
AIR POLLUTION CONTROL RULES

PART 9. EMISSION LIMITATIONS AND PROHIBITIONS--MISCELLANEOUS

As Amended September 11, 2008



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Michigan Department of Environmental Quality

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MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

AIR QUALITY DIVISION

As Amended September 11, 2008

PART 9. EMISSION LIMITATIONS AND PROHIBITIONS--MISCELLANEOUS

R 336.1901 Air contaminant or water vapor, when prohibited.

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

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

History: 1979 ACS 1, Eff. Jan. 19, 1980; 2002 MR 5, Eff. Mar. 19, 2002.

R 336.1902 Adoption of standards by reference.

Rule 902. The following standards are adopted in these rules by reference and are available as noted. Copies are available for inspection and purchase at the Air Quality Division, Department of Environmental Quality, 525 West Allegan Street, P. Box 30260, Lansing, Michigan 48909-7760, at a cost as of the time of adoption of these rules (AQD price). Copies may be obtained from the Superintendent of Documents, Government Printing Office, P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954, at a cost as of the time of adoption of these rules (GPO price), or on the United States government printing office internet web site at <http://www.access.gpo.gov>:

- (a) Title 40 C.F.R., part 51, appendix Y, "Guidelines for BART Determinations Under the Regional Haze Rule," and 40 C.F.R. §51.301, "Definitions," (2007); AQD price \$55.00; GPO price \$45.00.
- (b) Title 40 C.F.R., part 61, subpart M, "National Emission Standards for Asbestos" (2007); AQD price \$55.00; GPO price \$45.00.
- (c) Title 40 C.F.R., part 63, subpart A, entitled "General Provisions" (2007); AQD price \$68.00; GPO price \$58.00.
- (d) Title 40 C.F.R., part 63, subpart N, "National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks" (2007); AQD price \$68.00; GPO price \$58.00.

(e) Title 40 C.F.R., part 63, subpart O, “Ethylene Oxide Emissions Standards for Sterilization Facilities” (2007); AQD price \$68.00; GPO price \$58.00.

(f) Title 40 C.F.R., part 63, subpart LLL, “National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry” (2007); AQD price \$60.00; GPO price \$50.00.

(g) Title 40 C.F.R., part 63 subpart RRR, “National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production” (2007); AQD price \$42.00; GPO price \$32.00.

(h) Title 40 C.F.R., part 63, subpart VVV, “National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works” (2007); AQD price \$42.00; GPO price \$32.00.

(i) Title 40 C.F.R., part 63, subpart GGGGG, “National Emission Standards for Hazardous Air Pollutants: Site Remediation” (2007); AQD price \$42.00; GPO price \$32.00.

History: 2008 MR 4, Eff. Sep. 11, 2008.

R 336.1906 Diluting and concealing emissions.

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

History: 1979 ACS 1, Eff. Jan. 19, 1980; 2002 MR 5, Eff. Mar. 19, 2002.

R 336.1910 Air-cleaning devices.

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

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

R 336.1911 Malfunction abatement plans.

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

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

(a) A complete preventative maintenance program, including identification of the supervisory personnel responsible for overseeing the inspection, maintenance, and repair of air-cleaning devices, a description of the items or conditions that shall be inspected, the

frequency of the inspections or repairs, and an identification of the major replacement parts that shall be maintained in inventory for quick replacement.

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

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

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

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

History: 1979 ACS 1, Eff. Jan. 19, 1980; 2002 MR 5, Eff. Mar. 19, 2002.

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

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

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

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

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

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

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

(b) An identification of the source, process, or process equipment 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.

History: 1979 ACS 1, Eff. Jan. 19, 1980; 1995 MR 7, Eff. July 26, 1995.

Editor's Note: An obvious error was corrected, pursuant to Section 56 of 1969 PA 306, as amended by 2000 PA 262, MCL 24.256. The rule containing the error was published in Michigan Register, 1995 MR 7. The memorandum requesting the correction was published in Michigan Register, 2007 MR 9.

R 336.1913 Rescinded.

History: 1995 MR 7, Eff. July 26, 1995; 2001 MR 16, Eff. Sept. 12, 2001.

R 336.1914 Rescinded.

History: 1995 MR 7, Eff. July 26, 1995; 2001 MR 16, Eff. Sept. 12, 2001.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

department. The revised malfunction abatement plan shall be developed in accordance with R 336.1911(2).

