if no volatile organic compounds that have a vapor pressure greater than 0.1 millimeter of mercury at standard conditions are used in the process and no oil or solid fuel is burned.

(f) Laundry dryers, extractors, or tumblers for fabrics cleaned with only water solutions of bleach, detergents, or laundry products that do not contain volatile organic compounds.

(g) Dry-cleaning equipment that has a capacity of 100 or less pounds of clothes.

(h) Cold cleaners that have an air/vapor interface of not more than 10 square feet.

(i) Sterilization equipment processing mercury-free materials at medical and pharmaceutical facilities using steam, hydrogen peroxide, peracetic acid, or a combination thereof.

(j) Portable blast-cleaning equipment used during construction to clean water tanks or other structures that have not been previously coated, if both of the following apply:

(i) The tank or structure is not located closer than the lesser of 750 feet or 5 times the height of the structure to the nearest residential, commercial, or public facility.

(ii) The abrasive media is a low dusting material that does not contain more than 5% crystalline silica.

(k) Aqueous based parts washers.

History: 1980 AACCS; 1992 AACCS; 1993 AACCS; 1995 AACCS; 2003 AACCS; 2008 AACCS; 2016 AACCS.

R 336.1282 Permit to install exemptions; furnaces, ovens, and heaters.

Rule 282. (1) This rule does not apply if prohibited by R 336.1278 and unless the requirements of R 336.1278a have been met.

(2) The requirement of R 336.1201(1) to obtain a permit to install does not apply to any of the following:

(a) Any of the following processes or process equipment which are electrically heated or which fire sweet gas fuel or no. 1 or no. 2 fuel oil at a maximum total heat input rate of not more than 10,000,000 Btu per hour:

(i) Furnaces for heat treating or forging glass or metals, the use of that does not involve ammonia, molten materials, oil-coated parts, or oil quenching.

(ii) Porcelain enameling furnaces or porcelain enameling drying ovens.

(iii) Kilns for firing ceramic ware.

(iv) Crucible furnaces, pot furnaces, or induction melting and holding furnaces that have a capacity of 1,000 pounds or less each, in which sweating or distilling is not conducted and in which fluxing is not conducted utilizing free chlorine, chloride or fluoride derivatives, or ammonium compounds.

(v) Bakery ovens and confection cookers where the products are edible and intended for human consumption.

(vi) Electric resistance melting and holding furnaces that have a capacity of not more than 6,000 pounds per batch and 16,000 pounds per day, which melt only clean charge. Fluxing that results in the emission of any hazardous air pollutant shall not occur in the furnace.

(b) Fuel-burning equipment which is used for space heating, service water heating, electric power generation, oil and gas production or processing, or indirect heating and which burns only the following fuels:

(i) Sweet natural gas, synthetic natural gas, liquefied petroleum gas, or a combination thereof and the equipment has a rated heat input capacity of not more than 50,000,000 Btu per hour.

(ii) No. 1 and no. 2 fuel oils, distillate oil, the gaseous fuels specified in paragraph

(i) of this subdivision, or a combination thereof that contains not more than 0.40% sulfur by weight and the equipment has a rated heat input capacity of not more than 20,000,000 Btu per hour.

(iii) Wood, wood residue, or wood waste that is not painted or treated with wood preservatives, which does not contain more than 25% plywood, chipboard, particleboard, and other types of manufactured wood boards, that is not contaminated with other waste materials, and the equipment has a rated heat input capacity of not more than 6,000,000 Btu per hour.

(iv) Waste oil or used oil fuels that are generated on the geographical site and the equipment has a rated heat input capacity of not more than 500,000 Btu per hour.

(c) Fuel-burning and refuse-burning equipment used in connection with a structure that is designed and used exclusively as a dwelling for not more than 3 families.

(d) All residential cooking equipment.

(e) Equipment, including smokehouses, at restaurants and other retail or institutional establishments that is used for preparing food for human consumption.

(f) Blacksmith forges.

(g) Sour gas-burning equipment, if the actual emission of sulfur dioxide does not exceed 1 pound per hour.

History: 1980 AACCS; 1992 AACCS; 1993 AACCS; 1995 AACCS; 2003 AACCS; 2016 AACCS.

R 336.1283 Permit to install exemptions; testing and inspection equipment.

Rule 283. (1) This rule does not apply if prohibited by R 336.1278 and unless the requirements of R 336.1278a have been met.

(2) The requirement of R 336.1201(1) to obtain a permit to install does not apply to any of the following:

(a) Pilot processes or pilot process equipment utilizing T-BACT used for any of the following:

(i) Chemical analysis.

(ii) Physical analysis.

(iii) Empirical research.

(iv) Theoretical research.

(v) The development of process or process equipment design and operating parameters.

(vi) The production of a product for field testing.

- (vii) The production of a product for clinical testing of pharmaceuticals.
- (viii) The production of a product for use as a raw material in the research and development of a different product.
- (b) Laboratory equipment.
- (c) Equipment used for hydraulic or hydrostatic testing.
- (d) Equipment for the inspection of metal, wood, or plastic products.
- (e) Vacuum pumps for the leak-testing of metal products using helium or nitrogen gas.
- (f) Process sample valves used to collect material exclusively for testing and inspection.
- (3) The pilot processes and pilot process equipment excluded from the requirement of R 336.1201(1) pursuant to the provisions of subrule (2)(a) of this rule do not include pilot processes or pilot process equipment used for any of the following:
 - (a) The production of a product for sale, unless such sale is only incidental to the use of the pilot process or pilot process equipment.
 - (b) The repetitive production of a product using the same process or process equipment design and operating parameters.
 - (c) The production of a product for market testing or market development.
 - (d) The treatment or disposal of waste which is designated, by listing or specified characteristic, as hazardous under federal regulations or state rules.

