

**DEPARTMENT OF ENVIRONMENTAL QUALITY**

**AIR QUALITY DIVISION**

**PART 2. AIR USE APPROVAL**

**R 336.1201 Permits to install.**

Rule 201. (1) A person shall not install, construct, reconstruct, relocate, or alter any process, fuel-burning, or ref use-burning equipment, or control equipment pertaining thereto, which may be a source of an air contaminant, until a permit is issued by the commission. This shall be known as a permit to install and shall cover construction, reconstruction, relocation, and alteration of equipment where such is involved. A person planning to install, construct, reconstruct, relocate, or alter any such equipment shall apply to the commission for a permit to install and shall provide the information required in rule 203.

(2) If the proposed equipment is of such magnitude that some phases of construction such as site clearing, foundations, and associated structures have to commence before issuance of the permit to install, the person applying for the permit to install may apply to the commission for approval of the location of the proposed equipment. The commission shall act on such application within a reasonable time and shall not approve the proposed location unless it is reasonably convinced that the equipment, when completed, shall be in compliance with the commission's rules and state law. Construction shall not commence without approval of the location.

(3) An application for a permit to install may be approved subject to any condition, specified in writing, that is reasonably necessary to assure compliance with these rules.

(4) An application for a permit to install may be approved subject to any condition, specified in writing, that is reasonably necessary to assure compliance with these rules.

(5) If the installation, reconstruction, relocation, or alteration of the equipment, for which a permit has been issued, has not commenced within, or has been interrupted for, 18 months, then the permit to install shall become void unless otherwise authorized by the commission as a condition of the permit to install. "Commenced" means undertaking a continuous program of on-site fabrication, installation, erection, or modification, or having entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of construction of the facility to be completed within a reasonable time.

(6) If a permit to install has not been requested within 3 years of the date of approval of the location pursuant to subrule (2), the location shall become void unless otherwise authorized by the commission as a condition of the location approval.

History: 1979 ACS 1, Eff. Jan. 19, 1980.

**R 336.1202 Waivers of approval.**

Rule 202. If the requirement for approval of a permit to install prior to construction will create an undue hardship to the applicant, the applicant may request a waiver to proceed with construction from the commission. The application for a waiver shall be in writing, shall explain the circumstances that will cause the undue hardship, and shall be signed by the owner or his authorized agent. The application shall be acted upon by the commission within 30 days. If a waiver is granted, the applicant shall submit pertinent plans and specifications for approval as soon

as is reasonably practical. The applicant, after a waiver is granted, shall proceed with the construction at his own risk; however, no operation shall be authorized until the application for a permit to install has been approved by the commission. After construction, modification, relocation, or installation has begun or been completed, if the plans, specifications, and completed installations do not meet commission approval, the application for a permit to install shall be denied, unless the alterations required to effect approval are made within a reasonable time as specified by the commission.

History: 1979 ACS 1, Eff. Jan. 19, 1980.

### **R 336.1203 Information required.**

Rule 203. (1) An application for a permit to install shall include information required by the commission on the application form or by written notice. If considered by the commission to be pertinent to evaluation of the equipment for which a permit is sought, the information shall include, but is not necessarily limited to, the following:

(a) The expected composition of air contaminant stream, both before and after installation of an air-cleaning device, including emission rate, concentration, exhaust gas volume, and exhaust gas temperature.

(b) The expected physical and chemical characteristics of air contaminants.

(c) Details of air pollution control measures and air-cleaning devices, if any, including a description, design parameters, and anticipated performance.

(d) The location and elevation of the emission point and other factors relating to dispersion and diffusion of the contaminant in the outer air; the relation of the emission point to nearby structures and window openings; and other information necessary to appraise the possible effects of the air contaminant.

(e) The method of disposal of wastes resulting from operation of the process equipment or air-cleaning devices.

(f) A plan for reduction of emissions during air pollution alerts, warnings, and emergencies as required by subrule (1) of rule 1307.

(g) Information, in a form prescribed by the commission, that is necessary for the preparation of an environmental impact statement if, in the judgment of the commission, the equipment for which a permit is sought may have a significant effect on the environment.

