

Significant Modifications (Rule 216(3))

Overview

Rule 216(3) specifies categories of changes that must be incorporated as significant modifications, undergoing the same basic steps of initial ROP issuance for that change. A significant modification is one which is not an administrative amendment, minor modification, or state-only modification and which involves any of the following (unless part of a PTI that meets Rule 216(1)(a)(v)):

- (1) a major modification under Title I (PSD, LAER, NSPS, MACT);
- (2) a change that would result in emissions that exceed the emissions allowed under the ROP;
the change would significantly affect an existing monitoring, recordkeeping or reporting requirement in the ROP;
- (3) the change would require or modify a case-by-case determination; or
- (4) the change would establish or modify a synthetic minor limit.

PROCEDURES	
	➤ SM Application Received
	1. Application Screening
	a. Application is date stamped and scanned.
	b. Verify that the applicant's request for change does not meet the criteria for another type of modification or amendment. The company may be contacted via phone call if deemed appropriate by the District Supervisor or Permit Writer if it is determined that an alternate category may apply.
	c. Verify that the application is complete. If the application is incomplete, send an additional information letter to the company (ROP Rev Additional Info Letter.doc) and save as SRN SM Additional Info.doc .
	2. MACES
	The application is logged in MACES as a new application. Write the application number from MACES on the paper application.
	3. Save Application
	The application SRN SM {Application No.} {MM-DD-YY}.pdf is uploaded to the ftp site.
	4. Notifications
	Within 5 days of receipt of a complete application, send an e-mail (ROP Rev Application Received E-mail.doc) and save as SRN SM App Received {MM-DD-YY}.doc to the District Supervisor and EPA that the application has been received.
	➤ SM Working Draft ROP
	1. Prepare Draft Staff Report
	a. Create a Staff Report addendum by opening the existing final Staff Report and clicking on the "Insert Amendment/Modification" button on the Toolbar and selecting Significant Modification, Draft. It is important to include appropriate detail regarding the change(s).
	b. Add the "Amended Date" on the cover page. Enter "Draft" as a place holder for the date, which is the date that the Staff Report will begin public comment. If there is a previous amended date, add a comma and add "Draft" following the last date.
	c. Update the Table of Contents and save the Draft Staff Report as SRN Staff Report {MM-DD-YY} of Working Draft ROP.doc .
	2. Prepare SM Working Draft ROP
	a. Save SRN Final {MM-DD-YY}.doc (existing final ROP) from ftp site as SRN SM Working Draft {MM-DD-YY}.doc .
	b. Follow the "ROP Renewal Technical Review Procedures" for ROP development (ROP Manual 4.C.).
	c. If this is a sectioned ROP, refer to "ROP Shell Instructions," Attachment 1 (ROP Manual 4.B.).

	d. Add “[DATE] SM WORKING DRAFT” in the header of each page of the ROP, including the first page.
	e. Add the small letter in sequential order to the ROP number on the certification page to indicate that the ROP has been revised, e.g., MI-ROP-Z9999-2003a. Do likewise to the Source-wide PTI number, e.g., MI-PTI-Z9999-2003a.
	f. On the ROP certification page, insert “Revision Date: {date of approval}” on a new line between the “Effective Date” and the Expiration Date.” Enter “Draft” as a place holder for the date because the modification is not final until after EPA review.
	g. Make the appropriate or requested changes to the ROP. Do not forget to update related tables such as the Emission Unit Summary and Flexible Group Summary tables, and any related appendices including Appendix 6 if a PTI is to be voided.
	h. Add the small letter in sequential order to the Source-Wide PTI number in the existing Appendix 6 paragraph, e.g., ...is being reissued as Source-Wide PTI number MI-PTI-Z9999-2003a.
	i. Update the Table of Contents and save the SM Working Draft ROP.
	3. District Review
	a. Provide copy of the SM Working Draft ROP and Draft Staff Report to the appropriate District Supervisor and assigned District staff for review and comment.
	b. Incorporate changes as a result of that review.
	c. Update the date in the header of the SM Working Draft ROP to be the date it will be sent to the company.
	4. Company Review
	a. Prepare the cover letter to the Responsible Official for the formal review of the SM Working Draft ROP and Draft Staff Report (ROP Letter to Company for WD Review, 30&45 Day Notice.doc and save as SRN Letter with SM Working Draft.doc). Specify a minimum of 21 days (and a maximum of 30 days) for the company to review the SM Working Draft ROP and Draft Staff Report and provide comments (unless a shorter time frame is agreed upon by the permit reviewer and the company).
	b. Send e-mail to the District Secretary that the SM Working Draft ROP, Draft Staff Report and letter are ready to be finalized. The District Secretary/FITT Rep must make sure that all “track changes” in Word files have been accepted and saved properly before creating .pdf files.
	c. Send the letter to the Responsible Official(s) with a copy of the SM Working Draft ROP and Draft Staff Report for the company to review.
	d. If applicable, the District e-mails a copy to any other company contacts.
	5. MACES
	Update status in MACES with the date the SM Working Draft ROP and Staff Report were sent to the company under “Working Draft and Draft Staff Report Mailed to Applicant.”
	6. Company Comments Received
	Review any company comments received. Comments from the company may be addressed by revisions to the SM Working Draft ROP upon concurrence of District staff. If the company and Division cannot agree on the conditions, do <u>not</u> incorporate the company’s version of those conditions. Discuss these issues with the appropriate District Supervisor. Provide a discussion of the company’s objections to those conditions in the Staff Report.
	➤ Draft SM ROP and 30-Day Public Comment Period
	1. Finalize Staff Report
	a. Save the Staff Report as “ SRN Staff Report {MM-DD-YY}.doc ”. The date on the Staff Report is the date that starts the 30-day comment period, which is determined when the EGLE Calendar notice is published and should not change.
	b. {Note: The Staff Report is <u>not</u> changed once the 30-day public comment period commences. After the 30-day public comment period, any clarifications to the initial SM Staff Report addendum must be made in a new Staff Report addendum.}
	c. Create a Staff Report addendum by opening the converted existing final Staff Report and clicking on the “Insert Amendment/Modification” button on the Toolbar and selecting