History: 1980 AACS; 1992 AACS; 1995 AACS; 1997 AACS; 2016 AACS.

R 336.1284 Permit to install exemptions; containers.

- Rule 284. (1) This rule does not apply if prohibited by R 336.1278 and unless the requirements of R 336.1278a have been met.
- (2) The requirement of R 336.1201(1) to obtain a permit to install does not apply to containers, reservoirs, or tanks used exclusively for any of the following:
- (a) Dipping or storage operations for coating objects with oils, waxes, greases, or natural or synthetic resins containing no organic solvents.
 - (b) Storage of butane, propane, or liquefied petroleum gas in a vessel that has a capacity of less than 40,000 gallons.
 - (c) Storage and surge capacity of lubricating, hydraulic, and thermal oils and indirect heat transfer fluids.
 - (d) Storage of no. 1 to no. 6 fuel oils as specified in ASTM D396, gas turbine fuel oils No. 2-GT to 4-GT as specified in ASTM D2880, aviation gas as specified in ASTM D910, jet fuels as specified in ASTM D1655, diesel fuel oils no. 2-D and 4-D as specified in ASTM D975, or biodiesel fuel oil and blends as specified in ASTM D6751 and ASTM D7467. The ASTM methods are adopted by reference in R 336.1902.
 - (e) Storage of sweet crude or sweet condensate in a vessel that has a capacity of less than 40,000 gallons.
 - (f) Storage of sour crude or sour condensate in a vessel that has a capacity of less than 40,000 gallons if vapor recovery or its equivalent is used to prevent the emission of vapors to the atmosphere.
 - (g) Storage and handling equipment for gasoline, gasoline blends including ethanol, diesel fuel, or natural gas as follows:
 - (i) Loading facilities handling less than 20,000 gallons per day for storage, mixing, blending, and handling of gasoline, and/or gasoline/ethanol blends, or for diesel fuel storage and handling.
 - (ii) Dispensing facilities for storage, mixing, blending and handling of gasoline and/or

gasoline/ethanol blends, for natural gas storage and handling, or for diesel fuel storage and handling.

(iii) Equipment exclusively serving dynamometer facilities for gasoline and/or gasoline/ethanol blends storage and handling, for natural gas storage and handling, or for diesel fuel storage and handling.

(h) Storage and water dilution of aqueous solutions of inorganic salts, bases, and the following acids:

(i) Sulfuric acid that is not more than 99% by weight.

(ii) Phosphoric acid that is not more than 99% by weight.

(iii) Nitric acid that is not more than 20% by weight.

(iv) Hydrochloric acid that is not more than 11% by weight.

(i) Storage, mixing, blending, or transfer operations of volatile organic compounds or noncarcinogenic liquids in a vessel that has a capacity of not more than 40,000 gallons where the contents have a true vapor pressure of not more than 1.5 psia at the actual storage conditions.

(j) Pressurized storage of acetylene, hydrogen, oxygen, nitrogen, helium, and other substances, excluding chlorine and anhydrous ammonia in a quantity of more than 500 gallons, that have a boiling point of 0 degrees Celsius or lower.

(k) Storage containers and transfer operations of noncarcinogenic solid material, including silos, that only emit particulate matter and that are controlled with an appropriately designed and operated fabric filter collector system or an equivalent control system.

(l) Filling of noncarcinogenic liquids in shipping or storage containers that have emissions that are released only into the general in-plant environment.

(m) Storage of wood and wood residues.

(n) Storage of methanol in a vessel that has a capacity of not more than 30,000 gallons.

History: 1980 AACS; 1992 AACS; 1993 AACS; 1995 AACS; 1997 AACS; 2003 AACS; 2008 AACS; 2016 AACS.

R 336.1285 Permit to install exemptions; miscellaneous.

Rule 285. (1) This rule does not apply if prohibited by R 336.1278 and unless the requirements of R 336.1278a have been met.

(2) The requirement of R 336.1201(1) to obtain a permit to install does not apply to any of the following:

(a) Routine maintenance, parts replacement, or other repairs that are considered by the department to be minor, or relocation of process equipment within the same geographical site not involving any appreciable change in the quality, nature, quantity, or impact of the emission of an air contaminant therefrom. Examples of parts replacement or repairs considered by the department to be minor include the following:

(i) Replacing bags in a baghouse.

(ii) Replacing wires, plates, rappers, controls, or electric circuitry in an electrostatic precipitator that does not measurably decrease the design efficiency of the unit.

(iii) Replacement of fans, pumps, or motors that does not alter the operation of a source or performance of air pollution control equipment.

(iv) Boiler tubes.

(v) Piping, hoods, and ductwork.

(vi) Replacement of engines, compressors, or turbines as part of a normal maintenance program.

(b) Changes in a process or process equipment which do not involve installing, constructing,

or reconstructing an emission unit and which do not involve any meaningful change in the quality and nature or any meaningful increase in the quantity of the emission of an air contaminant therefrom.

(i) Examples of such changes in a process or process equipment include, but are not limited to, the following:

(A) Change in the supplier or formulation of similar raw materials, fuels, or paints and other coatings.

(B) Change in the sequence of the process.