(h) Data demonstrating the effect of the air contaminant emissions on human health and the environment.

History: 1979 ACS 1, Eff. Jan. 19, 1980.

### **R 336.1204 Authority of agents.**

Rule 204. When a person files plans and specifications as the agent of an owner, the owner shall furnish the agent with a letter of authorization for filing of the plans and specifications, and this letter shall be submitted with the plans and specifications.

History: 1979 ACS 1, Eff. Jan. 19, 1980.

**R 336.1206 Processing of applications for permits to install.**

Rule 206. (1) The department shall review an application for a permit to install for administrative completeness pursuant to R 336.1203(1) within 10 days of its receipt by the department. The department shall notify the applicant in writing regarding the receipt and completeness of the application.

(2) When delays will cause undue hardship to an applicant or materially handicap his need for proceeding promptly with the proposed installation, modification, or relocation, a request for priority consideration and the justification therefor shall be submitted. When a priority is granted, the application, if practicable, shall be processed within 15 days after receipt of the request for priority.

History: 1979 ACS 1, Eff. Jan. 19, 1980.

**R 336.1207 Denial of permits to install.**

Rule 207. (1) The commission shall deny an application for a permit to install if, in the judgment of the commission, any of the following conditions exist:

(a) The equipment for which the permit is sought will not operate in compliance with the rules of the commission or state law.

(b) Operation of the equipment for which the permit is sought will interfere with the attainment or maintenance of the air quality standard for any air contaminant.

(c) The equipment for which the permit is sought will violate the provisions of the clean air act, as amended, 42 U.S.C. §740 1 et seq., and particularly the rules promulgated on and before September 1, 1978, in standards of performance for new stationary sources, 40 C.F.R. §60.1 to §60.27 5 (July 1, 1978), and national emission standards for hazardous air pollutants, 40 C.F.R. §61.01 to §61.55 (July 1, 1978).

(d) Sufficient information has not been submitted by the applicant to enable the commission to make reasonable judgments as required by subdivisions (a) to (c).

(e) Adequate requested information for preparation of an environmental impact statement is not submitted.

(f) A satisfactory plan for reduction of emissions during air pollution alerts, warnings, and emergencies, as required by rule 203, is not submitted.

(2) When an application is denied, the applicant shall be notified in writing of the reasons therefor. A denial shall be without prejudice to the applicant's right to a hearing before the commission or for filing a further application after revisions are made to meet objections specified as reasons for the denial.

History: 1979 ACS 1, Eff. Jan. 19, 1980.

**R 336.1208 Permits to operate.**

Rule 207. (1) Before the commission issues a permit to operate and except as otherwise provided in subrule (4) of rule 201, a person shall not operate a process, fuel-burning or refuse-burning equipment, or an air-cleaning device pertaining thereto which may be a source of an air contaminant.

(2) Not more than 30 days after completion of the installation, construction, reconstruction, relocation, or alteration of a process, fuel-burning or refuse-burning

equipment, or an air-cleaning device pertaining thereto which may be a source of an air contaminant, the owner or his authorized agent of the process or device shall apply in writing to the commission for a permit to operate. Completion of the installation, construction, reconstruction, relocation, or alteration is deemed to occur not later than commencement of a trial operation pursuant to subrule (4) of rule 201.

(3) The commission shall issue the permit to operate equipment if, in the judgment of the commission, all of the following conditions are met:

(a) The equipment operates in compliance with the rules of the commission, the clean air act, as amended, 42 U.S.C. §7401 et seq., and the rules promulgated on and before September 1, 1978, in standards of performance for new stationary sources, 40 C.F.R. §60.1 to §60.275 (July 1, 1978), and national emission standards for hazardous air pollutants, 40 C.F.R. § 61.01 to §61.55 (July 1, 1978).

(b) The equipment does not interfere with the attainment or maintenance of the air quality standard for any air contaminant.

(c) The equipment is completed in compliance with the permit to install and conditions attached to the permit to install.