	“Significant Modification - Draft”. It is important to include appropriate detail regarding the change(s). Save and name the Staff Report “ SRN Staff Report {date}.doc. ”
	d. Fill in the “Amended Date” on the cover page of the Staff Report (to replace “Draft” place holder). The amended date will be the date that the 30-day public comment period begins, which is the date that the EGLE Calendar notice is published.
	e. Add the appropriate dates to the “Public Comment Begins” and “Deadline for Public Comment” spaces in the General Information box on the first page of the Staff Report.
	f. Update the Table of Contents.
	g. Save the Staff Report as SRN Staff Report {MM-DD-YY of Draft}.doc. The date used in the file name must be the start of the 30-day public comment period. {Note: The initial SM Staff Report addendum is <u>not</u> changed once the 30-day public comment period commences. After the 30-day public comment period, any clarifications to the initial SM Staff Report addendum must be made in a new Staff Report addendum.}
	2. Prepare Draft ROP
	a. Change the header from “{DATE} SM WORKING DRAFT” to “{DATE} SM DRAFT,” including the first page. The date in the header of the SM Draft ROP is the date that starts the 30-day public comment period, which is the date that the EGLE Calendar notice is published.
	b. Update the Table of Contents and save the SM Draft ROP as SRN SM Draft {MM-DD-YY}.doc. The date used in the file name must be the start of the 30-day public comment period.
	3. Company Letter with Draft
	Prepare a letter to the Responsible Official regarding the 30-day public comment (ROP Letter to Company for WD Review, 30&45 Day Notice.dot and save as SRN SM Letter with Draft .doc).
	4. Public Comment Period
	Decide on the start date for the public comment period. Make sure the 30-day public comment period will not end on a holiday or a weekend. (See T:\ADM\CALENDAR\{current year} CALENDAR SCHEDULE.DOC).
	a. Public Notice for EGLE Calendar
	i. Prepare a notice for the EGLE Calendar (ROP PN EGLE Calendar Announcement.dot and save as SRN EGLE Calendar.doc).
	ii. If a hearing is scheduled, prepare a notice using ROP PN EGLE Calendar Scheduled Public Hearing.dot or ROP PN EGLE Calendar Tentative Public Hearing.dot and save as SRN EGLE Calendar Hearing.doc .
	iii. Send an e-mail to Rachel McLeod, the AQD Calendar Coordinator, with the notice(s) attached. Copy the District Supervisor on this note. Use the newest template, unprotect the document, and double click the last line (which eliminates the form fields and links) before sending the notice.
	b. Public Notice Announcement
	Prepare the public notice (ROP PN Announcement.dot and save as SRN Public Notice {MM-DD-YY of Draft ROP}.doc). Select the appropriate public hearing option in the template. The public notice document is prepared for all SM Draft ROPs including those that are not noticed in a newspaper. All notices must be posted on the AQD’s “Recent Actions” webpage.
	c. Newspaper Notice (if necessary)
	i. If it is necessary for the SM to be noticed in a newspaper, check with the District for an appropriate local paper to use. Prepare the newspaper letter (ROP PN Newspaper Letter.dot and save as SRN Newspaper.doc).
	ii. Send a copy of the newspaper notice to the AQD Administration Section. When available, use the legal section of the newspaper. If the newspaper does not have a legal section, notice in the classified section. (AVOID using The Detroit Free Press or The Detroit News as noticing permits in these newspapers is too expensive.)
	iii. After final approval from the District Supervisor, fax the letter along with the notice to the newspaper. The newspaper normally requires this information 2-3 days prior to the