(C) Change in the method of raw material addition.

(D) Change in the method of product packaging.

(E) Change in temperature, pressure, or other similar operating parameters that do not affect air cleaning device performance.

(F) Installation of a floating roof on an open top petroleum storage tank.

(G) Replacement of a fuel burner in a boiler with an equally or more thermally efficient burner.

(H) Lengthening a paint drying oven to provide additional curing time.

(c) Changes in a process or process equipment that do not involve installing, constructing, or reconstructing an emission unit and that involve a meaningful change in the quality and nature or a meaningful increase in the quantity of the emission of an air contaminant resulting from any of the following:

(i) Changes in the supplier or supply of the same type of virgin fuel, such as coal, no. 2 fuel oil, no. 6 fuel oil, or natural gas.

(ii) Changes in the location, within the storage area, or configuration of a material storage pile or material handling equipment.

(iii) Changes in a process or process equipment to the extent that such changes do not alter the quality and nature, or increase the quantity, of the emission of the air contaminant beyond the level which has been described in and allowed by an approved permit to install, permit to operate, or order of the department.

(d) Reconstruction or replacement of air pollution control equipment with equivalent or more efficient equipment.

(e) Installation, construction, or replacement of air pollution control equipment for an existing process or process equipment for the purpose of complying with the national emission standards of hazardous air pollutants regulated under section 112 of the clean air act.

(f) Installation or construction of air pollution control equipment for an existing process or process equipment if the control equipment itself does not actually generate a significant amount of criteria air contaminants as defined in R 336.1119(e) or a meaningful increase in the quantity of the emissions of toxic air contaminants or a meaningful change in the quality and nature of toxic air contaminants.

(g) Internal combustion engines that have less than 10,000,000 Btu/hour maximum heat input.

(h) Vacuum pumps in laboratory or pilot plant operations.

(i) Brazing, soldering, welding, or plasma coating equipment.

(j) Portable torch cutting equipment that does not cause a nuisance or adversely impact surrounding areas and is used for either of the following:

(i) Activities performed on a non-production basis, such as maintenance, repair, and dismantling.

(ii) Scrap metal recycling and/or demolition activities that have emissions that are released only into the general in-plant environment and/or that have externally vented emissions equipped with an appropriately designed and operated enclosure and fabric filter.

(k) Grain, metal, or mineral extrusion presses.

(l) The following equipment and any exhaust system or collector exclusively serving the equipment:

(i) Equipment used exclusively for bending, forming, expanding, rolling, forging, pressing, drawing, stamping, spinning, or extruding either hot or cold metals.

(ii) Die casting machines.

(iii) Equipment for surface preparation of metals by use of aqueous solutions, except for acid solutions.

(iv) Atmosphere generators used in connection with metal heat treating processes.

(v) Equipment used exclusively for sintering of glass or metals, but not exempting equipment used for sintering metal-bearing ores, metal scale, clay, flyash, or metal compounds.

(vi) Equipment for carving, cutting, routing, turning, drilling, machining, sawing, surface grinding, sanding, planing, buffing, sand blast cleaning, shot blasting, shot peening, or polishing ceramic artwork, leather, metals, graphite, plastics, concrete, rubber, paper board, wood, wood products, stone, glass, fiberglass, or fabric which meets any of the following:

(A) Equipment used on a nonproduction basis.

(B) Equipment that has emissions that are released only into the general in-plant environment.

(C) Equipment that has externally vented emissions controlled by an appropriately designed and operated fabric filter collector that, for all specified operations with metal, is preceded by a mechanical precleaner.

(vii) Photographic process equipment by which an image is reproduced upon material sensitized to radiant energy, including any of the following:

(A) Blueprint machines.

(B) Photocopiers.

(C) Mimeograph machines.

(D) Photographic developing processes.

(E) Microfiche copiers.

(viii) Battery charging operations.

(ix) Pad printers.

(m) Lagoons, process water treatment equipment, wastewater treatment equipment, and sewage treatment equipment, except for any of the following:

(i) Lagoons and equipment primarily designed to treat volatile organic compounds in process water, wastewater, or groundwater, unless the emissions from the lagoons and equipment are only released into the general in-plant environment.

(ii) Sludge incinerators and dryers.

(iii) Heat treatment processes.

(n) Livestock and livestock handling systems from which the only potential air contaminant emission is odorous gas.

(o) Equipment for handling and drying grain on a farm.

(p) Commercial equipment used for grain unloading, handling, cleaning, storing, loading, or drying in a column dryer that has a column plate perforation of not more than 0.094 inch or a rack dryer in which exhaust gases pass through a screen filter no coarser than 50 mesh.

(q) Portable steam deicers that have a heat input of less than 1,000,000 Btu's per hour.

(r) Equipment used for any of the following metal treatment processes if the process emissions are only released into the general in-plant environment:

- (i) Surface treatment.
- (ii) Pickling.
- (iii) Acid dipping.
- (iv) Cleaning.
- (v) Etching.
- (vi) Electropolishing.
- (vii) Electrolytic stripping or electrolytic plating.

(s) Emissions or airborne radioactive materials specifically authorized pursuant to a United States nuclear regulatory commission license.

(t) Equipment for the mining, loading, unloading, and screening of uncrushed sand, gravel, soil, and other inorganic soil-like materials.

(u) Solvent distillation and antifreeze reclamation equipment that has a rated batch capacity of not more than 55 gallons.

