

DEPARTMENT OF ENVIRONMENTAL QUALITY

AIR QUALITY DIVISION

AIR POLLUTION CONTROL

(By authority conferred on the director of the department of environmental quality by sections 5503 and 5512 of 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)

PART 9. EMISSION LIMITATIONS AND PROHIBITIONS - MISCELLANEOUS

R 336.1901 Air contaminant or water vapor; prohibition.

Rule 901. Notwithstanding the provisions of any other rule, a person shall not cause or permit the emission of an air contaminant or water vapor in quantities that cause, alone or in reaction with other air contaminants, either of the following:

- (a) Injurious effects to human health or safety, animal life, plant life of significant economic value, or property.
- (b) Unreasonable interference with the comfortable enjoyment of life and property.

History: 1980 AACCS; 2002 AACCS; 2015 AACCS.

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 Environmental Quality, 525 West Allegan Street, 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 and/or printed free of charge at <http://bookstore.gpo.gov>.

(a) "National Primary and Secondary Ambient Air Quality Standards," 40 C.F.R. Part 50 (2017), AQD price \$61.00/\$51.00 GPO price for Part 50 through Part 51.

(b) The following sections of "Requirements for Preparation, Adoption, and Submittal of Implementation Plans," 40 C.F.R. Part 51 (2017), AQD price \$61.00/\$51.00 GPO price for Part 50 through Part 51:

- (i) "Definitions," 40 C.F.R. §51.100.
- (ii) "Legally enforceable procedures," 40 C.F.R. §51.160.
- (iii) "Permit requirements," 40 C.F.R. §51.165.
- (iv) "Prevention of significant deterioration of air quality," 40 C.F.R. §51.166.
- (v) "Protection of Visibility," 40 C.F.R. §51.301 through §51.309.
- (vi) "Sources That Would Locate in a Designated Nonattainment Area," 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) "Prevention of Significant Deterioration of Air Quality," 40 C.F.R. §52.21 (2017); AQD price \$74.00/\$64.00 GPO price for Part 52 (52.01 through 52.1018).
- (d) "Quality Assurance Requirements for Prevention of Significant Deterioration Air Monitoring," 40 C.F.R. Part 58, Appendix B (2017); AQD price \$46.00/\$36.00 GPO price for Part 53 through Part 59.
- (e) "Standards of Performance for New Stationary Sources," 40 C.F.R. Part 60, except 40 C.F.R. Part 60, Subpart AAA, "Standards of Performance for New Residential Wood Heaters" (2017); AQD price \$74.00/\$64.00 GPO price for Part 60 (60.1 to end).
- (f) 40 C.F.R. Part 60 Appendices A, B, and F (2017); AQD price \$73.00/\$63.00 GPO price for Part 60 Appendices.
- (g) "National Emission Standards for Hazardous Air Pollutants," 40 C.F.R. Part 61 (2017); AQD price \$61.00/\$51.00 GPO price for Part 61 through Part 62.
- (h) "National Emission Standards for Hazardous Air Pollutants for Source Categories," 40 C.F.R. Part 63, Subpart A to Z (2017); AQD price \$74.00/\$64.00 GPO price.
- (i) "National Emission Standards for Hazardous Air Pollutants for Source Categories (Continued)," 40 C.F.R. Part 63, Subpart AA to DDD (2017); AQD price \$63.00/\$53.00 GPO price.
- (j) "National Emission Standards for Hazardous Air Pollutants for Source Categories (Continued)," 40 C.F.R. Part 63, Subpart EEE to PPP (2017); AQD price \$66.00/\$56.00 GPO price.
- (k) "National Emission Standards for Hazardous Air Pollutants for Source Categories (Continued)," 40 C.F.R. Part 63, Subpart QQQ to YYYY (2017); AQD price \$47.00/\$37.00 GPO price.
- (l) "National Emission Standards for Hazardous Air Pollutants for Source Categories (Continued)," 40 C.F.R. Part 63, Subpart ZZZZ to MMMMM (2017); AQD price \$50/\$40 GPO price.
- (m) "National Emission Standards for Hazardous Air Pollutants for Source Categories (Continued)," 40 C.F.R. Part 63, Subpart NNNNN to end (2017); AQD price \$50.00/\$40.00 GPO price.
- (n) "Compliance Assurance Monitoring," 40 C.F.R. Part 64 (2017); AQD price \$44.00/\$34.00 GPO price for Part 64 through Part 71.
- (o) The following sections of "State Operating Permit Programs," 40 C.F.R. Part 70 (2017); AQD price \$44.00/\$34.00 GPO price for Part 64 through Part 71:
 - (i) "Definitions," 40 C.F.R. §70.2.
 - (ii) "State program submittals and transition," 40 C.F.R. §§70.4(b)(12), (14), and (15).
 - (iii) "Permit content," 40 C.F.R. §70.6(a)(8).
 - (iv) "Re-openings for cause by EPA," 40 C.F.R. §70.7(g).
 - (v) "Transmission of information to the Administrator," 40 C.F.R. §70.8(a)(1) and (2).
 - (vi) "EPA objection," 40 C.F.R. §70.8(c).
 - (vii) "Public petitions to the Administrator," 40 C.F.R. §70.8(d).
- (p) "Permit Regulations," 40 C.F.R. Part 72 (2017); AQD price \$78.00/\$68.00 GPO price for Part 72 through Part 80.
- (q) "Sulfur Dioxide Opt-Ins," 40 C.F.R. Part 74 (2017); AQD price \$78.00/\$68.00 GPO price for Part 72 through Part 80.

(r) “Continuous Emission Monitoring,” 40 C.F.R. Part 75 (2017); AQD price \$78.00/\$68.00 GPO price for Part 72 through Part 80.

(s) “Acid Rain Nitrogen Oxides Emission Reduction Program,” 40 C.F.R. Part 76 (2017); AQD price \$78.00/\$68.00 GPO price for Part 72 through Part 80.

(t) “NOx Budget Trading Program and CAIR NOx and SO2 Trading Programs for State Implementation Plans,” 40 C.F.R. Part 96 §§96.1 through §96.88 (2017); AQD price \$76.00/\$66.00 GPO price for Part 96 through Part 99.

(u) “Federal NOx Budget Trading Program, CAIR NOx and SO2 Trading Programs, and CSAPR NOx and SO2 Trading Programs,” 40 C.F.R. Part 97 (2017); AQD price \$76.00/\$66.00 GPO price for Part 96 through 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 Environmental Quality, 525 West Allegan Street, Lansing, MI 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 website, www.epa.gov, 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: NOx 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,” EPA-450/AP-425-ED, 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 Environmental Quality, 525 West Allegan Street, Lansing, MI 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 F.R. 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 Environmental Quality, 525 West Allegan Street, 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, at a cost as of the time of adoption of these rules (ASTM price):

(a) Standard Test Method for Distillation of Petroleum Products at Atmospheric Pressure, ASTM method D86, 2012; AQD price \$74.00/\$64.00 ASTM price.

