

# APPENDIX C

Rules Cited



## APPENDIX C: RULES CITED

Note: Many of the rules provided are at the sub-rule level. You may view the complete rule by accessing the Michigan Air Pollution Control Rules via the Internet at: [www.michigan.gov/deqair](http://www.michigan.gov/deqair).

### **R 336.202 Annual reports. (11/11/86)**

Rule 2. The department shall require an annual report from a commercial, industrial, or governmental source of emission of an air contaminant if, in the judgment of the department, information on the quantity and composition of an air contaminant emitted from the source is considered by the department as necessary for the proper management of the air resources. The information shall be specified by the department and shall be submitted on forms available from the department. The information shall include factors deemed necessary by the department to reasonably estimate quantities of air contaminant discharges and their significance. The report shall be submitted to the department not later than March 15 of each year following notification by the department that the report is required. The notification shall be in writing and shall be mailed to the owner or operator of the source of emission not less than 45 days before the deadline for submitting the report.

### **R 336.1106 Definitions; F.**

Rule 106. As used in these rules

(l) "**Fugitive emissions**" means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

### **R 336.116 Definitions; P**

Rule 116. As used in these rules

(m) "**Potential to Emit**" the definition of "potential to emit" can be accessed via the internet at [www.deq.state.mi.us/documents/deq-aqd-air-rules-apc-PART1.html#R1116](http://www.deq.state.mi.us/documents/deq-aqd-air-rules-apc-PART1.html#R1116)

### **R 336.1119 Definitions; S.**

Rule 119. As used in these rules

(e) "**Significant**" means a rate of emissions for the following air contaminants which would equal or exceed any of the following:

- (i) Carbon monoxide - 100 tons per year.
- (ii) Nitrogen oxides - 40 tons per year.
- (iii) Sulfur dioxide - 40 tons per year.
- (iv) Particulate matter - 25 tons per year.
- (v) PM-10 - 15 tons per year.
- (vi) Volatile organic compounds - 40 tons per year.
- (vii) Lead - 0.6 tons per year.

### **R 336.1201 Permits to install.**

Rule 201. (1) A person shall not install, construct, reconstruct, relocate, alter, or modify any process or process equipment, including control equipment pertaining thereto, which may emit an air contaminant, unless a permit to install which authorizes such action is issued by the department. A person who plans to install, construct, reconstruct, relocate, alter, 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) If the proposed equipment is of such magnitude that some phases of construction such as site clearing, foundations, and associated structures have to commence before issuance of the permit to install, the person applying for the permit to install may apply to the department for approval of the location of the proposed equipment. The department shall act on such application within a reasonable time and shall not approve the proposed location unless it is reasonably convinced that the equipment, when completed, shall be in compliance with these rules and state law and that the commencement of installation before issuance of the permit to install is not prohibited by the clean air act. Construction shall not commence without approval of the location. If a permit to install has not been requested within 3 years of the date of approval of the location pursuant to this subrule, the location approval shall become void unless otherwise authorized by the department as a condition of the location approval.

(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, alter, or modify the process or process equipment as authorized by a permit to install, 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, relocation, or alteration 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.

"Commenced," for purposes of this subrule, means undertaking a continuous program of on-site fabrication, installation, erection, or modification, or having entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of construction of the facility to be completed within a reasonable time.

(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 rendered inoperable, 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, operation of the process or process equipment is allowed by the permit to install until 1 of the following actions is taken:

(a) If the permit to install is issued for a process or process equipment located at a stationary source subject to the renewable operating permit requirements of R 336.1210, trial operation is allowed if the equipment performs in accordance with the terms and conditions of the permit to install and until the appropriate terms and conditions of the permit to install have been incorporated into the renewable operating permit as a modification pursuant to R 336.1216 or upon renewal pursuant to R 336.1217. Upon incorporation of the appropriate terms and conditions into the renewable operating permit, the permit to install shall become void.

(b) If the permit to install was issued for a process or process equipment located at a stationary source that is not subject to the renewable operating permit requirements of R 336.1210, then the permit to install remains in effect if the equipment performs in accordance with the terms and conditions of the permit. The permit to install shall become void upon either of the following actions:

(i) The process or process equipment is reconstructed, relocated, altered, or modified pursuant to subrule (1) of this rule and a new permit to install authorizing the action is approved by the department.

(ii) The process or process equipment is physically removed from the stationary source or there is a determination by the department that the process or process equipment has been rendered inoperable.

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

(a) Not more than 30 days after completion of the installation, construction, reconstruction, relocation, alteration, 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, alteration, or modification is considered to occur not later than commencement of trial operation of the process or process equipment.

(b) Within 18 months after completion of the installation, construction, reconstruction, relocation, alteration, 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.

#### **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 40 C.F.R. §52.21, prevention of significant deterioration regulations, or R 336.1220, nonattainment new source review 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.

(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.

(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.

#### **R 336.1278a Scope of permit exemptions.**

Rule 278a. (1) To be eligible for a specific exemption listed in R 336.1280 through R 336.1290, any person owning or operating an exempt process or exempt process equipment shall be able to provide information demonstrating the applicability of the exemption. The demonstration shall be provided within 30 days of a written request from the department. 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 records required by this rule shall be provided in addition to any other records required within a specific exemption.

**R 336.1280 – R336.1290**

Rules 280 through 290 can be accessed on the MAERS 2007 CD. Go to “Browse CD” then select “Rules 278-290” under the “General Instructions” heading.

OR

Download the Permit to Install Exemption Handbook at [www.deq.state.mi.us/documents/deq-ess-caap-pti-exemptionbooklet.pdf](http://www.deq.state.mi.us/documents/deq-ess-caap-pti-exemptionbooklet.pdf).