

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.

PART 14. CLEAN CORPORATE CITIZEN PROGRAM

R 336.2401 Rescinded.

History: 1997 AACS; 1998-2000 AACS.

R 336.2402 Rescinded.

History: 1997 AACS; 1998-2000 AACS.

R 336.2403 Rescinded.

History: 1997 AACS; 1998-2000 AACS.

R 336.2404 Rescinded.

History: 1997 AACS; 1998-2000 AACS.

R 336.2405 Rescinded.

History: 1997 AACS; 1998-2000 AACS.

R 336.2406 Rescinded.

History: 1997 AACS; 1998-2000 AACS.

R 336.2407 Rescinded.

History: 1997 AACS; 1998-2000 AACS.

R 336.2408 Rescinded.

History: 1997 AACs; 1998-2000 AACs.

R 336.2409 Rescinded.

History: 1997 AACs; 1998-2000 AACs.

R 336.2412 Rescinded.

History: 1997 AACs; 1998-2000 AACs.

R 336.2413 Waivers to commence construction and operation.

Rule 1413. (1) Before the approval of a permit to install required pursuant to these rules, a clean corporate citizen may request a department waiver to proceed with construction and, if desired, operation of process or process equipment at an existing stationary source. The request for a waiver shall be in writing, shall be accompanied by an administratively complete application for a permit to install, shall not include proposed process or process equipment prohibited by federal requirements from commencing construction or operation before issuance of an approved permit, and shall be signed by the owner or the owner's authorized agent. The request for a waiver shall be automatically approved 15 calendar days after receipt of the request and required information, unless, within the 15-calendar-day period, either the request is denied in writing for cause by the department or an extension of up to 15 additional calendar days is specified in writing by the department. If the time period is extended, the request for a waiver shall be automatically approved at the end of the extended time period, unless the request for a waiver is denied by the department within the extended time period.

(2) If a waiver is approved, the clean corporate citizen applicant shall comply with all of the following provisions:

(a) Submit all pertinent information, including plans and specifications, necessary for a technically complete application for a permit to install as soon as is reasonably practical.

(b) Be authorized to proceed to construct and operate the process or process equipment according to the terms of the approved waiver at the applicant's own risk.

(c) Comply with all federal, state, and local air quality requirements applicable to the process or process equipment covered by the approved waiver at all times. The applicable requirements may include, but not be limited to, any of the following:

(i) Emissions limitations.

(ii) Operation limitations.

(iii) Fuel limitations.

(iv) Emissions testing.

(v) Continuous emissions monitoring.

(vi) Notifications.

(vii) Recordkeeping.

(3) Operation of the process or process equipment under a waiver does not relieve the applicant from civil fines for violations of the provisions in subrule (2)(a) to (c) if any of the following are met:

(a) The applicant failed to act promptly to correct the violations after discovery.

(b) The applicant failed to report the violations to the department within 24 hours of discovery.

(c) The violations pose or posed a substantial endangerment to the public health, safety, or welfare.

(d) The violations were intentional or occurred as a result of the applicant's gross negligence.

(4) The term of the initial waiver shall be for the period requested, but not more than 1 year from the date the request is received by the department. After a waiver to construct or operate is approved pursuant to subrule (1) of this rule, the clean corporate citizen permit applicant may apply for 1 extension to the term of the initial waiver. A waiver extension application shall be in writing, shall state the reasons for the need of the extension, shall be submitted not later than 30 days before the end of the term of the initial waiver, and shall be signed by the owner or the owner's authorized agent. The waiver extension application shall be acted upon by the department within 30 days of receipt of the extension application. The department shall determine the term of the extension, but the total term of the initial waiver plus extension shall not exceed 18 months.

(5) A waiver approved pursuant to subrule (1) of this rule shall be revoked by the department for cause, including, but not limited to, the termination of the permit applicant's clean corporate citizen designation or a finding by the department of noncompliance with applicable state or federal air quality requirements related to the process or process equipment, exclusive of the state requirement to obtain an approved permit prior to construction or operation of the process. The applicant shall have an opportunity to present information to the department before revocation action is taken. A waiver revocation shall be in writing by the department. There is no formal appeal of the department's revocation decision.

(6) A clean corporate citizen may operate a process or process equipment pursuant to a waiver to operate approved pursuant to subrule (1) of this rule until 1 of the following occurs:

(a) The permit to install for the process or process equipment is approved, at which time the waivers approved pursuant to subrule (1) of this rule become void.

(b) The term of the approved waiver and extension, if applicable, expires.