	date of publication; therefore, do not mail the letter. Ask the newspaper to confirm receipt of the fax and that the notice can be printed on the date requested. If you do not hear from the newspaper call them for confirmation.
	iv. The letter requires the newspaper to mail two copies of the clipping to AQD within 14 days of publication. Upon receipt and approval of the invoice, it should be immediately forwarded with the clipping (or a copy) to the AQD Administration Section for payment. The second copy of the clipping goes into the file.
	d. Letter to Interested Parties (if appropriate)
	i. Ask the District whether there are interested persons that would want to be notified of the SM Draft ROP. These may be people who have filed complaints, commented on past PTI permits, or called for information. If this is the case, the District will compile a mailing list and you will use this list throughout the public participation process.
	ii. Prepare a letter to those interested parties announcing the 30-day public comment period and explaining the permit process (ROP PN Interested Party Letter.doc and save as SRN PN Interested Party Ltr.doc). The letter will refer them to the AQD website to view the SM Draft ROP and Staff Report or to contact the District office for a printed copy. Depending on the situation, you may choose to send copies with the letter.
	5. Send to Alternate Location (if necessary):
	a. Consult with the District to determine if an alternate location for the documents is necessary. The District will send a copy of the ROP packet with a cover letter to any alternate location identified on the Public Notice as a location where the SM Draft ROP can be reviewed.
	b. Prepare the letter (ROP PN Local Authority Letter.doc and save as SRN Local Authority Letter.doc).
	6. Prepare Draft ROP Package
	a. Send e-mail to the District Secretary that the SM Draft ROP, Staff Report Public Notice and letter are ready to be finalized. The District Secretary/FITT Rep must make sure that all "track changes" in Word files have been accepted and saved properly before creating .pdf files. The District Secretary will print the Draft ROP and staff report for the District file.
	b. The packet should be put in this order: <ul style="list-style-type: none"> ➤ Public Notice ➤ Staff Report ➤ Draft ROP ➤ Any Plans referenced in the SM. The notice is the first page and is printed single-sided; the rest of the packet is copied 2-sided.
	7. Posting on Internet ftp Site:
	Post the SM Draft ROP, Public Notice, Staff Report and any Plans referenced in the SM Draft ROP (i.e., Fugitive Dust Plan, MAP, SSM, but not CAM Plan) on the ftp site.
	8. Mailings and Notifications
	a. Prepare an e-mail for EPA and any affected states listed in Appendix A to inform them of the 30-day public comment period (ROP EPA 30 Day Email Notification.doc and save as " SRN SM 30 Day E-mail.doc ").
	b. The Permit Writer sends the e-mail to EPA, any affected states, and others as follows: <ul style="list-style-type: none"> ➤ blathras.constantine@epa.gov ➤ damico.genevieve@epa.gov ➤ blanchard.brian@epa.gov ➤ myottb@michigan.gov ➤ orentk@michigan.gov ➤ Affected state(s) ➤ District Supervisor ➤ Company Contact
	c. Print e-mail for file.

