

DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY

AIR QUALITY DIVISION

AIR POLLUTION CONTROL

Filed with the secretary of state on October 28, 2021

These rules take effect within 7 days upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the director of the department of environment, Great Lakes, and energy by sections 5503 and 5512 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.5503 and 324.5512, and Executive Reorganization Order Nos. 1995-16, 2009-31, and 2011-1, MCL 324.99903, 324.99919, and 324.99921)

R 336.1902 and R 336.1974 of the Michigan Administrative Code are amended, as follows:

PART 9. EMISSION LIMITATIONS AND PROHIBITIONS - MISCELLANEOUS

R 336.1902 Adoption of standards by reference.

Rule 902. (1) The following standards are adopted by reference in these rules. Copies are available for inspection and purchase at the Air Quality Division, Department of Environment, Great Lakes, and Energy, P.O. Box 30260, Lansing, Michigan 48909-7760, at a cost as of the time of adoption of these rules (AQD price). Copies may also be obtained from the U.S. Government Publishing Office, 732 North Capitol Street, NW, Washington, DC 20401, or by accessing their online bookstore at <http://www.ecfr.gov> at a cost as of the time of adoption of these rules (GPO price). The standards can also be viewed or printed, or both, free of charge at <http://bookstore.gpo.gov>.

(a) "National Primary and Secondary Ambient Air Quality Standards," 40 CFR part 50 (2019), AQD price \$61.00/\$51.00 GPO price for part 50 to part 51.

(b) The following sections of "Requirements for Preparation, Adoption, and Submittal of Implementation Plans," 40 CFR part 51 (2019), AQD price \$61.00/\$51.00 GPO price for part 50 to part 51:

(i) "Definitions," 40 CFR 51.100.

(ii) "Legally enforceable procedures," 40 CFR 51.160.

(iii) "Permit requirements," 40 CFR 51.165.

(iv) "Prevention of significant deterioration of air quality," 40 CFR 51.166.

(v) "Protection of Visibility," 40 CFR 51.301 to 51.309.

(vi) "Emission Offset Interpretive Ruling," appendix S.

(vii) "Recommended Test Methods for State Implementation Plans," appendix M.

(viii) "Guideline on Air Quality Models," appendix W.

(ix) "Guidelines for BART Determinations under the Regional Haze Rule," appendix Y.

(c) The following sections of "Approval and Promulgation of Implementation Plans" 40 CFR part 52 (2019); AQD price \$74.00/\$64.00 GPO price for part 52 (52.01 to 52.1018).

(i) "Prevention of Significant Deterioration of Air Quality," 40 CFR 52.21.

(ii) “Control strategy: Ozone control measures for Cook, DuPage, Kane, Lake, McHenry and Will Counties,” 40 CFR 52.741.

(d) “Quality Assurance Requirements for Prevention of Significant Deterioration Air Monitoring,” 40 CFR part 58, appendix B (2019); AQD price \$46.00/\$36.00 GPO price for part 53 to part 59.

(e) “Standards of Performance for New Stationary Sources,” 40 CFR part 60, subparts A to WW (2019); AQD price \$74.00/\$64.00 GPO price for part 60 (60.1 to 60.499).

(f) “Standards of Performance for New Stationary Sources (Continued),” 40 CFR part 60, subpart XX to end, except 40 CFR part 60, subpart AAA, “Standards of Performance for New Residential Wood Heaters” (2019); AQD price \$74.00/\$64.00 GPO price for part 60 (60.499 to end).

(g) 40 CFR part 60 appendices A, B, and F (2019); AQD price \$73.00/\$63.00 GPO price for part 60 appendices.

(h) “National Emission Standards for Hazardous Air Pollutants,” 40 CFR part 61 (2019); AQD price \$61.00/\$51.00 GPO price for part 61 to part 62.

(i) “National Emission Standards for Hazardous Air Pollutants for Source Categories,” 40 CFR part 63, subparts A to Z (2019); AQD price \$74.00/\$64.00 GPO price for part 63 (63.1 to 63.599).

(j) “National Emission Standards for Hazardous Air Pollutants for Source Categories (Continued),” 40 CFR part 63, subparts AA to DDD (2019); AQD price \$63.00/\$53.00 GPO price for part 63 (63.600 to 63.1199).