(b) Standard Test Method for Pour Point of Petroleum Products, ASTM D97, 2015; AQD price \$54.00/\$44.00 ASTM price.

(c) Standard Test Method for Vapor Pressure of Petroleum Products, ASTM D323, 2015; AQD price \$60.00/\$50.00 ASTM price.

(d) Standard Specification for Fuel Oils, ASTM D396, 2015; AQD price \$60.00/\$50.00 ASTM price.

(e) Standard Test Method for Distillation of Cutback Asphaltic (Bituminous) Products, ASTM D402, 2008; AQD price \$62.80/\$52.80 ASTM price.

(f) Standard Specification for Aviation Gasolines, ASTM D910, 2015; AQD price \$54.00/\$44.00 ASTM price.

(g) Standard Specification for Diesel Fuel Oils, ASTM D975, 2015; AQD price \$74.00/\$64.00 ASTM price.

(h) Standard Specification for Aviation Turbine Fuels, ASTM D1655, 2015; AQD price \$60.00/\$50.00 ASTM price.

(i) Standard Specification for Gas Turbine Fuel Oils, ASTM D2880, 2015; AQD price \$54.00/\$44.00 ASTM price.

(j) Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels, ASTM D6751, 2015; AQD price \$54.00/\$44.00 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, 2002; AQD price \$70.00/\$60.00 ASTM price.

(l) Standard Test Method for Distillation of Emulsified Asphalt, ASTM D6997, 2012; AQD price \$49.00/\$39.00 ASTM price.

(m) Standard Specification for Diesel Fuel Oil, Biodiesel Blend (B6 to B20), ASTM D7467, 2015; AQD price \$74.00/\$64.00 ASTM price.

(n) Standard Practices for General Techniques of Infrared Quantitative Analysis, ASTM E168, 2006; AQD price \$70.00/\$60.00 ASTM price.

(o) Standard Practices for General Techniques of Ultraviolet-Visible Quantitative Analysis, ASTM E169, 2014; AQD price \$54.00/\$44.00 ASTM price.

(p) Standard Practice for Packed Column Gas Chromatography, ASTM E260, 2011; AQD price \$60.00/\$50.00 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 Environmental Quality, 525 West Allegan Street, 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/products>, at a cost as of the time of adoption of these rules (AASHTO price):

(a) Standard Method of Test for Emulsified Asphalts, AASHTO T59, 2013; AQD price \$86.00/\$76.00 AASHTO price.

(b) Standard Method of Test for Cutback Asphalt Products, AASHTO T78, 2005; AQD price \$60.00/\$50.00 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 Environmental Quality, 525 West Allegan Street, 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 National Technical Information Service, U.S. Department of Commerce, 5301 Shawnee Road,

Alexandria, Virginia, 22312 (NTIS price), or from their website <http://ntrl.ntis.gov/NTRL/> for free:

(a) PB95-196028, "Compilation of Air Pollution Emission Factors. Volume 1. Stationary Point and Area Sources," (1995); AQD price \$290.00/NTIS price \$41.00.

(b) PB94-183522, "Alternative Control Techniques Document: NOx Emissions from Cement Manufacturing," (1994); AQD price \$148.00/NTIS price \$35.00.

(c) PB203-060, "Construction Details of Isokinetic Source Sampling Equipment," (1971); AQD price \$46.00/NTIS price \$26.00.

(d) PB209-022, "Maintenance, Calibration, and Operation of Isokinetic Source-Sampling Equipment," (1972); AQD price \$52.00/NTIS price \$20.00.

(7) "TLVs and BEIs. Threshold Limit Values for Chemical Substances and Physical Agents, and Biological Exposure Indices," 2014 is adopted by reference in these rules. A copy is available for inspection and purchase at the Air Quality Division, Department of Environmental Quality, 525 West Allegan Street, Lansing, MI 48909-7760, at a cost as of the time of adoption of these rules of \$69.95. 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, at a cost as of the time of adoption of these rules of \$49.95.

(8) "NIOSH Pocket Guide to Chemical Hazards," 2010, 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 Environmental Quality, 525 West Allegan Street, Lansing, MI 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/, for free as of the time of adoption of these rules.

(9) "American Petroleum Institute Manual of Petroleum Measurement Standards Chapter 19.2," 1997, is adopted by reference in these rules. A copy is available for inspection and purchase at the Air Quality Division, Department of Environmental Quality, 525 West Allegan Street, Lansing, MI 48909-7760, at a cost as of the time of adoption of these rules of \$139.00. A copy may also be obtained from American Petroleum Institute, Techstreet, 3916 Ranchero Drive, Ann Arbor, MI 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 \$129.00.

(10) "OTC Model Rule for Consumer Products," except section 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 Environmental Quality, 525 West Allegan Street, Lansing, MI 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, www.otcair.org, for free as of the time of adoption of these rules.

History: 2008 AACCS; 2013 AACCS; 2015 AACCS; 2016 AACCS; 2019 AACCS.

Editor's Note: An obvious error in R 336.1902 was corrected at the request of the promulgating agency, pursuant to Section 56 of 1969 PA 306, as amended by 2000 PA 262, MCL 24.256. The rule containing the error was published in *Michigan Register*, 2019 MR 1. The memorandum requesting the correction was published in *Michigan Register*, 2019 MR 1.

R 336.1906 Diluting and concealing emissions.

Rule 906. Unless prior written approval is obtained from the department, a person shall not build, erect, install, or use any article, machine, equipment, or other contrivance if the sole purpose of the article, machine, equipment, or other contrivance is to dilute or conceal an emission without resulting in a reduction in the total release of air contaminants into the atmosphere. This rule does not apply to the control of odors.

History: 1980 AACCS; 2002 AACCS; 2015 AACCS.

R 336.1910 Air-cleaning devices.

Rule 910. An air-cleaning device shall be installed, maintained, and operated in a satisfactory manner and in accordance with these rules and existing law.

History: 1980 AACCS.

R 336.1911 Malfunction abatement plans.

Rule 911. (1) Upon request of the department, a person responsible for the operation of a source of an air contaminant shall prepare a malfunction abatement plan to prevent, detect, and correct malfunctions or equipment failures resulting in emissions exceeding any applicable emission limitation.

(2) A malfunction abatement plan required by subrule (1) of this rule shall be in writing and shall, at a minimum, specify all of the following:

(a) A complete preventative maintenance program, including identification of the supervisory personnel responsible for overseeing the inspection, maintenance, and repair of air-cleaning devices, a description of the items or conditions that shall be inspected, the frequency of the inspections or repairs, and an identification of the major replacement parts that shall be maintained in inventory for quick replacement.