	d. The District Secretary sends the letter signed by District Supervisor to company along with the Staff Report, ROP and any Plans associated with the SM to the Responsible Official(s). The District Secretary will notify the Permit Writer when the letter is sent.
	e. The District will send the letters to the Interested Parties List and to any alternate location that has been identified.
	EPA has agreed that whenever possible any comments will be provided during the 30-day comment period instead of waiting for the official 45-day review period. AQD's agreement with EPA specifies that AQD will let EPA staff know if an ROP action is expected to be controversial or precedent-setting.
	9. MACES
	Update status in MACES with the 30-day public comment start date under "Draft Permit – 30 Day Public Comment Period Start Date."
	10. Preparing and Holding a Public Hearing (if necessary)
	a. If a hearing is necessary based on comments received, contact the District Supervisor to discuss procedures for setting up the hearing. See Appendix E of ROP Manual 5.A. for the public hearing checklist with details on the public hearing process. See Appendix F of ROP Manual 5.A. for the "Process for ROP Public Hearing" to hand out at public hearings.
	b. Notify EPA and the company via e-mail if a public hearing is to be held.
	c. If a hearing is not necessary, cancel the room if one has been reserved.
	d. If the hearing is held, update status in MACES with the "Draft Permit - Date Public Hearing Held."
	11. Response to Comments
	a. In addition to comments from citizens, the company and/or affected states, informal comments may be submitted by EPA during the public comment period. These comments will be sent by EPA to the Permit Writer, District Supervisor, and Field Operations Supervisor via e-mail.
	b. After reviewing all comments, the Permit Writer may respond to those who commented on the Draft ROP either by phone or letter, depending upon the significance of the comment. Document any phone conversations. Refer to Appendix B of ROP Manual 5.A. for further guidance.
	c. Compile a record of all written comments and issues raised.
	➤ Proposed ROP and EPA 45-Day Review
	1. Prepare Staff Report Addendum
	a. Create a Staff Report addendum by opening the Staff Report and clicking on the "Insert Amendment/Modification" button on the Toolbar and selecting Significant Modification, Proposed. It is important to include appropriate detail regarding any change(s).
	b. Provide a summary in the Staff Report Addendum of relevant and significant public comments, including any received from EPA, with each comment being addressed by AQD. Identify any changes made to the SM Draft ROP in the addendum. Include any company objections to the SM Draft ROP in the addendum.
	c. If no comments are received, state in the Staff Report Addendum that no comments were received and no changes were made to the SM Draft ROP.
	d. Update the Table of Contents and save the Staff Report as SRN Staff Report {MM-DD-YY of Proposed ROP}.doc .
	2. Prepare Proposed ROP
	a. If applicable, incorporate comments from the company, EPA, the public, and/or affected states. If the District/Permit Writer does not agree with requested changes, do <u>not</u> incorporate the changes. Discuss these issues with the District Supervisor.
	b. Change the header from "{DATE} SM DRAFT" to "{DATE} SM PROPOSED", including the first page.
	c. Update the Table of Contents and save the ROP as SRN SM Proposed {MM-DD-YY}.doc . The date in the file name will be the date the SM Proposed ROP goes to EPA for 45 day comment.
	3. Prepare Letter with Proposed (substantive changes were made to the Draft ROP)

	a. If substantive changes are made as a result of comments received during the public comment period, prepare a letter to the Responsible Official(s) (ROP Letter to Company for WD Review, 30&45 Day Notice.dot and save as SRN Letter with SM Proposed {MM-DD-YY}.doc). Use the template paragraph allowing the company 7 to 15 days to review the preliminary version of the SM Proposed ROP and provide comments. Send the letter to the RO and enclose a copy of the SM Proposed ROP and the Staff Report with the letter.
	b. If additional substantive comments related to the changes made are received from the company, repeat Step IV.3 above.
	c. Once the company understands the changes in the SM Proposed ROP, prepare a letter to the Responsible Official(s) regarding the SM Proposed ROP (ROP Letter to Company for WD Review, 30&45 Day Notice.dot and save as SRN Letter with SM Proposed {MM-DD-YY}.doc). Use the template paragraph indicating that the 45-day EPA review period has commenced and that the SM Proposed ROP and Staff Report are available on the website.
	d. If necessary, the District will e-mail a copy of the documents to any company contacts.
	4. Prepare Letter with Proposed (no substantive changes were made to Draft ROP):
	Create a letter to the Responsible Official regarding the Proposed ROP (ROP Letter to Company for WD Review, 30&45 Day Notice.dot and save as SRN Letter with SM Proposed {MM-DD-YY}.doc). Use the template paragraph indicating that the 45-day EPA review period has commenced and that the SM Proposed ROP and Staff Report are available on the website.
	5. Letter to Interested Parties
	If applicable, prepare a letter to all those interested parties on the original mailing list as well as those who made comments on the SM Draft ROP, attended the public hearing, or expressed an interest during permit development (ROP Letter to Interested Parties after 30 Day.dot and save as SRN Letter to Interested Parties after 30 Day.doc). This letter informs the public that the SM Proposed ROP has gone to EPA for 45-day review and explains there is no opportunity for public comment during this review. The letter will refer them to the AQD website to view the SM Proposed ROP and Staff Report or to contact the district office for a printed copy.
	6. Prepare Proposed ROP Package
	a. Send e-mail to the District Secretary that the SM Proposed ROP, Staff Report and the letter to the company are ready to be finalized. If changes were made to the ROP and/or Staff Report following Public Comment, the District Secretary/FITT Rep must make sure that all "track changes" in Word files have been accepted and saved properly before creating .pdf files.
	b. Upload the SM Proposed ROP, Staff Report and any Plans referenced in the permit on the ftp site.
	7. Mailings and Notifications
	a. Prepare an e-mail (ROP EPA 45 day Email Notification.dot and save as SRN SM 45 Day E-mail.doc).
	b. The Permit Writer should then forward the e-mail to EPA and others as follows: <ul style="list-style-type: none"> ➤ blathras.constantine@epa.gov ➤ damico.genevieve@epa.gov ➤ blanchard.brian@epa.gov ➤ myottb@michigan.gov ➤ orentk@michigan.gov ➤ District Supervisor ➤ Company Contact
	c. Print e-mail for file.
	d. The District will send the letters to the Interested Parties List and to any alternate location that has been identified.