(k) “National Emission Standards for Hazardous Air Pollutants for Source Categories (Continued),” 40 CFR part 63, subparts EEE to PPP (2019); AQD price \$66.00/\$56.00 GPO price for part 63 (63.1200 to 63.1439).

(l) “National Emission Standards for Hazardous Air Pollutants for Source Categories (Continued),” 40 CFR part 63, subparts QQQ to YYYY (2019); AQD price \$47.00/\$37.00 GPO price for part 63 (63.1440 to 63.6175).

(m) “National Emission Standards for Hazardous Air Pollutants for Source Categories (Continued),” 40 CFR part 63, subparts ZZZZ to MMMMM (2019); AQD price \$50.00/\$40.00 GPO price for part 63 (63.6580 to 63.8830).

(n) “National Emission Standards for Hazardous Air Pollutants for Source Categories (Continued),” 40 CFR part 63, subpart NNNNN to end (2019); AQD price \$50.00/\$40.00 GPO price for part 63 (63.8980 to end).

(o) “Compliance Assurance Monitoring,” 40 CFR part 64 (2019); AQD price \$44.00/\$34.00 GPO price for part 64 to part 71.

(p) The following sections of “State Operating Permit Programs,” 40 CFR part 70 (2019); AQD price \$44.00/\$34.00 GPO price for part 64 to part 71:

(i) “Definitions,” 40 CFR 70.2.

(ii) “State program submittals and transition,” 40 CFR 70.4(b)(12), (14), and (15).

(iii) “Emissions Trading,” 40 CFR 70.6(a)(8).

(iv) “Re-openings for cause by EPA,” 40 CFR 70.7(g).

(v) “Transmission of information to the Administrator,” 40 CFR 70.8(a)(1) and (2).

(vi) “EPA objection,” 40 CFR 70.8(c).

(vii) “Public petitions to the Administrator,” 40 CFR 70.8(d).

(q) “Permit Regulations,” 40 CFR part 72 (2019); AQD price \$78.00/\$68.00 GPO price for part 72 to part 79.

(r) “Sulfur Dioxide Opt-Ins,” 40 CFR part 74 (2019); AQD price \$78.00/\$68.00 GPO price for part 72 to part 79.

(s) “Continuous Emission Monitoring,” 40 CFR part 75 (2019); AQD price \$78.00/\$68.00 GPO price for part 72 to part 79.

(t) “Acid Rain Nitrogen Oxides Emission Reduction Program,” 40 CFR part 76 (2019); AQD price \$78.00/\$68.00 GPO price for part 72 to part 79.

(u) “NO<sub>x</sub> Budget Trading Program and CAIR NO<sub>x</sub> and SO<sub>2</sub> Trading Programs for State Implementation Plans,” 40 CFR part 96, 96.1 to 96.88 (2019); AQD price \$76.00/\$66.00 GPO price for part 96 to part 99.

(v) “Federal NO<sub>x</sub> Budget Trading Program, CAIR NO<sub>x</sub> and SO<sub>2</sub> Trading Programs, and CSAPR NO<sub>x</sub> and SO<sub>2</sub> Trading Programs,” 40 CFR part 97 (2019); AQD price \$76.00/\$66.00 GPO price for part 96 to part 99.

(2) The following United States Environmental Protection Agency (U.S. EPA) documents are adopted by reference in these rules. A copy is available for inspection and purchase at the Air Quality Division, Department of Environment, Great Lakes, and Energy, P.O. Box 30260, Lansing, Michigan 48909-7760, at a cost as of the time of adoption of these rules of \$20.00 each. A copy may also be obtained from the U.S. EPA, Office of the Science Advisor, 1200 Pennsylvania Avenue, NW, Washington, DC 20460 or on the U.S. EPA Online Library System website, [www.cfpub.epa.gov/ols/](http://www.cfpub.epa.gov/ols/), free of charge as of the time of adoption of these rules.

(a) “Advances in Inhalation Gas Dosimetry for Derivation of a Reference Concentration (RfC) and Use in Risk Assessment,” EPA/600/R-12/044, September 2012.

(b) “Alternative Control Techniques Document: NO<sub>x</sub> Emissions from Cement Manufacturing,” EPA-453/R-94-004, 1994.

(c) “Benchmark Dose Technical Guidance,” EPA/100/R-12/001, June 2012.

