LIFE AFTER ROP

Renewable Operating Permit Reporting & Revisions

A practical guide to complying with the responsibilities after ROP issuance

November 2005

Updated November 2015

Michigan Department of Environmental Quality
Office of Environmental Assistance and
Air Quality Division

Rick Synder, Governor
Dan Wyant, Director
www.michigan.gov/deq
(800) 662-9278

INTRODUCTION

After a Renewable Operating Permit (ROP) is issued many new responsibilities remain. Obtaining an ROP initiates new cycles of tracking and reporting compliance status, as well as updates to the ROP as changes are made at a source.

Congress intended in the federal legislation that created the national operating permits program that these permits would not be static documents. The legislation requires that these permits be renewed every five years and that the permits be kept up-to-date during the interval between issuance and renewal. Also, Congress intended these permits to be the primary mechanism for ensuring that a facility is aware of and in compliance with all of the applicable requirements to which the source is subject. Therefore, regular reports of compliance tracking information and status must be submitted to the regulatory agency and made available to the United States Environmental Protection Agency (USEPA) and the public.

Life After ROP – Renewable Operating Permit Reporting and Revisions was developed by the Michigan Department of Environmental Quality (DEQ) and is designed to help facilities subject to Michigan's ROP Program comply with responsibilities after an ROP is issued. This workbook serves as a practical guide to complying with the deviation reporting and compliance certification requirements contained in all ROPs, as well as the permit revision requirements associated with making changes at a source.

Section 1 of the workbook pertains to deviation reporting and compliance certification. In Michigan, Rule 213 of the Michigan Air Pollution Control Rules includes the specific requirements for monitoring, recordkeeping, and reporting that a source must meet. Deviation reporting, semi-annual reports, and annual compliance certification are critical components of the ROP program. This section takes the reader through each of the different reporting requirements (i.e., deviation reporting, the Semi-Annual Report Certification, and the Annual Compliance Certification) and provides detailed instructions on how to complete the associated forms.

Section 2 of the workbook provides an overview of the permit revision requirements. Rules 215 and 216 specify options of how to deal with changes at a facility after ROP issuance. The broad categories to address changes include insignificant changes, notifications, administrative amendments, and modifications. Some changes are allowed to be deferred until renewal of the ROP, but other kinds of changes cannot be made until the AQD approves an application for this change. This section will help readers decide how to incorporate changes into their ROPs. Included are detailed discussions that contain the criteria, examples, and submittal requirements for changes requiring a notification, amendment, or modification. Section 2 also provides instructions on how to complete the M-001 Form (Rule 215 Change Notification or Rule 216 Amendment/Modification Application).

In addition to the two sections of the workbook, the three appendices also provide valuable information. **Appendix A** provides a listing of all the acronyms used throughout the workbook as well as definitions for many of the terms. **Appendix B** contains every rule cited in the workbook. **Appendix C** provides AQD District Office contact information as well as information on additional resources, including publications and websites.

For questions or concerns regarding this workbook or for any information contained within, please contact the Environmental Assistance Center at (800) 662-9278. This workbook may be accessed on the Internet at **www.michigan.gov/deqair** (select the Permits Tab, then under the Air Permitting Assistance heading, click on "Renewable Operating Permit (ROP) Program").

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SECTION 1:
ROP Monitoring and Deviation Reporting and Compliance Certifications

In This Section:

- Introduction
- Deviation Reporting
- ROP Deviation Report Form (EQP 5737)
- Semi-Annual Monitoring and Deviation Report
- Annual Compliance Certification
- ROP Report Certification Form (EQP 5736)
- Reporting Timeline

SECTION 1
ROP Deviation Reporting and Compliance Certifications

INTRODUCTION

Once you have received an approved Renewable Operating Permit (ROP) there are certain reporting requirements to which you must adhere. Specifically, you must comply with deviation reporting and compliance certification requirements. These requirements can be found in the general conditions of your ROP and are summarized below.

- Any deviation from a permit condition must be reported "promptly." What is considered to be prompt will depend on the type of deviation. For some deviations, promptly means that you have to notify the Department of Environmental Quality (DEQ) Air Quality Division (AQD) within two days and submit a written report within 10 days. For other deviations, promptly may mean that you can wait until you submit the Semi-Annual Monitoring and Deviation Report to report the deviation.

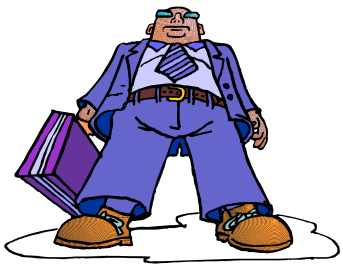
- Every six months (or for some sources more frequently) a Responsible Official must certify that all the monitoring and associated recordkeeping requirements in your permit have been met. In addition to certifying compliance with the monitoring and recordkeeping requirements, you must also report any deviations that occurred throughout the six-month reporting period in the Semi-Annual Monitoring and Deviation Report (Semi-Annual Report).

- A Compliance Certification must be submitted annually. This means that a Responsible Official must certify annually whether or not your source was in compliance with <u>all</u> the terms and conditions in your ROP for the previous year. All deviations that occurred throughout the year must be reported at this time; this includes deviations that were reported previously, which may be summarized.

This section of the workbook addresses deviation reporting and compliance certifications. Included in the section are step-by-step instructions for completing the Deviation Report Form (EQP 5737), Semi-Annual Report, Annual Compliance Certification, and the ROP Report Certification Form (EQP 5736). Section 1 concludes with a brief discussion of some of the other facility reporting requirements.

The Responsible Official

The Responsible Official of a facility is responsible for signing and certifying the truth, accuracy, and completeness of the Semi-Annual Report, Annual Compliance Certification and other reports discussed in this workbook. Although there may be different people responsible for different operations at your facility, the AQD has specific guidelines regarding who may be considered a "Responsible Official." These requirements are provided in Rule 118(j) of the Michigan Air Pollution Control Rules. (see Appendix B for Rule 118(j)). In most cases, the Responsible Official is an officer in charge of a principal business function (e.g. President, Vice President, Treasurer); however, in some instances, with prior approval from the DEQ, the officer may appoint an authorized representative with overall responsibility for an operation.



DEVIATION REPORTING

Your ROP requires that all deviations from permit requirements be reported "promptly" and certified by a Responsible Official. The underlying applicable requirement for the condition is Rule 213(3)(c)(ii), which outlines the requirements for the prompt reporting of deviations from permit requirements (see Appendix B for Rule 213). What is considered to be prompt will depend on the deviation. Every deviation can be categorized into one of the five deviation scenarios below. There is a different reporting requirement for each of the scenarios. Find the scenario that best describes your deviation and follow the reporting procedures provided.

SCENARIO 1: The deviation is not associated with an emission limit. *For example, a source is required to keep daily usage records but an employee forgets to record information for a day.*

This type of deviation must be reported on the Deviation Report Form. The deviation will be identified and described on the Deviation Report Form and submitted along with the Semi-Annual Report. (See page 1-9 for a discussion of the Semi-Annual Report.)

SCENARIO 2: An emission of <u>any air contaminant</u>, which exceeds an emission limit in the ROP and lasts for <u>less than</u> one hour. *For example: A source has an equipment malfunction and cannot shut down immediately, resulting in uncontrolled particulate emission in excess of a concentration limit (lbs/1000lbs exhaust gas) for 15 minutes.*

This type of deviation must be reported on the Deviation Report Form. The deviation will be identified and described on the Deviation Report Form and submitted along with the Semi-Annual Report. (See page 1-9 for a discussion of the Semi-Annual Report.)

SCENARIO 3: An emission that is <u>not</u> a Hazardous Air Pollutant or Toxic Air Contaminant, which exceeds an emission limit in the ROP and lasts for more than <u>one hour but less than two hours</u>. *For example, a source has a thermal oxidizer malfunction, resulting in uncontrolled volatile organic compound emissions in excess of an allowed lb per hour emission limit for 90 minutes.*

This type of deviation must be reported on the Deviation Report Form. The deviation will be identified and described on the Deviation Report Form and submitted along with the Semi-Annual Report. (See page 1-9 for a discussion of the Semi-Annual Report.)

SCENARIO 4: The emission of a <u>Hazardous Air Pollutant</u> or <u>Toxic Air Contaminant</u> that exceeds an emission limit in the ROP and lasts for more than <u>one hour but less than two hours</u>. *For example, a source has a malfunction of the thermal oxidizer controlling the ethylene oxide sterilizer, resulting in ethylene oxide emissions exceeding its 0.009 lbs. ethylene oxide per hour limit for 90 minutes.*

This type of deviation is subject to Rule 912(2), which requires that the source notify its AQD District Office within two business days after the start-up or shutdown that resulted in the emission exceedance or after discovery of the abnormal conditions or malfunction. (See Appendix B for Rule 912.) The notice can be made via e-mail or telephone. (See Appendix C for AQD contact numbers.)

In addition, this type of deviation must be reported on the Deviation Report Form. The deviation will be identified and described on the Deviation Report Form and submitted along with the Semi-Annual Report. (See page 1-9 for a discussion of the Semi-Annual Report.)

Scenario 5: The emission of <u>any air contaminant</u> that exceeds an emission limit in the ROP and lasts for two hours or more. *For example, a source has a malfunction that goes undiscovered for several hours, resulting in the emission unit exceeding its 10.3 lbs per hour particulate emission limit for 4 hours.*

This type of deviation is subject to Rule 912(3). (See Appendix B for Rule 912.)

Rule 912(3) requires the following:

1. The source must notify its AQD District Office within two business days after the start-up or shutdown or after discovery of the abnormal conditions or malfunction. The notice can be made via e-mail or telephone. (See Appendix C for AQD contact numbers.)

2. The source must submit a written report to the appropriate AQD district supervisor. If the deviation is the result of a start-up or shutdown, the report must be submitted (postmarked) within **10 days** after the start-up or shutdown occurred. If the deviation is the result of an abnormal condition or malfunction, the report must be submitted within **10 days** after the abnormal condition or malfunction has been corrected or within **30 days** of discovery of the abnormal condition or malfunction, whichever is first. (See Appendix B for Rule 912.) The written report may be submitted using the Deviation Report Form; however, additional information other than what is required on the form may need to be included. The written report must include an original signature and should include the following information:

   - The time and date of the probable causes or reasons for, and the duration of, the abnormal conditions, start-up, shutdown, or malfunction.
   - An identification of the source, process, or process equipment which 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.
   - Information describing the measures taken and air pollution control practices followed to minimize emissions.
   - 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.

   The written report must be certified by a Responsible Official using the ROP Report Certification Form. (ROP Report Certification Form completion instructions are on page 1-20.)

In addition to the above requirements, the deviation will need to be reported again in the Semi-Annual Report; however the details of the deviation may be summarized on the Deviation Report Form.

Deviation Reporting Examples

A. A facility manufactures metal furniture and has many grinding operations controlled by fabric filter control devices. The facility is required to monitor the pressure drop across the controls on a daily basis and stay within a specified range of pressure drop such as 1-4 inches of water column. The facility discovers that it is out of the pressure drop range and is unable to replace bags in the control device immediately to correct the problem. During the two days that the facility is outside the pressure drop range until the bags can be replaced, it monitors the opacity from the exhaust and doesn't believe it is in violation of the particulate emission limit because the opacity readings show the opacity to be within the range determined during the last particulate testing.

The facility would report the pressure drop exceedance as a deviation in a Deviation Report submitted with its Semi-Annual Monitoring and Deviation Report (Semi-Annual Report). The company would not report this pursuant to Rule 912 because opacity readings indicate that there wasn't an exceedance of an emissions standard or limit.

B. A hospital has three ethylene oxide sterilizers controlled by a thermal oxidizer. Its emission limit is 0.009 lbs. ethylene oxide per hour. The thermal oxidizer malfunctions for 1½ hours and is not operating during this time. The hospital has exceeded its hourly emission limit because the emissions are uncontrolled.

Because ethylene oxide is a hazardous air pollutant (HAP), the facility is required to notify the AQD of the abnormal condition by means of electronic, telephone, or oral communication within two business days. The facility must also report this in a Deviation Report submitted with its Semi-Annual Report.

C. A chrome plating facility has five chrome plating tanks controlled by a horizontal packed bed wet scrubber. Its emission limit is 0.015 mg chrome per dry standard cubic meter. The facility develops a break in the water line supplying the scrubber with water. The wet scrubber is not operating properly and the control efficiency has decreased considerably. An hour goes by before the facility is able to fix the water leak.

Because chrome is a toxic air contaminant, the facility is required to notify the AQD of the abnormal condition by means of electronic, telephone, or oral communication within two business days. The facility must also report this in a Deviation Report submitted with its Semi-Annual Report.

D. An automotive parts supplier has two coating lines controlled by a regenerative thermal oxidizer (RTO). The facility has an hourly emission rate of 28 lbs. VOC per hour. The RTO malfunctions and the emissions are released through a by-pass stack that is uncontrolled. The facility does not get the RTO operating properly until three hours later.

The facility would have to notify the AQD of the abnormal condition by means of electronic, telephone, or oral communication within two business days. It would then have to submit a written report pursuant to Rule 912(5) to the AQD within 10 days after the malfunction. The facility must also report this in a Deviation Report submitted with its Semi-Annual Report.

E. An electrical generating power plant has several large coal fired boilers each controlled by an electrostatic precipitator (ESP). One of the ESP's fields goes off-line because of an electrical short causing an exceedance of the particulate emission limit. The facility is unable to shut down the boiler and startup another boiler until eight hours after the malfunction.

The facility would have to notify the AQD of the abnormal condition by means of electronic, telephone, or oral communication within two business days. It would then submit a written report pursuant to Rule 912(5) to the AQD within 10 days after the malfunction. The facility must also report this in a Deviation Report submitted with its Semi-Annual Report.

THE RENEWABLE OPERATING PERMIT DEVIATION REPORT FORM

The Deviation Report Form (EQP 5737) (Figure 1-1) is available on the Internet at **http://www.deq.state.mi.us/aps/** (under the Renewable Operating Permits heading, click on "Life After ROP – Source Requirements After Issuance of an ROP"). The form is available as a pdf file or a Microsoft Word template.

DEQ

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY DIVISION

RENEWABLE OPERATING PERMIT
DEVIATION REPORT

Authorized by 1994 P.A. 451, as amended. Failure to provide this information may result in civil and/or criminal penalties.

This form may be submitted in conjunction with the Renewable Operating Permit Report Certification form (EQP 5736) to report deviations from all general conditions and special conditions in the Renewable Operating Permit (ROP) for which deviations required to be reported by R 336.1213 (Rule 213) subrule (3)(c) have occurred. Additional information regarding the reports and documentation listed below must be kept on file for at least 5 years, as specified in Rule 213(3)(b)(ii), and be made available to the Department of Environmental Quality, Air Quality Division, upon request. Items 1 - 8 must be completed for all deviations being reported.

Source Name: Sample Corporation County: Ingham

Source Address: 555 W. Main St City: Cool City

AQD Source ID (SRN): Z9999 ROP No. MI-ROP-Z9999-2010 ROP Section No. _____

ROP Section Contact: Janis Jones Contact Phone No. (517) 555-1234

Reporting Period (provide inclusive dates): From 1/1/11 to 6/30/11

Report Type: ☐ Annual ☒ Semi Annual ☐ Other (Describe) _____

1. Group or Source Wide ID	2. Condition No.	3. Date(s) of Occurrence	4. Previously reported? ☒ Yes ☐ No If Yes, Date	5. Duration of Deviation
EU-PAINTLINE1	I.2	April 2011	5/1/11	1 month

6. Method Used to Determine Compliance Status (if different from method specified in ROP)	7. Description of Deviation
	Exceeded monthly VOC limit

8. Reason for Deviation and Description of Corrective Action Taken
Coating line down time in March resulted in increased production in April. Preventative maintenance plan revised. Please refer to written report submitted on May 1, 2011 for additional info.

1. Group or Source Wide ID	2. Condition No.	3. Date(s) of Occurrence	4. Previously reported? ☐ Yes ☒ No If Yes, Date	5. Duration of Deviation
EU-PAINTLINE2	VI.3	5/10/11 - 5/12/11		2 days

6. Method Used to Determine Compliance Status (if different from method specified in ROP)	7. Description of Deviation
	Paint usage was not recorded for two days in May 2011

8. Reason for Deviation and Description of Corrective Action Taken
Person responsible for recording data was sick those days and no one recorded data. We now have a policy that requires a backup person to record data if primary person is sick.

1. Group or Source Wide ID	2. Condition No.	3. Date(s) of Occurrence	4. Previously reported? ☒ Yes ☐ No If Yes, Date	5. Duration of Deviation
EU-BOILER	G.C. 2	2/15/11	3/1/11	5 hours

6. Method Used to Determine Compliance Status (if different from method specified in ROP)	7. Description of Deviation
	Opacity ranged between 20% and 89%. See our 3/1/11 excess emission report for details

8. Reason for Deviation and Description of Corrective Action Taken
Shutdown condition. Tramp ash caused excursion when precipitators were shut down. Precipitators were inspected and the rapping frequency was adjusted.

*Photocopy this form as needed. Page 1 of 1 EQP 5737 (10/04)

Figure 1-1

ROP DEVIATION REPORT FORM (EQP 5737) COMPLETION INSTRUCTIONS

This form should be used to report deviations that are required to be reported during the Semi-Annual Monitoring and Deviation Report (Semi-Annual Report) or Annual Compliance Certification.

In addition, this form may be used to report deviations subject to Rule 912(3), which requires a written report as described in Scenario 5 on page 1-3. If the Deviation Report Form does not contain all the information necessary to constitute a written report under Rule 912 (see page 1-3), attach additional reports or information.

An ROP Report Certification Form must accompany all deviation reports. (See page 1-20 for the ROP Report Certification Form completion instructions.)

Source Name: Provide the name of the source as it appears in the ROP.

County: Provide the name of the county in which the permitted source is located.

Source Address: Provide the address for the physical location of the source or source Section as it appears in the ROP.

City: Provide the name of the city in which the permitted source is located.

AQD Source ID (SRN): Provide the source's AQD Source Registration Number (SRN).

ROP No.: Provide the source's Renewable Operating Permit Number as it appears in the ROP.

ROP Section No.: If applicable, provide the ROP Section Number. *Note: Most ROPs will have only one Section. For ROPs with multiple Sections, a Responsible Official must sign an ROP Report Certification Form for his/her respective Section(s).*

ROP/Section Contact: Provide the name of the contact person identified in the ROP Application for the ROP or Section to which this report applies.

Contact Phone Number: Provide the phone number of the ROP or Section Contact.

Reporting Period: Enter the start and end dates of the reporting period. The reporting period for annual reporting will typically be January 1 to December 31, unless an alternate reporting period is specified by the ROP special conditions. The reporting periods for the Semi-Annual Reports will typically be January 1 to June 30 and July 1 to December 31, unless an alternate reporting period is specified by the ROP special conditions. The starting date for the **initial** report(s) should be the date of issuance of the ROP.

Report Type: Select the report type for which this deviation report is being submitted; more than one box may be checked (e.g., If this form is being used for both the second Semi-Annual Report and the Annual Compliance Certification). The ROP may require reporting other than annually or semi-annually. Describe the report type if not annual or semi-annual. Other reports required by the ROP may include, but are not limited to, the following:

- Deviations subject to the written report requirements in Rule 912(3). (See Scenario 5 on page 1-3).
- Material usage records, operating schedule records, and calculated emission data.
- Quarterly Continuous Emission Monitoring System (CEMS) Excess Emission Reports or other monitoring data.
- Sampling or stack testing data and results.
- Calibration and maintenance data for process monitoring equipment.
- Records of required preventative maintenance or malfunction abatement activities.
- Any other reports required by the special conditions listed in the ROP.

Complete items 1-8 for each deviation.

1. **Group or Source Wide ID:** Enter the Emission Unit or Flexible Group ID, as it appears on the ROP, for which the deviation has occurred (e.g., EUPAINTLINE, FGCOLDCLEAN). If this is a deviation from a Source Wide requirement, enter "SW" as the ID.

2. **Table/Condition No.:** Enter the Roman numeral and condition number for which the deviation has occurred. For example, if the deviation applies to the first listed emission limit, enter "I.1." If the deviation applies to a general condition, enter "GC." For example, if the deviation is to General Condition #12 in the permit, enter "GC 12."

3. **Date(s) of Occurrence:** Enter the date(s) on which the deviation occurred or time period covered by a referenced monitoring or compliance report(s). (For example: "5/01/11 to 5/04/11" or "1/01/11 to 12/31/11")

4. **Previously Reported?** Indicate whether this deviation was previously reported to the AQD. If so, provide the date on which it was reported. For example, if you are reporting this deviation in the Semi-Annual Report and this deviation was reported previously according to Rule 912(3) (see Scenario 5 on page 1-3), enter the date the written report was filed.

   Note: previously submitted information should have included the Source Name, City, AQD Source ID, ROP Number, and ROP Section Number.

5. **Duration of Deviation:** Indicate the duration of the deviation. (For example: 2 hours, 4 days, etc.)

6. **Method Used to Determine Compliance Status:** Describe the compliance method used to determine the compliance status. If the compliance method used was the same as specified in the ROP, then this box may be left blank. For example, if your permit requires a CEMS to monitor

compliance but it was determined that the source was out of compliance using a Method 9 reading, “Method 9 Reading” would be entered in this box. If additional space is needed, attach any additional pages and in the box write “additional information attached.” *Note: This is the only box that may be left blank.*

7. **Description of Deviation:** Describe the deviation in sufficient detail to show how the deviation differs from the requirement. If you are submitting additional information, please give a brief description in this box and note that additional supporting information is being submitted.

   If this deviation was reported previously (such as a Rule 912 report or EER), summarize the description of the deviation in this box and refer to the previous report for any further information.

8. **Reason for Deviation and Description of Corrective Action Taken:** Explain the reason for the deviation and describe the actions taken to correct the deviation. If you are submitting additional information, please give a brief description in this box and note that additional supporting information is being submitted.

   If this deviation was reported previously, summarize the reason for the deviation and corrective action taken and refer to the previous report for any further information.

SEMI-ANNUAL (OR MORE FREQUENT) MONITORING AND DEVIATION REPORTING

Your ROP requires that Semi-Annual Monitoring and Deviation Reports (Semi-Annual Reports) be submitted. (Some sources may have to submit more frequent reports if specified in the ROP). The underlying applicable requirement for this condition is Rule 213(3)(c)(i), which requires a source to submit to the AQD certified reports of any required monitoring at least every six months. All instances of deviations from any permit conditions during that time period must also be reported. (See Appendix B for Rule 213(3)(c).) The reporting periods for the Semi-Annual Reports are January 1 to June 30 and July 1 to December 31, unless an alternate reporting period is specified by the ROP special conditions.

The Semi-Annual Report must be postmarked no later than **September 15** for the January to June reporting period and no later than **March 15** for the July to December reporting period. The Semi-Annual Report and Annual Compliance Certification may be submitted on the same ROP Report Certification Form if the submittal dates are the same. For example, a source's Annual Compliance Certification for January 1 through December 31, 2011 and the Semi-Annual Report for July 1 through December 31, 2011 could be submitted using the same form since they were both due on March 15, 2012. Make sure that both the Annual and Semi-Annual portions of the form are completed and all appropriate boxes are checked.

Steps to Completing the Semi-Annual Monitoring and Deviation Report (Semi-Annual Report)

Step 1: Read the rule. Before doing anything it is recommended that you read Rule 213(3)(c)(i) to become familiar with what is required. Rule 213(3)(c) can be found in Appendix B.

Step 2: Record any deviations that occurred during the reporting period on the Deviation Report Form. (See the Deviation Report Form instructions on page 1-6.)

In the Semi-Annual Report you must report deviations from any permit conditions that occurred over the six-month reporting period on a Deviation Report Form and include this report with the Semi-Annual Report. This includes deviations that meet any of the five scenarios discussed on pages 1-2 and 1-3. If your facility had a deviation of an emission limit that was subject to prompt reporting under Rule 912 you will need to report it again as a deviation at this time. (See Scenarios 4 & 5 on pages 1-2 and 1-3).