(v) Any vapor vacuum extraction soil remediation process where vapor is treated in a control device and all of the vapor is reinjected into the soil such that there are no emissions to the atmosphere during normal operation.

(w) Air strippers controlled by an appropriately designed and operated dual stage carbon adsorption or incineration system that is used exclusively for the cleanup of gasoline, fuel oil, natural gas condensate, and crude oil spills., provided the following conditions are met:

(A) For dual stage carbon adsorption, the first canister of the dual stage carbon adsorption is monitored for breakthrough at least once every 2 weeks and replaced if breakthrough is detected.

(B) For incineration, a thermal oxidizer (incinerator) is operated at a minimum temperature of 1,400 degrees Fahrenheit in the combustion chamber and a catalytic oxidizer is operated at a minimum temperature of 600 degrees Fahrenheit at the inlet of the catalyst bed. A temperature indication device which continually displays the operating temperature of the oxidizer must be installed, maintained, and operated in accordance with the manufacturer's specifications.

(x) Any asbestos removal or stripping process or process equipment.

(y) Ozonization process or process equipment.

(z) Combustion of boiler cleaning solutions that were solely used for or intended for cleaning internal surfaces of boiler tubes and related steam and water cycle components if the solution burned is not designated, by listing or specified characteristic, as hazardous pursuant to federal regulations or state rules.

(aa) Landfills and associated flares and leachate collection and handling equipment.

(bb) A residential, municipal, commercial, or agricultural composting process or process equipment.

(cc) Gun shooting ranges controlled by appropriately designed and operated high- efficiency particulate filters.

(dd) Equipment for handling, conveying, cleaning, milling, mixing, cooking, drying, coating, and packaging grain-based food products and ingredients which meet any of the following:

- (i) Equipment is used on a nonproduction basis.
- (ii) Equipment has emissions that are released only into the general in-plant environment.
- (iii) Equipment has externally vented emissions controlled by baghouse, cyclone, rotoclone, or scrubber which is installed, maintained, and operated in accordance with the manufacturer's specifications or the owner or operator shall develop a plan that provides to the extent practicable

for the maintenance and operation of the equipment in the manner consistent with good air pollution control practices for minimizing emissions. The air cleaning device shall be equipped with a device to monitor appropriate indicators of performance, for example, static pressure drop, water pressure, and water flow rate.

(ee) Open burning as specified in R 336.1310.

(ff) Fire extinguisher filling, testing, spraying, and repairing.

(gg) Equipment used for chipping, flaking, or hogging wood or wood residues that are not demolition waste materials.

(hh) A process that uses only hand-held aerosol spray cans, including the puncturing and disposing of the spray cans.

(ii) Fuel cells that use phosphoric acid, molten carbonate, proton exchange membrane, or solid oxide or equivalent technologies.

(jj) Any vacuum truck used at a remediation site as a remedial action method, such as non-emergency response, used in a manner described by any of the following:

(i) It is not used more than 2 days in a month without organic compound emission control.

(ii) It is not used more than 6 days in a month and organic compound emissions are controlled with at least 90% efficiency.

(iii) The composition of the material being removed is greater than 90% water.

(kk) Air sparging systems where the sparged air is emitted back to the atmosphere only by natural diffusion through the contaminated medium and covering soil or other covering medium.

(ll) Air separation or fractionation equipment used to produce nitrogen, oxygen, or other atmospheric gases.

(mm) Routine and emergency venting of natural gas from transmission and distribution systems or field gas from gathering lines which meet any of the following:

(i) Routine or emergency venting of natural gas or field gas in amounts less than or equal to 1,000,000 standard cubic feet per event. For purposes of this rule, an emergency is considered an unforeseen event that disrupts normal operating conditions and poses a threat to human life, health, property or the environment if not controlled immediately.

(ii) Venting of natural gas in amounts greater than 1,000,000 standard cubic feet for routine maintenance or relocation of transmission and distribution systems provided that both of the following requirements are met:

(A) The owner or operator notifies the department prior to a scheduled pipeline venting.

(B) The venting includes, at a minimum, measures to assure safety of employees and the public, minimize impacts to the environment, and provide necessary notification in accordance with the Michigan gas safety standards, the federal pipeline and hazardous materials safety administration standards, and the federal energy regulatory commission standards, as applicable.

(iii) Venting of field gas in amounts greater than 1,000,000 standard cubic feet for routine maintenance or relocation of gathering pipelines provided that both of the following are met:

(A) The owner or operator notifies the department prior to a scheduled pipeline venting.

(B) The venting includes, at a minimum, measures to assure safety of employees and the public, minimize impacts to the environment, and provide necessary notification in accordance with the Michigan department of environmental quality, office of oil, gas and minerals, and the Michigan public service commission standards, as applicable.

(iv) Emergency venting of natural gas or field gas in amounts greater than 1,000,000 standard cubic feet per event, provided that the owner or operator notifies the pollution emergency alert system within 24 hours of an emergency pipeline venting. For purposes of this rule, an

emergency is considered an unforeseen event that disrupts normal operating conditions and poses a threat to human life, health, property or the environment if not controlled immediately.

(nn) Craft distillery operations if all of the following are met:

(i) Production of all spirits does not exceed 1,500 gallons per month, as produced.

(ii) Monthly production records are maintained on file for the most recent 5-year period and are made available to the department upon request.