(d) “Compilation of Air Pollutant Emission Factors. Volume 1, Stationary Point and Area Sources,” AP-42-ED-5, January 1995.

(e) “Control of Volatile Organic Emissions from Manufacture of Synthesized Pharmaceutical Products, Appendix B,” EPA-450/2-78-029, December 1978.

(f) “Guidelines for Carcinogen Risk Assessment,” EPA/630/P-03-001B, March 2005.

(g) “Protocol for Determining the Daily Volatile Compound Emission Rate of Automobile and Light-duty Truck Topcoat Operations,” EPA-450/3-88-018, December 1988.

(h) “Supplemental Guidance for Assessing Susceptibility from Early-Life Exposure to Carcinogens,” EPA/630/R-03-003F, March 2005.

(3) The following Federal Register documents are adopted by reference in these rules. A copy is available for inspection and purchase at the Air Quality Division, Department of Environment, Great Lakes, and Energy, P.O. Box 30260, Lansing, Michigan 48909-7760, at a cost as of the time of adoption of these rules of \$10.00 each:

(a) U.S. EPA Emissions Trading Policy statement, 51 FR 43814, December 4, 1986.

(b) U.S. EPA Recommended Policy on Control of Volatile Organic Compounds, Table 1, 42 FR 35314, July 8, 1977.

(4) The following standards are adopted by reference in these rules. Copies are available for inspection and purchase at the Air Quality Division, Department of Environment, Great Lakes, and Energy, P.O. Box 30260, Lansing, Michigan 48909-7760, at the cost as of the time of adoption of these rules (AQD price). Copies may also be obtained from ASTM International, P.O. Box C700, West Conshohocken, Pennsylvania 19428-2959 or on the ASTM website, [www.astm.org](http://www.astm.org), at a cost as of the time of adoption of these rules (ASTM price):

(a) Standard Test Method for Distillation of Petroleum Products and Liquid Fuels at Atmospheric Pressure, ASTM method D86, 2018; AQD price \$79.00/\$69.00 ASTM price.

(b) Standard Test Method for Pour Point of Petroleum Products, ASTM D97, 2017; AQD price \$58.00/\$48.00 ASTM price.

(c) Standard Test Method for Vapor Pressure of Petroleum Products, ASTM D323, 2015; AQD price \$64.00/\$54.00 ASTM price.

(d) Standard Specification for Fuel Oils, ASTM D396, 2018; AQD price \$64.00/\$54.00 ASTM price.

(e) Standard Test Method for Distillation of Cutback Asphalt, ASTM D402/D402M, 2014; AQD price \$58.00/\$48.00 ASTM price.

(f) Standard Specification for Aviation Gasolines, ASTM D910, 2017; AQD price \$58.00/\$48.00 ASTM price.

(g) Standard Specification for Diesel Fuel Oils, ASTM D975, 2019; AQD price \$79.00/\$69.00 ASTM price.

(h) Standard Specification for Aviation Turbine Fuels, ASTM D1655, 2019; AQD price \$79.00/\$69.00 ASTM price.

(i) Standard Specification for Gas Turbine Fuel Oils, ASTM D2880, 2018; AQD price \$58.00/\$48.00 ASTM price.

(j) Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels, ASTM D6751, 2019; AQD price \$58.00/\$48.00 ASTM price.

(k) Standard Test Method for Elemental, Oxidized, Particle-Bound and Total Mercury in Flue Gas Generated from Coal-Fired Stationary Sources (Ontario Hydro Method), ASTM D6784, 2016; AQD price \$70.00/\$60.00 ASTM price.

(l) Standard Test Method for Distillation of Emulsified Asphalt, ASTM D6997, 2012; AQD price \$52.00/\$42.00 ASTM price.

(m) Standard Specification for Diesel Fuel Oil, Biodiesel Blend (B6 to B20), ASTM D7467, 2019; AQD price \$79.00/\$69.00 ASTM price.

(n) Standard Practices for General Techniques of Infrared Quantitative Analysis, ASTM E168, 2016; AQD price \$64.00/\$54.00 ASTM price.

(o) Standard Practices for General Techniques of Ultraviolet-Visible Quantitative Analysis, ASTM E169, 2016; AQD price \$58.00/\$48.00 ASTM price.

(p) Standard Practice for Packed Column Gas Chromatography, ASTM E260, 2011; AQD price \$64.00/\$54.00 ASTM price.