> Your company is responsible for knowing its compliance status at all times, not just every six months. A company with good internal deviation monitoring and reporting procedures should feel well prepared when it comes time to report deviations and certify compliance.

Step 3: Evaluate your compliance with monitoring and recordkeeping requirements.

Instead of having you submit all of your monitoring and recordkeeping paperwork, the DEQ allows you to certify that you have been doing the monitoring and recordkeeping that is required in your ROP. Be aware that certifying compliance means more than simply checking a box. You must conduct a thorough evaluation of the monitoring and recordkeeping requirements for each emission unit and flexible group in your ROP. Also, the DEQ may request <u>all</u> of your recordkeeping data if they have concerns about your compliance status or the adequacy of your data review.

Review each monitoring/recordkeeping requirement to see if you are maintaining the required records or reports. If you don't, or are missing some data, it must be reported as a deviation. Next, examine the actual

monitoring/recordkeeping data to ensure that the information contained is accurate and includes all the information required by the ROP. For example, if a condition states that *"the permittee shall monitor and record the actual hours of operation each calendar month",* you will need to check to make sure you have these records and that information contained in them is complete. If the review of your records reveals a violation of a limit or restriction in your ROP it must be reported as a deviation. Creating a Compliance Evaluation Table similar to the one below is a good way to certify compliance with all monitoring/recordkeeping requirements in your ROP. You do not have to submit the table; however, it is a good idea to keep it with your records.

EU/FG	Monitoring/Recordkeeping/Reporting Requirement	Compliance Status	
		Continuous	Intermittent
EU-PAINTLINE	The permittee shall monitor and record the actual hours of operation for each calendar month.	X	
	The permittee shall keep a record of the usage rate for each type of solvent and the corresponding VOC contents on a monthly basis.	X	
	Each month, for each type of solvent used, the permittee shall calculate the VOC emissions in terms of tons per month and tons per 12-month rolling time period.	X	
	The permittee shall inspect and maintain the integrity of the dry filters on a semi-annual basis. A record of the inspection and maintenance shall be kept on file.	X	
FG-COLDCLEANERS	The identification name/number, air/vapor interface area and type of solvent used (including reid vapor pressure and VOC content) shall be maintained for each cold cleaner.	X	
	If the solvent is heated, the solvent temperature shall be monitored and recorded on a monthly basis, during peak operating conditions.	X	

Figure 1-2

- **Column 1:** Enter the Emission Unit (EU) or Flexible Group (FG) name used in your ROP.
- **Column 2:** Enter the specific monitoring or recordkeeping requirement language from your ROP.
- **Column 3:** Identify whether your source was in compliance with the requirement or not. Select "Continuous" if your source complied with the requirement the entire reporting period. Select "Intermittent" if your source did not comply with the requirement on a continuous basis (this would be a deviation that would have to be reported).

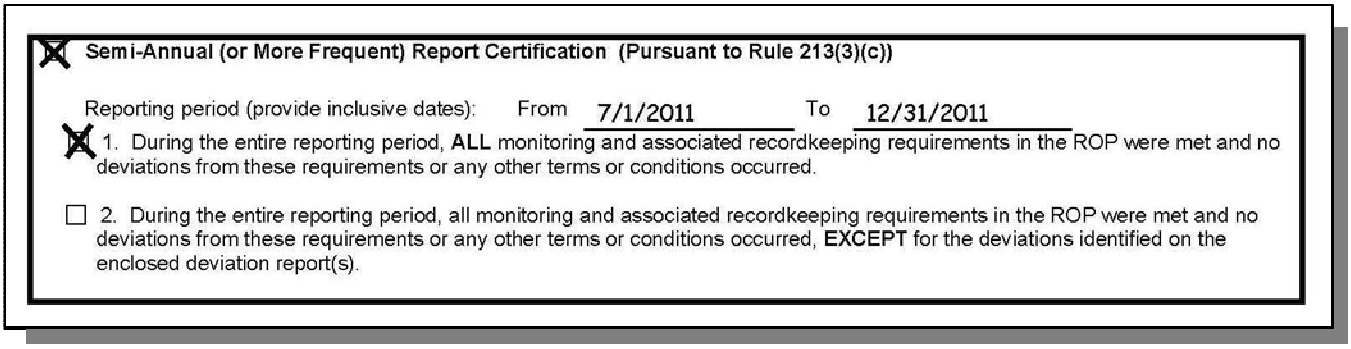
Step 4: Report Newly Discovered Deviations.

If you discover any additional deviations after evaluating your compliance in Step 3, report them on the Deviation Report Form. For example, if you discover that an emission unit is missing required recordkeeping data for a particular day or month, it must be reported as a deviation. Remember, a deviation in monitoring may affect other conditions in your permit, in which case you will report the deviation to the other permit condition as well, even though it does not pertain to monitoring or recordkeeping. For example, a deviation from a monitoring condition may also mean that an emission limit was exceeded.

Step 5: Complete the Renewable Operating Permit Report Certification Form (EQP 5736).

Follow the form completion instructions on page 1-19. The second box pertains to the Semi-Annual Monitoring and Deviation Report (Figure 1-3). Be sure to check all appropriate boxes.

If deviations need to be reported, attach the deviation reports. **You do not need to attach or submit any of the actual monitoring records unless this is required in your permit or requested by the AQD.**



☒ **Semi-Annual (or More Frequent) Report Certification (Pursuant to Rule 213(3)(c))**

Reporting period (provide inclusive dates): From 7/1/2011 To 12/31/2011

☒ 1. During the entire reporting period, **ALL** monitoring and associated recordkeeping requirements in the ROP were met and no deviations from these requirements or any other terms or conditions occurred.

☐ 2. During the entire reporting period, all monitoring and associated recordkeeping requirements in the ROP were met and no deviations from these requirements or any other terms or conditions occurred, **EXCEPT** for the deviations identified on the enclosed deviation report(s).

Figure 1-3

Step 6: Submit Forms

Submit the completed ROP Report Certification Form, deviation reports, and any other necessary information to your AQD District Office. (See Appendix C.) Make sure the ROP Report Certification Form has been signed by a Responsible Official. (See page 1-1 for an explanation of who may be considered a Responsible Official.)

ANNUAL COMPLIANCE CERTIFICATION

In addition to the Semi-Annual Report, your ROP also requires that you submit an annual certification of your source's compliance. (See Figure 1-4.) This is required in a General Condition of your permit, which states:

> *"A Responsible Official shall certify to the appropriate AQD District Office and to the USEPA that the stationary source is and has been in compliance with all terms and conditions contained in the ROP except for deviations that have been or are being reported to the appropriate AQD District Office pursuant to Rule 213(3)(c). This certification shall include all the information specified in Rule 213(4)(c)(i) through (v) and shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the certification are true, accurate, and complete."*

Figure 1-4

The Annual Compliance Certification must be postmarked no later than **March 15** for January 1 through December 31 of the previous year (unless otherwise specified in ROP). The Semi-Annual Report and Annual Compliance Certification may be submitted on the same ROP Report Certification Form if the submittal dates are the same. For example, a source's Annual Compliance Certification for January 1 through December 31, 2011 and the Semi-Annual Report for July 1 through December 31, 2011 were submitted using the same ROP Report Certification Form since both were due on March 15, 2012. Make sure that both the Annual and Semi-Annual portions of the form are completed and all appropriate boxes are checked.

Steps to completing the Annual Compliance Certification

Step 1: Read the rule.

Rule 213(4)(c) of the Michigan Air Pollution Control Rules requires that ROP subject facilities conduct an Annual Compliance Certification. (See Appendix B for Rule 213(4)(c).)

Essentially, the rule requires that the Responsible Official of a facility operating under an approved ROP certify annually whether or not the facility is and has been in compliance with <u>all</u> terms and conditions contained in its ROP. If the facility has not been in compliance with all the terms, it must report these as deviations to the AQD. The rule also explains how to certify compliance. According to the rule, to certify compliance with the ROP you must do the following:

a) Identify each term or condition of the permit,
b) Identify the compliance status with each term or condition,
c) Identify whether compliance was continuous or intermittent, and
d) Identify the methods used for determining compliance.

Step 2: Evaluate Compliance Status of Permit Conditions

The annual compliance certification requires that a "reasonable inquiry" into the compliance status of every condition in your ROP must be conducted. (Reasonable inquiry is discussed on page 1-15.) This includes the general conditions and source-wide requirements as well as all conditions associated with each emission unit and/or flexible group. Rule 213(4)(c) explains that your evaluation of each permit condition should include the four items listed in step 1. The easiest way conduct your evaluation of each condition is to create a compliance evaluation table containing the four items listed in the rule. (See Figure 1-5 on the following page.)

EU/FG	Permit Condition	Compliance Status		Method Used to Determine Compliance
		Continuous	Intermittent	
General Conditions	#10: Any air cleaning device shall be installed, maintained, and operated in a satisfactory manner and in accordance with the Michigan Air Pollution Control Rules and existing law.	X		All fabric filters are maintained according to the Air Pollution Control Rules, existing law, and the ROP.
	#20: The certification of compliance shall be submitted annually for the term of this ROP as detailed in the special conditions, or more frequently if specified in an applicable requirement or in this ROP. (R 336.1213(4)(c))	X		Annual compliance certification for 2011 was submitted January 28, 2012.
EU-BOILER	I.1: The NOx emission rate from the boiler shall not exceed 34 lbs/hr calculated on a monthly basis	X		Total NOx emission rates from the boilers for each calendar day are recorded and calculated on a monthly basis.
	II. 1: The amount of nat. gas fired in the boiler shall not exceed $152x10^6$ ft^3/month	X		Ft^3 of nat gas fired for the boiler is monitored and recorded monthly.
EU-PAINTLINE	I.2: The VOC emission rate shall not exceed 11.0 lbs/hr based on a monthly basis	X		On a monthly basis, the VOC emission rate in lbs/hr based on a monthly average is calculated
	VI.4: The permittee shall maintain a current listing of the MSDS of all coatings, including wt % of each compound	X		Binder of all MSDS are kept in manager's office and updated when new products are used or revised MSDS is available.
	VII.2: Annual certification of compliance pursuant to General Conditions 19 and 20 of Part A. The report shall be postmarked or received by the appropriate AQD District Office by March 15 for the previous calendar year.	X		Annual compliance certification for 2011 was submitted January 28, 2012.

Figure 1-5

- **Column 1:** Enter the emission unit (EU) or flexible group (FG) name from your ROP. If the requirement is a general condition enter "general condition." If it is a source-wide requirement enter "source-wide."
- **Column 2:** Enter the condition number and the exact language from the permit condition in your ROP.
- **Column 3:** Identify whether or not your source was in compliance with the condition for the entire year. If your source was in compliance with the condition for the entire year, put an "X" in the continuous box. If your source was ever out of compliance with the condition (i.e. a deviation), put an "X" in the intermittent box.
- **Column 4:** Provide the method that is used to determine compliance. For each emission limits there should be a compliance method associate with it in the ROP.

Reasonable Inquiry

The burden to prove compliance is upon the source. Therefore, when certifying compliance, it is required that there is a "reasonable inquiry" into each term and condition of the ROP by the source to determine its compliance status. Essentially, reasonable inquiry requires that the source: **1)** verify compliance with each and every term and condition in the permit (e.g. using a table like the one illustrated above) and **2)** report any known deviations, including situations where a different or no monitoring method is specified by the ROP. "Known deviations" refers to deviations of which the company, as a whole, is aware (i.e., corporate knowledge). This means that a company needs to have a system or procedures in place which will ensure that the Responsible Official is aware of all deviations considered to be corporate knowledge before certifying compliance.

Consider the following example: A source has a permit condition that limits production to 1,200 parts per month. Production records kept for July 2011 indicate that 1,150 parts were produced. The Responsible Official knows that sales records are also kept and reviews them as part of the reasonable inquiry. In September it is discovered through a review of those sales records that 1,510 parts were produced in July. Although the records for the month indicate that the source was in compliance (which is all that is required by the permit), other evidence exists which proves the source was out of compliance; therefore, the deviation should be reported. **A source cannot ignore evidence of a deviation, even if other evidence indicates that one may not exist.**

Step 3: Report all deviations to permit conditions that occurred throughout the year.

- Deviations that were subject to Rule 912 and therefore previously reported during the reporting period, must be reported again in your Annual Compliance Certification by summarizing the information on a Deviation Report Form.
- Deviations that were identified in a Deviation Report during the first Semi-Annual Report (January – June), must be reported again in the Annual Compliance Certification by including a copy of that Deviation Report with the Annual Compliance Certification.
- Deviations that are discovered during your inquiry of each condition in Step 2 must be identified on a Deviation Report Form and all necessary information will need to be provided. (See the Deviation Report Form completion instructions on page 1-6.)

Step 4: After all deviations have been identified on the Deviation Report Form, complete the ROP Report Certification Form. Follow the form completion instructions on page 1-19. The first box pertains to the Annual Compliance Certification (Figure 1-6). Be sure to check the appropriate boxes.

☒ **Annual Compliance Certification (Pursuant to Rule 213(4)(c))**

Reporting period (provide inclusive dates): From 1/1/2011 To 12/31/2011

☐ 1. During the entire reporting period, this source was in compliance with **ALL** terms and conditions contained in the ROP, each term and condition of which is identified and included by this reference. The method(s) used to determine compliance is/are the method(s) specified in the ROP.

☒ 2. During the entire reporting period this source was in compliance with all terms and conditions contained in the ROP, each term and condition of which is identified and included by this reference, **EXCEPT** for the deviations identified on the enclosed deviation report(s). The method used to determine compliance for each term and condition is the method specified in the ROP, unless otherwise indicated and described on the enclosed deviation report(s).

Figure 1-6

Step 5: Submit the Annual Certification

Submit the following information to your AQD District Office (see Appendix C) and a copy to the USEPA. The USEPA mailing address is provided in the General Conditions of your ROP.

- ROP Report Certification Form. The Annual Compliance Certification and second Semi-Annual Report are due on the same day, therefore, you may submit both using the same form. Complete both the Annual Compliance Certification box (Figure 1-5) and the Semi-Annual Monitoring and Deviation Report Certification box. If both boxes are completed the form will serve as the certification for the Annual Compliance Certification as well as the Semi-Annual Monitoring and Deviation Report for the July 1 – December 31 reporting period. **Remember the ROP Report Certification Form must be signed by a Responsible Official.**
- Deviation Report(s). Include a copy of the Deviation Report from the first Semi-Annual Report (January – June) and the Deviation Report that identifies all deviations that occurred during the second Semi-Annual Report (July – December). In addition, include any other deviations that have not yet been identified throughout the year on this form (see Step 3).

The diagram on the following page illustrates the semi-annual reporting and annual compliance certification submittal requirements.

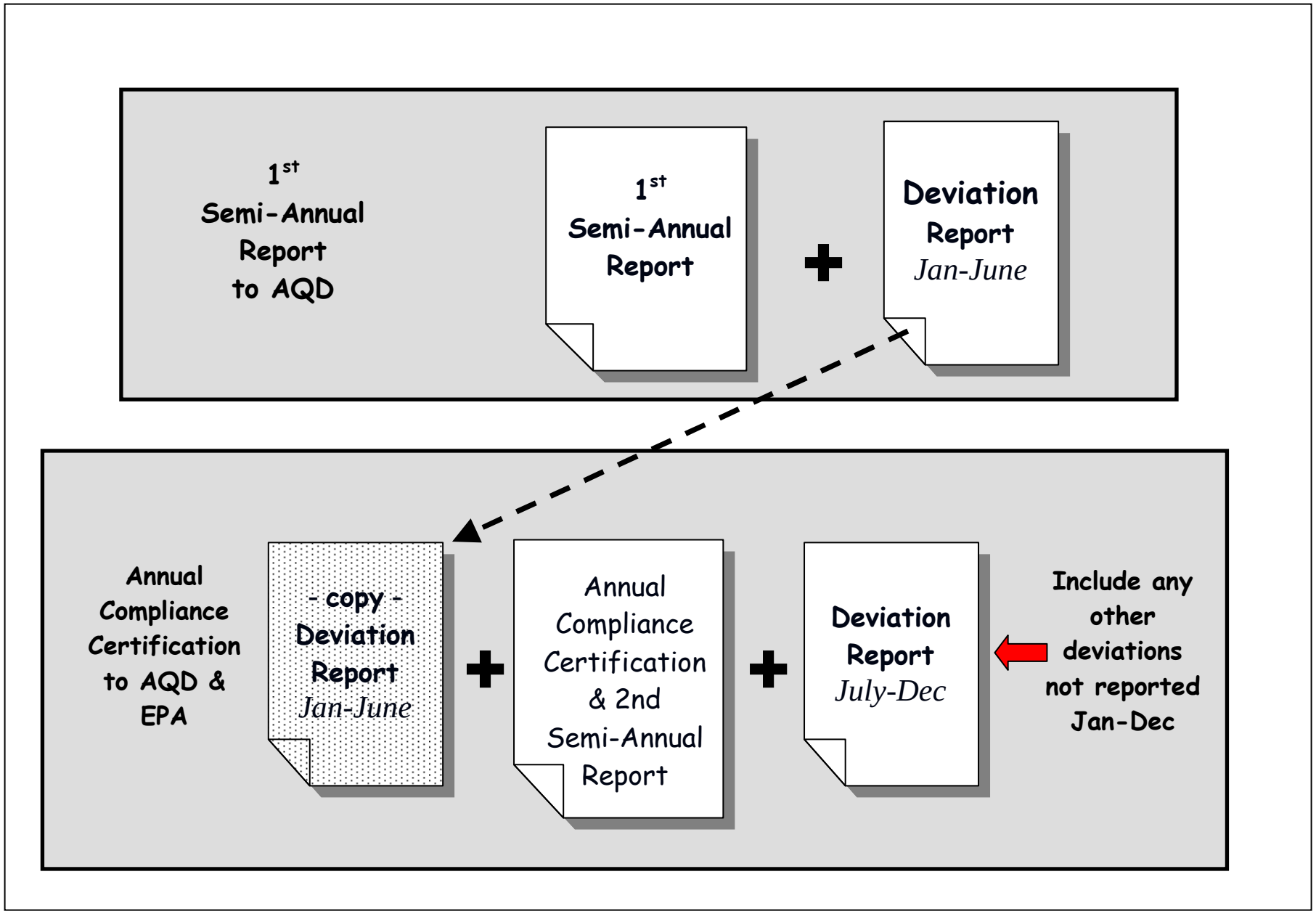

1st Semi-Annual Report to AQD
1st Semi-Annual Report
Deviation Report Jan-June
Annual Compliance Certification to AQD & EPA
- copy - Deviation Report Jan-June
Annual Compliance Certification & 2nd Semi-Annual Report
Deviation Report July-Dec
Include any other deviations not reported Jan-Dec

Figure 1-7

THE RENEWABLE OPERATING PERMIT REPORT CERTIFICATION FORM (EQP 5736)

The ROP Report Certification Form is used to certify Annual Compliance Certifications and Semi-Annual Reports as well as any other required reporting. **All ROP Report Certifications need to include a Deviation Report of any deviations that occurred during the reporting period.** Deviations are reported using the ROP Deviation Report Form. These forms must be used unless an alternative format has been approved by the appropriate AQD District Supervisor.

Both the ROP Report Certification Form (EQP 5736) and the ROP Deviation Report Form (EQP 5737) are available on the Internet at **http://www.deq.state.mi.us/aps/** (under the Renewable Operating Permits heading, click on "Life After ROP – Source Requirements After Issuance of an ROP"). Both forms are available as Microsoft Word templates. The templates allow you to enter the report information without affecting the form itself. The templates may be downloaded and the data entered electronically to complete the forms; however, the AQD is not accepting electronic submittal of the forms at this time. You must create a paper copy of all completed forms and submit these to the appropriate District Office, as indicated on the instructions for completing the forms.

ROP Report
Certification Example

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY DIVISION

RENEWABLE OPERATING PERMIT
REPORT CERTIFICATION

Authorized by 1994 P.A. 451, as amended. Failure to provide this information may result in civil and/or criminal penalties.

Reports submitted pursuant to R 336.1213 (Rule 213), subrules (3)(c) and/or (4)(c), of Michigan's Renewable Operating Permit (ROP) program must be certified by a responsible official. Additional information regarding the reports and documentation listed below must be kept on file for at least 5 years, as specified in Rule 213(3)(b)(ii), and be made available to the Department of Environmental Quality, Air Quality Division upon request.

Source Name: Sample Corporation County: Ingham

Source Address: 555 W. Main St. City: Cool City

AQD Source ID (SRN): Z9999 ROP No.: MI-ROP-Z9999-2010 ROP Section No.: 1

Please check the appropriate box(es):

☒ **Annual Compliance Certification (Pursuant to Rule 213(4)(c))**

Reporting period (provide inclusive dates): From 1/1/2011 To 12/31/2011

☒ 1. During the entire reporting period, this source was in compliance with **ALL** terms and conditions contained in the ROP, each term and condition of which is identified and included by this reference. The method(s) used to determine compliance is/are the method(s) specified in the ROP.

☐ 2. During the entire reporting period this source was in compliance with all terms and conditions contained in the ROP, each term and condition of which is identified and included by this reference, **EXCEPT** for the deviations identified on the enclosed deviation report(s). The method used to determine compliance for each term and condition is the method specified in the ROP, unless otherwise indicated and described on the enclosed deviation report(s).

☒ **Semi-Annual (or More Frequent) Report Certification (Pursuant to Rule 213(3)(c))**

Reporting period (provide inclusive dates): From 7/1/2011 To 12/31/2011

☒ 1. During the entire reporting period, **ALL** monitoring and associated recordkeeping requirements in the ROP were met and no deviations from these requirements or any other terms or conditions occurred.

☐ 2. During the entire reporting period, all monitoring and associated recordkeeping requirements in the ROP were met and no deviations from these requirements or any other terms or conditions occurred, **EXCEPT** for the deviations identified on the enclosed deviation report(s).

☒ **Other Report Certification**

Reporting period (provide inclusive dates): From 7/1/2011 To 12/31/2011

Additional monitoring reports or other applicable documents required by the ROP are attached as described:

CAM Excursion/Exceedence Report for EU BOILER

CAM Monitor Downtime Report for EU BOILER

40 CFR Part 63, Subpart ZZZZ Semi-Annual Compliance Report for EU ENGINE

I certify that, based on information and belief formed after reasonable inquiry, the statements and information in this report and the supporting enclosures are true, accurate and complete

John Sample, Jr.	Vice President	517-555-1234
Name of Responsible Official (print or type)	Title	Phone Number

John Sample, Jr. — *3/1/2012*

Signature of Responsible Official — Date

* Photocopy this form as needed.

EQP 5736 (Rev 11-04)

ROP REPORT CERTIFICATION FORM COMPLETION INSTRUCTIONS

This ROP Report Certification Form must be submitted with each report that is required to be certified by a Responsible Official. For example, this form is used to certify submittal of monitoring, stack testing, or sampling data required by the ROP. Additional information regarding the reports and documentation listed below must be kept on file for at least five years, as specified in your ROP, and be made available to the AQD upon request.

The second Semi-Annual Report (covering July – December) and Annual Compliance Certification may be submitted on the same ROP Report Certification Form. However, if the same form is used to submit both reports, you must complete both the Annual and Semi-Annual sections of the form as explained on page 1-21.

Before completing the form, make additional photocopies as needed.

- **Source Name:** Provide the name of the source as it appears in the ROP.
- **County Name:** Provide the name of the county in which the permitted source is located.
- **Source Address:** Provide the address for the physical location of the source or source Section as it appears in the ROP.
- **City:** Provide the name of the city in which the permitted source is located.
- **AQD Source ID (SRN):** Provide the source's AQD Source Registration Number (SRN).
- **ROP No.:** Provide the source's ROP Number as it appears in the permit.
- **ROP Section No.:** If applicable, provide the ROP Section Number. Most ROPs will have only one Section. For permits with multiple Sections, a Responsible Official must sign an ROP Report Certification Form for his/her respective Section(s).

☐ **Annual Compliance Certification**

This box should be selected if information is being submitted to satisfy the Annual Compliance Certification requirements as described in General Conditions of your ROP. Enter the starting and ending dates of the reporting period (including year) in the space provided. The reporting period for Annual Compliance Certification is January 1 through December 31, unless an alternate reporting period is specified by the ROP special conditions.