(4) The permit to operate continues in effect as long as the equipment performs in accordance with the conditions upon which the permit is based. The commission, at any time after notice and opportunity for a hearing, may rescind its permit to operate; and the equipment shall not be operated if evidence indicates that the equipment is not performing in accordance with the conditions upon which the permit is based.

History: 1979 ACS 1, Eff. Jan. 19, 1980.

### **R 336.1221 Construction of sources of particulate matter, sulfur dioxide, or carbon monoxide in or near nonattainment areas; conditions for approval.**

Rule 221. Unless the following conditions are met, the commission shall deny a permit to install for a major offset source of particulate matter, sulfur dioxide, or carbon monoxide if such source may exacerbate an existing violation of any air quality standard or if such source is proposed for location in a nonattainment area:

(a) The proposed equipment shall comply with the lowest achievable emission rate for the pollutant for which the area is nonattainment.

(b) All existing sources in the state owned or controlled by the owner or operator of the proposed source shall be in compliance with all applicable local, state, and federal air quality regulations or shall be in compliance with a consent order or other legally enforceable agreement specifying a schedule and timetable for compliance.

(c) Prior to start-up of the proposed equipment, an emission reduction (offset) from existing sources in the area of the proposed source shall be provided such that, in the commission's judgment, there is a net air quality benefit and reasonable progress toward attainment of the applicable air quality standard. Such offsets shall be on a time frame compatible with the applicable air quality standard. If the proposed equipment is to be located in an area not meeting the applicable health-related air quality standard, the emission reduction shall be not less than 1.2 to 1. If the proposed equipment is to be located in an area not meeting the welfare-related air quality standard, the emission reduction shall be more than 1 for 1. If the offsetting emissions involve the control of fugitive particulate emissions, the emission reduction shall be not less than 1.5 to 1.

(d) The requirements of subdivision (a) of this rule do not apply to particulate, sulfur dioxide, and carbon monoxide emissions if the increased allowable emissions are less than 50 tons per year and 1,000 pounds per day.

(e) The requirements of subdivision (c) of this rule do not apply to particulate and sulfur dioxide emissions if the increased allowable emissions are less than 50 tons per year and 1,000 pounds per day.

(f) The requirements of subdivision (c) of this rule do not apply to carbon monoxide emissions.

History: 1979 ACS 1, Eff. Jan. 19, 1980.

### **R 336.1240 Required air quality models.**

Rule 240. (1) All air quality modeling demonstrations required by the commission or used to support or amend the state implementation plan shall be made using 1 of the following models:

(a) An applicable model cited in the United States environmental protection agency's "Guideline on Air Quality Models", OAQPS, 1.2-080, April 1978.

(b) All of the following conditions are met:

(i) A request for utilization of an alternate model is submitted to the commission.

(ii) The applicant demonstrates that the alternate model is comparable to those required by subrule (1)(a), using methods similar to those outlined in the United States environmental protection agency workbook for the comparison of air quality models, OAQPS, April 1977.

(iii) The applicant demonstrates, by comparison with actual ambient monitor sampling results, that the alternate model predicts ambient concentrations as well as an approved model cited in the guideline referenced in subrule (1)(a).

(iv) The alternate model or its algorithms are sufficiently described and documented to enable the commission to duplicate results.

(v) Output from the alternate model is sufficient to enable comparison with any applicable ambient air quality standard.

(3) The use of an alternate model approved according to the requirements of subrule (2) may be extended for use by others in other instances, if such other usage is appropriate and has been suitably documented in the prior approval.

History: 1979 ACS 1, Eff. Jan. 19, 1980.

### **R 336.1241 Air quality modeling demonstration requirements.**

Rule 241. All air quality modeling demonstrations required by the commission or used to support or amend the state implementation plan shall be consistent with all of the following requirements:

(a) A 5-year meteorological data base shall be considered when available. A shorter meteorological record may be used in the modeling and subsequent analysis if it can be demonstrated that the shorter record includes the period or periods that cause the highest ambient air quality concentrations.

(b) The use of meteorological data other than that obtained from national weather service stations shall be approved by the commission.

(c) The most representative meteorological data that is reasonably available shall be used in air quality modeling demonstrations.