(b) An identification of the source and air-cleaning device operating variables that shall be monitored to detect a malfunction or failure, the normal operating range of these variables, and a description of the method of monitoring or surveillance procedures.

(c) A description of the corrective procedures or operational changes that shall be taken in the event of a malfunction or failure to achieve compliance with the applicable emission limits.

(3) A malfunction abatement plan required by subrule (1) of this rule shall be submitted to the department and shall be subject to review and approval by the department. If, in the opinion of the department, the plan does not adequately carry out the objectives as set forth in subrules (1) and (2) of this rule, then the department may disapprove the plan, state its reasons for disapproval, and order the preparation of an amended plan within the time period specified in the order. If, within the time period specified in the order, an amended plan is submitted which, in the opinion of the department, fails to meet the objective, then the department, on its own initiative, may amend the plan to cause it to meet the objective.

(4) Within 180 days after the department approves a malfunction abatement plan, a person responsible for the preparation of a malfunction abatement plan shall implement the malfunction abatement plan required by subrule (1) of this rule.

R 336.1912 Abnormal conditions, start-up, shutdown, and malfunction of a source, process, or process equipment, operating, notification, and reporting requirements.

Rule 912. (1) The owner or operator of a source, process, or process equipment shall, to the extent reasonably possible, operate a source, process, or process equipment in a manner consistent with good air pollution control practices for minimizing emissions during periods of abnormal conditions, start-up, shutdown, and malfunctions. A source, process, or process equipment that complies with all applicable emission standards and limitations during periods of abnormal conditions, start-up, shutdown, and malfunction shall be presumed to have been operated in a manner consistent with good air pollution control practices for minimizing emissions.

(2) The owner or operator of a source, process, or process equipment shall provide notice of an abnormal condition, start-up, shutdown, or a malfunction that results in emissions of a hazardous air pollutant which continue for more than 1 hour in excess of any applicable standard or limitation established by the clean air act or the emissions of a toxic air contaminant which continue for more than 1 hour in excess of an emission standard established by a rule promulgated under the air pollution act or an emission limitation specified in a permit issued or order entered under the air pollution act.

(3) The owner or operator of a source, process, or process equipment shall provide notice and a written report of an abnormal condition, start-up, shutdown, or a malfunction that results in emissions of any air contaminant continuing for more than 2 hours in excess of a standard or limitation established by any applicable requirement.

(4) The notices required by this rule shall be provided to the department as soon as reasonably possible, but not later than 2 business days after the start-up or shutdown or after discovery of the abnormal conditions or malfunction. Notice shall be by any reasonable means, including electronic, telephonic, or oral communication.

(5) The written reports required under this rule shall be submitted within 10 days after the start-up or shutdown occurred, within 10 days after the abnormal conditions or malfunction has been corrected, or within 30 days of discovery of the abnormal conditions or malfunction, whichever is first. The written reports shall include all of the following information:

(a) The time and date, the probable causes or reasons for, and the duration of the abnormal conditions, start-up, shutdown, or malfunction.

(b) An identification of the source, process, or process equipment that experienced abnormal conditions, was started up or shut down, or which malfunctioned and all other affected process or process equipment that have emissions in excess of an applicable requirement, including a description of the type and, where known or where it is reasonably possible to estimate, the quantity or magnitude of emissions in excess of applicable requirements.

(c) Information describing the measures taken and air pollution control practices followed to minimize emissions.

(d) For abnormal conditions and malfunctions, the report shall also include a summary of the actions taken to correct and to prevent a reoccurrence of the abnormal conditions or malfunction and the time taken to correct the malfunction.

(6) Actions taken to correct and to prevent a reoccurrence of an abnormal condition or a malfunction shall become a part of any preventative maintenance and malfunction abatement plan required by R 336.1911.

(7) The truth, accuracy, and completeness of the written reports required under this rule for a stationary source subject to the requirements of R 336.1210 shall be certified by a responsible official in a manner consistent with the clean air act.

History: 1980 AACS; 1995 AACS; 2015 AACS.

R 336.1913 Rescinded.

History: 1995 AACS; 2001 AACS.

R 336.1914 Rescinded.

History: 1995 AACS; 2001 AACS.

R 336.1915 Enforcement discretion in instances of excess emissions resulting from malfunction, start-up, or shutdown.

Rule 915. (1) In determining whether the department will pursue enforcement against a person, the department shall consider evidence that the emission violations resulted from a malfunction, start-up, or shutdown.

(2) If the department determines that the emission violations resulted from a malfunction, start-up, or shutdown, then the department may use enforcement discretion when resolving the emission violations based upon subrules (3) and (4) of this rule, as applicable.

(3) A person may submit evidence to the department for its consideration in determining that the emission violations resulted from a malfunction. The evidence shall demonstrate all of the following, as applicable:

(a) The excess emissions were a result of a sudden and unavoidable breakdown of process or control equipment, beyond the reasonable control of the person.

(b) The air pollution control equipment, process equipment, and processes were maintained and operated in a manner consistent with good practice for minimizing emissions, to the maximum extent practicable.

(c) The excess emissions caused by a bypass (an intentional diversion of control equipment) were unavoidable to prevent loss of life, personal injury, or severe property damage.

(d) Repairs were made in an expeditious fashion when the person knew or should have known that applicable emission limitations were being exceeded. To the extent practicable, off-shift labor and overtime shall have been utilized to ensure that the repairs were made expeditiously.

(e) The amount and duration of excess emissions, including any bypass, were minimized to the maximum extent practicable during periods of the emissions.

(f) All reasonably possible steps were taken to minimize the impact of the excess emissions on ambient air quality.

(g) The excess emissions resulting from the malfunction were not part of a recurring pattern indicative of inadequate design, operation, or maintenance.

(h) The malfunction was an infrequent event and was not reasonably preventable.

(i) All emission monitoring systems were kept in operation if at all possible.

(j) The person responsible for operating the source of air contaminants has a malfunction abatement plan, consistent with the requirements set forth in R 336.1911(2) and with both of the following provisions:

(i) Any malfunction abatement plan developed in accordance with R 336.1911(2) shall be maintained onsite and available for inspection, upon request, by the department for the life of the emission unit or units. The department may require that the person responsible for the malfunction abatement plan make revisions to the plan. The person shall revise the malfunction abatement plan within 45 days after a request by the department. The revised malfunction abatement plan shall be developed in accordance with R 336.1911(2).

(ii) If the malfunction abatement plan fails to address or inadequately addresses an event that meets the characteristics of a malfunction at the time the plan is initially developed, then the person shall revise the malfunction abatement plan within 45 days after the event occurs. The revised malfunction abatement plan shall be developed in accordance with R 336.1911(2).