> If your ROP was issued during the reporting period, you will be certifying compliance from the date your permit was issued until the end of the reporting period.

☐ **1.** Select **Box 1** if <u>no</u> deviations have occurred from **any** of the general conditions or requirement tables of the applicable Section(s) of the ROP <u>at any point</u> during the above stated reporting period. If this box is checked, no other forms or attachments are necessary. *Note: The method(s) used to determine compliance <u>must, at a minimum,</u> be the method(s) specified in the ROP.*

OR

☐ **2.** Select **Box 2** if <u>one or more</u> deviations have occurred from **any** of the general conditions or conditions in the requirement tables in the ROP during the above stated reporting period. A description of each deviation must be included with this report using

the ROP Deviation Report Form (see page 1-5). *A copy of the report and any supporting documentation* ***must also be sent to the USEPA*** *at the address stated in General Conditions of the ROP.*

Note*: If your ROP was renewed during the reporting period, you will be certifying compliance under the existing ROP from January 1 until the renewal ROP was issued using one Report Certification Form and certifying compliance under the renewed ROP from its issuance date until December 31 using a second Report Certification Form.*

☐ **Semi-Annual (or More Frequent) Monitoring and Deviation Report Certification**

This box should be selected if this ROP Report Certification Form is being submitted to satisfy the Semi-Annual (or more frequent if specified in an applicable requirement of the ROP) monitoring and deviation reporting requirements as described in General Conditions of your ROP. Enter the starting and ending dates (including year) of the reporting period in the space provided. The reporting periods for Semi-Annual Reports are January 1 to June 30 and July 1 to December 31, unless an alternate reporting period is specified by your ROP special conditions.

Note*: If your ROP was renewed during the reporting period, you will be submitting your monitoring and deviation reporting under the existing ROP from the beginning of the reporting period until the renewal ROP was issued using one Report Certification Form and submitting your monitoring and deviation reporting under the renewed ROP from its issuance date until the end of the reporting period using a second Report Certification Form.*

☐ **1.** Select **Box 1** if **all** monitoring and associated recordkeeping requirements have been met and if <u>no</u> deviations have occurred from these or **any** of the other general or special conditions of the ROP <u>at any time</u> during the above stated reporting period. If this box is checked, no additional forms or attachments are necessary.

OR

☐ **2.** Select **Box 2** if <u>one or more</u> deviations occurred from any monitoring or recordkeeping requirement or **any** of the other general conditions or special conditions of the ROP during the above stated reporting period. A description of each deviation must be included with this report using the ROP Deviation Report Form (see page 1-5).

☐ **Other Report Certification**

This box should be selected if information is being submitted to satisfy ROP reporting requirements other than the Annual Compliance Certification or Semi-Annual (or more frequent) monitoring and deviation reporting requirements described above. Enter the starting and ending dates (including year) of the reporting period in the space provided. Also, give a description of the information that is being submitted in the space provided.

Other reports required by the ROP may include, but are not limited to, the following:

- Prompt reporting of deviations as described in the General Conditions of the ROP (Figure 1-7).
- Material usage records, operating schedule records, and calculated emission data.
- Quarterly CEMS Excess Emission Reports or other monitoring data.
- Sampling or stack testing data and results.
- Calibration and maintenance data for process monitoring equipment.

- Records of required preventative maintenance or malfunction abatement activities.
- Compliance Assurance Monitoring (CAM) reports.
- Reports required by National Emission Standards for Hazardous Air Pollutants (NESHAP) or New Source Performance Standards (NSPS)
- Any other reports required by the special conditions listed in the source wide, emission unit, or flexible group requirements of the ROP.

☒ **Other Report Certification**

Reporting period (provide inclusive dates): From 1/1/2011 To 3/31/2011

Additional monitoring reports or other applicable documents required by the ROP are attached as described:

First Quarter Excess Emission Reports for NOx, SO2, CO and opacity from Boiler No. 1.

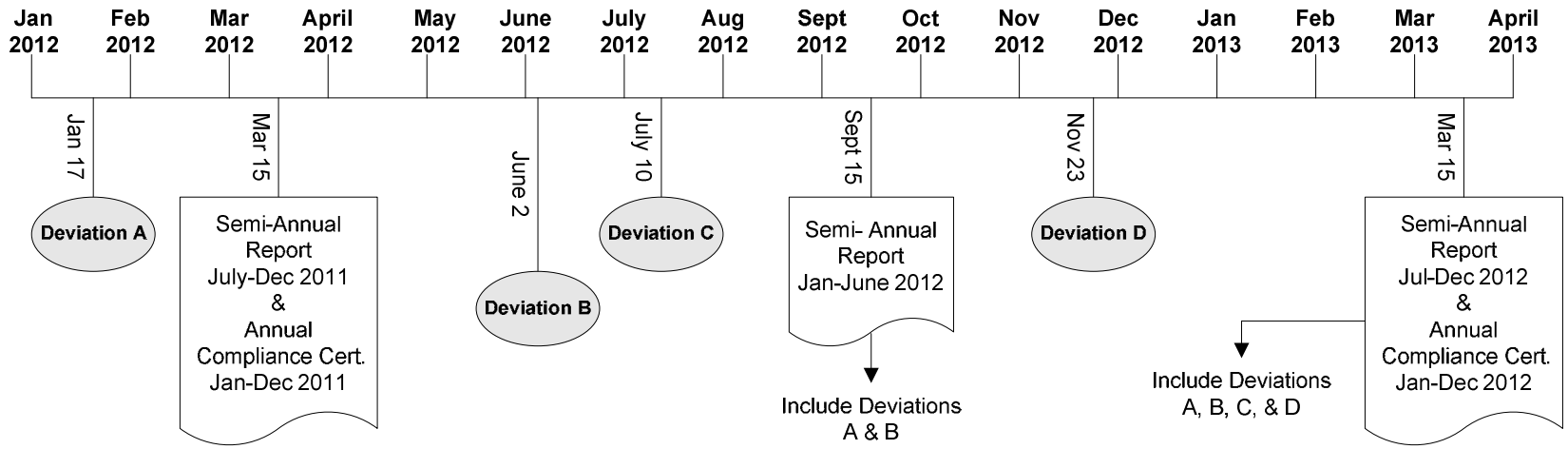
Figure 1-9

Signature of Responsible Official:

The ROP Report Certification Form must be signed by a Responsible Official for the applicable Section(s) of the ROP. (See page 1-1 for an explanation of who may be considered a Responsible Official.) An original signature is required on forms submitted to the AQD.

EXAMPLE REPORTING TIMELINE

Figure 1-10 illustrates the due dates of the Annual Compliance Certification and Semi-Annual Reports as well the reporting of deviations throughout the year.



Deviation A: Emission limit deviation lasting five hours - notify DEQ, AQD within two business days, submit written report within 10 days, summarize deviation in semi-annual report due on 9/15/12; include 9/15/2012 semi-annual report in Annual Compliance Certification due on 3/15/2013.

Deviation B: Recordkeeping Violation - report deviation in semi-annual report due on 9/15/2012; include 9/15/2012 semi-annual report in Annual Compliance Certification due on 3/15/2013.

Deviation C: Emission limit deviation lasting 15 minutes - report deviation in semi-annual report due on 3/15/2013.

Deviation D: Emission limit deviation lasting 1.5 hours - Notify DEQ, AQD within two business days, report deviation in semi-annual report due on 3/15/2013.

Figure 1-10

SECTION 2:
Revising Your ROP

In This Section:

- How do I Revise My Permit? An Overview of Notifications, Amendments, and Modifications
- Permit Revision Methods
- Introduction to the M-001 Form - *Rule 215 Change Notification or Rule 216 Amendment/Modification Application*
- M-001 Completion Instructions

SECTION 2

Revising Your ROP - Notifications, Amendments, and Modifications

After your Renewable Operating Permit (ROP) is issued, you may decide to change or modify an operation or emission unit at your facility. The change may not only require you to obtain a Permit to Install, but could affect your ROP as well. How this alters your ROP depends upon the nature of the change. Some changes require only a notification to the Air Quality Division (AQD), while others may require a revision to your ROP by applying for an amendment or modification. This section of the workbook explains how changes are incorporated into your ROP through notifications, amendments, and modifications. You will also be introduced to the M-001 Form (Rule 215 Change Notification or Rule 216 Amendment/Modification Application), which is used to notify the AQD of your change and to apply for ROP amendments and modifications.

REMEMBER: You must check to see if a Permit to Install is required prior to making any changes.

HOW DO I REVISE MY PERMIT?

AN OVERVIEW OF NOTIFICATIONS, AMENDMENTS, AND MODIFICATIONS

How changes made at your facility will affect your ROP will depend on the change being made. Rules 215 and 216 of the Michigan Air Pollution Control Rules provide the criteria, timelines, and submittal requirements for notifications, amendments, and modifications. (See Appendix B for Rules 215 and 216.) Rule 215 addresses changes that may be made at a facility that require only a notification to the AQD, with permit revision delayed until renewal. Rule 216 addresses changes at a facility that require an amendment or modification to be made to the ROP. Before making any change at your facility, you should know what the permit revision requirements are for that particular kind of change. **Some changes require submittal of certain information prior to making the change or commencing operation**.

Any change you make at your facility should fall into one of four categories – Insignificant changes, notifications, amendments, and modifications. These categories work like a funnel. When the change you are making meets certain criteria it will be “sifted out.” Start at the category at the top of the funnel and work your way down. The category at the top, “insignificant changes,” has the least impact on your ROP; therefore, these changes are filtered out first. The category at the bottom, “modifications,” requires you to actually modify your ROP through the application process.

To decide how best to incorporate a change into your ROP, review the detailed revision methods outlined on pages 2-3 through 2-22. These pages provide examples and specific criteria.

Table 2-1 on the following page provides a summary of the different types of changes that may be made at your facility, as well as the corresponding submittal requirements.

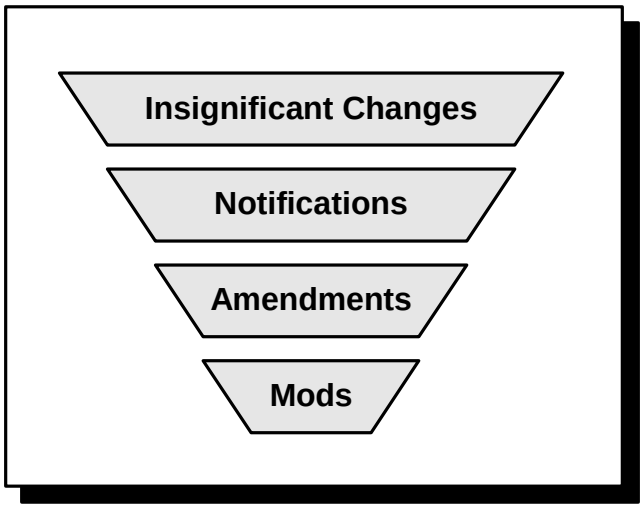


Table 2-1: Permit Revision Summary Table

	TYPE OF CHANGE	CRITERIA	Submittal Requirements
	Insignificant Change	Change is an **insignificant activity or exempt processes under Rule 212** (i.e. exempt from Permit to Install under Rules 280-290). The change cannot be subject to an NSPS or MACT standard.	None.
NOTIFICATION OF CHANGE (Rule 215)	Operational Flexibility Change	Change **does not require a Permit to Install**, has **no effect on process**, **does not increase or affect nature of emissions**, **does not violate any applicable requirements for M/R/R*** and is not subject to PSD, NSPS, MACT, or Offset Requirements. **OR** Change involves **emission trading <u>within</u> source** and the change does not exceed any emission limit or violate a condition and is not subject to PSD, NSPS, MACT, or Offset Requirements.	Submit M-001 to AQD and USEPA **seven days** before change.
	Inter-Facility Emission Trading Change	Change involves **emission trading** between two sources under an approved emission trading program.	Submit M-001 to AQD and USEPA **seven days** before change
	Off-Permit Change	Change involves **<u>new</u> emission unit that requires Permit to Install**, and the change does not conflict with anything in the ROP, and is not subject to Acid Rain Requirements. **OR** Change involves **new emission unit exempt from Permit to install but subject to NSPS or MACT.** **Change in Responsible Official.**	Submit M-001 to AQD & USEPA at time of change.
AMENDMENTS (Rule 216(1))	Simple Administrative Amendment Change	Change involves **correction of typos**, **name change**, **adding M/R/R* requirements, or change of ownership**	Submit M-001 to AQD promptly after change.
	Administrative Amendment Involving an Enhanced Permit to Install Change	Change **involves a Permit to Install** that: • Contains necessary M/R/R* requirements • Went through public comment period (e.g. subject to **PSD** or **Offset** requirements, permits of special interest)	Written notification to AQD **30 days** after construction, installation, or modification. Submit M-001 to AQD within **12 months** after commencing trial operation.
MODIFICATIONS (Rule 216(2)-(4))	Change requiring a State-Only Modification	**Change identified with a Footnote 1** in the ROP requirement table	Submit M-001 to AQD before making change.
	Minor Modification Change	Change to **<u>existing</u> emission unit** that requires a **Permit to Install**, where the Permit to Install contains necessary M/R/R* and the change: • Is not a <u>modification</u> that is subject to PSD regulations, an NSPS, a MACT standard, or Offset requirements • Does not violate an <u>underlying</u> applicable requirement • Does not <u>significantly</u> affect existing M/R/R requirements • Does not require or modify a case-by-case determination of a <u>federal</u> standard or regulation • Does not establish or modify a synthetic minor limit**	Submit M-001 to AQD before commencing trial operation.
	Change requiring a Significant Modification	Change that is **not considered any of the above** and may include changes that: • Are subject to PSD, NSPS, MACT, or Offset requirements • Exceed emission limit in ROP • Would significantly affect existing M/R/R* requirements • Require or modify a case-by-case determination • Would establish a synthetic minor limit**	Depends on nature of change. See submittal requirements on page 2-18.

*M/R/R = monitoring, recordkeeping, and reporting

**A synthetic minor limit can be added as a minor modification if it was created in a Permit to Install that was not required to go through public comment.

ROP Revision Audit

The questions below will help you decide how best to incorporate a change at your facility into your ROP. Begin at Step 1 and follow the steps from there. You will be directed to specific pages in the workbook that will provide the criteria the change must meet, examples, and submittal requirements for revising your ROP. If you do not know the answer to a question, answer "NO" and go to the page you are directed to. This page will provide further detail. If your situation does not meet the criteria after review of the detailed explanation, return to where you were in the audit and follow the steps for a "NO" answer.

1. Did you obtain a Permit to Install from the DEQ, Air Quality Division to make this change?	☐ Yes – go to question # 10 ☐ No or Not Sure – continue
2. Is this a company name change or a change in the name of the owner? Note: A change in the Responsible Official is a Rule 215(3) change – see page 2-9.	☐ Yes – go to page 2-11 ☐ No – continue
3. Are you trying to fix a typo in your ROP?	☐ Yes – go to page 2-11 ☐ No – continue
4. Are you going to add additional monitoring recordkeeping, or reporting requirements beyond what is required by any applicable requirement in your ROP or otherwise required in a regulation *(e.g. NESHAP, NSPS)*?	☐ Yes – go to page 2-11 ☐ No – continue
5. Are you dismantling an emission unit and are all the conditions associated with that emission unit going to be obsolete as a result?	☐ Yes – go to page 2-6 ☐ No – continue
6. Does the change involve emission trading occurring <u>within</u> the source?	☐ Yes – go to page 2-6 ☐ No – continue
7. Does the change you are making involve emissions trading <u>between</u> your source and another source?	☐ Yes – go to 2-8 ☐ No – continue
8. Is the change you are going to make exempt from the requirement to obtain a Permit to Install under Rules 280 – 290 of the Michigan Air Pollution Control Rules? (see Appendix C for Rules)	☐ Yes – continue ☐ No – You must obtain a PTI to make change. After obtaining the PTI, go to question # 10.
9. Does the change add a new emission unit that is subject to a New Source Performance Standard (NSPS) or a Maximum Achievable Control Technology (MACT) standard?	☐ Yes – go to page 2-9 ☐ No – go to page 2-5

Continued on next page →

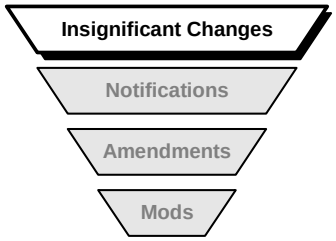
ROP Revision Audit (continued)

10. Did the Permit to Install go through a public comment period before it was issued?	☐ Yes – go to page 2-13 ☐ No – continue
11. Are you installing a new emission unit? (i.e., this is not a change to an existing emission unit at your source).	☐ Yes – go to page 2-9 ☐ No – continue
12. Will the change you are making affect <u>only</u> conditions in your ROP with an asterisk or footnote"(1)" next to them (i.e., state only conditions)?	☐ Yes – go to page 2-16 ☐ No – continue
13. Does the change being made to an emission unit result in the emission unit becoming subject to a New Source Performance Standard (NSPS) or a Maximum Achievable Control Technology (MACT) standard?	☐ Yes – go to page 2-17 ☐ No – continue
14. Did you obtain the Permit to Install for the purpose of limiting your source's potential to emit? *(e.g., so your source will not be considered a "major source" of HAPs)*	☐ Yes – go to page 2-17 ☐ No – continue
15. Do you wish to establish a limit directly in the ROP for the purpose of limiting your source's potential to emit? *(e.g., so that your source will not be considered a "major source" of HAPs)*	☐ Yes – go to page 2-20 ☐ No – continue
16. Will the change significantly affect any existing monitoring, recordkeeping, or reporting requirements in your ROP?	☐ Yes – A Permit to Install must be obtained; otherwise, go to page 2-20. ☐ No – continue
17. Will this change cause your source to exceed an emission limit established in your ROP? Will the change trigger Prevention of Significant Deterioration (PSD) Regulations or Offset requirements? Will the change require or modify a case-by-case determination under federal PSD regulations, a NSPS, a MACT standard, or Offset requirements?	☐ Yes – Contact your AQD District Office.

If the change you are making is not addressed in this audit, review the detailed revision methods outlined on pages 2-5 through 2-19. These pages provide examples and more specific criteria.

INSIGNIFICANT CHANGES
Rule 215(4)

DESCRIPTION



This category covers changes that involve the insignificant activities identified in Rule 212(2), or that involve the installation, construction, reconstruction, or modification of any process or process equipment identified in Rule 212(3) and (4). (See Appendix B for Rules.) This includes the installation of any emission unit that is exempt from the requirement to obtain a Permit to Install under Rules 280 through 290, provided the change is not excluded by Rule 278 and the criteria below are met.

Changes that fall into this category can be made without formal notification to the AQD; however, records pertaining to the change must be kept by the source. Your ROP does not need to be revised to include these types of changes until its renewal period (every five years).

Examples

- The installation of a welding operation.
- Routine maintenance to an emission unit.
- The installation of a paint booth where coating usage is less than 200 gallons per month.
- The installation of a cold cleaner exempt under Rule 281(h) and <u>not</u> subject to Halogenated MACT standard.

Note: *In accordance with Rule 212(2)(b) and (c), activities and changes considered exempt under Rule 285(a) to (f) and Rule 287 (f) to (h) cannot be made under Rule 215(4) if any compliance monitoring requirements in the ROP would be affected. If compliance monitoring requirements are affected, the ROP would have to be revised through a modification.*

CRITERIA

Rule 215(4) allows for changes at a stationary source covered by an ROP, without revision to that permit, which involve insignificant activities addressed in Rule 212(2) or that involve the installation, construction, reconstruction, relocation, or modification of any process or process equipment listed in Rule 212(3) and (4), provided that the following four criteria are met:

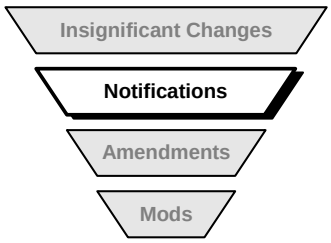
- The change is not subject to Prevention of Significant Deterioration (PSD) regulations, a New Source Performance Standard (NSPS), a Maximum Achievable Control Technology (MACT) standard, or Offset requirements.
- The change would not result in a violation of any applicable requirement.
- The change would not exceed a synthetic minor limit or other standard or condition that the stationary source has assumed to avoid an otherwise applicable requirement.
- The change would not require or modify a case-by-case determination of an emission limit or standard to meet a federal requirement (e.g., Section 112(g) MACT determination).

SUBMITTAL REQUIREMENTS

None

OPERATIONAL FLEXIBILITY CHANGES
Rule 215(1)(a)-(b)

DESCRIPTION



Operational flexibility changes are those changes that do not require a Permit to Install, have no effect on the process, and do not increase or affect the nature of emissions. These changes may also involve emission trading activities within your source. Operational flexibility changes cannot exceed any emission limit or violate any condition required by an applicable requirement.

There are very few changes that would meet the criteria of operational flexibility and not be covered under Rule 215(4) as an insignificant change. An example of an operational flexibility change would be removing an emission unit from a stationary source, with the result that all the associated applicable requirements in the ROP are obsolete. **However, even though the requirements become obsolete, the requirement tables will remain in the ROP.** To remove the requirements from the ROP, submit an application for a minor modification (see page 2-17).

Examples

- Process equipment is completely removed from a stationary source and all associated applicable requirements in the ROP become obsolete as a result.
- A company registers emission reduction credits from one emission unit at a stationary source in order to use those emission reduction credits for another emission unit at the same stationary source.

CRITERIA

Under **Rule 215(1)(a)**, Operational Flexibility changes to a stationary source are allowed without revision to the existing ROP, provided that:

- Actual emissions do not exceed any emission limitation, standard, or condition, including a work practice standard, that is required by an applicable requirement or that establishes a synthetic minor limit.
- The change does not violate any applicable requirement including any applicable requirement for monitoring, recordkeeping, reporting, or compliance certification.
- The change is not subject to Prevention of Significant Deterioration (PSD) regulations, a New Source Performance Standard (NSPS), a Maximum Achievable Control Technology (MACT) standard, or Offset requirements.

Under **Rule 215(1)(b)**, Intra-Facility Trading (emission trading within the source) changes to a stationary source are allowed without revision to the existing ROP where the source participates in a federally-approved emissions trading program, and the change does not affect an emission limit or other applicable requirement within the ROP (including any applicable requirement for monitoring, recordkeeping, reporting, or compliance certification).

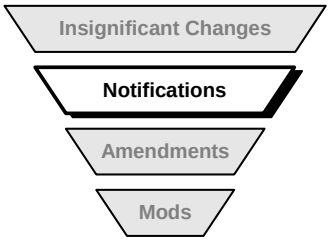
SUBMITTAL REQUIREMENTS

At least seven days in advance of the change, submit a completed M-001 Form to the appropriate ***AQD District Office*** (see Appendix C) and to the USEPA, Air and Radiation Division, Attn: Permits - Michigan, 77 West Jackson Boulevard, Chicago, IL 60604. Refer to the M-001 Form completion instructions on page 2-23 for more information.

- ✓ Complete Items 1-10 and 14 of the M-001 Form.
- ✓ Check "Rule 215(1) Notification of Change" in Item 7.
- ✓ The description of the change (Item 10) should include: the date of the change, any change in emissions, and any permit term or condition that would no longer be applicable as a result of the change. For intra-facility emission trading changes, the description should also include pollutants subject to the emissions trade, requirements which will be met through emissions trading, and the requirements of the trading program for which the source will comply and which allow the trade.

INTER-FACILITY EMISSION TRADING CHANGES
Rule 215(2)

DESCRIPTION



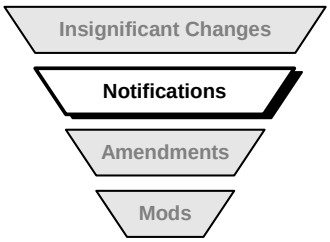
Inter-facility emission trading changes involve emissions trading between two or more stationary sources.

Under Rule 215(2), inter-facility emission trading changes to a stationary source would be allowed without revision to the existing ROP if the source participated in a federally approved emissions trading program and if the ROP had a condition that allows for such a change.

Michigan does not currently have any federally-approved emission trading programs. If an emission trading program is established and approved, further guidance will be made available at that time.

