

	<b>AIR QUALITY DIVISION POLICY AND PROCEDURE</b>		DEPARTMENT OF ENVIRONMENTAL QUALITY
Original Effective Date: DRAFT- February 20, 2013	Subject: Application of Rule 901(b) in the Permit to Install Review Process		Category:
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### **INTRODUCTION:**

This policy and procedure discusses the use of Rule 336.1901(b) (Rule 901(b)) in the Permit to Install (PTI) application review process. It is the experience of the Air Quality Division (AQD) that there are instances where it is necessary to evaluate potential nuisance situations (i.e. odors, fugitive dust, etc.) that would be generated from a process or process equipment during the review of a PTI application. This review can include evaluation of preventative measures that a source can use to minimize the nuisance-type impacts (i.e. odors, fugitive dust, etc.) generated from the process under review.

An application that is received for a source or process equipment that is known to have the potential to generate odors, fugitive dust or other nuisance-type situations, will be evaluated by a permit engineer to ensure that the source is, or will be, operating in compliance with the applicable rules and regulations that it is subject to. This evaluation may result in establishing permit conditions that will help to ensure that the source is operating in compliance with these rules and regulations, including Rule 901(b). In these instances, Rule 901(b) will be listed as an applicable requirement for the permit condition(s).

### **AUTHORITY:**

The authority to issue a PTI pursuant to Rule 901 is identified in Rule 336.1201(2)(d). This rule states that the Department may issue a permit that establishes conditions which are legally enforceable solely pursuant to Rule 901. Each condition of this type will be identified as state-only enforceable. Note however that there are instances where a permit condition will be established not only pursuant to Rule 901, but other rules and/or regulations which are federally enforceable as well. In these cases, multiple applicable requirements will be identified for such a permit condition.

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**POLICY:**

During the evaluation of a PTI application, a permit engineer identifies all possible rules and regulations the source or process, may or may not be subject to. One of these rules is Rule 901. Based upon experience, permit engineers are aware of various source categories and/or process equipment which have a higher probability of generating odors or fugitive dust when they are in operation. For these cases, permit staff and district staff, in coordination with company representatives, will identify what methods the source can use to help mitigate these situations. Often times the use of specialized equipment or materials, control equipment, or fugitive dust plans or odor management plans, are sufficient to aid the source in minimizing its potential for generating nuisance situations. Once agreement is reached on which method(s) are to be used, the permit engineer will draft terms and conditions in a permit which reflect the use of the method(s) agreed upon. These conditions will have Rule 901(b) listed as an applicable requirement; possibly in conjunction with other applicable requirements as well. There are many situations where compliance with a permit condition will demonstrate compliance with several rules and regulations, some of which are state-only enforceable and some which are federally enforceable. The citation of Rule 901(b) in permit conditions will assist both district staff and company representatives to identify the methods the company is utilizing to minimize its odors, fugitive dust, or other nuisance situations.

In order to ensure consistency amongst staff, standard permit condition language and templates were developed for the source categories most commonly reviewed within the permit section. For each special condition that was developed, all possible applicable requirements were identified as possible reasons the condition would be used in a permit. This was done so that unintentional omissions of applicable requirements were not made. Likewise, by listing all possible applicable requirements, it was not intended that each one would remain with the condition in a permit. It is the responsibility of the permit engineer, district staff, and authorized employee/agent for a company to ensure that the applicable requirements listed are correct. If there is a disagreement on the citation of an applicable requirement, it should be discussed with the permit engineer.

A review of all special conditions and PTI templates was undertaken to identify the instances where Rule 901 is listed as a possible applicable requirement. For each template that includes this rule as an applicable requirement, the citation of the rule has been changed within the template to a different font color to set it apart from all other applicable requirements. This was done to help draw the attention of the permit engineer to the inclusion of this rule as a possible applicable requirement. If the rule is to remain, its font color is changed by the permit engineer. If it is not to remain, it is deleted from the listing. In either instance, action by the permit engineer is necessary to either intentionally include it, or remove it, from a permit condition.