	e. The District Secretary sends the letter signed by District Supervisor to company. Do not send a hard copy of the Proposed SM ROP and Staff Report. The District Secretary will print the Proposed ROP and staff report for the District file.
	8. MACES
	Update status in MACES with the start date of the 45-Day EPA review under “Proposed Permit and Staff Report – EPA Review Start Date.”
	➤ Final ROP
	If EPA does not raise objections during the 45-day review period, the ROP can be issued. If EPA objects to the issuance of the ROP during the 45-day review period, Region 5 will initiate the process established in 40 CFR 70.8(c).
	1. Prepare Final Staff Report
	a. If EPA provides comments during the 45-day review period, add a second addendum to explain those comments and changes made to the ROP. Open the existing SRN Staff Report {MM-DD-YY of Proposed ROP}.doc and click on the “Insert Amendment/Modification” button on the Toolbar and select Significant Modification, Final. It is important to include appropriate detail regarding the comments/changes. If no comments are received from EPA, do not add another addendum.
	b. Update the Table of Contents and save the final Staff Report as SRN Staff Report {MM-DD-YY of Final ROP}.doc . Whether or not another addendum is added, the <u>final</u> ROP issuance date is required in the Staff Report file name. (If this is not done, the file name gives the appearance that the Staff Report was not completed.)
	2. Prepare Final ROP
	a. Delete “[DATE] SM PROPOSED” from the header of the ROP. Do not change the effective date and expiration date. Issuance of the SM does not change the effective date and expiration date of the original ROP.
	b. On the ROP certification page, insert the <i>date of approval</i> in the “Revision Date.”
	c. Update the Table of Contents and save as SRN Final {MM-DD-YY}.doc .
	3. Prepare Approval Letter to Responsible Official
	Prepare the approval letter to send to the Responsible Official(s) ROP REV AA5, MM, SM, SOM Approval Letter.dot and save as SRN Letter with Final.doc .
	4. Prepare Final ROP Package
	a. Send e-mail to the District Secretary that the ROP, Staff Report and approval letter are ready to be finalized. If changes were made to the ROP and/or Staff Report following EPA Review, the District Secretary/FITT Rep must make sure that all “track changes” in Word files have been accepted and saved properly before creating .pdf files. The modified ROP must be put in Password Protect Track Changes.
	b. Upload the modified ROP and Staff Report to the ftp site.
	c. E-mail Kelly Orent to update the “Recent Actions” webpage.
	5. Mailings and Notifications
	a. The District Secretary sends the approval letter to the Responsible Official(s) along with the Staff Report and modified ROP signed by the District Supervisor. The District Secretary will notify the Permit Writer when the modified ROP is signed.
	b. The District e-mails a copy of the documents to the company contact so they are aware that the permit is effective.
	c. If changes were made after the 45-day review period, prepare a letter (ROP Letter to Interested Parties after 45 Day.dot and save as SRN Letter to Interested Parties after 45 Day.doc . Send the letter to all interested parties using the mailing list developed during the public comment process.
	d. E-mail a copy of the approval letter and the Internet address of the modified ROP to Sue Thelen of the Permit Section if a PTI has been incorporated via the SM process.
	Note: If a valid citizen petition is submitted within 60 days of the end of the EPA review period, EPA may direct EGLE to “reopen for cause” the ROP w/in 90 days, following the procedures in 40 CFR 70.7(g).

	6. MACES
	Update status in MACES with the issuance date under “Permit – Effective Date.” The Permit Writer will add a, b, c extension to the ROP permit number in MACES.
	7. File
	Send the hard copy modification file to the District. The District Secretary will copy the final ROP and staff report for the District file.