OFF-PERMIT CHANGES
Rule 215(3)

DESCRIPTION



"Off-permit" means certain changes can be made at a source that result in new applicable requirements but do not need to be incorporated into the ROP until the renewal period of the permit. This category includes changes that involve a **new** emission unit that requires a Permit to Install (PTI) or **new** emission unit exempt from Permit to Install but subject to a New Source Performance Standard (NSPS) or a Maximum Achievable Control Technology (MACT) standard.

If your change involves a modification to an **existing** emission unit and the emission unit is or becomes subject to PSD, NSPS, MACT, or Offset requirements, the change cannot be made as an Off-Permit change. Depending on the circumstances, this type of change could be made as an administrative amendment involving an enhanced PTI (page 2-13), a minor modification (page 2-17), or a significant modification (page 2-20).

To notify the DEQ of a change in Responsible Official or contact person send a Rule 215(3) off-permit notification to the associated AQD District Office. (See Appendix C).

Examples

- The installation of a new emission unit requiring a Permit to Install, which does not conflict with or is not prohibited by any requirements in the existing ROP.
- The installation of a new boiler that is exempt from having to obtain a Permit to Install under Rule 282 but subject to 40 CFR Part 60, Subpart Dc (NSPS).

CRITERIA

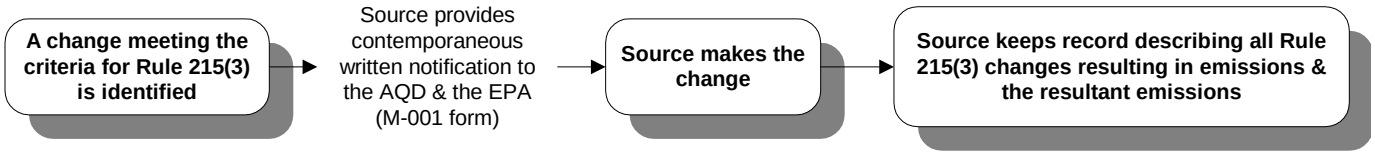
Rule 215(3) allows certain changes to remain "off-permit" until the ROP is renewed, provided:

- This is not a change to an existing emission unit.
- The change does not conflict with or is not prohibited by anything in the existing ROP.
- The change complies with all applicable requirements.
- The change is not subject to PSD regulations or Offset requirements.
- If the source is an affected source under the Title IV acid rain provisions of the federal Clean Air Act, the change is not contrary to any applicable requirements of Title IV.

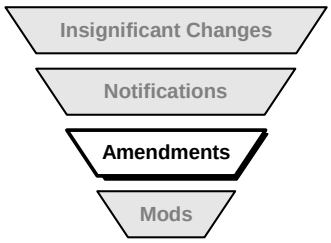
SUBMITTAL REQUIREMENTS

1. **At the time of the change** submit a completed M-001 Form to the appropriate ***AQD District Office*** (see Appendix C) and to the USEPA, Air and Radiation Division, Attn: Permits - Michigan, 77 West Jackson Boulevard, Chicago, IL 60604. Refer to the M-001 Form completion instructions on page 2-23 for more information.
   - ✓ Complete Items 1 through 11 and 14 on the M-001 Form.
   - ✓ Check *"Rule 215(3) Notification of Change"* in Item 7. The description of the change (Item 10) should include: the date of the change, any change in emissions, any pollutants emitted, and any applicable requirement that would apply as a result of the change. The description of change may be provided through a combination of completing Item 10 and attaching a PTI or an AI-001 Form.
2. A record must be kept that describes all Off-Permit changes made at your facility, including any emissions that result from these changes.

Timeline for Rule 215(3) Off-Permit Changes



SIMPLE ADMINISTRATIVE AMENDMENT
Rule 216(1)(a)(i)-(iv)



DESCRIPTION

This category specifically addresses changes that involve the following:

- **Correction of Typographical Errors.**

- **Changes in Responsible Official**. Changes in the name, address, or phone number of the Responsible Official or contact person of the stationary source could be made administratively if specifically identified in the ROP. However, ROPs do not specifically identify the Responsible Official or contact person; therefore, an administrative amendment will not be processed.

> **If you wish to notify the DEQ of a change in Responsible Official or contact person, you can provide either a Rule 215(3) off-permit notification or a letter to the AQD District Office. See page 2-9.**

- **Increased Frequency of Monitoring, Recordkeeping, and Reporting**. A source may voluntarily choose to increase the frequency of their monitoring, recordkeeping, and reporting activities beyond what is required in any applicable requirement. Increases in monitoring or recordkeeping can be handled through a simple administrative amendment. Any other changes to monitoring, recordkeeping or reporting requirements that would comply with the regulations may be requested by submittal of a minor modification application. (See page 2-19.)

- **Changes in Ownership or Operational Control**. This includes a change in the ownership or operational control of a source where the AQD determines that no other change in the permit is necessary and a written agreement (e.g., a letter showing the transfer of the ROP) between the parties has been submitted to the AQD. If there is a change in ownership or operational control at a stationary source, an application for an administrative amendment must be submitted because the owner or operator is specifically identified in the ROP.

Examples

- Misspelled words.
- Omitted words that would not alter the intent or language of the condition.
- Company name changes.
- New company takes ownership of source.

CRITERIA

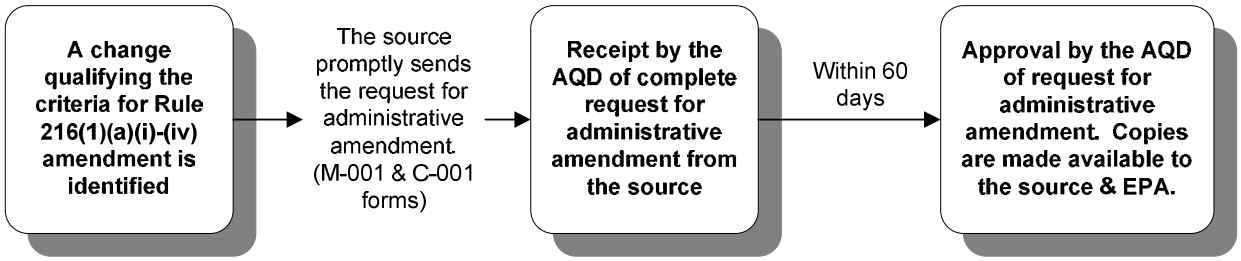
Rule 216(1)(a)(i)-(iv) applies to simple or trivial changes to an issued ROP as described above.

SUBMITTAL REQUIREMENTS

Promptly after the change has been made, submit an application for an administrative amendment using the M-001 Form to the DEQ, Air Quality Division, **Cadillac District Office**, 120 West Chapin St, Cadillac, MI 49601. Refer to the M-001 Form completion instructions on page 2-23 for more information.

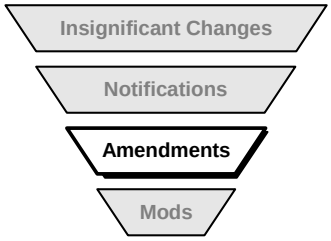
- ✓ Complete Items 1-10 and 14 on the M-001 Form
- ✓ Check "*Rule 216(1)(a)(i)-(iv) Administrative Amendment*" in Item 7 of M-001 Form.
- ✓ Complete Item 10, giving a brief description of the change. If the amendment request involves a change in ownership or operational control, you may also include any changes in the Responsible Official or contact regarding the ROP.
- ✓ Attach a C-001: Certification Form, which certifies that the statements and information in the request are true, accurate, and complete. The C-001 Form can be downloaded from the Internet at: **http://www.deq.state.mi.us/aps/** (under the Renewable Operating Permits heading, choose "Life After ROP – Source Requirements After Issuance of an ROP").

Timeline for Rule 216(1)(a)(i)-(iv) Administrative Amendments



ADMINISTRATIVE AMENDMENT INVOLVING AN "ENHANCED" PERMIT TO INSTALL
Rule 216(1)(a)(v)

DESCRIPTION



This category covers changes made at a facility where an "enhanced Permit to Install (PTI)" is obtained. An enhanced PTI is a PTI that has gone through a public comment period during the approval process. To be considered an administrative amendment, the PTI must also contain all necessary monitoring, recordkeeping, and reporting requirements.

Examples of PTIs that may have to go through a public comment period include PTIs that are subject to Prevention of Significant Deterioration (PSD) regulations, Maximum Achievable Control Technology (MACT) determinations made under Section 112(g), or Offset requirements. In addition, PTIs of "significant interest" are required to complete public participation prior to issuance and could also, as a result, be incorporated as an administrative permit amendment as long as they contain the necessary monitoring, recordkeeping, and reporting requirements.

In effect, changes that would otherwise have required a significant modification (see page 2-18) can be more simply incorporated into the ROP as an administrative amendment if the monitoring, recordkeeping, and reporting requirements are adequate **and** if the PTI process included a public comment period.

A source can make a change covered by an enhanced PTI as soon as the PTI is issued. After the change has been made and until the administrative amendment is approved, the source needs to comply with the applicable requirements and conditions in the PTI that cover the change. In other words, when a condition of the PTI contradicts a condition of the ROP, the source need only comply with the conditions of the PTI. If the source fails to comply with the PTI before the administrative amendment to the ROP is approved, then the conditions in the ROP are still enforceable.

Examples

- The installation of new equipment or modification of existing equipment contained in a PTI subject to PSD requirements where the permit went through a public comment process equivalent to that under the ROP program and also contains all necessary monitoring, recordkeeping, and reporting.
- The installation of new equipment or modification of existing equipment contained in a Permit to Install that was considered to be of significant interest and therefore went through a public comment process equivalent to that under the ROP program and also contains all necessary monitoring, recordkeeping, and reporting.
- A limit on potential to emit was created in a PTI that went through public comment.

The AQD has 60 days to review the information in the administrative amendment application to determine whether a sufficient compliance demonstration is provided. If the source is in compliance with the proposed change, the AQD forwards a copy of the administrative amendment application and a proposed amended ROP to the USEPA for the agency's 45-day review period. If the USEPA objects in writing to the administrative amendment before the end of the 45-day review period, then the ROP cannot be amended until the objection is resolved**.**

CRITERIA

Rule 216(1)(a)(v) addresses changes to an ROP involving an "enhanced PTI" where:

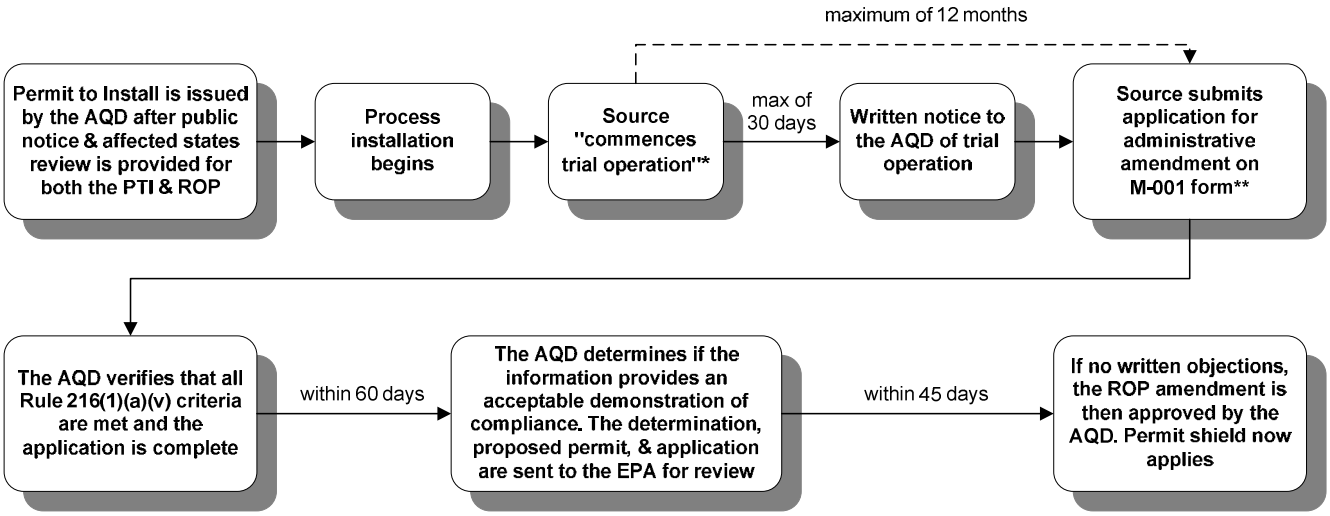
- The PTI meets the permit content requirements of Rule 213 (including monitoring, recordkeeping, and reporting). (See Appendix B for Rule 213.)
- The public participation procedures and review by affected states during PTI review were substantially equivalent to those required by Rule 214. (See Appendix B for Rule 214.)
- The stationary source is in compliance with the terms and conditions of the PTI.
- No changes are required to the terms and conditions of the PTI to incorporate it into the ROP.

SUBMITTAL REQUIREMENTS

Rule 216(1)(a)(v) provisions for an Administrative Amendment involving an "Enhanced PTI" requires submittal of two documents to the AQD. The first is written notification that the equipment has been installed. This notification is required within **30 days after the date of completing the installation or when trial operation begins**. The second is an application requesting an administrative amendment using the M-001 Form. The M-001 Form and all required information must be submitted within **12 months of commencing <u>trial</u> operation.**

1. **Within 30 days** after the emission unit has been installed, constructed, or modified, submit a written notification explaining that the equipment has been installed, modified, or constructed to the appropriate AQD District Office (see Appendix C).
2. **Within 12 months** of commencing trial operation, submit an application for an administrative amendment using the M-001 Form to the DEQ, Air Quality Division, **Cadillac District Office**, 120 West Chapin St, Cadillac, MI 49601. Refer to the M-001 Form completion instructions on page 2-23 for more information.
   - ✓ Complete Items 1 through 14 of the M-001 Form.
   - ✓ Check "Rule 216(1)(a)(v) Administrative Amendment" in Item 7.
   - ✓ Include results of all testing, monitoring, and recordkeeping performed to determine compliance.
   - ✓ Include a schedule of compliance for the process or process equipment. (See Rule 119(a) in Appendix B for a definition of "schedule of compliance.")
   - ✓ AI-001 Form(s) should be used to submit supplemental information. You are encouraged to supplement the description of proposed changes to terms and conditions by attaching a marked-up copy of the associated page(s) in the existing ROP.
   - ✓ Attach a C-001 Form signed by the Responsible Official. The C-001 Form can be found at the following web site: **http://www.deq.state.mi.us/aps/** (under the Renewable Operating Permits heading, click on "Life After ROP – Source Requirements After Issuance of an ROP").

Timeline for Rule 216(1)(a)(v) Administrative Amendments

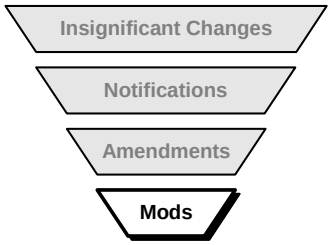


*Rule 216(1)(a)(v)(A) specifies that the written notice must be within 30 days after "completion of the installation, construction, reconstruction, relocation, alteration, or modification of the process or process equipment…." Rule 201(7) specifies that this is "considered to occur not later than commencement of trial operation of the process or process equipment."

** Rule 216(1)(a)(v)(B) specifies that the source must request that the contents of the PTI be incorporated as an administrative amendment. The request must include (1) the results of all testing, monitoring, and recordkeeping performed to determine the actual emissions and to demonstrate compliance with the PTI, (2) a schedule of compliance and (3) a "truth, accuracy, and completeness" certification by the Responsible Official.

CHANGES REQUIRING A STATE-ONLY MODIFICATION
Rule 216(4)

DESCRIPTION



State-only modifications include changes to the terms and conditions in your ROP that are designated as not enforceable under the Federal Clean Air Act (CAA). Conditions that are not enforceable under the CAA are noted in your ROP with a footnote "1." A change may not be considered a state-only modification if the change results in any new applicable requirement that is enforceable under the CAA.

Rule 216(4)(d) allows a source to make a change covered by a state-only modification as soon as the AQD has received a state-only modification application which contains reasonable responses to all information requested on the application form. If a condition included in the application for a state-only permit modification contradicts a requirement of the ROP, the source need only comply with the changes proposed in the modification application. If the source fails to comply with the conditions proposed in the application, the conditions of the ROP are still enforceable and the application may be denied.

Example

- A source requests to make a change that would only affect a condition identified with a footnote "1"in its ROP.

CRITERIA

Rule 216(4) provides that any modification that involves changes to terms and conditions of an ROP that are designated as not enforceable under the Federal CAA is a state-only modification. If the change results in a new applicable requirement that must be enforceable under the federal CAA, then the change cannot be a state-only modification. Only conditions identified with a footnote "1" in an existing ROP can be changed as state-only modifications.

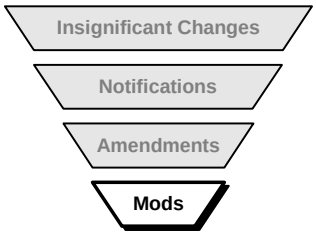
SUBMITTAL REQUIREMENTS

Prior to making the change, submit an application for a state-only modification using the M-001 Form to the DEQ, Air Quality Division, **Cadillac District Office**, 120 West Chapin St, Cadillac, MI 49601. Refer to the M-001 Form completion instructions on page 2-23 for more information.

- ✓ Complete Items 1-12 and 14 on the M-001 Form.
- ✓ Check "Rule 216(4) State-only Modification" in Item 7 of M-001 Form.
- ✓ The description of the change (Item 10) should include the quality and quantity of emissions resulting from the change, and any new applicable requirement(s) that would apply as a result of the change.
- ✓ Changes proposed to the terms and conditions of the ROP must be adequate to address the change and any new applicable requirements. You are encouraged to supplement the description of proposed changes to terms and conditions by attaching a marked-up copy of the associated page(s) in the existing ROP with an AI-001 Form.
- ✓ Attach a C-001 Form, signed by the Responsible Official. The C-001 Form can be found at the following web site: **http://www.deq.state.mi.us/aps/** (under the Renewable Operating Permits heading, click on "Life After ROP – Source Requirements After Issuance of an ROP").

CHANGES REQUIRING A MINOR MODIFICATION
Rule 216(2)

DESCRIPTION



Minor modifications are commonly used to incorporate changes to **existing emission units** associated with a Permit to Install (PTI) that did not go through a 30-day public comment period, but contain the necessary monitoring, recordkeeping, and reporting. In general, changes which qualify as minor modifications do not require significant judgment to determine the revised ROP terms and conditions. Minor modifications may involve adding or revising applicable requirements that do not require additional technical review or case-specific determinations in order to determine the revised ROP conditions.

You can begin construction covered by a PTI as soon as the PTI has been issued. However, **you cannot operate the emission unit until the minor modification application has been received by AQD**. If a condition included in your application for a minor permit modification contradicts a requirement of your ROP, you need only comply with the changes proposed in the modification application. If you fail to comply with the conditions proposed in the application, the conditions of your ROP are still enforceable and the application may be denied.

Examples

- A source obtains a PTI to increase an emission limit at an existing emission unit.
- A source obtains a PTI to modify an emission unit and as a result is subject to a MACT standard.
- A source is going to modify an emission unit already subject to a MACT standard where the change does not require a PTI **and** the change will not **significantly** affect any of the monitoring recordkeeping and reporting requirements in their existing ROP. The proposed monitoring/ recordkeeping must be approvable by AQD.
- A source obtains an opt-out PTI to limit the emission of HAPs to below major source thresholds (synthetic minor limit) in order to avoid becoming subject to a MACT standard and the opt-out PTI was <u>not required to go through a public comment period</u>.
- A source installs pollution control equipment exempt under Rule 285(d) and the proposed monitoring/recordkeeping is approvable by AQD.
- A source wishes to remove obsolete requirements.

CRITERIA

Under Rule 216(2), changes that do not qualify under operational flexibility, off-permit, or as administrative amendments, and are not required to be significant modifications, may be incorporated into an ROP as minor modifications provided the change **<u>would not</u>**:

- Be a modification that triggers Prevention of Significant Deterioration (PSD) regulations or Offset requirements.
- Result in a violation of any underlying applicable requirement.
- Significantly affect any existing monitoring, recordkeeping, or reporting requirements contained in an existing ROP (e.g., propose less stringent monitoring/recordkeeping than what is in existing ROP).

- Require or modify a case-by-case determination under federal PSD regulations, a NSPS, a MACT standard, or Offset requirements.
- Establish or modify a synthetic minor limit unless you obtained an opt-out permit to establish a synthetic minor limit and it was not required to go through public comment.

Typically, a minor PTI may be incorporated into an ROP as a minor modification because addressing the minor PTI conditions should not involve the type of changes listed above. For example, a minor PTI cannot legally authorize a violation of any underlying applicable requirement. Monitoring, recordkeeping, and reporting requirements in a minor PTI have already undergone review and approval through the minor PTI program. Also, the incorporation of minor PTI requirements into the ROP does not require or modify case-by-case determinations or establish or modify synthetic minor limits because those requirements have already been established through the minor PTI program. Finally, a minor PTI cannot be issued to address PSD or non-attainment New Source Review requirements (i.e., offsets).

In other words, any case-by-case technical review and applicable requirement determinations are established pursuant to the PTI program, not the ROP program. Because the technical judgments are made during the PTI review, the subsequent ROP revision application simply requests that the conditions of that PTI be incorporated into the ROP.

However, if an ROP revision requires changes beyond directly incorporating the conditions of a new minor PTI, such changes would also have to meet the criteria above in order to be eligible for the minor modification process. For example, in the unlikely event that a PTI was inadvertently issued without sufficient monitoring or recordkeeping requirements to verify compliance with a particular emission limit, the corresponding ROP revision must be processed as a significant modification to include appropriate further condition(s) for determining compliance with that emission limit.

Note that “major PTIs” undergo a public and affected state(s) review process that is comparable to the full review process for ROPs; therefore, major PTIs should qualify to be incorporated as “enhanced PTI” administrative amendments pursuant to Rule 216(1)(a)(v). If not, these changes would be processed as significant modifications.

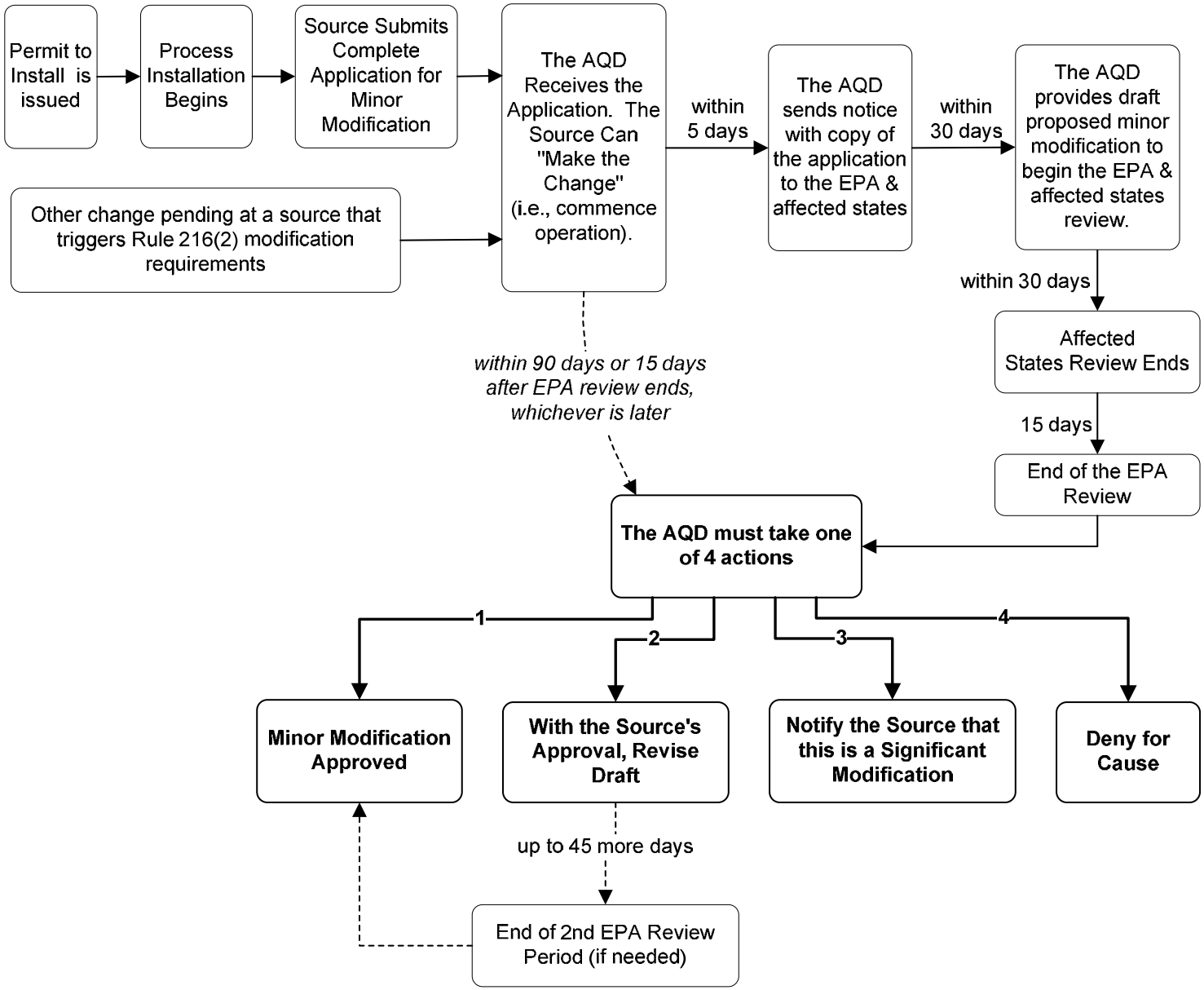
SUBMITTAL REQUIREMENTS

Prior to commencing trial operation, submit an application for a minor modification using the M-001 Form to the DEQ, Air Quality Division, **Cadillac District Office**, 120 West Chapin St, Cadillac, MI 49601. Refer to the M-001 Form completion instructions on page 2-23 for more information. A timeline is provided on the next page.