The change of font color was not an option that was available for each special condition that could be imported into a permit through a program known as 'Permit Writer'; a program that houses all standardized permit conditions. Instead, if a condition is imported through this

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program which identifies Rule 901 as a possible applicable requirement, an alert box will be shown on screen which indicates that Rule 901 is listed as a possible applicable requirement. This alert box requires some action on the part of the permit engineer, and it will serve as a reminder that consideration should be given as to whether Rule 901 is an appropriate applicable requirement in that instance.

**PROCEDURES:**

Responsibility	Action
Permit Engineer	<ul style="list-style-type: none"> <li>- Evaluate PTI application.</li> <li>- If new source, identify the potential for odors, fugitive dust, etc. based on past experience with various known source categories.</li> <li>- For existing source, communicate with district staff to determine source history. Identify if odors, fugitive dust, etc. is a concern at the site.</li> </ul>
Permit Engineer/District Inspector/Applicant	<ul style="list-style-type: none"> <li>- For new sources, if it is a known source category of odors, fugitive dust, etc., identify what measures the source is using to mitigate these concerns. Evaluate whether further measures need to be taken. Discuss with district and company representative.</li> <li>- For existing source that has documented complaints of odors, fugitive dust, etc., discuss with district staff the measures that have been used in past, identify any new methods that could be used based on past experience.</li> </ul>
Permit Engineer/District Inspector/Applicant	<ul style="list-style-type: none"> <li>- If fugitive dust plan is needed, provide standard plan to district and company for review. Revise as necessary based upon site specifics for source. Include permit condition which requires a fugitive dust plan; allow modifications to be developed with district inspector in future due to site specific needs.</li> <li>- If odor management plan (OMP) is needed, work with company and district staff to develop a plan that is site specific. Include permit condition which requires use of an OMP; allow modifications to be developed with district inspector in future due to site specific needs.</li> </ul>
Permit Engineer	<ul style="list-style-type: none"> <li>- Document the review that was conducted for application. If Rule 901(b) was a consideration due to potential to generate nuisance-type situations for new sources, and/or a history of Rule 901-type complaints for existing sources, identify what measures were evaluated and agreed upon to minimize the impacts.</li> <li>- Document what specific measures are to be taken; i.e. equipment to be used, materials to be used, hours of operation restrictions, use of OMP, fugitive dust plan, etc.</li> </ul>

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Responsibility	Action

**APPENDICES:**

Generic fugitive dust plan

PERMIT SECTION SUPERVISOR APPROVAL:

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Mary Ann Dolehanty, Permit Section Supervisor

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**Appendix  
Fugitive Dust Control Plan**

**I. Site Roadways / Plant Yard**

- A. The dust on the site roadways and the plant yard shall be controlled by applications of water, calcium chloride or other acceptable and approved fugitive dust control compounds. Applications of dust suppressants shall be done as often as necessary to meet all applicable emission limits. A record of all watering/dust suppressant applications shall be kept on file and be made available to the AQD upon request.
- B. All paved roadways and the plant yards shall be swept as needed between applications.
- C. Any material spillage on roads shall be cleaned up immediately.

**II. Plant**

The drop distance at each transfer point shall be reduced to the minimum the equipment can achieve. The transfer point from the re-circulating belt to the feed belt shall be equipped with an enclosed chute.

**III. Storage Piles**

- A. Stockpiling of all nonmetallic minerals shall be performed to minimize drop distance and control potential dust problems.
- B. Stockpiles shall be watered on an as needed basis in order to meet the opacity limit of 5 percent. Equipment to apply water or dust suppressant shall be available at the site or on call for use at the site within a given operating day. A record of all watering/dust suppressant applications shall be kept on file and be made available to the AQD upon request.

**IV. Truck Traffic**

On-site vehicles shall be loaded to prevent their contents from dropping, leaking, blowing or otherwise escaping. This shall be accomplished by loading so that no part of the load shall come in contact within 6 inches of the top of any side board, side panel or tailgate. Otherwise, the truck shall be tarped.

**V. AQD/MDEQ Inspection**

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The provisions and procedures of this plan are subject to adjustment by written notification from the AQD if, following an inspection, the AQD finds the fugitive dust requirements and/or permitted emission limits are not being met.