

**MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY  
AIR QUALITY DIVISION**

**OPERATIONAL MEMORANDUM  
NO. 17**

**SUBJECT: PROCEDURE FOR PROCESSING CLEAN CORPORATE CITIZEN PERMIT APPLICATIONS**

**EFFECTIVE DATE: MARCH 8, 1999**

**PREAMBLE**

R 336.2214 (Rule 1414) provides that a stationary source with a Clean Corporate Citizen designation may request expedited processing of an application for a permit to install. This operational memorandum is designed to provide guidance to a Clean Corporate Citizen on the information requirements for a complete application qualifying for expedited processing and to Air Quality Division (AQD) staff on how to evaluate such applications.

**POLICY**

The Michigan Department of Environmental Quality (Department), AQD, will evaluate and act upon a request from a Clean Corporate Citizen for expedited processing consistent with the provisions of Rule 1414.

A permit to install application for a qualified stationary source will be given expedited processing based on all of the following criteria:

1. The stationary source holds a current Clean Corporate Citizen designation from the Department.
2. A written request for expedited processing is submitted by the owner/operator at the time the application is submitted.
3. The application is for a permit to install required pursuant to R 336.1201 (Rule 201) and covers only those actions listed under Rule 201: construction, reconstruction, relocation, alteration and modification. The following types of permit applications do not qualify for expedited review due to the nature and/or complexity of the review:
  - a. Permits to limit the potential to emit below the thresholds for applicability of the renewable operating permit program (Opt-Out permits), pursuant to Operational Memorandums No. 3 and 4.
  - b. Renewable operating permits pursuant to R 336.1211 (Rule 211).
  - c. Plantwide applicability permits, pursuant to R 336.2415 (Rule 1415).

4. The application is submitted using all forms, and with all information and certifications, as detailed below.

A complete application qualifying for expedited processing must include all of following information:

1. A completed air use permit application form (EQP 5615) with the signature of a responsible official, as defined in R 336.1118(j) [Rule 118(j)].
2. A cover letter clearly stating that the stationary source is a Clean Corporate Citizen and that the application is being submitted with a request for expedited processing pursuant to Rule 1414.
3. All of the information required by Rule 1414(2):

- a. The information required by R 336.1203 (Rule 203) and other applicable rules.

The document entitled "Information Required for an Administratively Complete Permit to Install Application: Assembly Instructions and General Information Requirements" [see Attachment A] should be used to determine all of the *general* information necessary for the application. Any applicable process or process equipment specific sheet(s) (available from the AQD upon request) should be consulted to determine if additional specific information is required.

- b. The identification, by citation and title, of all state rules and federal regulations applicable to the proposed process or process equipment.

All rule citations and reasons for applicability should be clear. The applicant should also list any state rules and federal regulations that were considered for applicability to the process or process equipment, but were determined not to be applicable, and the basis for this conclusion. A tabular format is recommended.

- c. An analysis that demonstrates that the process or process equipment covered by the application will comply with the applicable requirements.

This analysis shall include a complete description of the process and all calculations completed, including any assumptions made and the basis for the assumptions. A summary of the analysis shall be provided on the forms provided in Attachment B. This data will be entered by the Department into the Permit to Install database.

- d. An analysis of the applicable control technology requirements, such as lowest achievable emission rate (LAER) technology, best available control technology (BACT), best available control technology for toxics (T-BACT), and/or maximum achievable control technology (MACT). Process or control technologies that have been considered and rejected as part of the control technology assessment shall be identified.

The format of the analysis should follow the general format specified in Attachment C. A tabular summary of the results shall be provided. Copies of any vendor quotes, and efficiency or emission limitation guarantees shall be included.

- e. A draft permit.

Use of the standard general conditions in Attachment D is mandatory; any proposal suggesting modifications to these general conditions will automatically disqualify the permit application from expedited processing. The special conditions proposed should follow the standard format used by the AQD (see Attachment E for examples).

- f. A certification as to the completeness and adequacy of the control technology analysis.

This certification shall be provided by the person responsible for the control technology analysis.

- g. Certification by a responsible official of the completeness and accuracy of the application.

- h. For draft permits that are subject to public notification, a draft staff report and draft public notice that are in writing and on a computer diskette in a format specified by the Department.

Public Notice requirements are found in Section 5511, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451). The preferred word processing format will be WORD 6 for Windows, however the AQD can accept WordPerfect 5.1. For examples of a draft staff report format and draft notice see Attachments F and G respectively.