(5) The following standards are adopted by reference in these rules. Copies are available for inspection and purchase at the Air Quality Division, Department of Environment, Great Lakes, and Energy, P.O. Box 30260, Lansing, Michigan 48909-7760, at the cost as of the time of adoption of these rules (AQD price). Copies may also be obtained from the American Association of State Highway and Transportation Officials, AASHTO Publication Order Department, P.O. Box 933538, Atlanta, Georgia, 31193-3538, or from their website, <http://www.techstreet.com>, at a cost as of the time of adoption of these rules (AASHTO price):

(a) Standard Method of Test for Emulsified Asphalts, AASHTO T59, 2016; AQD price \$126.00/\$116.00 AASHTO price.

(b) Standard Method of Test for Distillation Cutback Asphalt Products, AASHTO T78, 2015; AQD price \$88.00/\$78.00 AASHTO price.

(6) The following standards are adopted by reference in these rules. Copies are available for inspection and purchase at the Air Quality Division, Department of Environment, Great Lakes, and Energy, P.O. Box 30260, Lansing, Michigan 48909-7760, for \$20.00 as of the

time of adoption of these rules. Copies may also be obtained from the National Technical Information Service, U.S. Department of Commerce website, <http://ntrl.ntis.gov/NTRL/> for free as of the time of adoption of these rules.

(a) PB95-196028, "Compilation of Air Pollution Emission Factors. Volume 1. Stationary Point and Area Sources," (1995).

(b) PB94-183522, "Alternative Control Techniques Document: NO<sub>x</sub> Emissions from Cement Manufacturing," (1994).

(c) PB203-060, "Construction Details of Isokinetic Source Sampling Equipment," (1971).

(d) PB209-022, "Maintenance, Calibration, and Operation of Isokinetic Source-Sampling Equipment," (1972).

(7) "TLVs and BEIs. Threshold Limit Values for Chemical Substances and Physical Agents, and Biological Exposure Indices," 2017 is adopted by reference in these rules. A copy is available for inspection and purchase at the Air Quality Division, Department of Environment, Great Lakes, and Energy, P.O. Box 30260, Lansing, Michigan 48909-7760, at a cost as of the time of adoption of these rules of \$75.95. A copy may also be obtained from the American Conference of Governmental Industrial Hygienists, 1330 Kemper Meadow Drive, Cincinnati, Ohio 45240, or on the American Conference of Governmental Industrial website, [www.acgih.org](http://www.acgih.org), at a cost as of the time of adoption of these rules of \$54.95.

(8) "NIOSH Pocket Guide to Chemical Hazards," 2017, is adopted by reference in these rules. A copy on CD-ROM is available for inspection and purchase at the Air Quality Division, Department of Environment, Great Lakes, and Energy, P.O. Box 30260, Lansing, Michigan 48909-7760, for \$20.00 as of the time of adoption of these rules. A copy on CD-ROM may also be obtained from the Centers for Disease Control website, [www.cdc.gov/niosh/npg/](http://www.cdc.gov/niosh/npg/), for free as of the time of adoption of these rules.

(9) "American Petroleum Institute Manual of Petroleum Measurement Standards Chapter 19.2," 2012, is adopted by reference in these rules. A copy is available for inspection and purchase at the Air Quality Division, Department of Environment, Great Lakes, and Energy, P.O. Box 30260, Lansing, Michigan 48909-7760, at a cost as of the time of adoption of these rules of \$191.00. A copy may also be obtained from American Petroleum Institute, Techstreet, 3916 Ranchero Drive, Ann Arbor, Michigan 48108-2775, or at the American Petroleum Institute website at <http://www.techstreet.com/api/products>, at a cost as of the time of adoption of these rules of \$181.00.

(10) "OTC Model Rule for Consumer Products," except sections 8, 10, and 11(f), 2006, is adopted by reference in these rules. A copy is available for inspection and purchase at the Air Quality Division, Department of Environment, Great Lakes, and Energy, P.O. Box 30260, Lansing, Michigan 48909-7760, at a cost as of the time of adoption of these rules of \$10.00. A copy may also be obtained from the Ozone Transport Commission website for free as of the time of adoption of these rules.

R 336.1974 Emissions standards for existing commercial and industrial solid waste incinerators.