(k) The excess emissions presenting an imminent threat to human health, safety, or the environment were reported to the department as soon as possible. Unless otherwise specified in the facility's permit, other excess emissions were reported as provided in R 336.1912. If requested by the department, a person shall submit a full written report that includes the known causes, the corrective actions taken, and the preventive measures to be taken to minimize or eliminate the chance of recurrence.

(l) The actions during the period of excess emissions were documented by contemporaneous operating logs or other relevant evidence as provided by R 336.1912.

(m) Any information submitted to the department under this subrule shall be properly certified in accordance with the provisions of R 336.1912.

(4) A person may submit evidence to the department for its consideration in determining that the emission violations resulted from a start-up or shutdown. The evidence shall be based upon subrules (3)(b), (c), (e), (f), (i), (k), (l), and (m) of this rule; subdivisions (a), (b), (c) of this subrule; and R 336.1912, as applicable.

(a) The periods of excess emissions that occurred during start-up or shutdown were short and infrequent and could not have been prevented through careful planning and design.

(b) The excess emissions that occurred during start-up or shutdown were not part of a recurring pattern indicative of inadequate design, operation, or maintenance.

(c) The person responsible for operating the source of air contaminants has a preventative maintenance plan, consistent with the requirements set forth in R 336.1911(2)(a).

(5) For an emission unit or units subject to standards and limitations promulgated pursuant to section 111 or 112 of the clean air act, the start-up, shutdown, or malfunction provisions of the applicable requirements within section 111 or 112 shall apply.

(6) Nothing in this rule shall be construed to limit the authority of the department to seek injunctive relief or to enforce the provisions of the act and the regulations promulgated under the act.

R 336.1916 Affirmative defense for excess emissions during start-up or shutdown for violations of R 336.1224 to R 336.1228 and R 336.1901.

Rule 916. (1) The person operating a source with emissions in excess of an applicable emission limitation due to start-up or shutdown may claim an affirmative defense to an enforcement proceeding for violations of R 336.1224 to R 336.1228 and R 336.1901, excluding a judicial action seeking injunctive relief, if the person has complied with the reporting requirements of R 336.1912 and has demonstrated all of the following:

(a) The periods of excess emissions that occurred during start-up or shutdown were short and infrequent and could not have been prevented through careful planning and design.

(b) The excess emissions that occurred during start-up or shutdown were not part of a recurring pattern indicative of inadequate design, operation, or maintenance.

(c) The excess emissions caused by a bypass (an intentional diversion of control equipment) were unavoidable to prevent loss of life, personal injury, or severe property damage.

(d) The facility was operated at all times in a manner consistent with good practice for minimizing emissions.

(e) The frequency and duration of operating in start-up or shutdown mode were minimized to the maximum extent practicable.

(f) All reasonably possible steps were taken to minimize the impact of the excess emissions on ambient air quality.

(g) All emission monitoring systems were kept in operation if at all possible.

(h) The actions during the period of excess emissions were documented by contemporaneous operating logs or other relevant evidence as provided by R 336.1912.

(i) Excess emissions presenting an imminent threat to human health, safety, or the environment were reported to the department as soon as possible.

(j) Unless otherwise specified in the facility's permit, other excess emissions were reported as provided in R 336.1912. If requested by the department, a person shall submit a full written report that includes the known causes, the corrective actions taken, and the preventive measures to be taken to minimize or eliminate the chance of recurrence.

(k) Any information submitted to the department under this subrule shall be properly certified in accordance with the provisions of R 336.1912.

(2) This affirmative defense does not apply when a single emission unit, or multiple emission units at a stationary source, causes an exceedance of the national ambient air quality standards or any applicable prevention of significant deterioration increment.

(3) If the proximate cause of the excess emissions which occurred during routine start-up or shutdown periods was due to a malfunction, then, absent any intervening acts or superseding causes, the instances shall be treated as malfunctions in accordance with R 336.1915.

(4) Nothing in this rule shall be construed to limit the authority of the department to seek injunctive relief or to enforce the provisions of the act and the regulations promulgated under the act.

History: 2002 AACCS; 2016 AACCS.

R 336.1930 Emission of carbon monoxide from ferrous cupola operations.

Rule 930. (1) It is unlawful for a person to operate a ferrous cupola that has a melting capacity of 20 or more tons per hour located within any area listed in Table 91, unless the ferrous cupola is equipped with an afterburner control system, or equivalent, which reduces the carbon monoxide emissions from the ferrous cupola by 90%.

(2) The emission rate of carbon monoxide from a ferrous cupola shall be determined by using 40 C.F.R. Part 60, Appendix A, reference test method 10, adopted by reference in R 336.1902, unless otherwise specified by the department.

TABLE 91
Areas Subject to R 336.1930

County	Area
Wayne	T01S, R09E to R12E T02S, R09E to R11E T03S, R09E to R10E

History: 1995 AACS; 2001 AACS; 2015 AACS; 2016 AACS.

R 336.1931 Rescinded.

History: 1999 AACS; 2002 AACS; 2015 AACS.

R 336.1932 Rescinded.

History: 1999 AACS; 2002 AACS; 2015 AACS.

R 336.1933 Rescinded.

History: 2000 AACS; 2013 AACS.

R 336.1940 Ethylene Oxide Emissions Standards for Sterilization Facilities.

Rule 940. (1) The provisions of 40 C.F.R. Part 63, Subpart O, are adopted by reference in R 336.1902. A person responsible for the operation of a facility subject to the provisions of "Ethylene Oxide Emissions Standards for Sterilization Facilities," 40 C.F.R. Part 63, Subpart O, shall comply with those provisions.

(2) For the purpose of this rule, the terms "administrator" and "EPA" as used in 40 C.F.R. Part 63, Subpart O mean the department.

History: 2000 AACS; 2008 AACS; 2015 AACS.

R 336.1941 Emission standards for chromium emissions from hard and decorative chromium electroplating and chromium anodizing tanks.

Rule 941. (1) The provisions of 40 C.F.R. Part 63, subpart N, are adopted by reference in R 336.1902. A person responsible for the operation of a facility that is subject to the provisions of "National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks," 40 C.F.R. Part 63, Subpart N, shall comply with those provisions.

(2) For the purpose of this rule, the terms "administrator" and "EPA" as used in 40 C.F.R. Part 63, Subpart N mean the department.

History: 2000 AACCS; 2008 AACCS; 2015 AACCS.

R 336.1942 Emission standards for asbestos.

Rule 942. (1) The provisions of 40 C.F.R. Part 61, Subpart M, are adopted by reference in R 336.1902. A person that is subject to the provisions of "National Emission Standards for Asbestos," 40 C.F.R. Part 61, Subpart M, shall comply with those provisions.