## PROCEDURE

### RESPONSIBILITIES OF THE CLEAN CORPORATE CITIZEN

1. Submittal of a complete permit application.
2. Submittal of a complete permit evaluation, draft conditions, and, if necessary, a staff report and public notification form.
3. Timely response to all information requests from the Department.
4. Assistance with and payment for publication of required public notices.

### RESPONSIBILITIES OF AQD PERMIT SECTION STAFF

1. Receive the permit application and screen for Part A requirements ONLY. Assign the application directly to the appropriate Unit Supervisor or her/his designee (permit reviewer) for review.
2. The permit reviewer will review the application for approvability within 10 business days (20 business days for permits subject to major new source review) after assignment. If the application is incomplete, the permit reviewer will provide written notification to the applicant, based on the following scenarios:

- a. If the permit reviewer determines the application is substantially incomplete, the notification will be in the form of a denial of the application, pursuant to R 335.1207(1)(a) [Rule 207(1)(a)], under the authority delegated to the Unit Supervisor by the Department. The notification should detail, to the extent possible, the deficiencies in the application.
  - b. If the permit reviewer determines that the application is incomplete, but the applicant should be able to provide the amount of information needed within the 30-day period provided for in Rule 1414(3), the notification will be in the form of an information request, and will include a request for the extension allowed under Rule 1414(3). If the information cannot be provided and reviewed within the original 30-day period, the application will be denied unless the extension is granted.
3. If the permit reviewer determines that the application is complete, and:
- a. The application is approvable, the permit reviewer will notify the applicant, either verbally or in writing, and negotiate with the applicant any changes that may be necessary to the draft permit.
    - i) If agreement on the draft permit is reached, the permit reviewer will proceed with final action on the application pursuant to Step 5 of this memorandum.
    - ii) If agreement cannot be reached on the draft permit, the application will be forwarded to the AQD Division Chief for denial action pursuant to Step 6 of this memorandum.
  - b. The application is not approvable, the permit reviewer shall notify the applicant in writing, specifying the reasons why the application is not approvable. The applicant will be given 30 calendar days to respond to the letter. The letter will also request the 30-day extension provided under Rule 1414(3). If the information cannot be provided and reviewed within the original 30-day period, the application will be denied unless the extension is granted.
4. If the applicant does not provide the information as requested under 3.b. or fails to provide information that results in a complete application within the required 30-day period, either:
- a. The application will be denied by the Unit Supervisor pursuant to Rule 207(1)(a), under the authority delegated to the Unit Supervisor by the Department.
  - b. The applicant may request that the application be withdrawn from the expedited permit review process and placed into the regular permit processing program. Priority will be assigned based upon the date the applicant requests that the application no longer be considered for expedited review.

## 5. Permit approval

- a. *No public participation required.* If the application is approvable and does not require public participation as specified in Department guidance, the permit shall be approved and the applicant shall be notified using standard permit procedures.
- b. *Public participation required.* If the application is approvable and public participation is required, the Unit Supervisor shall review the draft staff report and draft hearing notice provided by the company, make changes as necessary, and forward the permit package to the Permit Section Supervisor. Upon approval of the staff report and notice by the Permit Section Supervisor, the application shall be announced for public comment following Department procedures and in accordance with Rule 205 and Section 5511 of Act 451. The remainder of the permitting process, including written notification of the applicant, will follow standard procedures.

## 6. Permit denial.

The AQD Division Chief shall deny the application, without prejudice, if it is determined that the proposed process or process equipment will not comply with applicable rules and regulations. The denial action shall be announced for public comment following Department procedures and in accordance with Section 5510 of Act 451. The remainder of the permitting process, including written notification of the applicant, will follow standard procedures.

This memorandum is intended to provide guidance to AQD staff to foster consistent application of Part 55 of Act 451 and the administrative rules promulgated thereunder. This document is not intended to convey any rights to any parties nor create any duties or responsibilities under law. This document and matters addressed herein are subject to revision.

Questions regarding this memorandum should be directed to Mr. Gregory M. Edwards, Chemical Process Unit Supervisor, Permit Section, at 517-335-3693.

List of Attachments:

<b>ATTACHMENT</b>	<b>DESCRIPTION</b>
<b>A</b>	<b>Information Requirements</b>
<b>B</b>	<b>Permit Evaluation Forms</b>
<b>C</b>	<b>Control Technology Analysis</b>
<b>D</b>	<b>General Conditions</b>
<b>E</b>	<b>Special Conditions</b>
<b>F</b>	<b>Example Staff Activity Report</b>
<b>G</b>	<b>Example Public Hearing Notice</b>

GME:SLB