(3) For the purposes of this rule, “meaningful” with respect to toxic air contaminant emissions is defined as follows:

(i) “Meaningful change in the quality and nature” means a change in the toxic air contaminants emitted that results in an increase in the cancer or non-cancer hazard potential that is 10% or greater, or which causes an exceedance of a permit limit. The hazard potential is the value calculated for each toxic air contaminant involved in the proposed change, before and after the proposed change, and it is the potential to emit (hourly averaging time) divided by the initial risk screening level or the adjusted annual initial threshold screening level (ITSL), for each toxic air contaminant and screening level involved in the proposed change. The adjusted annual ITSL is the ITSL that has been adjusted as needed to an annual averaging time utilizing averaging time conversion factors in accordance with the models and procedures in 40 C.F.R §51.160(f) and Appendix W, adopted by reference in R 336.1902. The percent increase in the hazard potential is determined from the highest cancer and non-cancer hazard potential before and after the proposed change. The potential to emit before the proposed change is the baseline potential to emit established in an approved permit to install application on or after April 17, 1992, that has not been voided or revoked, unless it has been voided due to incorporation into a renewable operating permit.

(ii) “Meaningful increase in the quantity of the emission” means an increase in the potential to emit (hourly averaging time) of a toxic air contaminant that is 10% or greater compared to a baseline potential to emit, or which results in an increase in the cancer or non-cancer hazard potential that is 10% or greater, or which causes an exceedance of a permit limit. The baseline is the potential to emit established in an approved permit to install application on or after April 17, 1992 that has not been voided or revoked, unless it has been voided due to incorporation into a renewable operating permit.

History: 1979 AC; 1992 AACS; 1993 AACS; 1995 AACS; 1997 AACS; 2003 AACS; 2008 AACS; 2016 AACS.

R 336.1286 Permit to install exemptions; plastic processing equipment.

Rule 286. (1) This rule does not apply if prohibited by R 336.1278 and unless the requirements of R 336.1278a have been met.

(2) The requirement of R 336.1201(1) to obtain a permit to install does not apply to any of the following:

(a) Plastic extrusion, rotocasting, and pultrusion equipment and associated plastic resin handling, storage, and drying equipment.

(b) Plastic injection, compression, and transfer molding equipment and associated plastic resin handling, storage, and drying equipment.

(c) Plastic blow molding equipment and associated plastic resin handling, storage, and drying equipment if the blowing gas is 1 or more of the following gasses:

(i) Air.

(ii) Nitrogen.

- (iii) Oxygen.
- (iv) Carbon dioxide.
- (v) Helium.
- (vi) Neon.
- (vii) Argon.
- (viii) Krypton.
- (ix) Xenon.
- (d) Plastic thermoforming equipment.
- (e) Reaction injection molding (open or closed mold) and slabstock/casting equipment.
- (f) Plastic welding.

History: 1993 AACCS; 1995 AACCS; 1997 AACCS; 2016 AACCS.

R 336.1287 Permit to install exemptions; surface coating equipment.

Rule 287. (1) This rule does not apply if prohibited by R 336.1278 and unless the requirements of R 336.1278a have been met.

(2) The requirement of R 336.1201(1) to obtain a permit to install does not apply to any of the following:

(a) An adhesive coating line which has an application rate of less than 2 gallons per day and which has emissions that are released only into the general in-plant environment.

(b) A surface coating process that uses only hand-held aerosol spray cans, including the puncturing and disposing of the spray cans, or other coatings that are manually applied from containers not to exceed 8 ounces in size.

(c) A surface coating line if all of the following conditions are met:

(i) The coating use rate is not more than 200 gallons, as applied, minus water, per month.

(ii) Any exhaust system that serves only coating spray equipment is supplied with a dry filter control or water wash control which is installed, maintained, and operated in accordance with the manufacturer's specifications, or the owner or operator develops a plan which provides to the extent practicable for the maintenance and operation of the equipment in a manner consistent with good air pollution control practices for minimizing emissions.

(iii) Monthly coating use records are maintained on file for the most recent 2-year period and are made available to the department upon request.

(d) A powder coating booth and associated ovens, where the booth is equipped with fabric filter control. The fabric filter control shall be installed, maintained, and operated in accordance with the manufacturer's specifications or the owner or operator shall develop a plan that provides to the extent practicable for the maintenance and operation of the equipment in a manner consistent with good air pollution control practices for minimizing emissions.

(e) A silkscreen process.

(f) Replacement of waterwash control in a paint spray booth with dry filter control.

(g) Adding dry filters to paint spray booths.

(h) Replacement of a coating applicator system with a coating applicator system that has an equivalent or higher design transfer efficiency, unless the change is specifically prohibited by a permit condition.

(i) Equipment that is used for the application of a hot melt adhesive.

(j) Portable equipment that is used for on-site nonproduction painting.

(k) Mixing, blending, or metering operations associated with a surface coating line.

History: 1993 AACCS; 1995 AACCS; 1997 AACCS; 2003 AACCS; 2016 AACCS.

R 336.1288 Permit to install exemptions; oil and gas processing equipment.

Rule 288. (1) This rule does not apply if prohibited by R 336.1278 and unless the requirements of R 336.1278a have been met.

(2) The requirement of R 336.1201(1) to obtain a permit to install does not apply to any of the following:

- (a) Gas odorizing equipment.
- (b) A glycol dehydrator that meets either of the following conditions:
 - (i) It is located at an oil well site and is controlled by a condenser or by other control equipment of equivalent or better efficiency than the condenser.
 - (ii) It is located at a site or facility that only processes natural gas from the Antrim zone.
- (c) A sweet gas flare.
- (d) Equipment for the separation or fractionation of sweet natural gas, but not including natural gas sweetening equipment.
- (e) Equipment that is used for oil and gas well drilling, testing, completion, rework, and plugging activities.