(2) For the purpose of this rule, the terms "administrator" and "EPA" as used in 40 C.F.R. Part 61, Subpart M mean the department.

History: 2000 AACCS; 2008 AACCS; 2015 AACCS.

R 336.1943 General provisions for emission standard.

Rule 943. (1) The provisions of 40 C.F.R. Part 63, Subpart A, are adopted by reference in R 336.1902. The owner or operator of a facility subject to the provisions of "General Provisions," 40 C.F.R. Part 63, Subpart A, shall comply with those provisions.

(2) For purposes of this rule, the terms "administrator" and "EPA" as used in 40 C.F.R. Part 63, Subpart A mean the department.

History: 2008 AACCS; 2015 AACCS.

R 336.1944 Emission standards for Portland cement manufacturing.

Rule 944. (1) The provisions of 40 C.F.R. Part 63, Subpart LLL, are adopted by reference in R 336.1902. The owner or operator of a facility subject to the provisions of "National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry," 40 C.F.R. Part 63, Subpart LLL, shall comply with those provisions.

(2) For purposes of this rule, the terms "administrator" and "EPA" as used in 40 C.F.R. Part 63, Subpart LLL mean the department.

History: 2008 AACCS; 2015 AACCS.

R 336.1945 Emission standards for publicly owned treatment works.

Rule 945. (1) The provisions of 40 C.F.R. Part 63, Subpart VVV, are adopted by reference in R 336.1902. The owner or operator of a facility subject to the provisions of

"National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works," 40 C.F.R. Part 63, Subpart VVV, shall comply with those provisions.

(2) For purposes of this rule, the terms "administrator" and "EPA" as used in 40 C.F.R. Part 63, Subpart VVV mean the department.

History: 2008 AACS; 2015 AACS.

R 336.1946 Emission standards for secondary aluminum production.

Rule 946. (1) The provisions of 40 C.F.R. Part 63, Subpart RRR, are adopted by reference in R 336.1902. The owner or operator of a facility subject to the provisions of "National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production," 40 C.F.R. Part 63, Subpart RRR, shall comply with those provisions.

(2) For purposes of this rule, the terms "administrator" and "EPA" as used in 40 C.F.R. Part 63, Subpart RRR mean the department.

History: 2008 AACS; 2015 AACS.

R 336.1947 Emission standards for site remediation.

Rule 947. (1) The provisions of 40 C.F.R. Part 63, Subpart GGGGG, are adopted by reference in R 336.1902. The owner or operator of a facility subject to the provisions of "National Emission Standards for Hazardous Air Pollutants: Site Remediation," 40 C.F.R. Part 63, Subpart GGGGG, shall comply with those provisions.

(2) For purposes of this rule, the terms "administrator" and "EPA" as used in 40 C.F.R. Part 63, Subpart GGGGG mean the department.

History: 2008 AACS; 2015 AACS.

R 336.1948 Emission standards for area sources: electric arc furnace steelmaking facilities.

Rule 948. (1) The provisions of 40 C.F.R. Part 63, Subpart YYYYY, are adopted by reference in R 336.1902. The owner or operator of a facility subject to the provisions of "National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities," 40 C.F.R. Part 63, Subpart YYYYY, shall comply with those provisions.

(2) For purposes of this rule, the terms "administrator" and "EPA" as used in 40 C.F.R. Part 63, Subpart YYYYY mean the department.

History: 2013 AACS; 2015 AACS.

R 336.1949 Emissions standards for iron and steel foundry area sources.

Rule 949. (1) The provisions of 40 C.F.R. Part 63, Subpart ZZZZZ, are adopted by reference in R 336.1902. The owner or operator of a facility subject to the provisions of "National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources," 40 C.F.R. Part 63, Subpart ZZZZZ, shall comply with those provisions.

(2) For purposes of this rule, the terms "administrator" and "EPA" as used in 40 C.F.R. Part 63, Subpart ZZZZZ mean the department.

History: 2013 AACS; 2015 AACS.

R 336.1950 Emissions standards for aluminum, copper, and other nonferrous foundry area sources.

Rule 950. (1) The provisions of 40 C.F.R. Part 63, Subpart ZZZZZZ, are adopted by reference in R 336.1902. The owner or operator of a facility subject to the provisions of "National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries," 40 C.F.R. Part 63, Subpart ZZZZZZ, shall comply with those provisions.

(2) For purposes of this rule, the terms "administrator" and "EPA" as used in 40 C.F.R. Part 63, Subpart ZZZZZZ mean the department.

History: 2013 AACS; 2015 AACS.

R 336.1951 Emissions standards for secondary lead smelting.

Rule 951. (1) The provisions of 40 C.F.R. Part 63, Subpart X, are adopted by reference in R 336.1902. The owner or operator of a facility subject to the provisions of "National Emissions Standards for Hazardous Air Pollutants from Secondary Lead Smelting," 40 C.F.R. Part 63, Subpart X, shall comply with those provisions.

(2) For purposes of this rule, the terms "administrator" and "EPA" as used in 40 C.F.R. Part 63, Subpart X mean the department.

History: 2015 AACS.

R 336.1952 Emissions standards for hazardous waste combustors.

Rule 952. (1) The provisions of 40 C.F.R. Part 63, Subpart EEE, are adopted by reference in R 336.1902. The owner or operator of a facility subject to the provisions of "National Emissions Standards for Hazardous Air Pollutants from Hazardous Waste Combustors," 40 C.F.R. Part 63, Subpart EEE, shall comply with those provisions.

(2) For purposes of this rule, the terms "administrator" and "EPA" as used in 40 C.F.R. Part 63, Subpart EEE mean the department.

History: 2015 AACS.

R 336.1953 Emissions standards for mercury cell chlor-alkali plants.

Rule 953. (1) The provisions of 40 C.F.R. Part 63, Subpart IIII, are adopted by reference in R 336.1902. The owner or operator of a facility subject to the provisions of "National Emissions Standards for Hazardous Air Pollutants: Mercury Emissions from Mercury Cell Chlor-Alkali Plants," 40 C.F.R. Part 63, Subpart IIII, shall comply with those provisions.

(2) For purposes of this rule, the terms "administrator" and "EPA" as used in 40 C.F.R. Part 63, Subpart IIIII mean the department.

History: 2015 AACS.

R 336.1954 Emissions standards for primary copper smelting area sources.

Rule 954. (1) The provisions of 40 C.F.R. Part 63, Subpart EEEEEEE, are adopted by reference in R 336.1902. The owner or operator of a facility subject to the provisions of "National Emissions Standards for Hazardous Air Pollutants for Primary Copper Smelting Area Sources," 40 C.F.R. Part 63, Subpart EEEEEEE, shall comply with those provisions.