- ✓ Complete Items 1-12 and 14 on the M-001 Form.
- ✓ Check “Rule 216(2) Minor Modification” in Item 7 of M-001 Form. The description of the change (Item 10) should include the quality and quantity of emissions resulting from the change, and any new applicable requirement that would apply as a result of the change. You are encouraged to supplement the description of proposed changes to terms and conditions by attaching a marked-up copy of the associated page(s) in the existing ROP with an AI-001 Form.

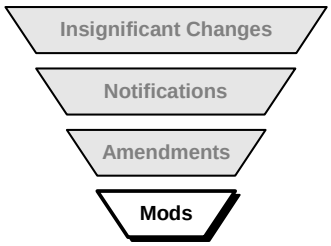
Attach a C-001 Form, signed by the Responsible Official. The C-001 Form can be found at the following web site: **http://www.deq.state.mi.us/aps/** (under the Renewable Operating Permits heading , click on “Life After ROP – Source Requirements After Issuance of an ROP”.

Timeline for Rule 216(2) Minor Modifications



CHANGES REQUIRING A SIGNIFICANT MODIFICATION
Rule 216(3)

DESCRIPTION



Changes at your facility that would require a significant modification to your permit are those changes that do not qualify for any of the previous categories. (See examples below.)

The procedures for a significant modification are equivalent to those for initial ROP issuance, except that the significant modification application addresses only the emission units affected by the change. In addition to the M-001 and C-001 Forms, you are required to submit ROP application forms as part of a significant modification application.

The AQD must take final action on a significant modification in accordance with the requirements of Rule 214. This final action must be taken within nine months of receipt by the AQD of an administratively complete application for the significant modification. (See Appendix B for Rule 214.)

Examples

- Adding a synthetic minor limit directly to the ROP without going through PTI process.
- A change that has not gone through public comment which would modify a synthetic minor limit.
- A change to less frequent monitoring or recordkeeping (e.g. from daily to monthly).
- Changing a continuous emissions monitor to periodic emissions monitoring.
- The installation of new equipment or modification of existing equipment contained in a Permit to Install (PTI) which does not contain all necessary monitoring, recordkeeping, and reporting.

CRITERIA

Rule 216(3) describes the types of changes that require a significant ROP modification. These are changes that do <u>not</u> qualify for any of the previous categories and that involve any of the following (unless part of a PTI that meets the criteria of Rule 216(1)(a)(v) administrative amendment as described on page 2-13):

- A change that would significantly affect an existing monitoring, recordkeeping, or reporting requirement in the ROP.
- A change that would establish or modify a synthetic minor limit to avoid an applicable requirement to which the source would otherwise be subject.
- A change that would result in emissions that exceed any emission limitation, standard or condition, including a work practice standard, that is required by an applicable requirement or would exceed a synthetic minor limit.
- A change that triggers Prevention of Significant Deterioration (PSD) regulations, or Offset Requirements.
- A change that would require or modify a case-by-case determination of an emission limitation or other standard (e.g. Section 112(g) MACT determination), a source-specific determination of ambient air impacts for temporary sources, or a visibility or increment analysis.

SUBMITTAL REQUIREMENTS

Submittal requirements for a significant modification depend on the nature of the change. The timeline on page 2-20 illustrates the significant modification application process for three different scenarios described below.

> If there is non-compliance with the terms and conditions of the PTI that govern the change, a schedule of compliance needs to be incorporated into the ROP as a significant permit modification, in addition to the terms and conditions of the PTI.

Scenario A: A PTI subject to PSD, NSPS, MACT, or Offset requirements is issued and the change does not conflict with any existing ROP conditions (e.g., addition of a new emission unit). *Although generally expected to be processed as an administrative amendment, the situation may occur where the criteria of Rule 216(1)(a)(v) are not met or the source may otherwise choose to apply for a significant modification.*

1. **30 days after trial operation has commenced**, submit a written notification to the appropriate AQD District Office informing them that trial operation has commenced (see Appendix C).
2. **Within 12 months** of commencing trial operation, submit an application for a significant modification using the M-001 Form the DEQ, Air Quality Division, **Cadillac District Office**, 120 West Chapin St, Cadillac, MI 49601. Refer to the M-001 Form completion instructions on page 2-23 for more information.
   - ✓ Complete Items 1-7, 9-12, and 14 on the M-001 Form.
   - ✓ Check "Rule 216(3) Significant Modification" in Item 7.
   - ✓ Include appropriate ROP application forms. The application requirements (including submittal of the method for determining compliance) are equivalent to those for an initial ROP application, except that the application addresses only the emission units affected by the change. You are encouraged to supplement the description of proposed changes to terms and conditions by attaching a marked-up copy of the associated page(s) in the existing ROP with an AI-001 Form; otherwise, application forms for an initial ROP must be used. These are available on the Internet at **http://www.deq.state.mi.us/aps/** (under the Renewable Operating Permits heading, click on "ROP-Related Forms and Software").
   - ✓ Attach a C-001 Form, signed by the Responsible Official. The C-001 Form can be found at the following web site: **http://www.deq.state.mi.us/aps/** (under the Renewable Operating Permits heading, click on "Life After ROP – Source Requirements After Issuance of an ROP").

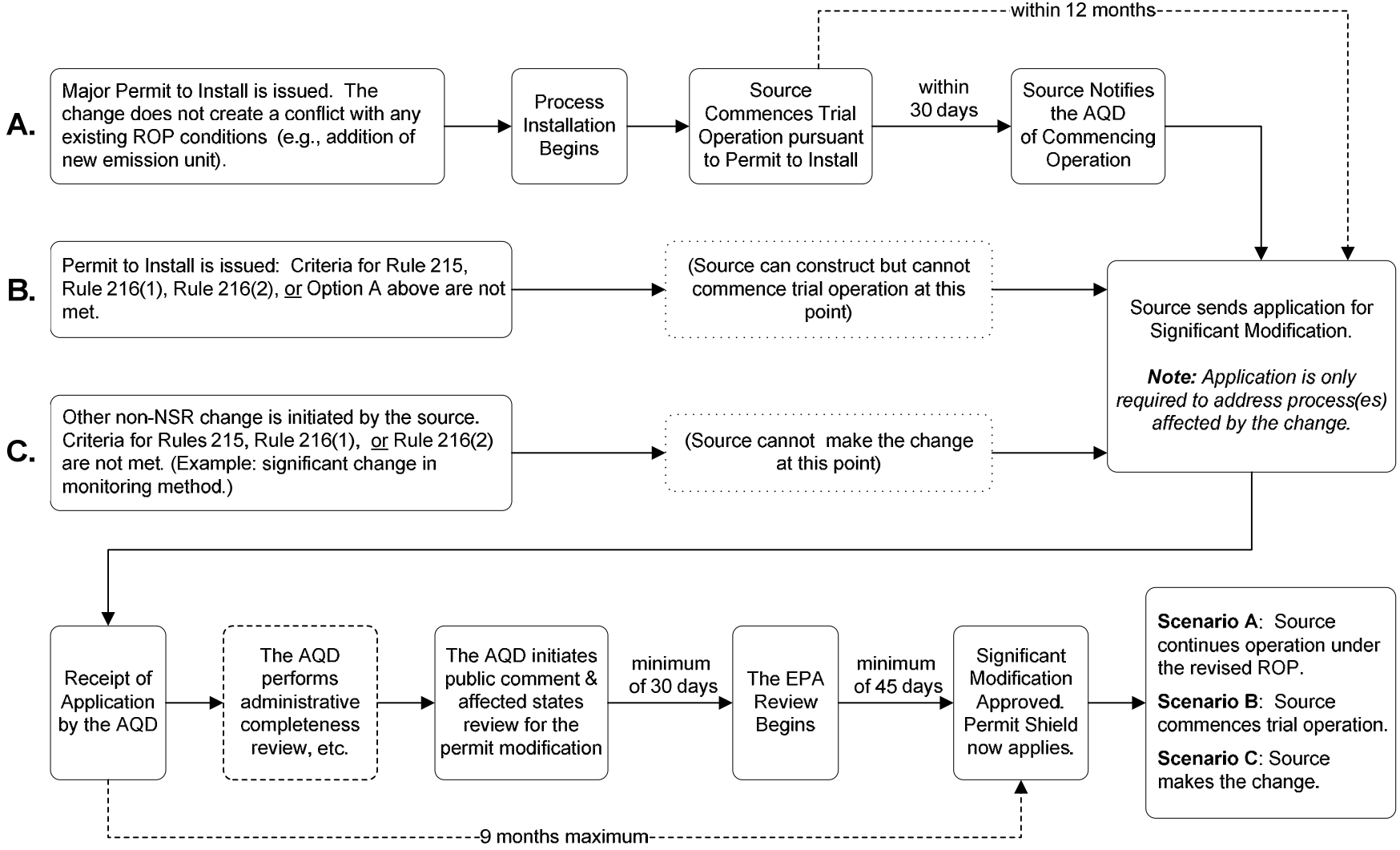
Scenario B: A PTI is issued and the criteria for operational flexibility, off-permit, administrative amendment, minor modification, or Scenario A are not met. *The source cannot commence trial operation until the significant modification application is approved.*

- **Prior to commencing trial operation**, submit an application for a significant modification to the DEQ, AQD **Cadillac District Office** (see address above) using the M-001 Form. Refer to the bullets under Step 2 of Scenario A for specific submittal requirements.

Scenario C: Other non-PTI change is initiated by the source and the criteria for operational flexibility, off-permit, administrative amendment, or minor modification are not met (e.g., significant change in monitoring method). *These changes must be approved and incorporated into the ROP before the source can make the change.*

- **Prior to making the change**, submit an application for a significant modification to the DEQ, AQD **Cadillac District Office** (see address above) using the M-001 Form. Refer to the bullets under Step 2 of Scenario A above for specific submittal requirements.

Timeline for Rule 216(3) Significant Modifications



INTRODUCTION TO THE M-001 FORM

The *M-001: Rule 215 Change Notification or Rule 216 Amendment/Modification Application* is used to provide notification of changes addressed in Rule 215 (i.e., operational flexibility changes, emission trading changes, and off-permit changes). It also serves as an application for administrative amendments, minor modifications, significant modifications, and state-only modifications to an ROP, which are addressed in Rule 216. (See Appendix B for Rules 215 and 216.)

Because each category of change triggers different requirements and timeframes, each submittal for a change or modification must be provided on a separate M-001 Form. If more than one box is checked in Item 7, the application will be returned for correction.

However, multiple changes of the same type may be submitted in the same application. For example, two or more Permits to Install (PTIs) may be included in the same minor modification application if all necessary information is included for each of the PTIs identified in that application.

Also, an applicant may voluntarily choose to combine different types of change under the most "stringent" applicable submittal type, with the understanding that the timeline for that category now applies to all changes within that application. For example, a change to fix a typo in an ROP qualifies as an administrative amendment, but may be combined with a PTI in a submittal for a minor modification request.

A signed C-001 Certification Form must be included with every Rule 216 revision application. If any of the required information is not adequately provided in the application, the application will be returned as incomplete. If additional space is needed, complete an Additional Information Form (AI-001).

The M-001, C-001 and AI-001 Forms can be downloaded off the Internet at **http://www.deq.state.mi.us/aps/** (under the Renewable Operating Permits heading, click on “Life After ROP – Source Requirements After Issuance of an ROP”).

As explained previously in this workbook, Rule 215 notifications must be submitted to the appropriate AQD District Office where the source is located and to the United States Environmental Protection Agency (USEPA). Rule 216 applications for ROP revisions should be submitted to the AQD Cadillac District Office.

RENEWABLE OPERATING PERMIT
M-001: RULE 215 CHANGE NOTIFICATION
RULE 216 AMENDMENT/MODIFICATION APPLICATION

This information is required by Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, and the Federal Clean Air Act of 1990. Failure to obtain a permit required by Part 55 may result in penalties and/or imprisonment.

1. SRN **Z9999**	2. ROP Number **MI-ROP-Z9999-2008**	3. County **Ingham**
4. Stationary Source Name **Sample Corporation**		
5. Location Address **555 W. Main St.**		6. City **Cool City**

7. Submittal Type - *The submittal must meet the criteria for the box checked below. Check only one box. Attach a mark-up of the affected ROP pages for applications for Rule 216 changes.*

- ☐ **Rule 215(1) Notification of change**. *Complete Items 7 – 10.*
- ☐ **Rule 215(2) Notification of change**. *Complete Items 7 – 10.*
- ☐ **Rule 215(3) Notification of change**. *Complete Items 7 – 11.*
- ☐ **Rule 216(1)(a)(i)-(iv) Administrative Amendment**. *Complete Items 7 – 10.*
- ☐ **Rule 216(1)(a)(v) Administrative Amendment**. *Complete Items 7 – 13. Results of testing, monitoring & recordkeeping must be submitted. See detailed instructions.*
- X **Rule 216(2) Minor Modification**. *Complete Items 7 – 12.*
- ☐ **Rule 216(3) Significant Modification**. *Complete Items 7 – 12 and provide any additional information needed on ROP application forms. See detailed instructions.*
- ☐ **Rule 216(4) State-Only Modification**. *Complete Items 7 – 12.*

8. Effective date of the change. (MM/DD/YYYY) *See detailed instructions.* **01/05/2012**

9. Change in emissions? X Yes ☐ No

10. Description of Change - *Describe any changes or additions to the ROP, including any changes in emissions and/or pollutants that will occur. If additional space is needed, complete an Additional Information Form (AI-001).*

1. **Incorporating new production limit from PTI #999-10A at EUPROCESS. New production limit will result in an increase in actual VOC emissions of 85 lbs/month. (See attached mark-up of ROP)**
2. **Also fixing typo in the EUPAINT requirement table. The Emission unit ID that was established in PTI#988-09 is "EUPAINTBOOTH" not "EUPAINT." (See attached mark-up of ROP)**

11. New Source Review Permit(s) to Install (PTI) associated with this application? X Yes ☐ No

If Yes, enter the PTI Number(s) 999-10A ___-___ ___-___ ___-___ ___-___

12. Compliance Status - *A narrative compliance plan, including a schedule for compliance, must be submitted using an AI-001 if any of the following are checked No.*

a. Is the change identified above in compliance with the associated applicable requirement(s)? X Yes ☐ No

b. Will the change identified above continue to be in compliance with the associated applicable requirement(s)? X Yes ☐ No

c. If the change includes a future applicable requirement(s), will timely compliance be achieved? X Yes ☐ No

13. Additional Information ID - *Create an Additional Information (AI) ID for the associated AI-001 Form used to provide supplemental information.* **AI**

14. Contact Name	Telephone No.	E-mail Address
John Sample	**(517) 555-1111**	**john.sample@samplecorp.com**

15. This submittal also updates the ROP renewal application submitted on **03/15/2011** X Yes ☐ N/A
(If yes, a mark-up of the affected pages of the ROP must be attached.)

NOTE: A CERTIFICATION FORM (C-001) SIGNED BY A RESPONSIBLE OFFICIAL MUST ACCOMPANY ALL SUBMITTALS

M-001 FORM COMPLETION INSTRUCTIONS

Items 1-7 must be completed for all submittals. Completion of Items 8 through 13 and 15 depends on the type of submittal. See the detailed instructions for each submittal type on page 2-5 through 2-22.

1. **SRN:** Enter the State Registration Number (SRN) assigned to the stationary source.

2. **ROP Number:** Enter the number that appears on your Renewable Operating Permit (e.g., MI-ROP-Z9999-2008).

3. **County:** Enter the county name where the stationary source is located.

4. **Stationary Source Name:** Provide the specific name that identifies the stationary source associated with the application (e.g., plant name).

5. **Location Address:** Enter the street address or other identifier for the physical location of the stationary source identified above.

6. **City:** Enter the city name where the stationary source is located.

7. **Submittal Type:** Select the box that describes the type of submittal. Only one box may be selected. For more information, refer to the detailed instructions for each submittal type on pages 2-5 through 2-22. Once a submittal type has been selected, complete the remaining fields on the form identified in italics for that category of change.

   ☐ Rule 215(1) Notification of change: See page 2-5.

   ☐ Rule 215(2) Notification of change: See page 2-8.

   ☐ Rule 215(3) Notification of change: See page 2-9.

   ☐ Rule 216(1)(a)(i)-(iv) Administrative Amendment: See page 2-11.

   ☐ Rule 216 (1)(a)(v) Administrative Amendment: See page 2-13.

   ☐ Rule 216(2) Minor Modification: See page 2-17.

   ☐ Rule 216(3) Significant Modification: See page 2-20.

   ☐ Rule 216(4) State-Only Modification: See page 2-16.

All Rule 216 applications must be certified by a Responsible Official.

8. **Effective Date:** Enter the date that the change will become effective. This will vary based on the type of submittal. See the detailed instructions that follow for each submittal type. For more information, refer to the detailed instructions for each submittal type on pages 2-5 through 2-22.

   - **Rule 215(1) Notification of Change**
     - The effective date must be at least 7 days <u>after</u> the notification has been submitted.

   - **Rule 215 (2) Notification of Change**
     - The effective date is the date the emission trade takes place.

   - **Rule 215(3) Notification of Change**
     - The effective date is the date the notification is submitted (contemporaneous).

- **Rule 216(1)(a)(i)-(iv) Administrative Amendment**
  - The effective date is the date the notification is submitted or later.

- **Rule 216(1)(a)(v) "Enhanced PTI" Administrative Amendment**
  - The effective date is the date the PTI is issued or when the changes covered in the PTI are being implemented.

- **Rule 216(2) Minor Modification**
  - The effective date must be a date after the AQD has received the application.

- **Rule 216(3) Significant Modification**
  - A major PTI (with public notice) is issued that does not conflict with any conditions in the ROP – the effective date is the date the PTI is issued or when the changes covered in the PTI are being implemented.
  - A non-major PTI (without public notice) is issued that does not meet any of the previous modification categories – the effective date will be the date the significant modification is approved or later. ***Because the approval date is unknown, leave the effective date blank.***
  - A non-PTI change is made that does not meet any of the previous modification categories – the effective date will be the date the significant modification is approved or later. ***Because the approval date is unknown, leave the effective date blank.***

- **Rule 216(4) State-Only Modification**
  - The effective date must be a date after the AQD has received the application

9. **Change in Emissions:** Indicate whether there will be any change in emissions. This includes any increase or decrease in emissions.

10. **Description of Change:** Provide a description of any change or addition(s) to the stationary source or to the ROP. At a minimum, the description should include the information specified in the detailed instructions for each category in pages 2-5 through 2-22. This information may include:

    - Changes in the quantity or quality of emissions and/or pollutants (e.g., "Approximately 5 pounds of VOC emitted per hour, no more than 600 pounds of VOCs emitted per month").
    - Changes to an individual emission unit or group of emission units.
    - Addition of a new emission unit or units.
    - Any new applicable requirements that would apply to the stationary source.
    - Any proposed changes to terms and conditions of an existing ROP.
    - Any permit term or condition that will no longer be applicable as a result of the change.

    Be sure that your description is as detailed as possible, being specific about what you are asking to be changed and why. For example, if you are asking to get a condition removed from your ROP explain why this condition should be removed. An AI-001 Form can be used if you need more space to provide information.

> For Rule 216 changes, attach a marked-up copy of the affected page(s) of the existing ROP indicating the proposed changes. If you include a mark-up of your ROP, be sure to reference it in Item 10.

11. **New Source Review Permit(s) Associated with the application?:** If an NSR PTI issued pursuant to Rule 201 is associated with the change described in the application, check "Yes". If

"Yes," enter the PTI number(s). Complete an AI-001 (Additional Information Form) to provide any additional PTI numbers, supplemental information about the listed PTI(s), or to include a marked-up copy of the associated page(s) in the existing ROP.

12. **Compliance Status:** If any of the following are checked "No," submit a narrative compliance plan in accordance with Rule 119(a) and Rule 213(4)(b), including a schedule for compliance on an AI-001 Form. (See Appendix B for Rules 119(a) and 213.)

    a. Indicate whether the identified change is in compliance with current applicable requirements.

    b. Indicate whether the identified change will continue to be in compliance with current applicable requirements.

    c. If the change is the result of a future applicable requirement, indicate whether timely compliance will be achieved by the compliance deadline of that applicable requirement.

13. **Additional Information ID:** Create an Additional Information (AI) ID for any associated AI-001 that supplements this form. Refer to the AI-001 Form instructions to create the ID. If the additional information or attachment is more than one page, label each page to show the relationship between pages. The AI-001 Form can be accessed via the Internet at **http://www.deq.state.mi.us/aps/** (under the Renewable Operating Permits heading, click on "Life After ROP – Source Requirements After Issuance of an ROP").

14. **Contact Person:** Provide the information for the individual who serves as the contact for this submittal. AQD staff will notify this contact when the application is received and as the application is reviewed and processed

15. . **Update to ROP Renewal Application:** If the stationary source has submitted an ROP renewal application, the M-001 Form can be used to update that application as well. Rule 210(2)(c) requires updates to an ROP renewal application that has previously been submitted up until release of the draft renewal of the ROP for public participation under Rule 214(3).

    Check Yes if this submittal also serves as an update to an existing ROP renewal application and provide the date that the renewal application was submitted. Include a mark-up of the affected pages of the ROP using track changes mode in Word. If an ROP renewal application has not been submitted or the M-001 Form is not being used to update a renewal application, check the N/A box.

APPENDICES

- **Appendix A:** Acronyms and Definitions
- **Appendix B:** Rules Cited
- **Appendix C:** Contact Information and Additional Resources

APPENDIX A: ACRONYMS & DEFINITIONS

ACRONYMS

AQD ..... Air Quality Division (of DEQ)

CAA..... Clean Air Act

CEMS……..Continuous Emissions Monitoring System

CFR..... Code of Federal Regulations

DEQ ..... Michigan Department of Environmental Quality

EER…….Excess Emissions Report

HAP..... Hazardous Air Pollutant

MACT ..... Maximum Achievable Control Technology

NAAQS..... National Ambient Air Quality Standard

NESHAP..... National Emission Standard for Hazardous Air Pollutant(s)

NSPS ..... New Source Performance Standard

NSR..... New Source Review

PSD..... Prevention of Significant Deterioration

PTI..... Permit to Install

ROP ..... Renewable Operating Permit

SCC..... Source Classification Code

USEPA ..... United States Environmental Protection Agency

VOC ..... Volatile Organic Compound

DEFINITIONS

Act: Michigan's Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451). Michigan's air pollution control rules have been adopted pursuant to Part 55, Air Pollution Control of the Act.