History: 1993 AACCS; 1995 AACCS; 2008 AACCS; 2016 AACCS.

R 336.1289 Permit to install exemptions; asphalt and concrete production equipment.

Rule 289. (1) This rule does not apply if prohibited by R 336.1278 and unless the requirements of R 336.1278a have been met.

(2) The requirement of R 336.1201(1) to obtain a permit to install does not apply to any of the following:

- (a) A cold feed aggregate bin for asphalt and concrete production equipment.
- (b) A liquid asphalt storage tank that is controlled by an appropriately designed and operated vapor condensation and recovery system or an equivalent control system.
- (c) An asphalt concrete storage silo that has all its emissions vented back into the burning zone of the kiln or that has an equivalent control system.
- (d) A concrete batch plant that meets all of the following requirements:
 - (i) The plant shall produce not more than 200,000 cubic yards per year.
 - (ii) The plant shall use a fabric filter dust collector, a slurry mixer system, a drop chute, a mixer flap gate, or an enclosure for truck loading operations.
 - (iii) All cement handling operations, such as silo loading and cement weighing hoppers, shall either be enclosed by a building or equipped with a fabric filter dust control.
 - (iv) The owner or operator shall keep monthly records of the cubic yards of concrete produced.
 - (v) Before commencing operations, the owner or operator shall notify the appropriate district supervisor of the location where the concrete batch plant will be operating under this exemption.
 - (vi) The concrete batch plant shall be located not less than 250 feet from any residential or commercial establishment or place of public assembly unless all of the cement handling operations, excluding the cement silo storage and loading operations, are enclosed within at least a 3-sided structure.
 - (vii) The owner or operator shall implement the following fugitive dust plan:
 - (A) The drop distance at each transfer point shall be reduced to the minimum the equipment can achieve.

(B) On-site vehicles shall be loaded to prevent their contents from dropping, leaking, blowing, or otherwise escaping. This shall be accomplished by loading so that no part of the load shall come in contact within 6 inches of the top of any sideboard, side panel, or tailgate. Otherwise, the truck shall be tarped.

(C) All of the following provisions apply for site roadways and the plant yard:

(1) The dust on the site roadways and the plant yard shall be controlled by applications of water, calcium chloride, or other acceptable and approved fugitive dust control compounds. Applications of dust suppressants shall be done as often as necessary to meet an opacity limit of 5%.

(2) All paved roadways and plant yards shall be swept as needed between applications.

(3) Any material spillage on roads shall be cleaned up immediately.

(4) A record of all applications of dust suppressants and roadway and plant yard sweepings shall be kept for the most recent 5-year period and be made available to the department upon request.

(D) All of the following provisions apply for storage piles:

(1) Stockpiling of all nonmetallic minerals shall be performed to minimize drop distance and control potential dust problems.

(2) Stockpiles shall be watered on an as-needed basis in order to meet an opacity limit of 5%. Equipment to apply water or dust suppressant shall be available at the site or on call for use at the site within a given operating day.

(3) A record of all watering shall be kept on file for the most recent 5-year period and be made available to the department upon request.

(E) The provisions and procedures of this fugitive dust plan are subject to adjustment by written notification from the department if, following an inspection, the department determines the fugitive dust requirements or permitted opacity limits are not being met.

History: 1993 AACCS; 1995 AACCS; 2003 AACCS; 2016 AACCS.

R 336.1290 Permit to install exemptions; emission units with limited emissions.

Rule 290. (1) This rule does not apply if prohibited by R 336.1278 and unless the requirements of R 336.1278a have been met.

(2) The requirement of R 336.1201(1) to obtain a permit to install does not apply to any of the emission units listed in subdivision (a) of this subrule, if the conditions listed in subdivisions (b), (c), (d), and (e) of this subrule are met. Notwithstanding the definition in R 336.1121(a), for the purpose of this rule, uncontrolled emissions are the emissions from an emission unit based on actual operation, not taking into account any emission control equipment. Controlled emissions are the emissions from an emission unit based on actual operation, taking into account the control equipment.

(a) An emission unit which meets any of the following criteria:

(i) Any emission unit that emits only noncarcinogenic volatile organic compounds or noncarcinogenic materials that are listed in R 336.1122(f) as not contributing appreciably to the formation of ozone, if the total uncontrolled or controlled emissions of air contaminants are not more than 1,000 or 500 pounds per month, respectively.

(ii) Any emission unit for which the CO₂ equivalent emissions are not more than 6,250 tons per months, the uncontrolled or controlled emissions of all other air contaminants are not more than 1,000 or 500 pounds per month, respectively, and all of the following criteria are met:

(A) For toxic air contaminants, excluding noncarcinogenic volatile organic compounds and noncarcinogenic materials that are listed in R 336.1122(f) as not contributing appreciably to the formation of ozone, with initial threshold screening levels greater than or equal to 0.04 micrograms per cubic meter and less than 2.0 micrograms per cubic meter, the total uncontrolled or controlled emissions shall not exceed 20 or 10 pounds per month, respectively.

(B) For toxic air contaminants with initial risk screening levels greater than or equal to 0.04 micrograms per cubic meter, the total uncontrolled or controlled emissions shall not exceed 20 or 10 pounds per month, respectively.