(2) For purposes of this rule, the terms "administrator" and "EPA" as used in 40 C.F.R. Part 63, Subpart EEEEEEE mean the department.

History: 2015 AACS.

R 336.1955 Emissions standards for secondary copper smelting area sources.

Rule 955. (1) The provisions of 40 C.F.R. Part 63, Subpart FFFFFFF, are adopted by reference in R 336.1902. The owner or operator of a facility subject to the provisions of "National Emissions Standards for Hazardous Air Pollutants for Secondary Copper Smelting Area Sources," 40 C.F.R. Part 63, Subpart FFFFFFF, shall comply with those provisions.

(2) For purposes of this rule, the terms "administrator" and "EPA" as used in 40 C.F.R. Part 63, Subpart FFFFFFF mean the department.

History: 2015 AACS.

R 336.1956 Emissions standards for primary nonferrous metals area sources – zinc, cadmium, and beryllium.

Rule 956. (1) The provisions of 40 C.F.R. Part 63, Subpart GGGGGG, are adopted by reference in R 336.1902. The owner or operator of a facility subject to the provisions of "National Emissions Standards for Hazardous Air Pollutants for Primary Nonferrous Metals Area Sources – Zinc, Cadmium, and Beryllium," 40 C.F.R. Part 63, Subpart GGGGGG, shall comply with those provisions.

(2) For purposes of this rule, the terms "administrator" and "EPA" as used in 40 C.F.R. Part 63, Subpart GGGGGG mean the department.

History: 2015 AACS.

R 336.1957 Emissions standards for carbon black production area sources.

Rule 957. (1) The provisions of 40 C.F.R. Part 63, Subpart MMMMMM, are adopted by reference in R 336.1902. The owner or operator of a facility subject to the provisions of "National Emissions Standards for Hazardous Air Pollutants for Carbon Black Production Area Sources," 40 C.F.R. Part 63, Subpart MMMMMM, shall comply with those provisions.

(2) For purposes of this rule, the terms "administrator" and "EPA" as used in 40 C.F.R. Part 63, Subpart MMMMMM mean the department.

History: 2015 AACS.

R 336.1958 Emissions standards for chemical manufacturing area sources for chromium compounds.

Rule 958. (1) The provisions of 40 C.F.R. Part 63, Subpart NNNNNN, are adopted by reference in R 336.1902. The owner or operator of a facility subject to the provisions of "National Emissions Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources: Chromium Compounds," 40 C.F.R. Part 63, Subpart NNNNNN, shall comply with those provisions.

(2) For purposes of this rule, the terms "administrator" and "EPA" as used in 40 C.F.R. Part 63, Subpart NNNNNN mean the department.

History: 2015 AACS.

R 336.1959 Emissions standards for glass manufacturing area sources.

Rule 959. (1) The provisions of 40 C.F.R. Part 63, Subpart SSSSSS, are adopted by reference in R 336.1902. The owner or operator of a facility subject to the provisions of "National Emissions Standards for Hazardous Air Pollutants for Glass Manufacturing Area Sources," 40 C.F.R. Part 63, Subpart SSSSSS, shall comply with those provisions.

(2) For purposes of this rule, the terms "administrator" and "EPA" as used in 40 C.F.R. Part 63, Subpart SSSSSS mean the department.

History: 2015 AACS.

R 336.1960 Emissions standards for chemical manufacturing area sources.

Rule 960. (1) The provisions of 40 C.F.R. Part 63, Subpart VVVVVV, are adopted by reference in R 336.1902. The owner or operator of a facility subject to the provisions of "National Emissions Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources," 40 C.F.R. Part 63, Subpart VVVVVV, shall comply with those provisions.

(2) For purposes of this rule, the terms "administrator" and "EPA" as used in 40 C.F.R. Part 63, Subpart VVVVVV mean the department.

History: 2015 AACS.

R 336.1970 Rescinded.

History: 2008 AACS; 2015 AACS.

R 336.1971 Best available retrofit technology or BART program.

Rule 971. (1) The department shall determine applicability of best available retrofit technology based on the provisions of 40 C.F.R. §51.301 and Appendix Y to Part 51, adopted by reference in R 336.1902.

(2) The owner or operator of a unit subject to BART must perform an engineering analysis as described in the provisions of 40 C.F.R. §51.301 and Appendix Y to Part 51 and must provide the results of the analysis to the department within 60 days of the effective date of this rule.

(3) If an electric generating unit (EGU) subject to BART is subject to the trading programs of the Clean Air Interstate Rule under 40 C.F.R. Part 97, the owner or operator of the EGU is not required to conduct a BART analysis for sulfur dioxide and oxides of nitrogen emissions under this rule.

(4) An engineering analysis required by subrule (2) of this rule must be submitted to the department and is subject to review and approval by the department. If the department determines additional information is required, the department shall provide to the owner or operator additional information requests and comments in writing. The owner or operator shall provide the requested information within 60 days from receipt of written requests and comments from the department. The department may determine that more than 60 days will be allowed.

(5) The department shall determine the BART level of control for each unit subject to BART based on the engineering analysis referenced in subrule (2) of this rule, the provisions of 40 C.F.R. §51.301 and Appendix Y to Part 51, and other information which the department determines to be relevant.

(6) The owner or operator of a unit subject to BART shall enter into a permit to install or consent order with the department to make the BART provisions legally enforceable within 90 days of the department's approval of the engineering analysis, unless the department determines that more than 90 days will be allowed. BART controls must be in place and operating not later than 1 year from an approved engineering analysis.

(7) An owner or operator subject to this rule shall measure oxides of nitrogen and sulfur dioxide emissions with 1 or more of the following:

(a) A continuous emission monitoring system.

(b) An alternate method as described in 40 C.F.R. Part 60 or 75, adopted by reference in R 336.1902, as applicable and acceptable to the department.

(c) A method currently in use or a future method developed for use and acceptable to the department, including methods contained in existing permit conditions.

(8) An owner or operator of an emission unit that measures oxides of nitrogen or sulfur dioxide emissions by a continuous emission monitoring system shall do either of the following:

(a) Use procedures set forth in 40 C.F.R. Part 60, Subpart A and appendix B, and comply with the quality assurance procedures in appendix F, adopted by reference in R 336.1902, as applicable and acceptable to the department.

(b) Use procedures set forth in 40 C.F.R. Part 75, and associated appendices, adopted by reference in R 336.1902, as applicable and acceptable to the department.

(9) An owner or operator of an emission unit who uses a continuous emission monitoring system to demonstrate compliance with this rule and who has already installed a continuous emission monitoring system for oxides of nitrogen or sulfur dioxide pursuant to other applicable federal, state, or local rules shall meet the installation, testing, operation, quality assurance, and reporting requirements specified by the department.

