

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

PROCEDURE FOR VOIDING PERMITS TO INSTALL

Effective Date: November 2, 1998

Revised Date: June 7, 1999

BACKGROUND

Previously approved permits to install are voided for a number of reasons. Voiding a permit to install is an action that is normally agreed upon by the person that owns or operates the equipment covered by the permit to install and Air Quality Division (AQD) staff. One possible exception to this is a permit which is voided pursuant to Rule 201(4) when the installation, reconstruction, relocation, or alteration of the equipment for which the permit to install has been approved did not commence within 18 months, or was interrupted for 18 months. However, this action takes place automatically at the end of the 18 month period based on the rule and the General Condition included in each permit to install. Voiding a permit to install should not be confused with an action to deny or revoke a permit to install. The primary reasons for voiding a permit to install are:

- The equipment has been removed or rendered inoperable by the owner or operator.
- A determination is made that the equipment is no longer required to obtain a permit to install due to an exemption.
- The terms and conditions of the permit have been incorporated into a new permit to install either for a modification to the process or an "opt-out" permit.
- The terms and conditions of the permit to install have been incorporated into a renewable operating permit.
- The installation, reconstruction, relocation, or alteration of the equipment for which the permit to install has been approved did not commence within 18 months, or was interrupted for 18 months, as specified in Rule 201(4).

PROCEDURE

A. Requests from an Owner or Operator

1. A request from an owner or operator to void a permit to install must be in writing from the owner or operator (letter, fax, or e-mail). If an authorized agent submits the request for the owner or operator, the request must include a signed copy of the agent's authorization letter pursuant to Rule 204. The information listed below is not required for every void request. However, by including all of the appropriate information listed below an owner or operator can ensure that the request will be handled in an expedited manner. An owner or operator can assist the AQD in the processing of a request to void a permit to install by sending the request to the AQD Permit Section, with a copy to the appropriate AQD District Supervisor. The following information will assist the AQD's review of a request to void a permit to install:
 - a. The name of the company that holds the permit. If the current owner or operator of the permitted process is different than the person identified on the permit

application form and the Department has not been notified of the change pursuant to Rule 219, then the request should include the name of the owner or operator listed on the permit application form and the date when the ownership or operating authority transferred to the current owner or operator.

- b. A description of the location or the street address of the process equipment authorized by the permit to install, including the State Registration Number (SRN).
 - c. The permit to install number.
 - d. A brief description of the process equipment (by permit number) covered by the request.
 - e. The reason for voiding the permit to install covered by the request (the equipment has been removed or rendered inoperable; the equipment is exempt from the requirement to obtain a permit to install). **If the reason for the request to void the permit to install is an exemption, the specific exemption should be referenced in the request and the request should include any information needed to show the applicability of the exemption** (copies of records showing the process material usage is below the criteria in Rule 287(c); the actual emission criteria in Rule 290 for the most recent averaging period).
2. The Permit Section Department Technician (Permit Tech) will locate and review the permit files covered by the request to ensure that the information in the files matches the information included in the request (the company name, equipment location, equipment description). At this time it will be determined whether any confidential information was submitted with any of the files being voided. Confidential information for equipment that has been removed, rendered inoperable, or exempted will routinely be returned to the owner or operator with the void letter and noted in the letter. Upon agreement by the owner or operator, the confidential information can be destroyed (shredded) rather than returned.
 3. Any possible discrepancies between the information included in the void request and the information contained in the files should be discussed and clarified with the requester. If all of the equipment covered by the permit has not been removed, rendered inoperable, or exempted, Rule 201 requires that the installation and continued operation of the remaining equipment be authorized by a permit to install. **A new application for a permit to install is required to modify an existing permit when an owner or operator wishes to revise that permit to remove only a portion of the equipment covered.** A permit to install application submitted for the **sole** purpose of removing conditions associated with equipment that has been removed or rendered inoperable will **NOT** be subject to new source review. A form letter should be used to notify an owner or operator that the permit can not be voided because it covers additional equipment other than the equipment described in the void request.
 4. The Permit Tech will contact the appropriate District Supervisor by e-mail if the reason for the void request is a permit to install exemption. District Staff should verify that the equipment does qualify for the exemption by replying to the Permit Tech's e-mail.
 5. The Permit Tech will prepare the written notice to the owner or operator for his or her own signature. The appropriate AQD District Supervisor will be copied on all void notices. If the request to void is from an authorized agent, the letter should be

addressed to the owner or operator and the agent will be copied on the void notice. If the reason for the void request is a permit to install exemption, a copy of the exemption rule will be attached to the letter. The letter will indicate that qualification for the exemption is dependent upon compliance with all requirements including recordkeeping requirements contained in the exemption.

6. The permit to install will be officially voided using the Permit Section Supervisor's signature stamp on the appropriate line of the permit to install form (EQP 5615), consistent with the process for issuance of permits to install. A copy of the voided permit to install form should be attached to the final void notice. The date of the letter notifying the owner or operator that the permit is void should be used as the official void date.

B. Requests from AQD District Staff

1. A request from AQD District staff to void a permit to install must be in writing (activity report, fax, or e-mail). A request to void a permit to install must include all of the following information:
 - a. The name of the company that holds the permit. If the current owner or operator of the permitted process is different than the person identified on the permit application form and the Department has not been notified of the change pursuant to Rule 219, then the District staff should direct the new owner or operator to submit the void request, including the information required by Rule 219, as described in Section A of this procedure.
 - b. A description of the location or the street address of the process equipment authorized by the permit to install, including the State Registration Number (SRN).
 - c. The permit to install number.
 - d. A brief description of the process equipment (by permit number) covered by the request.
 - e. The reason for voiding the permit to install covered by the request (the equipment has been removed or rendered inoperable; the equipment is exempt from the requirement to obtain a permit to install; installation of the equipment has not commenced within, or has been interrupted for, 18 months). If the reason for the request to void the permit to install is an exemption, the specific exemption should be referenced in the request.