(C) The emission unit shall not emit any toxic air contaminants, excluding noncarcinogenic volatile organic compounds and noncarcinogenic materials that are listed in R 336.1122(f) as not contributing appreciably to the formation of ozone, with an initial threshold screening level or initial risk screening level less than 0.04 micrograms per cubic meter.

(D) For total mercury, the uncontrolled or controlled emissions shall not exceed 0.01 pounds per month.

(E) For lead, the uncontrolled or controlled emissions shall not exceed 16.7 pounds per month.

(iii) Any emission unit that emits only particulate air contaminants without initial risk screening levels and other air contaminants that are exempted under paragraph (i) or

(ii) of this subdivision if all of the following provisions are met:

(A) The particulate emissions are controlled by an appropriately designed and operated fabric filter collector or an equivalent control system that is designed to control particulate matter to a concentration of less than or equal to 0.01 pounds of particulate per 1,000 pounds of exhaust gases and that do not have an exhaust gas flow rate more than 30,000 actual cubic feet per minute.

(B) The visible emissions from the emission unit are not more than 5% opacity in accordance with the methods contained in R 336.1303.

(C) The initial threshold screening level for each particulate toxic air contaminant, excluding nuisance particulate, is more than 2.0 micrograms per cubic meter.

(b) The following requirements apply to emission units utilizing control equipment:

(i) An air cleaning device for volatile organic compounds shall be installed, maintained, and operated in accordance with the manufacturer's specifications. Examples include the following:

(A) Oxidizers and condensers equipped with a continuously displayed temperature indication device.

(B) Wet scrubbers equipped with a liquid flow rate monitor.

(C) Dual stage carbon absorption where the first canister is monitored for breakthrough and replaced if breakthrough is detected.

(ii) An air cleaning device for particulate matter shall be installed, maintained, and operated in accordance with the manufacturer's specifications or the owner or operator shall develop a plan that provides to the extent practicable for the maintenance and operation of the equipment in the manner consistent with good air pollution control practices for minimizing emissions. It shall also be equipped to monitor appropriate indicators of performance, for example, static pressure drop, water pressure, and water flow rate.

(c) A description of the emission unit is maintained throughout the life of the unit.

(d) Records of material use and calculations identifying the quality, nature, and quantity of the air contaminant emissions are maintained in sufficient detail to demonstrate that the emissions meet the emission limits outlined in this rule. Volatile organic compound emissions shall be calculated using mass balance, generally accepted engineering calculations, or another method acceptable to the department.

(e) The records are maintained on file for the most recent 2-year period and are made available to the department upon request.

History: 1993 AACCS; 1995 AACCS; 1997 AACCS; 2016 AACCS.

R 336.1299 Adoption of standards by reference.

Rule 299. (1) The following standards are adopted in these rules by reference and are available as noted:

(a) "1996 TLVs and BEIs. Threshold Limit Values for Chemical Substances and Physical Agents. Biological Exposure Indices," American conference of governmental industrial hygienists. For the purposes of R 336.1232, the chemical names and threshold limit values are adopted by reference. A copy may be inspected at the Lansing office of the air quality division of the department of environmental quality. A copy may be obtained from the Department of Environmental Quality, Air Quality Division, P.O. Box 30260, Lansing, Michigan 48909-7760, at a cost as of the time of adoption of these rules of \$11.00, or from the American Conference of Governmental Industrial Hygienists, 1330 Kemper Meadow Drive, Cincinnati, Ohio 45240, at a cost as of the time of adoption of these rules of \$11.00. The American Conference of Governmental Industrial Hygienists can also be contacted on the internet at www.acgih.org, by telephone at 513-742-2020, or by email at mail@acgih.org.

(b) "NIOSH Pocket Guide to Chemical Hazards," national institute for occupational safety and health, June 1994. For the purposes of R 336.1232, the chemical names and NIOSH-recommended exposure levels are adopted by reference. A copy may be inspected at the Lansing office of the air quality division of the department of environmental quality. A copy may be obtained from the Department of Environmental Quality, Air Quality Division, P.O. Box 30260, Lansing, Michigan 48909-7760, at a cost as of the time of adoption of these rules of \$14.00, or from the National Technical information Service, 5285 Port Royal Road, Springfield, Virginia 22161, NTIS document PB95-100368, at a cost as of the time of adoption of these rules of \$14.00. The National Technical information Service can also be contacted on the internet at www.ntis.gov or by telephone at 888-584-8332.

(c) "Guidelines for Carcinogen Risk Assessment," 1986, United States environmental protection agency, 51 F.R. pp. 33992 to 34003. Copies may be obtained from the Department of Environmental Quality, Air Quality Division, P.O. Box 30260, Lansing, Michigan 48909-7760, at no cost, or from CERL, Office of Resource Information, United States Environmental Protection Agency, 26 Martin Luther King Drive, Cincinnati, Ohio 45268, EPA document no. EPA 600/8-87/045, at no cost.