(d) The receptor grid network shall be sufficiently dense and strategically located to ensure to the satisfaction of the commission that maximum ambient air quality concentrations are predicted.

(e) All ambient air quality monitoring stations specified by the air quality division of the department of natural resources shall be included in the model's receptor grid network.

(f) The modeling demonstration shall not give credit for any stack height that exceeds good engineering practice design, unless such stack height existed prior to December 31, 1970.

History: 1979 ACS 1, Eff. Jan. 19, 1980.

### **R 336.1280 Permit system exemptions; cooling and ventilating equipment.**

Rule 280. The permit system does not apply to any of the following:

(a) Cold storage refrigeration equipment.

(b) Comfort air conditioning or comfort ventilating systems not designed or used to remove air contaminants generated by, or released from, specific units of equipment.

(c) Natural draft hoods or natural draft ventilation not designed or used to remove air contaminants generated by, or released from, specific units of equipment.

(d) Water-cooling towers and water-cooling ponds not used for evaporative cooling of process water or not used for evaporative cooling of water from barometric jets or from barometric condensers.

History: 1979 ACS 1, Eff. Jan. 19, 1980.

### **R 336.1281 Permit system exemptions; cleaning, washing, and drying equipment.**

Rule 281. The permit system does not apply to any of the following:

(a) Vacuum-cleaning systems used exclusively for industrial, commercial, or residential housekeeping purposes.

(b) Equipment used for portable steam cleaning.

(c) Blast-cleaning equipment using a suspension of abrasive in water and any exhaust system or collector serving them exclusively.

(d) Equipment used for washing or drying products if no volatile organic compounds are used in the process and no oil or solid fuel is burned.

(e) Laundry dryers, extractors, or tumblers for fabrics cleaned with only water solutions of bleach or detergents.

(f) Dry-cleaning equipment with a capacity of 100 or less pounds of clothes.

History: 1979 ACS 1, Eff. Jan. 19, 1980.

### **R 336.1282 Permit system exemptions; furnaces, ovens, and heaters.**

Rule 282. The permit system does not apply to any of the following:

- (a) Natural gas-fired, liquefied petroleum gas-fired, or electrically heated furnaces for heat treating glass or metals, the use of which does not involve molten materials.
- (b) Porcelain enameling furnaces or porcelain enameling drying ovens and any exhaust equipment exclusively serving the furnaces or drying ovens.
- (c) Kilns for firing ceramic ware that are heated exclusively by natural gas, liquefied petroleum gas, any combination thereof, or by electricity, and any exhaust system or collector exclusively serving the kilns.
- (d) Blacksmith forges.
- (e) Crucible furnaces, pot furnaces, or induction furnaces with a capacity of 1,000 pounds or less each, in which no sweating or distilling is conducted nor any fluxing conducted utilizing free chlorine, chloride and fluoride derivatives, and ammonium compounds.
- (f) Sweet gas fuel and no. 1 and no. 2 fuel oil-burning equipment with a maximum heat input of 10,000,000 Btu/hour used for space heating, service water heating, electric power generation, or indirect heating.
- (g) Fuel-burning and refuse-burning equipment used in connection with a structure that is designed and used exclusively as a dwelling for not more than 3 families.
- (h) All residential cooking equipment.
- (i) Bakery ovens and confection cookers where the products are edible and intended for human consumption and any exhaust system or collector exclusively serving the ovens and cookers.
- (j) Sour gas-burning equipment, if the actual emission of sulfur dioxide does not exceed 1 pound per hour.

History: 1979 ACS 1, Eff. Jan. 19, 1980.

**R 336.1283 Permit system; testing and inspection equipment.**

Rule 283. The permit system does not apply to any of the following:

- (a) Laboratory equipment used exclusively for chemical or physical analysis or experimentation, except equipment used for controlling radioactive air contaminants.
- (b) Equipment used for hydraulic or hydrostatic testing.
- (c) Equipment for the inspection of metal products.

History: 1979 ACS 1, Eff. Jan. 19, 1980.