(c) The permit for the process or process equipment is denied, at which time the waivers approved pursuant to subrule (1) of this rule become void.

(d) The waiver is revoked by the department.

(7) The department shall deny a permit to install after a waiver has been granted or approved pursuant to subrule (1) of this rule if the information, including plans and specifications, provided by the applicant shows that cause exists for denial pursuant to section 5510 of the act or if the applicant has not provided the information necessary for a technically complete application in a timely manner. An appeal of a denial shall be made pursuant to section 5505(8) of the act.

History: 1997 AACCS; 2014 AACCS.

R 336.2414 Rescinded.

History: 1997 AACCS; 2014 AACCS.

R 336.2415 Plantwide applicability limit permit for clean corporate citizen.

Rule 1415. (1) A clean corporate citizen may request that the department issue a plantwide applicability limit permit that establishes a federally enforceable emissions cap for 1 or more pollutants at an existing stationary source pursuant to this rule.

(2) For a clean corporate citizen, the department may, after notice and opportunity for public participation pursuant to section 5516 of the act, issue a plantwide applicability limit permit to install which includes terms and conditions necessary to assure compliance with applicable air quality regulations at the stationary source and which allows the clean corporate citizen to undertake changes, without a permit to install, as long as compliance with the plantwide applicability limit permit is maintained.

(3) A clean corporate citizen may request that the plantwide applicability limit permit establish an emissions cap set equal to actual emissions plus the significant emissions for each pollutant being considered in the plantwide applicability limit application. Alternatively, the plantwide applicability limit permit may, at the request of a clean corporate citizen, establish an emissions cap set equal to existing allowable emissions, if the levels of the emissions are consistent with state and federal requirements.

(4) In addition to the information required by R 336.1203 and other applicable rules, an application for a plantwide applicability limit permit pursuant to this rule shall include all of the following information:

(a) Identification of all past technology determinations that are the basis for existing emission and operation limitations at the stationary source.

(b) Identification of the plantwide applicability limit requested and supporting documentation for both the point and fugitive emissions to be included in the plantwide applicability limit permit.

(c) For a plantwide applicability limit permit based on existing allowable emissions, identification of all emissions offsets previously provided for the stationary source.

(d) The proposed recordkeeping, monitoring, and reporting that would be used to demonstrate compliance with the emissions cap and any individual technology limitations that are to be maintained within the plantwide applicability limit permit.

(e) A proposed periodic review process that describes the mechanism for making adjustments to the plantwide applicability limit permit limits for cause. An example of cause is a new applicable requirement.

(f) The proposed procedure to be followed to ensure a clean corporate citizen does not modify the stationary source to exceed the emissions cap in the plantwide applicability limit permit.

(g) The proposed procedure to ensure that a clean corporate citizen does not modify the stationary source to cause or contribute to violations of the national ambient air quality standards.

(5) The department shall not approve a plantwide applicability limit permit to install if any of the conditions in R 336.1207 (1)(a) to (d) exist.

(6) The department shall not approve a plantwide applicability limit permit to install unless the permit provides for all of the following:

(a) A requirement that the clean corporate citizen notify the department of the commencement of construction and operation for either of the following for which a permit to install is not required pursuant to the plantwide applicability limit permit:

(i) A source subject to standards of performance for new stationary sources or national emission standards for hazardous air pollutants.

(ii) A source that has the potential to emit more than 50% of the prevention of significant deterioration significance level.

(b) A requirement that, before the addition of new process or process equipment, other than process or process equipment exempted by R 336.1278 to R 336.1290, a clean corporate citizen shall determine that the proposed new process or process equipment is in compliance with the provisions of R 336.1224 and R 336.1225.

(c) A requirement that a clean corporate citizen is not relieved of the responsibility of complying with applicable control technology requirements.

(d) Limits on a pollutant-specific basis and limits on other air contaminants that are not included in the emissions cap.

(e) Recordkeeping, monitoring, and reporting requirements necessary to assure compliance with the plantwide applicability limit permit.

(f) A future review of the plantwide applicability limit permit and the conditions that could affect the limit or limits.

(g) A requirement that a clean corporate citizen shall comply with all applicable air quality regulations, except for the requirement to obtain a permit to install pursuant to R 336.1201.

(h) A provision for reopening the terms and conditions of a plantwide applicability limit permit if a clean corporate citizen's designation is terminated pursuant to MCL 324.1417.

History: 1997 AACS; 2014 AACS.

R 336.2420 Rescinded.

History: 1997 AACS; 1998-2000 AACS.