(2) The following standards are adopted in these rules by reference and are available as noted. Copies are available for inspection and purchase at the Air Quality Division, Department of Environmental Quality, 525 West Allegan Street, P.O. Box 30260, Lansing, Michigan 48909-7760, at a cost as of the time of adoption of these rules (AQD price). Copies may be obtained from the Superintendent of Documents, Government Printing Office, P.O. Box 371954, Pittsburgh, Pennsylvania, 15250-7954, at a cost as of the time of adoption of these rules (GPO price), or on the United States government printing office internet web site at <http://www.access.gpo.gov>:

(a) The federal acid rain program, 40 C.F.R. §§72.1 to 72.96 (2006), 40 C.F.R. §§74.1 to 74.61 (2006), and 40 C.F.R. §§76.1 to 76.15 (2006), AQD price \$72.00; GPO price \$62.00. When used in these federal regulations, the term "permitting authority" shall mean the department and the term "administrator" shall mean the administrator of the United States environmental protection agency. If the provisions or requirements of 40 C.F.R. §§72.1 to 72.96, 40 C.F.R. §§74.1 to 74.61, or 40

C.F.R. §§76.1 to 76.15 conflict with, or are not included in, R 336.1210 to R 336.1218, then the 40 C.F.R. §§72.1 to 72.96 and 40 C.F.R. §§76.1 to 76.15 provisions and requirements shall apply and take precedence.

(b) The federal hazardous air pollutant regulations governing constructed or reconstructed major sources, 40 C.F.R. §§63.40 to 63.44 (2006) and 63.50 to 63.56 (2006), AQD price \$68.00; GPO price \$58.00. When used in these federal regulations, the term "permitting authority" shall mean the department and the term "administrator" shall mean the administrator of the United States environmental protection agency.

(c) The federal compliance assurance monitoring regulations, 40 C.F.R. §§64.1 to 64.10 (2006), AQD price \$39.00; GPO price \$29.00. When used in these federal regulations, the term "permitting authority" shall mean the department, and the term "administrator" shall mean the administrator of the United States environmental protection agency.

(d) Title 40 C.F.R. §51.160(f), "Legally enforceable procedures," and appendix W, "Guideline on Air Quality Models" (2006); AQD price \$55.00; GPO price \$45.00.

(3) For the purpose of clarifying the definitions in these rules, the following documents are adopted by reference in these rules. Copies are available for inspection and purchase at the Air Quality Division, Department of Environmental Quality, 525 West Allegan Street, P.O. Box 30260, Lansing, Michigan 48909-7760, at a cost as of the time of adoption of these rules (AQD price). Copies of the documents may be obtained from the Superintendent of Documents, Government Printing Office, P.O. Box 371954, Pittsburgh, Pennsylvania, 15250-7954, at a cost as of the time of adoption of these rules (GPO price), or on the United States government printing office internet web site at <http://www.access.gpo.gov>:

(a) Title 40 C.F.R. §§51.165, "Permit requirements," and 51.166, "Prevention of significant deterioration of air quality" (2006), AQD price \$55.00/\$45.00 GPO price.

(b) Title 40 C.F.R., §52.21, "Prevention of Significant Deterioration of Air Quality" (2006), AQD price \$70.00/\$60.00 GPO price.

(c) Title 40 C.F.R., part 60, "Standards of Performance for New Stationary Sources," (2006), AQD price \$68.00/\$58.00 GPO price for 60.1-end and AQD price \$67.00/\$57.00 GPO price for the appendices.

(d) Title 40 C.F.R., part 61, "National Emission Standards for Hazardous Air Pollutants" (2006), AQD price \$55.00/\$45.00.

(e) Title 40 C.F.R. §63.2, "Definitions," and §63.5(b)(3), "Requirements for existing, newly constructed and reconstructed sources" (2006), AQD price \$68.00/\$58.00 GPO price for 63.1-63.599.

(f) Title 40 C.F.R. part 63, subpart EEE, "National Emission Standards for Hazardous Air Pollutants From Hazardous Waste Combustors" (2006), AQD price \$60.00/\$50.00 GPO price for 63.1200-63.1439.

(g) Title 40 C.F.R. part 63, subpart LLL, "National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry" (2006), AQD price \$60.00/\$50.00 GPO price for 63.1200-63.1439.

(h) Title 40 C.F.R. §70.3 (2006), "Applicability," AQD price \$39.00/\$29.00 GPO price for Parts 64-71.

(i) Title 40 C.F.R. §70.7(g) (2006), "Reopenings for cause by EPA," AQD price \$39.00/\$29.00 GPO price for Parts 64-71.

(j) Title 40 C.F.R. §70.8(a)(1) and (2) (2006), "Transmission of information to the Administrator," AQD price \$39.00/\$29.00 GPO price for Parts 64-71.

(k) Title 40 C.F.R. §70.8(c) (2006), "EPA objection," AQD price \$39.00/\$29.00 GPO price for Parts 64-71.

(l) Title 40 C.F.R. §70.8(d) (2006), "Public petitions to the Administrator," AQD price \$39.00/\$29.00 GPO price for Parts 64-71.

(4) The ASTM methods are adopted in these rules by reference. Copies are available for inspection and purchase at the Air Quality Division, Department of Environmental Quality, 525 West Allegan Street, P.O. Box 30260, Lansing, Michigan 48909-7760, at the cost at the time of adoption of these rules. Copies may also be obtained from the ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, Pennsylvania 19428-2959; the ASTM website at www.astm.org; or contact ASTM customer service at service@astm.org; at a cost as of the time of adoption of these rules as follows:

(a) ASTM-D-396-05, "Standard Specification for Fuel Oils," \$30.00.

(b) ASTM-D-2880-03, "Standard Specification for Gas Turbine Fuel Oils," \$30.00.

(c) ASTM-D-975-05, "Standard Specification for Diesel Fuel Oils," \$35.00.

History: 1992 AACS; 1995 AACS; 1998-2000 AACS; 2001 AACS; 2003 AACS; 2008 AACS.