**R 336.1284 Permit system exemptions; containers.**

Rule 284. The permit system does not apply to containers, reservoirs, or tanks used exclusively for any of the following:

- (a) Dipping operations for coating objects with oils, waxes, greases, or natural or synthetic resins containing no organic solvents.
- (b) Electrolytic plating with, electrolytic polishing of, or electrolytic stripping of, the following metals: brass, bronze, cadmium, copper, iron, lead, nickel, tin, zinc, and precious metals.
- (c) Storage of butane, propane, or liquefied petroleum gas in a vessel with a capacity

of less than 40,000 gallons.

(d) Storage of lubricating oils.

(e) Storage of no. 1 to no. 6 fuel oil as specified in ASTM-D-396-69, gas turbine fuel oils nos. 2-GT to 4-GT as specified in ASTM-D-2880-71, or diesel fuel oils nos. 2-D and 4-D as specified in ASTM-D-975-68. These ASTM methods are herein adopted by reference. Copies may be inspected at the Lansing office of the air quality division of the department of natural resources. Copies may be obtained from the Department of Natural Resources, P.O. Box 30028, Lansing, Michigan 48909, at a cost of \$4.00 each. Copies may also be obtained from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103, at a cost of \$4.00 each.

(f) Storage of sweet crude or sweet condensate in a vessel with a capacity of less than 40,000 gallons.

(g) Storage of sour crude or sour condensate in a vessel with a capacity of less than 40,000 gallons if vapor recovery or its equivalent is used to prevent the emission of vapors to the atmosphere.

(h) Gasoline storage and handling equipment at loading facilities handling less than 20,000 gallons per day or at dispensing facilities.

History: 1979 ACS 1, Eff. Jan. 19, 1980.

### **R 336.1285 Permit system exemptions; miscellaneous.**

Rule 285. The permit system does not apply to any of the following:

(a) Maintenance structural changes, parts replacement, repairs considered by the commission to be minor, or relocation of equipment within the same building not involving any change in the quality, nature, or quantity of the emission of an air contaminant therefrom. Examples of minor parts replacement or repairs include the following:

(i) Replacing bags in a baghouse.

(ii) Replacing wires, plates, rappers, or electric circuitry in an electrostatic precipitator which does not measurably alter the design efficiency of the unit.

(iii) Replacement of fans, pumps, or motors which does not alter the operation of a source or performance of a control device.

(iv) Boiler tubes.

(v) Piping and ductwork.

(vi) Replacement of engines, compressors, or turbines as part of a normal maintenance program.

(b) Equipment used for any mode of transportation.

(c) Internal combustion engines with less than 10,000,000 Btu/hour maximum heat input.

(d) Vacuum pumps in laboratory or pilot plant operations.

(e) Portable brazing, soldering, or welding equipment.

(f) Grain, metal, or mineral extrusion presses.

(g) The following equipment and an exhaust system or collector exclusively serving the equipment:

(i) Drop hammers or hydraulic presses for forging or metalworking.

(ii) Die casting machines.

(iii) Equipment for surface preparation of metals by use of aqueous solutions, except for acid solutions.

(iv) Atmosphere generators used in connection with metal heat treating processes.

(v) Equipment used exclusively for sintering of glass or metals, but not exempting equipment used for sintering metal-bearing ores, metal scale, clay, flyash, or metal compounds.

(vi) Equipment for brazing, welding, soldering, carving, cutting, routing, turning, drilling, machining, sawing, surface grinding, sanding, planing, buffing, or polishing ceramic artwork, leather, metals, plastics, rubber, wood, or wood products on a non-production basis.

(vii) Photographic process equipment by which an image is reproduced upon material sensitized to radiant energy.

(viii) Battery charging operations.

(h) Lagoons and sewage treatment plant facilities, excluding lime storage equipment, sewage sludge incinerators, and heat treatment processes.

(i) Livestock and livestock handling systems from which the only potential air contaminant emission is odorous gas.

(j) Equipment for handling and drying grain on a farm.

(k) Equipment used for oil and gas well drilling, testing, completion, and workover activities.

(l) Portable steam deicers that have a heat input of less than 1,000,000 Btu's per hour.

History: 1979 ACS 1, Eff. Jan. 19, 1980.