If District staff have determined that the information required in items (a)-(d) is consistent with the existing permit application form, a statement to that effect is all that is required in addition to the information described in item (e). All requests from District staff to void permits to install should be sent to the AQD Permit Tech, with a copy to the AQD District Supervisor.

2. The Permit Tech will locate and review the permit files covered by the request to ensure that they match the information included in the request (the company name, equipment location, equipment description). At this time it will be determined whether any confidential information was submitted with any of the files being voided. Confidential information for equipment that has been removed, rendered inoperable, or exempted will routinely be returned to the owner or operator with the

void letter and noted in the letter. Upon agreement by the owner or operator, the confidential information can be destroyed (shredded) rather than returned.

3. Any possible discrepancies between the information in the void request and the information in the files should be discussed and clarified with the District staff person making the request. If all of the equipment covered by the permit has not been removed, rendered inoperable, or exempted, Rule 201 requires that the installation and continued operation of the remaining equipment be authorized by a permit to install. **A new application for a permit to install is required to modify an existing permit when an owner or operator wishes to revise that permit to remove only a portion of the equipment covered.** A permit to install application submitted for the **sole** purpose of removing conditions associated with equipment that has been removed, rendered inoperable, or exempted will **NOT** be subject to new source review. District staff will follow-up with the owner or operator whenever they determine that an existing permit to install should be modified to delete removed, inoperable, or exempted equipment.
4. The Permit Tech will prepare the written notice to the owner or operator for his or her own signature. The appropriate AQD District Supervisor will be copied on all void notices. If the reason for the void request is a permit to install exemption, a copy of the exemption rule will be attached to the letter. The letter will state that qualification for the exemption is dependent upon compliance with all requirements including recordkeeping requirements contained in the exemption.
5. The permit to install will be officially voided using the Permit Section Supervisor's signature stamp on the appropriate line of the permit to install form (EQP 5615), consistent with the process for issuance of permits to install. A copy of the voided permit to install form will be attached to the final void notice. The date of the letter notifying the owner or operator that the permit is void will be used as the official void date.

C. Issuance of a new Permit to Install or an "Opt-Out" Permit to Install

1. Permit staff will locate and review the permit files associated with the new application and determine whether any existing permits to install should be voided upon the issuance of the new permit to install. It is the responsibility of the Permit staff to determine whether any confidential information was submitted with any of the files being voided. Confidential information that is relied upon during the review of the new application or which contains information that has been incorporated into the new permit will continue to be treated as confidential and be transferred to the new permit file. A Permit Information Transfer Summary form should be completed and placed in any public file whenever information, including confidential information, is transferred to a new file. Confidential information that has not been relied upon during the review of the new application, or does not contain information which has been incorporated into the new permit will routinely be returned to the owner or operator with the permit to install approval letter and noted in the letter. Upon agreement by the owner or operator, the confidential information can be destroyed (shredded) rather than returned.
2. Permit staff will list the permits to install, which are being voided as a result of the issuance of a new permit to install, in the approval letter for the new permit. The files for the permits to be voided should accompany the new permit file through the normal procedure of supervisor review and approval.

3. The permit to install will be officially voided using the Permit Section Supervisor's signature stamp, on the appropriate line of the permit to install form (EQP 5615), consistent with the process for issuance of permits to install. A copy of the voided permit to install form should be attached to the final permit to install approval letter. The date of approval of the new permit to install will routinely be used as the official void date for the old permits unless those permits need to remain active for a period of time after the issuance of the new permit. In that case, a condition of the new permit to install will specify the date when the permits will become void.

D. Issuance of a Renewable Operating Permit (ROP)

1. The District staff should send a copy of the final ROP including the approval cover letter to the Permit Tech. Any confidential information associated with permits to install that have been incorporated into an ROP should continue to be treated as confidential and maintained in the locked confidential file.
2. The Permit Tech will prepare the written notice to the owner or operator for his or her own signature. The appropriate AQD District office will be copied on all void notices.
3. The permit to install will be officially voided using the Permit Section Supervisor's signature stamp on the appropriate line of the permit to install form (EQP 5615), consistent with the process for issuance of permits to install. A copy of the voided permit to install form will be attached to the final void notice. The date of approval of the ROP will be used as the official void date for the permits to install.

E. Final Handling and Database Maintenance

1. The final typing, copying, mailing, and filing of all voids will be handled according to regular Permit Section procedures. Copying includes the District and each affected permit file. Filing includes stamping each affected file with the red "VOID" stamp and filing them in the voided permits area. Confidential information contained in any of the files being voided will routinely be returned to the owner or operator with the void letter and noted in the letter. Upon agreement by the owner or operator, the confidential information may be destroyed (shredded) rather than returned.
2. A Permit Tech will enter the necessary information about the voided permits into the "Permit Main" database. If a record for a permit to install to be voided does not already exist in the database, one must be created before the void action can be entered. The following minimum information about a permit to install must be entered to create a new record for a voided permit to install:
 - a. Permit number
 - b. Applicant name
 - c. Site address
 - d. City
 - e. Zip code
 - f. County
 - g. State Registration Number (SRN)
 - h. Reason for application (from original file)

- i. Review unit (can be “any”)
- j. Permit received date
- k. Technically complete date (if indicated in the file)
- l. Permit to Install approved date
- m. Permit to install void date
- n. Permit to operate approved date (if appropriate)
- o. Permit to operate void date (if appropriate)