Rule 974. (1) This rule applies to all existing Commercial and Industrial Solid Waste Incinerator (CISWI) units and all Air Curtain Incinerators (ACIs), defined under 40 CFR 60.2875, adopted by reference in R 336.1902.

(2) CISWI units and ACIs that commenced construction by November 30, 1999 must comply with this rule according to 40 CFR 60.2535(a)(1) and (2), adopted by reference in R 336.1902, or date of promulgation of this rule, whichever is later.

(3) The following units must comply with this rule according to 40 CFR 60.2535(b), adopted by reference in R 336.1902, or date of promulgation of this rule, whichever is later:

(a) Units in the incinerator subcategory or ACIs that commenced construction between November 30, 1999 and June 4, 2010,

(b) Units in the incinerator subcategory or ACIs that commenced reconstruction or modification between June 1, 2001 and August 7, 2013,

(c) Units in the small remote incinerator, energy recovery, or waste-burning kiln subcategories that commenced construction before June 4, 2010.

(4) CISWI units that are exempt under 40 CFR 60.2555, adopted by reference in R 336.1902, are exempt from this rule if the applicable requirements listed in 40 CFR 60.2555 are followed.

(5) A CISWI unit or ACI is still subject to this rule, and not 40 CFR part 60, subpart CCCC, if the owner or operator makes physical or operational changes primarily to comply with this rule. However, modification or reconstruction of a CISWI unit or ACI made after August 7, 2013 makes that unit subject to 40 CFR part 60, subpart CCCC, and not this rule.

(6) Owners and operators of CISWI units and ACIs subject to this rule must comply with the following reporting requirements and timelines of 40 CFR part 60, subpart DDDD, "Emission Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units," adopted by reference in R 336.1902:

(a) Final control plan and notification of final compliance required under 40 CFR 60.2575 to 60.2600, and 60.2815 to 60.2840 by the compliance date of this rule.

(b) Waste management plan required under 40 CFR 60.2620 to 60.2630 by the compliance date of this rule.

(c) Report submittal requirement under 40 CFR 60.2760 for the initial test results obtained under 40 CFR 60.2700, site-specific operating limits established under 40 CFR 60.2675 or 60.2680, and fabric filter documentation required by 40 CFR 60.2730(b).

(d) Annual report requirements under 40 CFR 60.2765 and 60.2770.

(e) Deviation report requirements under 40 CFR 60.2775, 60.2780, and 60.2785.

(f) Notification and recordkeeping required under 40 CFR 60.7. (40 CFR 60.7 is adopted by reference in R 336.1902).

(g) Notification and timing requirements under 40 CFR 60.2790(b) of continued operation with waste-to-fuel switch.

(7) Owners and operators of CISWI units and ACIs subject to this rule must comply with the following applicable sections of 40 CFR part 60, subpart DDDD, adopted by reference in R 336.1902:

(a) Achieving final compliance in 40 CFR 60.2605 and 60.2845.

(b) Closing or reopening of unit in 40 CFR 60.2610 to 60.2615, and 60.2850 to 60.2855.

(c) Waste management plan in 40 CFR 60.2620 to 60.2630.

(d) Operator training and qualifications in 40 CFR 60.2635 to 60.2665.

(e) Emission and operating limits in 40 CFR 60.2670 to 60.2680, 60.2860, and the applicable Tables 2 to 3 and 6 to 9.

(f) Performance testing in 40 CFR 60.2690 to 60.2695.

(g) Initial and continuous compliance and inspection of control equipment in 40 CFR 60.2700 to 60.2725, 60.2865 and 60.8 (40 CFR 60.8 is adopted by reference in R 336.1902).

- (h) Monitoring in 40 CFR 60.2730 to 60.2735, and 60.2865.
- (i) Recordkeeping in 40 CFR 60.2660(a), 60.2740 to 60.2745, and 60.2870.
- (j) Title V Operating Permit requirements in 40 CFR 60.2805.
- (k) Toxic Equivalency Factors in Table 4.
- (l) Definitions in 40 CFR 60.2875.
- (m) Reporting formats and date changes in 40 CFR 60.2795 and 60.2800.
- (n) Air curtain incinerator requirements in 40 CFR 60.2810.
- (8) For the purposes of this rule, the terms “administrator” and “EPA” as used in 40 CFR part 60, subpart DDDD, mean the department, except in the authorities retained by the U.S. EPA in 40 CFR 60.2542.