Administrative Amendment: Defined in Rule 216(1). See Appendix B of this workbook for the rule.

Applicable Requirement: Defined in Rule 101(o) of the Michigan Air Pollution Control Rules. See Appendix B for the rule.

Clean Air Act (CAA): Amendments to the federal Clean Air Act were signed into law on November 15, 1990. The amendments include attainment deadlines for non-attainment areas for National Ambient Air Quality Standard (NAAQS) pollutants, guidelines for reduction of motor vehicle emissions, and air toxics that utilize Maximum Achievable Control Technology (MACT) standards. Likewise, plans for reducing acid rain precursors, sulfur oxides (SO_x) and nitrogen oxides (NO_x), are outlined. The operating permit program is introduced in Title V, stating that every major pollution source must have an operating permit, renewed every five years, that specifies its compliance requirements. The remaining parts of the Act include enforcement, climatic protection through the phase-out of chlorofluorocarbons (CFCs) and other stratospheric ozone damaging chemicals, and the final part which provides for research programs and monitoring activities.

Code of Federal Regulations (CFR): Regulations published by the executive departments and agencies of the federal government. Title 40 of the CFR contains all of the federal rules and regulations relating to protection of the environment.

Confidential Information: Specific information identified as confidential in the ROP application which will not be made available to the general public. Information which may be kept confidential is limited. An AI-001 Form must be completed for all confidential information. Additional instructions concerning confidential information can be found in the instructions for AI-001.

Emission Unit: A device or a group of devices that operate together with a dependency between devices. An emission unit contains one or more process devices and zero or more control devices and related stacks. See *Air Quality Division Policy and Procedure number AQD-006 – Procedure for Determining Emission Units* for additional guidance on determining emission units (www.michigan.gov/deqair (Choose the News & Info Tab, then under State Air Laws and Rules, click on "AQD Policy and Procedures").

Exempt Emission Unit: A device or a group of devices that operate together with a dependency between devices that are exempt from Rule 210 pursuant to Rule 212. See Rule 212 in Attachment B for a list of emission units that are exempt from Rule 210.

Hazardous Air Pollutants (HAPs): Air pollutants that are not covered by ambient air quality standards but which, as defined in the CAA, may reasonably be expected to cause or contribute to irreversible illness or death. The HAPs are defined in Section 112(b) of the CAA and listed in 40 CFR Part 63, Subpart C. A complete list of HAPs and further information is available at: http://www.epa.gov/ttn/atw/pollsour.html .

Maximum Achievable Control Technology (MACT): An emission limitation that is equivalent to or more stringent than an emission limitation achieved, in practice, by the best controlled similar affected source. The emission limitation shall reflect the maximum degree of reduction in emissions that the regulatory authority determines is achievable by the constructed or reconstructed major source. See the USEPA Air Toxics Website www.epa.gov/ttn/atw/eparules.html. The MACT standards are published as National Emission Standard for Hazardous Air Pollutants (NESHAP) in 40 CFR Part 63.

Major Source: Defined in 40 CFR Part 70 – State Operating Permit Programs (70.2 Definitions). See 40 CFR 70.2 at www.access.gpo.gov/nara/cfr/cfrhtml_00/Title_40/40cfr70_00.html .

Minor Modification: Defined in Rule 216(2). See Appendix B of this workbook for the rule.

Modification: Rule 216(2)(a)(iv) and (v) cite modification under Title I of the CAA. For the purposes of Title I of the CAA, modification is defined in Rule 113(j) as a physical or operational change to an existing emission unit that will increase the amount of any air contaminant not already allowed to be emitted under the conditions of a current permit or order. Also, a modification cannot result in the emission of any toxic air contaminant into the outer air not previously emitted. An increase in the hours of operation or an increase in the production rate up to the maximum capacity of the process or process equipment shall not be considered to be a change in the method of operation. The exception to this is if the process equipment is subject to enforceable permit conditions or enforceable orders which limit the production rate or the hours of operation, or both, to a level below the proposed increase.

Monitoring: Periodic or continuous surveillance or testing to determine the level of compliance with statutory requirements and/or pollutant levels in various media or in humans, animals, and other living things.

National Ambient Air Quality Standards (NAAQS): Air quality standards established by the USEPA that apply to outside air throughout the country. The NAAQS set standards to protect human health and welfare from pollutants known as criteria air pollutants. These include ozone (O_3), carbon monoxide (CO), particulate matter (PM 10 and PM 2.5), sulfur dioxide (SO_2), Lead (Pb), and nitrogen dioxide (NO_2).

National Emission Standard for Hazardous Air Pollutants (NESHAP): Emission standards set by the USEPA for air contaminants not covered by the NAAQS that may cause an increase in death or serious irreversible or incapacitating illness. The NESHAP regulations promulgated prior to the CAA amendments of 1990 were published in 40 CFR Part 61. The NESHAP regulations promulgated as a result of the CAA amendments are published in 40 CFR Part 63.

New Source Review (NSR) Permit: A permit required by Rule 201 which authorizes the construction, installation, relocation or alteration of any process, fuel-burning, refuse-burning, or control equipment in accordance with approved plans and specifications. Michigan NSR permits are also referred to as Permits to Install.

New Source Performance Standards (NSPS): Uniform national USEPA air emissions standards that limit the amount of pollution allowed from specific new sources or from existing sources that have been modified or reconstructed. The purpose of NSPS is for new sources of emissions to emit less pollution than their predecessors. The NSPS regulations are promulgated in 40 CFR Part 60.

Notification of Change: Defined in Rule 215. See Appendix B of this workbook for the rule.

Permit to Install: See the definition of New Source Review (NSR) Permit.

Prevention of Significant Deterioration (PSD): A program that was established in Title I of the CAA and is used in the development of NSR permits for new or modified sources in an area that is already in attainment. The intent of PSD is to prevent an attainment area from becoming a non-attainment area.

Reconstruction: The replacement of components of an existing emission unit so that the fixed capital cost of the new components is more than 50 percent of the fixed capital cost that would be required to construct a comparable new emission unit and it is technologically and economically feasible to meet the applicable requirement.

Renewable Operating Permit (ROP): A facility-wide permit mandated under the CAA Amendments of 1990 that applies to major stationary sources, affected sources (i.e. those subject to the CAA Title IV Acid Rain program), and other sources defined by the USEPA.

Responsible Official: Defined in Rule 118(j). See Appendix B of this workbook for the rule.

Significant Modification: Defined in Rule 216(3). See Appendix B of this workbook for the rule.

Source-Wide Requirement: Any applicable requirement that applies to the entire stationary source. For example, a synthetic minor HAP emission limit and associated recordkeeping that applies to the entire stationary source.

State-Only Enforceable: Limitations or conditions derived solely from Act 451 and Michigan's air pollution control rules and are not federally enforceable. State-only enforceable requirements include R 336.1224, R 336.1225, R 336.1901, and any permit requirement established solely pursuant to R 366.1201(1)(b).

State Registration Number (SRN): The alphanumeric identifier assigned to a stationary source by the AQD. The SRNs are unique to a source and are comprised of a letter followed by four digits (e.g., A1497).

Stationary Source: Defined in Rule 119(r). See *Operational Memorandum No. 11 – Stationary Source Determinations* for details regarding stationary source determinations. See Appendix B of this workbook for the rule.

Title I: Refers to Title I of the CAA of Amendments of 1990, which protects ambient air quality. Title I includes regulations pertaining to PSD, NSPS, NESHAP, and NSR.

Title V: Refers to Title V of the CAA Amendments of 1990, which established the requirements for the Renewable Operating Permit program.

Underlying Applicable Requirement (UAR): The regulatory foundation on which an applicable requirement is based. For example, if an NSR permit contains a condition that limits the sulfur content in fuel oil, the permit condition is an applicable requirement. The underlying basis for creating this condition is Rule 401; therefore, Rule 401 is the underlying applicable requirement.

APPENDIX B: RULES CITED

Note: Many of the rules provided are at the sub-rule level. You may view the complete rule by accessing the Michigan Air Pollution Control Rules via the Internet at: www.michigan.gov/deqair. Choose the News & Info Tab, then under State Air Laws and Rules, click on "Air Pollution Control Rules".

Rule 101 ***(R 336.1101(d))***

(d) **"Affected states"** means all states that are contiguous to the state of Michigan and whose air quality may be affected by a proposed operating permit, operating permit modification, or operating permit renewal or that are within 50 miles of the stationary source for which a permit action is proposed.

Rule 101 ***(R 336.1101(o))***

(o) **"Applicable requirement"** means any of the following as they apply to process or process equipment, including requirements that have been approved as administrative rules under the act pursuant to 1969 PA 306, MCL 24.201 et seq. or promulgated by the United States environmental protection agency through final rulemaking at the time of issuance of a permit under the act and which will become effective during the permit term:

(i) A standard or other requirement provided for in the Michigan state implementation plan, as approved or promulgated by the United States environmental protection agency through rulemaking under title I of the clean air act, that implements the relevant requirements of the clean air act, including any revisions to that plan promulgated in 40 C.F.R. part 52.

(ii) A standard or requirement enacted as a part of the act or promulgated in administrative rules pursuant to the act.

(iii) A term or condition of any permit issued pursuant to the act or regulations approved or promulgated through rulemaking under title I, including parts c or d, of the clean air act.

(iv) A term or condition of an order entered pursuant to the act that is necessary to ensure or demonstrate compliance with any other applicable requirement.

(v) A term or condition of a permit issued by the United States environmental protection agency pursuant to title I, subpart c, of the clean air act.

(vi) A term or condition of any permit issued pursuant to the Wayne county air pollution control ordinance, adopted pursuant to the home rule charter for Wayne county, resolution no. 85-305, as amended by resolution no. 89-213.

(vii) A term or condition of an order entered pursuant to the Wayne county air pollution control ordinance, adopted pursuant to the home rule charter for Wayne county, resolution no. 85-305, as amended by resolution no. 89-213, that is necessary to ensure or demonstrate compliance with any other applicable requirement.

(viii) A standard or other requirement under the clean air act, including any of the following:

(A) A standard for the performance of new stationary sources or other requirement under section 111 of the clean air act, including section 111(d).

(B) A standard for hazardous air pollutants or other requirement under section 112 of the clean air act, including any requirement concerning accident prevention under section 112(r)(7) of the clean air act.

(C) A standard or other requirement of the acid rain program under title IV of the clean air act or the regulations promulgated thereunder.

(D) A requirement for enhanced monitoring established pursuant to sections 114(a)(3) or 504(b) of the clean air act.

(E) A standard or other requirement governing solid waste incineration under section 129 of the clean air act.

(F) A standard or other requirement for consumer and commercial products under section 183(e) of the clean air act.

(G) A standard or other requirement for tank vessels under section 183(f) of the clean air act.

(H) A standard or other requirement of the regulations promulgated to protect stratospheric ozone under title VI of the clean air act, unless the administrator of the United States environmental protection agency has determined that the standard or requirement need not be contained in a renewable operating permit required under title V of the clean air act.

(I) A national ambient air quality standard or increment or visibility requirement under part C of title I of the clean air act, but only as it would apply to temporary sources. Any applicable requirement which results solely from the requirements of the act, the rules promulgated under the act, or the home rule charter for Wayne county, resolution no. 85-305, as amended by resolution no. 89-213, shall not be enforceable under the clean air act.

Rule 106(a) ***(R 336.1106(a))***

(a) **"Federally enforceable"** means that a limitation or condition is enforceable by the United States environmental protection agency. Limitations and conditions which are enforceable by the United States environmental protection agency include requirements developed pursuant to 40 C.F.R. parts 60, 61, and 63; requirements within the state implementation plan; any renewable operating permit requirement designated as federally enforceable pursuant to R 336.1213(1)(a); and any permit requirement established pursuant to 40 C.F.R. §52.21, R 336.1220, R 336.1208, or R 336.1201(1)(a).

Rule 118(j) ***(R 336.1118(j))***

(j) "**Responsible official**" means, for the purposes of signing and certifying the truth, accuracy, and completeness of permit applications, monitoring and other reports, and compliance certifications, any of the following:

(i) For a corporation, a president, secretary, treasurer, or vice-president of the corporation who is in charge of a principal business function or any other person who performs similar policy or decision-making functions for the corporation. The person identified in the preceding sentence may appoint another person as his or her authorized representative under either of the following circumstances:

(A) The representative is responsible for the overall operation of 1 or more manufacturing, production, or operating facilities applying for or subject to a permit and either the facilities employ more than 250 persons or have gross annual sales or expenditures of more than $25,000,000.00.

(B) The representative has responsibilities for the overall operation of a source and is approved in advance by the department. A responsible official shall submit a written request for approval from the department to designate an authorized representative pursuant to this paragraph. The department shall respond, in writing, within 30 days of receipt of the request.

(ii) For a partnership or sole proprietorship, a general partner or the proprietor.

(iii) For a county, city, village, township, state, federal, or other public agency, either a principal executive officer or ranking elected official. For this purpose, a principal executive officer includes the chief executive officer who has responsibility for the overall operations of a principal geographic unit of the agency.

(iv) For affected sources under title IV of the clean air act, the designated representative as defined in title IV of the clean air act.

Rule 119(a) ***(R 336.1119(a))***

(a) **"Schedule of compliance"** means, for purposes of R 336.1201 to R 336.1218, all of the following:

(i) For a source not in compliance with all applicable requirements at the time of issuance of a renewable operating permit, a schedule of remedial measures, including an enforceable sequence of actions or operations that specifies milestones, leading to compliance with an applicable requirement, and a schedule for submission of certified progress reports, at least every 6 months. The schedule shall resemble, and be at least as stringent as, a schedule contained in a judicial consent decree or administrative order to which the source is subject. A schedule shall be supplemental to, and shall not sanction noncompliance with, the applicable requirement on which it is based.

(ii) For a source in compliance with all applicable requirements at the time of issuance of a renewable operating permit, a statement that the source will continue to comply with the requirements.

(iii) With respect to any applicable requirement that has a future effective compliance date that is after the date of issuance and before the date of expiration of the renewable operating permit, the schedule of compliance shall contain a statement that the source will meet the requirement on a timely basis, unless the underlying applicable requirement requires a more detailed schedule.

Rule 119(q) ***(R 336.1119(q))***

(q) **"State-only enforceable"** means that the limitation or condition is derived solely from the act and the air pollution control rules and is not federally enforceable. State-only enforceable requirements include R 336.1224, R 336.1225, R 336.1901, any permit requirement established solely pursuant to R 366.1201(1)(b), or any other regulation that is enforceable solely under the act and is not federally enforceable.

Rule 119(r) ***(R 336.1119(r))***

(r) **"Stationary source"** means all buildings, structures, facilities, or installations which emit or have the potential to emit 1 or more air contaminants, which are located at 1 or more contiguous or adjacent properties, which are under the control of the same person, and which have the same 2-digit major group code associated with their primary activity. In addition, a stationary source includes any other buildings, structures, facilities, or installations which emit or have the potential to emit 1 or more air contaminants, which are located at 1 or more contiguous or adjacent properties, which are under the control of the same person, and which have a different 2-digit major group code, but which support the primary activity. Buildings, structures, facilities, or installations, are considered to support the primary activity if 50% or more of their output is dedicated to the primary activity. Major group codes and primary activities are described in the standard industrial classification manual, 1987. Notwithstanding the provisions of this subdivision, research and development activities, as described in R 336.1118, may be treated as a separate stationary source, unless the research and development activities support the primary activity of the stationary source.

Rule 212(2), 212(3), and 212(4) ***(R 336.1212(2)-(4))***

(2) All of the following activities are considered to be insignificant activities at a stationary source and need not be included in an administratively complete application for a renewable operating permit:

(a) Repair and maintenance of grounds and structures.

(b) All activities and changes pursuant to R 336.1285(a) to (f); however, if any compliance monitoring requirements in the renewable operating permit would be affected by the change, then application shall be made to revise the permit pursuant to R 336.1216.

Rule 212(2) (continued)

(c) All activities and changes pursuant to R 336.1287(f) to (h); however, if any compliance monitoring requirements in the renewable operating permit would be affected by the change, then application shall be made to revise the permit pursuant to R 336.1216.

(d) Use of office supplies.

(e) Use of housekeeping and janitorial supplies.

(f) Sanitary plumbing and associated stacks or vents.

(g) Temporary activities related to the construction or dismantlement of buildings, utility lines, pipelines, wells, earthworks, or other structures.

(h) Storage and handling of drums or other transportable containers that are sealed during storage and handling.

(i) Fire protection equipment, fire fighting and training in preparation for fighting fires. Prior approval by the department for open burning associated with training in preparation for fighting fires is required pursuant to R 336.1310.

(j) Use, servicing, and maintenance of motor vehicles, including cars, trucks, lift trucks, locomotives, aircraft, or watercraft, except where the activity is subject to an applicable requirement. The applicable requirement or the emissions of those air contaminants addressed by the applicable requirement shall be included in a timely and administratively complete application pursuant to R 336.1210. Examples of applicable requirements may include an applicable requirement for a fugitive dust control or operating program or an applicable requirement to include fugitive emissions pursuant to R 336.1211(1)(a)(ii). For the purpose of this subdivision, the maintenance of motor vehicles does not include painting or refinishing.

(k) Construction, repair, and maintenance of roads or other paved or unpaved areas, except where the activities are subject to an applicable requirement. The applicable requirement or the emissions of the air contaminants addressed by the applicable requirement shall be included in a timely and administratively complete application pursuant to R 336.1210. Examples of applicable requirements include an applicable requirement for a fugitive dust control or operating program or an applicable requirement to include fugitive emissions pursuant to R 336.1211(1)(a)(ii).

(l) Piping and storage of sweet natural gas, including venting from pressure relief valves and purging of gas lines.

(3) The following process or process equipment need not be included in an administratively complete application for a renewable operating permit, unless the process or process equipment is subject to applicable requirements that include a process-specific emission limitation or standard:

(a) All cooling and ventilation equipment listed in R 336.1280.

(b) Cleaning, washing, and drying equipment listed in R 336.1281(a) to (f) and (i).

(c) Electrically heated furnaces, ovens, and heaters listed in R 336.1282(a).

(d) All other equipment listed in R 336.1283.

(e) Containers listed in R 336.1284(a), (c), (d), (h), and (j) to (m).

(f) Miscellaneous equipment listed in R 336.1285(h) to (p), (r) to (t), (v) to (ii), (kk), and (ll) except for externally vented equipment listed in R 336.1285(l)(vi).

(g) All plastic processing equipment listed in R 336.1286.

(h) Surface coating equipment listed in R 336.1287(b), (d), (e), (i), (j), and (k).

(i) All oil and gas processing equipment listed in R 336.1288.

(j) Asphalt and concrete production equipment listed in R 336.1289(a) to (c).

(4) Unless subject to a process-specific emission limitation or standard, all of the following process or process equipment need only be listed in an administratively complete application for a renewable operating permit. The list shall include a description of the process or process equipment, including any control equipment pertaining to the process or process equipment, the source classification code (SCC), and a reference to the subdivision of this subrule that identifies the process or process equipment:

Rule 212(4) (continued)

(a) Cleaning, washing, and drying equipment listed in R 336.1281(g), (h), and (j).

(b) Fuel-burning furnaces, ovens, and heaters listed in R 336.1282.

(c) Containers listed in R 336.1284(b), (e), (f), (g), and (i).

(d) Miscellaneous process or process equipment listed in R 336.1285(g), (q), (u), and (jj) and externally vented process equipment listed in R 336.1285(l)(vi).

(e) Surface-coating equipment listed in R 336.1287(a) and (c).

(f) Concrete batch production equipment listed in R 336.1289(d).

(g) Process or process equipment which has limited emissions and which is listed in R 336.1290.

Rule 213 *(R 336.1213)* Content of a renewable operating permit.

(1) Each renewable operating permit shall include all of the following general provisions:

(a) A person shall comply with all conditions of the renewable operating permit. Any permit noncompliance constitutes a violation of the act and is grounds for enforcement action, for permit revocation or revision, or for denial of the renewal of a renewable operating permit. All terms and conditions of a renewable operating permit that are designated in the permit as federally enforceable pursuant to subrule (5) of this rule, are enforceable by the administrator of the United States environmental protection agency and by citizens under the provisions of the clean air act.

(b) It shall not be a defense for a person in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.

(c) The renewable operating permit may be modified, revised, or revoked for cause. The filing of a request by a person for a permit modification, revision, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition. This does not supersede or affect the ability of a person to make changes, at the person's own risk, pursuant to R 336.1215 and R 336.1216.

(d) A person shall allow the department or an authorized representative of the department, upon presentation of credentials and other documents as may be required by law and upon stating the authority for and purpose of the investigation, to perform any of the following activities:

(i) Enter, at reasonable times, a stationary source or other premises where emissions-related activity is conducted or where records must be kept under the conditions of the permit.

(ii) Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit.

(iii) Inspect, at reasonable times, any of the following:
(A) Any stationary source.
(B) Any emission unit.
(C) Any equipment, including monitoring and air pollution control equipment.
(D) Any work practices or operations regulated or required under the renewable operating permit.

(iv) As authorized by section 5526 of the act, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(e) A person shall furnish to the department, within a reasonable time, any information that the department may request, in writing, to determine whether cause exists for modifying, revising, or revoking the permit or to determine compliance with the permit. Upon request, a person shall also furnish to the department copies of any records that are required to be kept as a term or condition of the renewable operating permit. For information which is claimed by the person to be confidential, consistent with the requirements of 1976 PA 442, MCL §15.231 et seq., and known as the freedom of information act, the person may also be required to furnish the records directly to the United States environmental protection agency together with a claim of confidentiality.

Rule 213(1) (continued)

(f) A challenge by any person, the administrator of the United States environmental protection agency, or the department to a particular condition or a part of a renewable operating permit shall not set aside, delay, stay, or in any way affect the applicability or enforceability of any other condition or part of the renewable operating permit.

(g) A person shall pay fees consistent with the fee schedule and requirements pursuant to section 5522 of the act.

(h) The renewable operating permit does not convey any property rights or any exclusive privilege.

(i) Federally enforceable permit to install terms and conditions incorporated into the renewable operating permit are identified within the renewable operating permit as being established pursuant to R 336.1201.

(2) Each renewable operating permit shall contain emission limits and standards, including operational requirements and limits that ensure compliance with all applicable requirements at the time of permit issuance. In addition, each renewable operating permit may contain additional limits agreeable to both the applicant and the department, provided that these limits are not contrary to R 336.1213 or the clean air act. The following provisions apply to emission limits and standards:

(a) The renewable operating permit shall specify and reference the underlying applicable requirement for each term or condition and identify any difference in form as compared to the applicable requirement upon which the term or condition is based.

(b) The renewable operating permit shall state that, where an applicable requirement is more stringent than an applicable requirement of regulations promulgated for affected sources under title IV of the clean air act, both provisions shall be incorporated into the permit.

(c) If the state implementation plan allows for an alternative emission limit that is equivalent to the limit contained in the state implementation plan, any renewable operating permit containing the equivalent alternative emission limit shall contain terms and conditions to ensure that any such emission limit is quantifiable, accountable, enforceable, and based on replicable procedures.

(d) Any term or condition established as a limit on the potential to emit of the stationary source shall be consistent with the requirements of R 336.1205(1)(a). For each such limit on the potential to emit of the stationary source, the permit shall specify and reference any requirements that would otherwise be applicable to the source or emission unit.

(3) The renewable operating permit shall contain terms and conditions necessary to ensure that sufficient testing, monitoring, recordkeeping, reporting, and compliance evaluation activities will be conducted to determine the status of compliance of the stationary source with the emission limitations and standards contained in the renewable operating permit. The following provisions apply to testing, monitoring, recordkeeping, reporting, and compliance evaluation activities:

(a) With respect to testing and monitoring, each renewable operating permit shall contain terms and conditions necessary to ensure compliance with all of the following:

(i) The use of all emissions monitoring and analysis procedures or test methods required by the applicable requirements, including 40 C.F.R. part 64 and any other procedures and methods promulgated pursuant to sections 504(b) or 114(a)(3) of the clean air act. Title 40 C.F.R. part 64 is adopted by reference in R 336.1299. If more than 1 monitoring or testing requirement applies, the permit may specify a streamlined set of monitoring or testing requirements, provided the specified monitoring or testing is adequate to assure compliance at least to the same extent as the monitoring or testing applicable requirements that were not included in the permit as a result of such streamlining.