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

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

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

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

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

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

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

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

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

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

History: 2002 MR 10, Eff. May 28, 2002.

R 336.1916 Affirmative defense for excess emissions during start-up or shutdown.

Rule 916. (1) The person operating a source with emissions in excess of an applicable emission limitation due to start-up or shutdown may claim an affirmative defense to an

enforcement proceeding, excluding a judicial action seeking injunctive relief, if the person has complied with the reporting requirements of R 336.1912 and has demonstrated all of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

R 336.1930 Emission of carbon monoxide from ferrous cupola operations.

Rule 930. (1) After December 31, 1982, it is unlawful for a person to operate a ferrous cupola that has a melting capacity of 20 or more tons per hour located within any area listed in table 91, unless the ferrous cupola is equipped with an afterburner control system, or equivalent, which reduces the carbon monoxide emissions from the ferrous cupola by 90%.

(2) The emission rate of carbon monoxide from a ferrous cupola shall be determined by using reference test method 10, unless otherwise specified by the department.

(3) A person responsible for the operation of a ferrous cupola subject to the provisions of this rule shall submit to the commission, within 6 months after the effective date of this rule, a written program, acceptable to the commission, for compliance with this rule or evidence of compliance with this rule. The evidence shall include available data, control equipment specifications, or other information that demonstrates compliance. The required control program shall demonstrate that compliance will be achieved as expeditiously as practical.

(4) The program required by subrule (3) of this rule shall include the method by which compliance with this rule will be achieved, a complete description of new equipment to be installed, modifications to existing equipment to be made, and a timetable that specifies, at a minimum, all of the following dates:

- (a) The date equipment will be ordered.
- (b) The date construction or modification of equipment will begin.
- (c) The date initial start-up of equipment will begin.
- (d) The date final compliance will be achieved, if not the same as the date specified in subdivision (c) of this subrule.

TABLE 91
Areas subject to R 336.1930

COUNTY	AREA
Saginaw	T12N, R4E, Sections 1, 12, 13, and 24; T12N, R5E, Sections 4, 9, and 16-21
Macomb, Oakland, and Wayne	Area included within the following (counter-clockwise): Lake St. Clair to 14 Mile Road to Kelly Road north to 15 Mile Road to Hayes Road south to 14 Mile Road to Clawson city boundary, following north Clawson city boundary to north Royal Oak city boundary to 13 Mile Road to Evergreen Road to southern Beverly Hills city boundary to southern Bingham Farms city boundary to southern Franklin city boundary to Inkster Road to 8 Mile Road to western Livonia city boundary to western Westland city boundary to western Wayne city boundary to western and to southern Romulus city boundary including Pennsylvania Road extended to Detroit River.

History: 1979 ACS 1, Eff. Jan. 19, 1980; 2002 MR 5, Eff. Mar. 19, 2002.

R 336.1931 Standards for municipal solid waste landfills; adoption of standards by reference.

Rule 931. (1) The provisions of 40 C.F.R. part 60, subpart Cc, §§60.30c to 60.36c (2000), are adopted by reference in these rules. The owner or operator responsible for the operation of a municipal solid waste landfill that is subject to the provisions of 40 C.F.R. part 60, subpart Cc, §§60.30c to 60.36c (2000), entitled “emission guidelines and compliance schedules for municipal solid waste landfills,” shall comply with the provisions of 40 C.F.R. part 60, subpart Cc, §§60.30c to 60.36c (2000), and shall comply with the following schedule for increments of compliance, as specified in 40 C.F.R. part 60, subpart Cc, §60.36c, where applicable:

(a) Within 90 days of the date of approval of the state plan by the United States environmental protection agency, submit a design capacity report to the department.

(b) Within 90 days of the date of approval of the state plan by the United States environmental protection agency, submit the first annual emission rate report if the design capacity of the landfill is equal to or greater than 2.5 million megagrams and 2.5 million cubic meters. Subsequent annual emission rate reports shall be submitted to the department by March 15 of the following calendar year. Alternate 5-year emission reports allowed by 40 C.F.R. part 60, subpart WWW, §60.757 shall be submitted by March 15 of the appropriate calendar year.

(c) Within 12 months of the submittal of the annual emission rate report which first shows that the nonmethane organic compound emission rate is equal to or greater than 50 megagrams per year, submit the final site-specific collection and control system design plan to the department.