(10) An owner or operator of an emission unit that is subject to this rule and has a permit or consent order issued under subrule (6) of this rule must submit at a minimum semi-annual summary reports, in an acceptable format, to the department by March 15 for the reporting period July 1 to December 31 and September 15 for the reporting period January 1 to June 30 of each calendar year. The reports must include all of the following information:

(a) The date, time, magnitude of emissions, and emission rates where applicable, of the specified emission unit or utility system.

(b) If emissions or emission rates exceed the emissions or emission rates allowed by the applicable emission limit, the cause, if known, and any corrective action taken.

(c) The total operating time of the emission unit during the time period.

(d) For continuous emission monitoring systems, system performance information must include the date and time of each period during which the continuous monitoring system was inoperative, except for zero and span checks, and the nature of the system repairs or adjustments. When the continuous monitoring system has not been inoperative, repaired, or adjusted, the information must be stated in the report.

(11) Quarterly summary reports, if required by the department pursuant to R 336.1213, must be submitted within 30 days following the end of the calendar quarter and may be used in place of the semi-annual reports required pursuant to subrule (10) of this rule.

History: 2008 AACCS; 2015 AACCS; 2019 AACCS.

R 336.1972 Emissions standards for existing sewage sludge incineration units.

Rule 972. (1) Except as provided in subdivisions (c) to (e) of this subrule, by March 21, 2016, each sewage sludge incineration (SSI) unit for which construction was commenced on or before October 14, 2010, defined under “Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units,” 40 C.F.R. §60.5250, shall achieve final compliance with the requirements of this rule. Final compliance means all process changes and control devices, as specified in the final control plan, are completed and operating as designed and the department receives notification of compliance, including a signature of the owner or operator of the unit.

(a) The SSI unit remains subject to the requirements and deadlines of this rule if any of the following apply:

(i) The owner or operator of a SSI unit makes physical or operation changes to the unit primarily to comply with this rule and the unit commenced construction on or before September 21, 2011.

(ii) The SSI unit closes and restarts prior to March 21, 2016.

(b) If the SSI unit closes and restarts after March 21, 2016, then the owner or operator of the unit shall meet the emission limits, emission standards, and operating limits in this rule on the date the unit restarts operations.

(c) A combustion unit that incinerates sewage sludge and is not located at a wastewater treatment facility designed to treat domestic sewage sludge is exempt from this rule upon notification to the department.

(d) If the owner or operator of a SSI unit makes changes that meet the definition of modification under 40 C.F.R. §60.5250 after September 21, 2011, the unit is subject to “Standards of Performance for New Sewage Sludge Incineration Units,” 40 C.F.R. Part 60, Subpart LLLL. Such unit is exempt from this rule upon notification to the department.

(e) If an owner or operator chooses to cease operation of the SSI unit rather than comply with this rule, a closure notification shall be submitted to the department by March 21, 2015.

(2) The owner or operator of a SSI unit that has not submitted a closure or exemption notification to the department shall submit an application for a renewable operating permit and, by March 21, 2015, shall submit a final control plan meeting the requirements of 40 C.F.R. §60.5110 that is signed by the owner or operator of the unit.

(3) By March 21, 2016, each SSI unit shall comply with the following provisions of "Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units," 40 C.F.R. Part 60, Subpart Mmmm, adopted by reference in R 336.1902:

(a) "Increments of Progress," 40 C.F.R. §60.5110.

(b) "Operator Training and Qualifications," 40 C.F.R. §§60.5130 to 60.5160.

(c) "Emission Limits, Emission Standards, and Operating Limits and Requirements," 40 C.F.R. §§60.5165 to 60.5180.

(d) "Initial Compliance Requirements," 40 C.F.R. §§60.5185 to 60.5200.

(e) "Continuous Compliance Requirements," 40 C.F.R. §§60.5205 to 60.5215.

(f) "Performance Testing, Monitoring, and Calibration Requirements," 40 C.F.R. §§60.5220 to 60.5225.

(g) "Recordkeeping and Reporting," 40 C.F.R. §§60.5230 to 60.5235.

(h) "Title V Operating Permits," 40 C.F.R. §§60.5240 to 60.5245.

(i) "Definitions," 40 C.F.R. §60.5250.

(j) Tables 2 to 6.

(4) For purposes of this rule the term "administrator" as used in 40 C.F.R. Part 60, Subpart Mmmm means the department.

History: 2015 AACs.

R 336.1973 Standards for existing large municipal waste combustors.

Rule 973 (1) This rule applies to all existing large municipal waste combustors (LMWC) and air curtain incinerators that have a combustion capacity greater than 250 tons per day of municipal solid waste, commenced construction by September 20, 1994.

(2) LMWCs defined under 40 C.F.R. §60.32b(b), (d) to (i), and (l) to (n), adopted by reference in R 336.1902, are exempt from this rule if the owner or operator notifies the department that the LMWC qualifies for the exemption and any applicable requirements listed in 40 C.F.R. §60.32b are followed.

(3) A LMWC remains subject to this rule if any physical or operational changes are made primarily for the purpose of complying with this rule. Those changes cannot be considered in determining modification or reconstruction under 40 C.F.R. Part 60, subparts Ea or Eb.

(4) Owners and operators of LMWCs shall submit documentation to the department, within 90 days of state plan approval, that the unit is operating under a fully trained LMWC operator required under 40 C.F.R. §60.35b, adopted by reference in R 336.1902, and that the LMWC is in compliance with the emission and operating limits in subrules (5) and (6) of this rule.

(5) Owners and operators of LMWCs shall comply with all of the following emission limits in 40 C.F.R. Part 60, Subparts Cb and Eb, adopted by reference in R 336.1902:

(a) Carbon monoxide limits in Table 3 in Subpart Cb

(b) Fugitive ash emission limits in 40 C.F.R. §60.55b

- (c) Nitrogen oxide limits in Tables 1 and 2 in Subpart Cb
- (d) Other emission limits listed in Table 973:

Table 973

Pollutant	Emission Limit
Cadmium in 40 C.F.R. §60.33b(a)(2)(i)	35 µg/dscm+
Dioxin/furan in 40 C.F.R. §60.33b(c)	IF electrostatic precipitator, then 35 ng/dscm+ (total mass) IF no electrostatic precipitator, then 30 ng/dscm+ (total mass)
Hydrogen Chloride in 40 C.F.R. §60.33b(b)(3)	29 ppm per volume OR 5% of the potential hydrogen chloride emission concentration (95% reduction by weight or volume), whichever is less stringent*
Lead in 40 C.F.R. §60.33b(a)(4)	400 µg/dscm+
Mercury in 40 C.F.R. §60.33b(a)(3)	50 µg/dscm OR 15% of the potential mercury emission concentration (85% reduction by weight), whichever is less stringent+
Opacity in 40 C.F.R. §60.33b(a)(1)(iii)	10% (6 minute average)
Particulate Matter in 40 C.F.R. §60.33b(a)(1)(i)	25 mg/dscm+
Sulfur Dioxide in 40 C.F.R. §60.33b(b)(3)	29 ppm by volume OR 25% of the potential sulfur dioxide emission concentration (75% reduction by weight or volume), whichever is less stringent*°

*Corrected to 7% oxygen, dry basis

+ Corrected to 7% oxygen

° Based on 24-hour daily geometric mean

(6) To comply with the nitrogen oxide emission limit in subrule (5) of this rule, owners or operators of a LMWC may average nitrogen oxide emissions as stated in 40 CFR §60.33b(d)(1)(i) to (v), adopted by reference in R 336.1902.