(ii) Where the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring, which may consist of recordkeeping designed to serve as monitoring, the use of periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the stationary source's compliance with the permit, as reported pursuant to subrule (3)(c) of this rule. The monitoring requirements shall ensure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement. Recordkeeping provisions shall be sufficient to meet the requirements of subrule (3)(b) of this rule.

Rule 213(3) (continued)

(iii) As necessary, requirements concerning the use, maintenance, and, where appropriate, installation of monitoring equipment or methods.

(b) With respect to recordkeeping, each renewable operating permit shall contain terms and conditions necessary to ensure compliance with the recordkeeping requirements specified in the applicable requirements. Each renewable operating permit shall also contain terms and conditions that require, where appropriate, both of the following:

(i) Records of any periodic emission or parametric monitoring that include all of the following information:

(A) The date, location, time, and method of sampling or measurements.
(B) The dates analyses of the samples were performed.
(C) The company or entity that performed the analyses of the samples.
(D) The analytical techniques or methods used.
(E) The results of the analyses.
(F) The related operating conditions or parameters that existed at the time of sampling or measurement.

(ii) Retention of records of all required monitoring data and support information for a period of not less than 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings, or other original data records, for continuous monitoring instrumentation and copies of all reports required by the renewable operating permit.

(c) With respect to reporting and the certification of reports, each renewable operating permit shall contain terms and conditions necessary to insure compliance with the reporting requirements specified in the applicable requirements. Except as provided subdivision (iii)(B) of this subdivision, any document, including reports, required to be submitted to the department as a term or condition of a renewable operating permit shall include a certification by a responsible official which states that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. Each renewable operating permit shall also contain terms and conditions for all of the following:

(i) The submittal of reports of any required monitoring at least once every 6 months. All instances of deviations from permit requirements during the reporting period shall be clearly identified in the reports. Each report submitted pursuant to this subdivision shall include a certification by a responsible official which states that, based on information and belief formed after reasonable inquiry, the statements and information in the report are true, accurate, and complete.

(ii) The prompt reporting of deviations from permit requirements. Prompt reporting shall be defined as follows, unless otherwise provided in the renewable operating permit:

(A) For deviations that exceed the emissions allowed under the renewable operating permit, prompt reporting means reporting consistent with the requirements of R 336.1912. All reports submitted pursuant to this paragraph shall be promptly certified as specified in paragraph (iii) of this subdivision.
(B) For deviations which exceed the emissions allowed under the renewable operation permit and which are not reported pursuant to R 336.1912 due to the duration of the deviation, prompt reporting means the reporting of all deviations in the reports required by paragraph (i) of this subdivision. The report shall describe reasons for each deviation and the actions taken to minimize or correct each deviation.
(C) For deviations that do not exceed the emissions allowed under the renewable operating permit, prompt reporting means the reporting of all deviations in the reports required by paragraph (i) of this subdivision. The report shall describe the reasons for each deviation and the actions taken to minimize or correct each deviation.

(iii) For reports required pursuant to paragraph (ii) of this subdivision, prompt certification of the reports means either of the following:

(A) Submitting a certification by a responsible official with each report which states that, based on information and belief formed after reasonable inquiry, the statements and information in the report are true, accurate, and complete.

(B) Submitting, within 30 days following the end of a calendar month during which 1 or more prompt reports of deviations from the emissions allowed under the permit were submitted to the department pursuant to paragraph (ii) of this subdivision, a certification by a responsible official which states that, based on information and belief formed after reasonable inquiry, the statements and information contained in each of the reports submitted during the previous month were true, accurate, and complete. The certification shall include a listing of the reports that are being certified. Any report submitted pursuant to paragraph (ii) of this subdivision that will be certified on a monthly basis pursuant to this paragraph shall include a statement that certification of the report will be provided within 30 days following the end of the calendar month.

(4) With respect to compliance, each renewable operating permit shall contain terms and conditions necessary to ensure each of the following:

(a) Incorporation into the renewable operating permit of a schedule of compliance.

(b) For a stationary source that is not in compliance with all applicable requirements at the time of issuance of a renewable operating permit, the submission of progress reports to the department, consistent with an applicable schedule of compliance, at least semiannually or more frequently if specified in an applicable requirement or by the department in the permit. Progress reports shall contain the information specified in both of the following provisions:

(i) The date or dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and the date or dates when the activities, milestones, or compliance were achieved.

(ii) An explanation of why any dates in the schedule of compliance were not or will not be met and a description of any preventive or corrective measures adopted.

(c) A requirement that, at least annually, or more frequently if specified in an applicable requirement or by the department in the renewable operating permit, the responsible official shall certify, in writing, to the department and to the United States environmental protection agency, that the stationary source is and has been in compliance with all terms and conditions contained in the renewable operating permit, except for any deviations from compliance that have been or are being reported to the department. The certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the certification are true, accurate, and complete. Each certification of compliance shall include all of the following information:

(i) The identification of each term or condition of the permit that is the basis of the certification.

(ii) The compliance status of the stationary source with respect to each identified term or condition.

(iii) Whether compliance was continuous or intermittent.

(iv) The methods used for determining the compliance status of the stationary source, currently and over the reporting period consistent with subrules (3)(a), (b), and (c) of this rule.

(v) Other facts as the department may require in the permit that are necessary to determine the compliance status of the stationary source.

(5) Each renewable operating permit shall provide for the following:

(a) Each renewable operating permit shall specifically designate as not being enforceable under the clean air act any terms and conditions included in the permit that are not required under the clean air act or under any of its applicable requirements. Terms and conditions so designated are not subject to the requirements for review by the United States environmental protection agency or affected states under R 336.1214.

(b) Each renewable operating permit shall specifically designate each federally enforceable applicable requirement previously established in a permit to install pursuant to R 336.1201.

(6) Both of the following provisions apply to permit shields:

(a) Except as provided in subdivision (b) of this subrule, each renewable operating permit shall include a permit shield provision stating that compliance with the conditions of the permit shall be considered

compliance with any applicable requirements as of the date of permit issuance, if either of the following provisions is satisfied:

(i) The applicable requirements are included and are specifically identified in the permit.

(ii) The permit includes a determination or a concise summary of the determination by the department that other specifically identified requirements are not applicable to the stationary source.

(b) Nothing in this subrule or in any renewable operating permit shall alter or affect any of the following:

(i) The provisions of section 303 of the clean air act, emergency orders, including the authority of the administrator of the United States environmental protection agency under that section.

(ii) The liability of an owner or operator of a stationary source for any violation of applicable requirements before or at the time of permit issuance.

(iii) The applicable requirements of the acid rain program, consistent with section 408(a) of the clean air act.

(iv) The ability of the United States environmental protection agency to obtain information from a stationary source pursuant to section 114 of the clean air act.

(7) Each renewable operating permit shall be issued for a fixed term of not more than 5 years. Renewable operating permits that have terms of less than 5 years may be issued with the agreement of the department and the permit applicant. The terms and conditions of a renewable operating permit for affected sources under title IV of the clean air act that address the requirements of title IV shall be issued for a term of 5 years. The date of expiration of the renewable operating permit shall be specified in the permit.

(8) A renewable operating permit shall include terms and conditions that allow a stationary source to switch its operation between reasonably anticipated operating scenarios if the scenarios have been identified by the stationary source in its application and found to be approvable by the department. The terms and conditions shall provide for all of the following:

(a) Require the stationary source, contemporaneously with making a change from one operating scenario to another, to record, in a log at the stationary source, a record of the scenario under which the source is operating.

(b) Extend the permit shield described in subrule (6) of this rule to all terms and conditions under each approved operating scenario.

(c) Ensure that the terms and conditions of each approved alternative scenario meet all applicable requirements.

(9) A renewable operating permit shall include terms and conditions for the trading of emissions increases and decreases among process emission units within the stationary source solely for the purpose of complying with an emissions cap that is established in the permit independent of otherwise applicable requirements, if the terms and conditions have been requested by a person in an application for a renewable operating permit. If a person wishes to include the terms and conditions in a renewable operating permit, the permit application shall include proposed replicable procedures and permit terms that the person believes ensure the emissions trades are quantifiable and enforceable. The terms and conditions shall include those necessary to meet the requirements of subrules (2) to (4) of this rule. The department shall not be required to include in the emissions trading provisions any emission units for which emissions are not quantifiable or for which there are no replicable procedures to enforce the emissions trades. The permit shall also require compliance with all applicable requirements. Both of the following provisions apply to the trading of emissions increases and decreases among emission units solely for the purpose of complying with an emissions cap:

(a) A written notification to the department and the United States environmental protection agency is required 7 days in advance of any emissions trade under this subrule. The notice shall state when the change will occur and shall describe the changes in emissions that will result and how these increases and decreases in emissions will comply with the terms and conditions of the permit.

(b) The permit shield described in subrule (6) of this rule shall extend to terms and conditions that allow the increases and decreases in emissions.

Rule 213 (continued)

(10) In addition to the other requirements of this rule, each renewable operating permit for an affected source under title iv of the clean air act shall include a permit condition prohibiting emissions exceeding any allowances that an affected source lawfully holds as of the allowance transfer deadline pursuant to the federal acid rain program, adopted by reference in R 336.1299. All of the following apply to allowances:

(a) A permit revision shall not be required for increases in emissions that are authorized by allowances acquired pursuant to title IV of the clean air act if the increases do not require a permit revision under any other applicable requirement.

(b) A limit shall not be placed on the number of allowances held by the affected source. The affected source may not, however, use allowances as a defense to noncompliance with any other applicable requirement.

(c) Any allowance shall be accounted for according to the procedures established in regulations promulgated under title IV of the clean air act.

(11) A renewable operating permit for a temporary source may authorize emissions from a stationary source at multiple temporary locations. An affected source under title IV of the clean air act shall not be permitted as a temporary source. In addition to the other requirements of this rule, permits for temporary sources shall include all of the following provisions:

(a) Conditions that will assure compliance with all applicable requirements at all authorized locations.

(b) Requirements that the owner or operator notify the department not less than 10 days in advance of each change in location.

(c) Conditions that assure compliance with all other provisions of this rule.

(12) A renewable operating permit shall contain terms and conditions allowing for emission averaging and emission reduction credit trading pursuant to any applicable interstate or regional emissions trading program that has been approved by the administrator of the United States environmental protection agency as a part of Michigan's state implementation plan.

Rule 214 *(R 336.1214)* Approval of a renewable operating permit.

(1) After the department has received an administratively complete application and all additional information requested by the department pursuant to R 336.1210(3) for a renewable operating permit, significant modification to a renewable operating permit, or the renewal of a renewable operating permit, the department shall prepare a draft permit and a report that sets forth the applicable requirements and factual basis for the draft permit terms and conditions. The report shall include citations of the applicable requirements, an explanation of any equivalent requirements or other changes included in the draft permit pursuant to R 336.1212(6), and any determination made pursuant to R 336.1213(6)(a)(ii) regarding requirements that are not applicable to the stationary source where the draft permit contains only a summary of the determination.

(2) The person who applied for the renewable operating permit shall be provided with a reasonable period of time, but not less than 7 days nor more than 30 days, to review and comment on the draft renewable operating permit, draft renewable operating permit significant modification, or draft renewable operating permit renewal before the start of the public participation procedure specified in subrule (3) of this rule. If the person and the department cannot agree on the terms and conditions of the draft renewable operating permit, the terms and conditions that the department believes are necessary to comply with the requirements of R 336.1213 shall be incorporated into the draft renewable operating permit and the report required by subrule (1) of this rule shall include a discussion of the person's objections.

(3) Except for modifications qualifying for administrative permit amendment procedures pursuant to R 336.1216(1) or minor permit modification procedures pursuant to R 336.1216(2), the draft renewable operating permit, draft renewable operating permit modification, or the draft renewable operating permit renewal shall be subjected to the following public participation procedure before the department submits a proposed renewable operating permit to the United States environmental protection agency for review pursuant to subrule (6) of this rule:

Rule 214(3) (continued)

a) The department shall provide public notice by publication in a newspaper of general circulation in the area where the stationary source is located or in a state publication designed to give general public notice. Notice shall also be provided to persons on a mailing list maintained by the department, including persons who request, in writing, to be on that list, and to any person who requests, in writing, to be notified of a permit action involving a specific stationary source.

b) The notice shall set forth all of the following information:

(i) The name of the stationary source.

(ii) The name and mailing address of the responsible official.

(iii) The mailing address of the department.

(iv) The activity or activities involved in the proposed permit action.

(v) The emissions change involved in any permit modification.

(vi) The name, address, and telephone number of a representative of the department from whom interested persons may obtain additional information, including copies of the draft permit, the report required under subrule (1) of this rule, and, to the extent provided by 1976 PA 442, MCL §15.231 et seq., and known as the freedom of information act, the application and any other materials available to the department that are relevant to the permit decision.

(vii) A brief description of the procedures to submit comments.

(viii) The time and place of any hearing that may be held, including a statement of the procedures to request a hearing, unless a hearing has already been scheduled.

(c) The department shall provide not less than 30 days for public comment and shall give notice of any public hearing not less than 30 days in advance of the hearing.

(d) The department shall keep a record of the commenters and the issues raised during the public participation process and the records shall be available to the public.

(4) The department shall give notice of each draft permit to any affected state on or before the time that the department provides notice to the public pursuant to subrule (3) of this rule, unless R 336.1216(2) requires the timing of the notice to be different. The department shall notify the administrator of the United States environmental protection agency and any affected state, in writing, of any refusal by the department to accept all recommendations for the proposed permit that the affected state submitted during the public comment period specified in subrule (3)(c) of this rule. The notice shall include the department's reasons for not accepting any recommendation. The department is not required to accept recommendations that are not based on applicable requirements.

(5) After the completion of the public participation procedure specified in subrule (3) of this rule and the review by affected states specified in subrule (4) of this rule, the department shall prepare a proposed renewable operating permit, proposed renewable operating permit significant modification, or proposed renewable operating permit renewal. If the proposed renewable operating permit differs from the draft renewable operating permit in response to substantial and relevant comments from the public or affected states, the person who applied for the renewable operating permit shall be provided with a reasonable period of time, but not less than 7 days nor more than 30 days, to review and comment on the changes before the transmittal of the proposed renewable operating permit to the United States environmental protection agency for review. If the person and the department cannot agree on the changes to the proposed renewable operating permit, the changes that the department believes are necessary to comply with the requirements of R 336.1213 shall be incorporated into the proposed renewable operating permit and the person's objections shall be included in the information transmitted to the United States environmental protection agency for review.

(6) Except as provided in 40 C.F.R. §70.8(a)(1) and (2), adopted by reference in R 336.1299, and as provided in R 336.1210(13), the department shall transmit a copy of each administratively complete application for a renewable operating permit, including any application for a significant modification to a renewable operating permit or for renewal of a renewable operating permit, all additional information submitted pursuant to R 336.1210(3), the report prepared pursuant to subrule (1) of this rule, and the proposed renewable operating permit to the United States environmental protection agency. The department shall not take a final action to issue a renewable operating permit until 45 days after the

United States environmental protection agency has received all the information specified in this subrule and subrule (4) of this rule. If the administrator of the United States environmental protection agency objects, in writing, to the renewable operating permit before the end of the 45-day review period specified in this subrule, the department shall not issue the renewable operating permit until the administrator's objection has been resolved. The department shall follow the procedure specified in 40 C.F.R. §70.8(c), adopted by reference in R 336.1299, to resolve the objection. The application shield provided by R 336.1210(1) shall continue to apply to the stationary source, consistent with the provisions of R 336.1210, until the department takes final action on the renewable operating permit.

(7) The department shall make a final decision to issue or deny a renewable operating permit, a significant modification to a renewable operating permit, or the renewal of a renewable operating permit after completion of the review by the United States environmental protection agency specified in subrule (6) of this rule. The final renewable operating permit shall contain all terms and conditions determined by the department to be necessary pursuant to R 336.1213, after consideration of all comments received during public participation pursuant to subrule (3) of this rule and affected state review pursuant to subrule (4) of this rule, including any terms and conditions necessary to resolve any objection by the administrator of the United States environmental protection agency pursuant to subrule (6) of this rule. The department shall transmit a copy of each final renewable operating permit to the United States environmental protection agency. A person aggrieved by the issuance, denial, modification, or renewal of a renewable operating permit may appeal the final decision as provided in section 5506(14) of the act.

(8) Any person may petition the administrator of the United States environmental protection agency to make an objection regarding a renewable operating permit pursuant to 40 C.F.R. §70.8(d), adopted by reference in R 336.1299. The petition shall be filed within 60 days after the expiration of the administrator's 45-day review period specified in subrule (6) of this rule and 40 C.F.R. §70.8(c), adopted by reference in R 336.1299. The petition shall be based only on an objection to the renewable operating permit that was raised with reasonable specificity during the public comment period provided for in subrule (3)(c) of this rule, unless the petitioner demonstrates that it was impracticable to raise the objection during the public comment period or unless the grounds for the objection arose after the public comment period. A petition for review does not stay the effectiveness of a renewable operating permit or its requirements if the renewable operating permit was issued after the end of the 45-day review period and before the department received an objection by the administrator. If the administrator of the United States environmental protection agency objects to the renewable operating permit as a result of a petition filed pursuant to 40 C.F.R. §70.8(d), adopted by reference in R 336.1299, before the department has issued the renewable operating permit, the department shall not issue the renewable operating permit until the administrator's objection has been resolved. The application shield provided by R 336.1210(1) shall continue to apply to the stationary source, consistent with the provisions of R 336.1210, until the department takes final action on the renewable operating permit. If the administrator of the United States environmental protection agency objects to the renewable operating permit as a result of a petition filed pursuant to 40 C.F.R. §70.8(d) after the department has issued the renewable operating permit, the department shall follow the procedure specified in 40 C.F.R. §70.7(g), adopted by reference in R 336.1299, to resolve the objection.

R 336.1214a Consolidation of permits to install within a renewable operating permit.

(1) The department shall issue a source-wide permit to install concurrent with each issuance and renewal of a renewable operating permit pursuant to R 336.1214 and each reissuance of a renewable operating permit pursuant to R 336.1217(2)(b). The source-wide permit to install shall be contained in the same document as the renewable operating permit. The source-wide permit to install shall specifically identify, consolidate, and incorporate all federally enforceable terms and conditions of existing permits to install into the renewable operating permit in accordance with the provisions of R 336.1212(5) and the permit content requirements of R 336.1213.

(2) The source-wide permit to install is updated whenever a new process-specific permit to install is incorporated into the renewable operating permit in accordance with the provisions of R 336.1216.

(3) Both of the following provisions apply to the incorporation of terms and conditions of a permit to install into a renewable operating permit:

(a) Within the renewable operating permit, each federally enforceable term or condition that originated in a permit to install shall be specifically identified with an applicable requirement citation of R 336.1201(1)(a). This citation is in addition to the R 336.1213(2)(a) underlying applicable requirement citation. Each term or condition of the renewable operating permit with an applicable requirement citation of R 336.1201(1)(a) shall be considered a term or condition of the source-wide permit to install issued pursuant to this rule.

(b) A federally enforceable term or condition of a renewable operating permit shall be considered a term or condition of the source-wide permit to install issued pursuant to this rule, if it can be reasonably demonstrated that the federally enforceable term or condition originated in a permit to install issued pursuant to R 336.1201. Each term or condition in a renewable operating permit issued before the effective date of this rule with any of the following underlying applicable requirements, identified pursuant to R 336.1213(2)(a), shall be considered a term or condition of the source-wide permit to install issued pursuant to this rule:

(i) R 336.1201, R 336.1201a.

(ii) Title 40 C.F.R. §63.40 through §63.44 and §§63.50 to 63.56, adopted by reference in R 336.1299.

(iii) R 336.1301(1)(c), R 336.1301(4), and R 336.1331(1)(c).

(iv) R 336.1401(1)(b) and R 336.1403(4).

(v) R 336.1702, R 336.1705, R 336.1706, R 336.1708, R 336.1709, and R 336.1710.

(vi) R 336.2415.

(vii) Title 40 C.F.R. §52.21, adopted by reference in R 336.1299.

(viii) R 336.2801 to R 336.2819 and R 336.2823.

(ix) R 336.2901 to R 336.2903, R 336.2907, and R 336.2908.

(4) The source-wide permit to install replaces all existing permits to install, in accordance with R 336.1201(6)(b). Although the source-wide permit to install and the renewable operating permit are contained in the same document, the source-wide permit to install maintains its own authority under section 5505 of the act. If the renewable operating permit expires or is voided, the source-wide permit to install remains in effect, unless the criteria of R 336.1201(6)(a) or (6)(c) are met.

(5) State-only enforceable terms and conditions from a permit to install that have been incorporated into a renewable operating permit shall be considered terms and conditions of a state-only enforceable permit to install established pursuant to R 336.1201(2)(d). If the renewable operating permit later expires or is voided, the state-only enforceable permit to install does not expire, nor is it voided, unless the criteria of R 336.1201(6)(a) or (c) are met.

(6) Nothing in this rule shall relieve the requirement to obtain a permit to install pursuant to R 336.1201(1) for newly constructed, modified, reconstructed, or relocated process or process equipment that emits an air contaminant.

Rule 215 *(R 336.1215)* Operational flexibility, emissions trading activities between stationary sources, off-permit changes, and insignificant changes for a renewable operating permit.

(1) The following provisions apply to operational flexibility within a stationary source. As provided in 40 C.F.R. §70.4(B)(12), a person may make either of the following changes to process or process equipment within a stationary source covered by a renewable operating permit without a revision to that permit, if the changes are not a modification under any applicable provision of title I of the clean air act and the changes do not exceed the emissions allowable under the renewable operating permit, whether expressed therein as a rate of emissions or in the terms of total emissions, if the person provides written notification to the department and the United States environmental protection agency at least 7 days prior to the change. The permittee and the department shall attach each such notice to their copy of the relevant permit:

Rule 215 (continued)

(a) As provided in 40 C.F.R. §70.2 and 40 C.F.R. §70.4(B)(12)(i), a person may make changes that contravene a specific permit condition, if the changes are not modifications under any provision of title I of the clean air act and the changes do not exceed the emissions allowable under the renewable operating permit, whether expressed therein as a rate of emissions or in terms of total emissions. Such changes do not include changes that would violate applicable requirements or contravene federally enforceable permit terms and conditions that are monitoring, including test methods, recordkeeping, reporting, or compliance certification requirements. For each such change, the written notification required in this subrule shall include all of the following information:

(i) A brief description of the change within the stationary source.

(ii) The date on which the change will occur.

(iii) Any change in emissions.

(iv) Any permit term or condition that is no longer applicable as a result of the change.

(b) As provided in 40 C.F.R. §70.4(B)(12)(ii), a person may trade increases and decreases in emissions within the stationary source according to procedures specified by an applicable emissions trading program that has been approved by the administrator of the United States environmental protection agency as a part of Michigan's state implementation plan, if the person has provided written notification to the department and the United States environmental protection agency of the changes at least 7 days prior to the activity taking place.

(i) The written notification required in this subdivision shall include all information required by the approved state implementation plan, including at a minimum, all of the following information:

(A) When the proposed change will occur.
(B) A description of each such change.
(C) Any change in emissions.
(D) The permit requirements with which the stationary source will comply using the emissions trading provisions of the approved state implementation plan for trading within a stationary source.
(E) The pollutants emitted subject to the emissions trade.
(F) The provisions of the approved state implementation plan. with which the stationary source will comply and which provide for the emissions trade within the stationary source.

(ii) Compliance with the permit requirements that the stationary source will meet using the emissions trade shall be determined according to the requirements of the approved state implementation plan authorizing the emissions trade within the stationary source.

(c) For the purposes of this subrule, the emissions allowable under the renewable operating permit include any emission limitation, standard, or condition, including a work practice standard, that is required by an applicable requirement or any emission limitation, standard, or condition, including a work practice standard, that establishes an emissions cap which the source has assumed to avoid an applicable requirement.

(2) The following provisions apply to emission reduction credits trading between stationary sources. As provided in 40 C.F.R. §70.6(A)(8), a person may make any changes without revision to the renewable operating permit where provided for in the renewable operating permit and allowed by an applicable interstate or regional emissions trading program that has been approved by the administrator of the United States environmental protection agency.

(3) The following provisions apply to off-permit changes. as provided in 40 C.F.R. §70.4(B)(14) and (15), a person may make a change at a stationary source covered by a renewable operating permit that is not addressed or prohibited by the renewable operating permit without a revision to the renewable operating permit, if all of the following provisions are met:

(a) The change complies with all applicable requirements and is not a modification under any applicable provision of title I of the clean air act.

(b) If the stationary source is an affected source under title IV of the clean air act, the change is not contrary to any applicable requirement of title IV of the clean air act.

(c) The person shall provide contemporaneous written notification to the department and the United States environmental protection agency of each change. The written notice shall describe the change, including all of the following information:

(i) The date of the change.

(ii) Any change in emissions.

(iii) Any pollutants emitted.

(iv) Any applicable requirement that would apply as a result of the change.

(v) A statement that the notification is being provided pursuant to this subrule.

(d) The person shall keep a record describing changes made at the stationary source that result in emissions of an air contaminant which are subject to an applicable requirement, but not otherwise regulated under the permit, and the emissions resulting from the changes.

(4) The following provisions apply to insignificant changes. A person may make a change at a stationary source covered by a renewable operating permit that involves the insignificant activities listed pursuant to R 336.1212(2) or that involves the installation, construction, reconstruction, relocation, alteration, or modification of any process or process equipment listed pursuant to R 336.1212 (3) and (4) without a revision to the renewable operating permit, if none of the following provisions apply to the change:

(a) The change would result in a violation of any applicable requirement.

(b) The change would require or modify any of the following:

(i) A case-by-case determination of an emission limitation or other standard.

(ii) For temporary sources, a source-specific determination of ambient air impacts.

(iii) A visibility or increment analysis.

(c) The change would seek to establish or modify an emission limit, standard, or other condition of the renewable operating permit that the stationary source has assumed to avoid an applicable requirement to which the stationary source would otherwise be subject.

(d) The change is a major offset modification or a modification under any applicable requirement of section 111, section 112, or part C of title I of the clean air act.

(5) Changes made pursuant to this rule do not qualify for the permit shield provided by R 336.1213(6).

Rule 216 *(R 336.1216)* Modifications to renewable operating permits.

(1) All of the following provisions apply to administrative permit amendments:

(a) An administrative permit amendment is a modification to a renewable operating permit that involves any of the following:

(i) A change that corrects typographical errors.

(ii) A change in the name, address, or phone number of the responsible official or other contact person identified in the application for the renewable operating permit or a similar minor administrative change at the stationary source.

(iii) A change that provides for more frequent monitoring or reporting.

(iv) A change in the ownership or operational control of a stationary source where the department determines that no other change in the permit is necessary, if a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new persons owning or operating the stationary source has been submitted to the department. The new person owning or operating the stationary source shall also notify the department of any change in the responsible official or contact person regarding the renewable operating permit.

Rule 216(1)(a) (continued)

(v) A change that incorporates into the renewable operating permit the terms and conditions of a permit to install issued pursuant to R 336.1201, if the permit to install includes terms and conditions that comply with the permit content requirements contained in R 336.1213, the procedure used to issue the permit to install was substantially equivalent to the requirements of R 336.1214(3) and (4) regarding public participation and review by affected states, the process or process equipment is in compliance with, and no changes are required to, the terms and conditions of the permit to install that are to be incorporated into the renewable operating permit, and both of the following have occurred:

(A) A person has notified the department, in writing, within 30 days after completion of the installation, construction, reconstruction, relocation, or modification of the process or process equipment covered by the permit to install, unless a different time frame is specified by an applicable requirement and required by the permit to install.

(B) Upon completion of all testing, monitoring, and recordkeeping required by the terms and conditions of the permit to install, but not later than 12 months after the date of completion reported in subparagraph (A) of this paragraph unless a different time frame is specified in the permit to install, a person has requested that the contents of the permit to install be incorporated into the renewable operating permit as an administrative permit amendment. The request shall include all of the following:

(1) The results of all testing, monitoring, and recordkeeping performed by the person to determine the actual emissions from the process or process equipment and to demonstrate compliance with the terms and conditions of the permit to install.
(2) A schedule of compliance for the process or process equipment.
(3) A certification by the responsible official which states that, based on information and belief formed after reasonable inquiry, the statements and information in the request are true, accurate, and complete.

(b) An administrative permit amendment, for changes identified in subdivision (a)(i) to (iv) of this subrule, shall be reviewed and final action taken according to the following procedure:

(i) The department shall take final action to approve or deny the request for an administrative permit amendment within 60 days of the receipt of the request, unless the department requests additional information to clarify the request. If the department requests additional information, the department shall take final action within 60 days of the receipt of the additional information. Upon approval of the request, the change shall be incorporated into the renewable operating permit without providing notice to the public or affected states. The change shall be clearly designated as an administrative permit amendment.

(ii) Upon approval, the department shall transmit a copy of the administrative permit amendment to the person that requested the amendment and the United States environmental protection agency.

(iii) A person may implement the changes identified in the request for an administrative permit amendment, at the person's own risk, immediately upon submittal of the request to the department. After the change has been made, and until the department takes final action as specified in paragraph (i) of this subdivision, a person shall comply with both of the applicable requirements governing the change and the permit terms and conditions proposed in the application for the administrative amendment. If a person fails to comply with the permit terms and conditions proposed in the application for the administrative amendment during this time period, the terms and conditions contained in the renewable operating permit are enforceable.

(iv) The permit shield provided under R 336.1213(6) does not extend to administrative amendments made pursuant to subdivision (a)(i) to (iv) of this subrule.

(c) An administrative permit amendment, for changes identified in subdivision (a)(v) of this subrule, shall be reviewed and final action taken according to the following procedure:

(i) Within 60 days after receipt by the department of all the information required pursuant to subdivision (a)(v)(B) of this subrule, the department shall determine whether the information provides an acceptable demonstration of compliance with the terms and conditions of the permit

to install and shall transmit a copy of the information together with the determination and a proposed amended renewable operating permit to the United States environmental protection agency for a 45-day review period pursuant to 40 C.F.R. §70.8(c).

(ii) The department shall not take a final action to approve the administrative permit amendment if the administrator of the United States environmental protection agency objects to its approval, in writing, within 45 days of receipt by the United States environmental protection agency, of the information required in paragraph (i) of this subdivision. The department shall follow the procedure specified in 40 C.F.R. §70.8(c) in response to an objection by the administrator of the United States environmental protection agency.

(iii) A person may make the change authorized by the permit to install immediately after the permit to install has been approved by the department. After the change has been made, and until the department takes final action on the administrative permit amendment as specified in paragraph (ii) of this subdivision, the person shall comply with both the applicable requirements governing the change and the terms and conditions approved as a part of the permit to install. During this time period, the person may choose to not comply with the existing terms and conditions of the renewable operating permit that are modified by the permit to install. However, if the person fails to comply with the terms and conditions of the permit to install during this time period, the terms and conditions contained in the renewable operating permit are enforceable. The permit shield provided under R 336.1213(6) does not apply to the changes until the administrative permit amendment has been approved by the department.

(d) If the department denies the request for an administrative permit amendment, the department shall notify the person requesting the administrative permit amendment, in writing, that the request has been denied and the reasons for the denial. Any appeal of a denial by the department of an administrative permit amendment shall be pursuant to section 631 of 1961 PA 236, MCL 600.631. The denial of an administrative permit amendment pursuant to subrule (1)(c) of this rule is not a revocation of the permit to install.

(2) All of the following provisions apply to minor permit modifications:

(a) A minor permit modification is a change to a renewable operating permit for which none of the following provisions apply:

(i) The change would violate any applicable requirement.

(ii) The change would significantly affect any existing monitoring, reporting, or recordkeeping requirements contained in the renewable operating permit.

(iii) The change would require or affect any of the following:

(A) A case-by-case determination of a federally enforceable emission limitation or other standard.
(B) For temporary sources, a source-specific determination of ambient impacts.
(C) A visibility or increment analysis.

(iv) The change would seek to establish or affect a federally enforceable term or condition in the renewable operating permit for which there is no corresponding underlying applicable requirement and that the stationary source has assumed to avoid an applicable requirement to which the stationary source would otherwise be subject. Following are examples of the terms and conditions described in this paragraph:

(A) An emissions cap assumed to avoid classification as a modification under any applicable provision of title I of the clean air act.
(B) An alternative emissions limit adopted by the stationary source as part of an early reduction program pursuant to section 112(i)(5) of the clean air act.

(v) The change is defined as a major offset modification or a modification under any applicable requirement of section 111, section 112, or part C of title I of the clean air act.

A minor permit modification includes a change authorized by a permit to install issued pursuant to R 336.1201, if the permit to install includes terms and conditions that comply with the permit content requirement of R 336.1213 and none of the provisions of this subrule apply.

Rule 216(2) (continued)

(b) An application requesting a minor permit modification shall contain reasonable responses to all requests for information in the minor permit modification application forms required by the department, including all of the following information:

(i) A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs.

(ii) The proposed changes to the terms and conditions of the renewable operating permit that the person applying for the minor permit modification believes are adequate to address the change and any new applicable requirements.

(iii) A certification by the responsible official which states that the proposed modification meets the criteria for use of minor permit modification procedures and that, based on information and belief formed after reasonable inquiry, the statements and information in the application are true, accurate, and complete.

(iv) Completed forms, supplied by the department, for the department to use to notify the United States environmental protection agency and any affected states.

(c) A minor permit modification shall be reviewed and final action taken according to the following procedure:

(i) Within 5 working days of receipt by the department of an application for a minor permit modification that meets the requirements of subdivision (b) of this subrule, the department shall notify the United States environmental protection agency and any affected states of the requested minor permit modification.

(ii) The department shall notify the administrator of the United States environmental protection agency and the affected state, in writing, of any refusal by the department to accept any recommendations for the minor permit modification that the affected state submitted to the department during the time period for review specified in paragraph (iii) of this subdivision and before final action has been taken on the minor permit modification. The notice shall include the department's reasons for not accepting any recommendation. The department is not required to accept recommendations that are not based on applicable requirements.

(iii) The department shall not issue a final minor permit modification until after the United States environmental protection agency's 45-day review period or until the United States environmental protection agency has notified the department that the agency will not object to issuance of the minor permit modification. Within 90 days of the department's receipt of an application for a minor permit modification, or 15 days after the end of the United States environmental protection agency's 45-day review period, whichever is later, the department shall take 1 of the following actions and notify, in writing, the person applying for the minor permit modification of that action:

(A) Approve the permit modification as proposed.

(B) Revise the draft minor permit modification, with the consent of the person applying for the minor permit modification, and transmit the revised draft minor permit modification to the United States environmental protection agency. Transmittal of a revised draft minor permit modification to the United States environmental protection agency restarts the 45-day review period specified in this paragraph.

(C) Determine that the requested modification does not meet the minor permit modification criteria and should be reviewed under the significant modification procedures. The notification by the department shall specify why the request does not meet the criteria for a minor permit modification.

(D) Deny the permit modification application for cause. The notification by the department shall specify the reasons for the denial. The appeal of a denial by the department of a minor permit modification shall be pursuant to section 631 of 1961 PA 236, MCL 600.631.

(d) A person may make the change proposed in the application for a minor permit modification, at the person's own risk, immediately after the department has received the application. After the change has been made, and until the department takes final action as specified in subdivision (c)(iii)(A) to (C) of this subrule, a person shall comply with both of the applicable requirements governing the change and the permit terms and conditions proposed in the application for the minor permit modification.

During this time period, a person may choose to not comply with the existing permit terms and conditions that the application for a minor permit modification seeks to modify. However, if the person fails to comply with the permit terms and conditions proposed in the application for the minor permit modification during this time period, the terms and conditions contained in the renewable operating permit are enforceable.

(e) Notwithstanding the restrictions of subdivision (a) of this subrule, minor permit modification procedures may be used for permit modifications involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that the approaches have been approved by the administrator of the United States environmental protection agency as a part of Michigan's state implementation plan. The approaches shall identify the specific modifications that can be made using the minor permit modification procedures.

(f) The permit shield under R 336.1213(6) shall not extend to minor permit modifications.

(3) All of the following provisions apply to significant modifications:

(a) A significant modification is a modification to a renewable operating permit which is not an administrative permit amendment pursuant to subrule (1) of this rule, or is not a minor permit modification pursuant to subrule (2) of this rule, and which involves any of the following changes, unless the change is allowed under the terms and conditions of a permit to install that has been approved by the department pursuant to the requirements of subrule (1)(a)(v) of this rule:

(i) A modification under any applicable provision of title I of the clean air act.

(ii) Except as provided pursuant to subrule (1)(c)(iii) of this rule, any change that would result in emissions that exceed the emissions allowed under the renewable operating permit. The emissions allowed under the permit include any emission limitation, production limit, or operational limit, including a work practice standard, required by an applicable requirement, or any emission limitation, production limit, or operational limit, including a work practice standard, that establishes an emissions cap that the stationary source has assumed to avoid an applicable requirement to which the stationary source would otherwise be subject.

(iii) The change would significantly affect an existing monitoring, recordkeeping, or reporting requirement included in the renewable operating permit.

(iv) The change would require or modify a case-by-case determination of an emission limitation or other standard, a source-specific determination of ambient air impacts for temporary sources, or a visibility or increment analysis.

(v) The change would seek to establish or modify an emission limitation, standard, or other condition of the renewable operating permit that the stationary source has assumed to avoid an applicable requirement to which the stationary source would otherwise be subject.

(b) An administratively complete application for a significant permit modification shall be limited to address only the process and process equipment that will be affected by the change.

(c) The terms and conditions of a significant permit modification shall meet all the permit content requirements of R 336.1213 for the process and process equipment affected by the change.

(d) The procedure for taking final action on significant permit modification shall follow the requirements of R 336.1214, except that final actions on significant permit modifications shall be taken within 9 months of the receipt by the department of an administratively complete application.

(e) If a significant permit modification is denied, the department shall notify, in writing, the person applying for the modification. The notification of denial shall specify the reasons for the denial. Any appeal of a denial by the department of a significant permit modification shall be pursuant to section 631 of 1961 PA 236, MCL 600.631.

(4) All of the following provisions apply to state-only modifications:

(a) A state-only modification to a renewable operating permit involves changes to terms and conditions in the renewable operating permit that are designated as not enforceable under the clean air act pursuant to R 336.1213(5). If the change results in new applicable requirements that must be enforceable under the clean air act, then the change shall not be a state-only modification.

Rule 216(4) (continued)

(b) An application requesting a state-only modification shall contain reasonable responses to all requests for information in the application forms required by the department, including all of the following information:

(i) A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs.

(ii) The proposed changes to the terms and conditions of the renewable operating permit that the person applying for the state-only modification believes are adequate to address the change and any new applicable requirements.

(iii) A certification by the responsible official which states that the proposed modification meets the criteria for use of the state-only modification procedures and that, based on information and belief formed after reasonable inquiry, the statements and information in the application are true, accurate, and complete.

(c) A state-only modification shall be reviewed and final action taken within 90 days of the department's receipt of an application for the state-only modification. The department shall take 1 of the following actions and notify, in writing, the person applying for the state-only modification of that action:

(i). Approve the state-only modification as proposed.

(ii). Revise the draft state-only modification, with the consent of the person applying for the modification, and approve the revised modification.

(iii). Determine that the requested modification does not meet the criteria for a state-only modification and should be reviewed pursuant to subrule (1), (2), or (3) of this rule. The notification by the department shall specify why the request does not meet the criteria for a state-only modification.

(iv). Deny the state-only modification application for cause. The notification by the department shall specify the reasons for the denial. The appeal of a denial by the department of a state-only modification shall be pursuant to section 631 of 1961 PA 236, MCL 600.631.

(d) A person may make the change proposed in the application for a state-only modification, at the person's own risk, immediately after the application has been received by the department. After the change has been made, and until the department takes final action as specified in subdivision (c)(i) to (iv) of this subrule, the person shall comply with both the applicable requirements governing the change and the permit terms and conditions proposed in the application for the minor permit modification. During this time period, the person may choose, at the person's own risk, to not comply with the existing permit terms and conditions that the application for a state-only modification seeks to modify. However, if the person fails to comply with the permit terms and conditions proposed in the application for the state-only modification during this time period, or if the state-only modification is denied by the department, the terms and conditions contained in the renewable operating permit are enforceable.

(e) The permit shield provided under R 336.1213(6) does not apply to the state-only modification until the changes have been approved by the department.

Rule 217 *(R 336.1217)* Renewals and reopenings of renewable operating permits.

(1) All of the following provisions apply to renewals of renewable operating permits:

(a) If a timely and administratively complete application for the renewal of a renewable operating permit is submitted, consistent with R 336.1210(7), and timely and complete additional information is submitted, consistent with R 336.1210(3), but the department has failed to take final action to issue or deny the renewal permit before the end of the term of the previous permit, then the existing renewable operating permit shall not expire until the renewal permit has been issued or denied and any permit shield that may be granted pursuant to R 336.1213(6) shall extend beyond the original permit term until the department takes final action on the renewal permit.

(b) Renewable operating permits that are being renewed are subject to the same procedural requirements, including the requirements for public participation and for review by affected states and the United States environmental protection agency, and the same provisions for appeal that apply to initial issuance of renewable operating permits pursuant to R 336.1214.

Rule 217(1) (continued)

(c) Expiration of a renewable operating permit results in the loss of the permit shield provided in R 336.1213(6).

(2) All of the following provisions apply to the reopening for cause of renewable operating permits:

(a) Each renewable operating permit shall include provisions specifying the conditions under which the department shall reopen the renewable operating permit before the expiration of the permit. A permit shall be reopened and revised by the department under any of the following circumstances:

(i) To incorporate new applicable requirements issued or promulgated after the issuance of the renewable operating permit, if 3 or more years remain in the term of the permit. The revision shall occur as expeditiously as practicable, but not later than 18 months after promulgation of the applicable requirement. A revision is not required if the effective date of the new applicable requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended beyond the effective date of the new applicable requirement pursuant to subrule (1)(a) of this rule.

(ii) To incorporate new applicable standards and requirements for affected sources pursuant to title IV of the clean air act.

(iii) If the department determines that the permit contains a material mistake, that information required by any applicable requirement was omitted, or that inaccurate statements were made in establishing the emission limitations or standards or the terms and conditions of the permit.

(iv) If the department determines that the permit must be revised to ensure compliance with the applicable requirements.

(b) Proceedings to reopen and issue a revised renewable operating permit shall follow the same procedures, including the procedures for public participation and for review by affected states and the United States environmental protection agency, and the same provisions for appeal that apply to the initial issuance of a renewable operating permit pursuant to R 336.1214. Any proceeding to reopen and issue a revised renewable operating permit shall affect only those parts of the permit for which cause to reopen exists. The department shall reopen a renewable operating permit as expeditiously as possible after it discovers that cause exists to reopen.

(c) The department shall not initiate a reopening of a renewable operating permit pursuant to subrule (2)(a) of this rule before providing a notice of intent to reopen the renewable operating permit to the person owning or operating the stationary source. The notice shall be provided not less than 30 days in advance of the date that the renewable operating permit is to be reopened and shall specify the reasons for the reopening.

Rule 912 *(R 336.1912)* Abnormal conditions, start-up, shutdown, and malfunction of a source, process, or process equipment, operating, notification, and reporting requirements.

(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.

Rule 912 (continued)

(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 of 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 which 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.

APPENDIX C: CONTACT INFORMATION & ADDITIONAL RESOURCES

Cadillac District – Cadillac Office (Northwest Lower Peninsula) 120 W Chapin Street Cadillac, MI 49601-2158 231-775-3960 Fax: 231-775-4050 *Counties: Benzie, Grand Traverse, Kalkaska, Lake, Leelanau, Manistee, Mason, Missaukee, Osceola, and Wexford*	**Cadillac District – Gaylord Office** (Northeast Lower Peninsula) 2100 West M-32 Gaylord, MI 49735-9282 989-731-4920 Fax: 989-731-6181 *Counties: Alcona, Alpena, Antrim, Charlevoix, Cheboygan, Crawford, Emmet, Montmorency, Oscoda, Otsego, Presque Isle, and Roscommon*
Upper Peninsula District (Entire Upper Peninsula) 1504 West Washington Street Marquette, MI 49855 906-228-4853 Fax: 906-228-4940 *Counties: All counties in the Upper Peninsula*	**Saginaw Bay District** (Central East Michigan) 401 Ketchum Street, Suite B Bay City, MI 48708 989-894-6200 Fax: 989-891-9237 *Counties: Arenac, Bay, Clare, Gladwin, Huron, Iosco, Isabella, Midland, Ogemaw, Saginaw, Sanilac, and Tuscola*
Lansing District (Central Michigan) P.O. Box 30242 Constitution Hall, 525 W. Allegan St., 1 South Lansing, MI 48909-7760 517-284-6651 Fax:517-241-3571 *Counties: Clinton, Eaton, Genesee, Gratiot, Ingham, Lapeer, Livingston, and Shiawassee*	**Grand Rapids District** (Central West Michigan) 350 Ottawa Avenue, NW Unit 10 Grand Rapids, MI 49503 616-356-0500 Fax: 616-356-0201 *Counties: Barry, Ionia, Kent, Mecosta, Montcalm, Muskegon, Newaygo, Oceana, and Ottawa*
Jackson District (South Central Michigan) State Office Building, 4th Floor 301 E Louis B Glick Highway Jackson, MI 49201-1556 517-780-7690 Fax: 517-780-7855 *Counties: Hillsdale, Jackson, Lenawee, Monroe, and Washtenaw*	**Kalamazoo District** (Southwest Michigan) 7953 Adobe Road Kalamazoo, MI 49009-5026 269-567-3500 Fax: 269-567-3555 *Counties: Allegan, Berrien, Branch, Calhoun, Cass, Kalamazoo, St. Joseph, and Van Buren*
Southeast Michigan District (Southeast Michigan) 27700 Donald Court Warren, MI 48092-2793 586-753-3700 Fax: 586-753-3731 *Counties: Macomb, Oakland, and St. Clair*	**Detroit District** (Wayne County) Cadillac Place, Suite 2-300 3058 West Grand Blvd. Detroit, MI 48202-6058 313-456-4700 Fax: 313-456-4692 *Counties: Wayne*
Submit all Rule 216 Amendments and Modification applications to the Cadillac District Office **Submit Rule 215 Notifications to the district office where the source is located**	

ADDITIONAL RESOURCES

The following publications can be accessed at the web address listed or by contacting the Clean Air Assistance Program at (800) 662-9278.

- **Potential to Emit Workbook – A Practical Guide to Calculating and Evaluating Your Potential to Emit Air Contaminants**. Go to www.michigan.gov/deqair (select the Permits Tab, then under the Air Permitting Assistance heading, click on "Potential to Emit").

- **PASS-ROP Workbook – A Practical Guide to Completing an Electronic Renewable Operating Permit Application**. Go to www.michigan.gov/deqair (select the Permits Tab, then under the Air permitting Assistance heading, click on "Renewable Operating Permit (ROP) Program").

- **Permit to Install: Determining Applicability Guidebook**. Go to http://www.deq.state.mi.us/aps/ (under the New Source Review (NSR) heading, click on "Application Form, Instructions and Guidance Documents").

- **Renewable Operating Permit Forms and Instructions**. Go to http://www.deq.state.mi.us/aps/ (under the Renewable Operating Permits (ROP) heading, select "Life After ROP – Source Requirements after Issuance of an ROP").
    - Report Certification Form (EQP 5736) and instructions.
    - Deviation Report Form (EQP 5737) and instructions.
    - Rule 215 Change Notification or Rule 216 Amendment/Modification Application (M-001) and instructions.
    - Certification Form (C-001) and instructions.
    - Additional Information Form (AI-001).