(7) Owners and operators of LMWCs shall comply with the following sections of 40 CFR Part 60, Subparts Cb and Eb, adopted by reference in R 336.1902:

(a) Definitions in 40 C.F.R. §60.31b and §60.51b.

(b) Operating practices in 40 C.F.R. §60.53b(b) and (c).

(c) Compliance and performance testing in 40 C.F.R. §60.58b, except as provided in §60.24(b)(2), and LMWC with a dioxin/furan emission level less than or equal to 15 nanograms per dry cubic meter total mass, corrected to 7 percent oxygen, may use the alternative performance testing schedule for dioxins/furans specified in 40 C.F.R. §60.58b(g)(5)(iii).

(d) Compliance dates in 40 C.F.R. §60.39b(h).

(e) Recordkeeping and reporting requirements in 40 C.F.R. §60.59b, except those in §60.59b(a), (b)(5), and (d)(11).

(f) Operator training and certification requirements listed in 40 C.F.R. §60.54b, submitted within 12 months after state plan approval according to 40 C.F.R. §60.59b(j) if applicable.

(8) For the purposes of this rule, the terms “administrator” and “EPA” as used in 40 C.F.R. Part 60 and Subparts Cb and Eb, mean the department, except in the authorities retained by the U.S. EPA in 40 C.F.R. §60.30b(b).

History: 2016 AACS; 2019 AACS.

Editor's Note: An obvious error in R 336.1973 was corrected at the request of the promulgating agency, pursuant to Section 56 of 1969 PA 306, as amended by 2000 PA 262, MCL 24.256. The rule containing the error was published in *Michigan Register*, 2019 MR 1. The memorandum requesting the correction was published in *Michigan Register*, 2019 MR 1.

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, defined under 40 C.F.R. §60.2875, adopted by reference in R 336.1902. For purposes of this rule CISWI unit also includes “air curtain incinerators” defined under 40 C.F.R. §60.2875.

(2) CISWI units that commenced construction by November 30, 1999 must comply with this rule according to 40 C.F.R. §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 CISWI units must comply with this rule according to 40 C.F.R. §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 or air curtain subcategory that commenced construction between November 30, 1999 and June 4, 2010,

(b) Units in the incinerator or air curtain subcategory 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 C.F.R. §60.2555(a) to (h) and §60.2555(m) to (o), adopted by reference in R 336.1902, are exempt from this rule if the applicable requirements listed in §60.2555 are followed.

(5) Owners or operators of CISWI units shall submit a notice of closure to the department if the unit will close rather than comply with this rule.

(6) A CISWI unit is still subject to this rule, and not 40 C.F.R. 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 made after August 7, 2013 makes that unit subject to 40 C.F.R. Part 60, Subpart CCCC, and not this rule.

(7) Owners or operators of CISWI units subject to this rule must sign and submit to the department a waste management plan and documentation of a current Title V operating permit.

(8) Owners and operators of CISWI units subject to this rule must comply with the following reporting requirements of 40 C.F.R. Part 60, Subpart DDDD, “Emission

Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units”, adopted by reference in R 336.1902, listed in table 974:

Table 974
Reporting Requirements and Timelines

Reporting Requirement	Required Timeline
Initial Test Report in 40 C.F.R. §60.2760	60 days after the initial performance test
Annual Report in 40 C.F.R. §60.2765 and §60.2770	12 months after the initial test report; every 12 months thereafter
Emission limitation and operating limit deviation report in 40 C.F.R. §60.2775 and §60.2780	August 1, for the data collected from January 1 to June 30 of that year; February 1, for data collected from July 1 to December 31 of the previous year.
Qualified Operator Deviation Notification in 40 C.F.R. §60.2785(a)(1)	Within 10 days of deviation
Qualified Operator Deviation Status Report in 40 C.F.R. §60.2785(a)(2)	Every 4 weeks following deviation
Qualified Operator Deviation Notification of Resumed Operation in 40 C.F.R. §60.2785(b)	Prior to resuming operation
Notification of continued operation with waste-to-fuel switch in 40 C.F.R. §60.2790(b)	30 days prior to the fuel switch

(9) Owners and operators of CISWI units subject to this rule must comply with the following sections of 40 C.F.R. Part 60, Subpart DDDD, adopted by reference in R 336.1902:

- (a) Closing or reopening of unit in 40 C.F.R. §60.2610 and §60.2615.
 - (b) Waste management plan in 40 C.F.R. §60.2620 to 60.2630.
 - (c) Operator training and qualifications in 40 C.F.R. §60.2635 to §60.2665.
 - (d) Emission and operating limits in 40 C.F.R. §60.2670 to §60.2680 and Tables 2 to 3 and 6 to 9.
 - (e) Performance testing in 40 C.F.R. §60.2690 to §60.2695.
 - (f) Inspection of control equipment in 40 C.F.R. §60.2706 and §60.2710(k).
 - (g) Initial and continuous compliance in 40 C.F.R. §60.2700 to §60.2725 and §60.7 (40 C.F.R. §60.7 is adopted by reference in R 336.1902).
 - (h) Monitoring in 40 C.F.R. §60.2730 to §60.2735.
 - (i) Recordkeeping in 40 C.F.R. §60.2740 to §60.2745.
 - (j) Title V Operating Permit requirements in 40 C.F.R. §60.2805.
 - (k) Toxic Equivalency Factors in Table 4.
 - (l) Definitions in 40 C.F.R. §60.2875.
 - (m) Reporting formats and date changes in 40 C.F.R. §60.2795 and §60.2800.
- (10) For the purposes of this rule, the terms “administrator” and “EPA” as used in 40 C.F.R. Part 60, Subpart DDDD, mean the department, except in the authorities retained by the U.S. EPA in 40 C.F.R. §60.2030(c).

History: 2019 AACCS.