(d) Within 30 months of the submittal of the annual or alternate 5-year emission rate report which first shows that the nonmethane organic compound emission rate is equal to or greater than 50 megagrams per year, complete on-site construction or installation of the gas collection and control system and start-up operation of gas collection and control system.

(e) Within 180 days of the completion of the on-site construction or installation of the gas collection and control system as specified in subdivision (d) of this subrule, conduct the initial performance test of the gas collection and control system, for systems other than utility flares. Utility flares shall meet the requirements of 40 C.F.R. part 60, subpart A, §60.18(b).

(f) Within 60 days of conducting the initial performance test as specified in subdivision (e) of this subrule, submit a copy of the performance test results to the department.

(2) Alternate compliance schedules may be submitted to the department and the environmental protection agency on a case-by-case basis for approval. An alternate compliance schedule shall meet 1 or more of the following criteria for approval, as stated in 40 C.F.R. part 60, subpart B, §60.24(f):

(a) Unreasonable cost of control resulting from landfill age, location, or basic design.

(b) Physical impossibility of installing necessary control equipment.

(c) Other factors specific to the landfill that make application of a less stringent compliance time significantly more reasonable.

(3) A copy of [40 C.F.R. part 60, subparts B and Cc, \(2000\)](#), is available for inspection and purchase at the Department of Environmental Quality, Air Quality Division, P.O. Box 30260, Lansing, Michigan 48909-7760, at a cost as of the time of adoption of these rules of \$66.00. Copies may also be obtained from the Superintendent of Documents, [Government Printing Office](#), P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954, at a cost as of the time of adoption of these rules of \$66.00, or on the United States government printing office internet web site at <http://www.access.gpo.gov>.

History: 1999 MR 1, Eff. Feb. 4, 1999; 2002 MR 5, Eff. Mar. 19, 2002.

R 336.1932 Standards for municipal solid waste combusters; adoption of standards by reference.

Rule 932. (1) The provisions of 40 C.F.R. part 60, subpart Cb, §§60.30b to 60.39b (2000), are adopted by reference in these rules. The owner or operator of a large municipal waste combustor unit or units subject to the provisions of 40 C.F.R. part 60, subpart Cb, §§60.30b to 60.39b (2000), entitled “emissions guidelines and compliance schedules for municipal waste combustors,” shall comply with the provisions of 40 C.F.R. part 60, subpart Cb, §§60.30b to 60.39b (2000), and shall comply with all of the following compliance schedules, where applicable:

(a) The owner or operator of a large municipal waste combustor unit or units at a facility for which construction commenced after September 1987 and before September 20, 1994, shall comply with the following compliance schedule for controlling mercury and dioxin/furan emissions at the unit or units:

(i) By March 1, 1999, or within 6 months after the issuance of a permit to install, whichever is later, submit a final control plan to the department.

(ii) By March 1, 1999, or within 6 months after the issuance of a permit to install, whichever is later, award the contract for control systems or process modifications or purchase orders for components.

(iii) By June 1, 1999, or within 9 months after the issuance of a permit to install, whichever is later, initiate on-site construction or installation of control equipment or process changes.

(iv) By August 1, 1999, or within 11 months after the issuance of a permit to install, whichever is later, complete on-site construction of control equipment or process changes.

(v) By September 1, 1999, or within 12 months after the issuance of a permit to install, whichever is later, complete retrofit and start-up operation of equipment.

(vi) Within 180 days after completion of retrofit as specified in paragraph (v) of this subdivision, conduct final performance tests.

(vii) Within 90 days after conducting final performance tests as specified in paragraph (vi) of this subdivision, submit performance test results to the department.

(b) The owner or operator of a large municipal waste combustor unit or units at a facility for which construction commenced before September 20, 1994, shall comply with the following compliance schedule for the control of carbon monoxide, particulate matter, cadmium, lead, sulfur dioxide, hydrochloric acid, and oxides of nitrogen emissions at the unit or units:

(i) By March 1, 1999, or within 6 months after the effective date of this rule, whichever is earlier, submit a final control plan to the department.

(ii) By September 1, 1999, or within 12 months after the effective date of this rule, whichever is earlier, award contracts for control systems or process modifications or orders for the purchase of components.

(iii) By December 1, 1999, or within 18 months after the effective date of this rule, whichever is earlier, initiate on-site construction or installation of the air pollution control equipment or process changes.

(iv) By November 19, 2000, or within 24 months after the effective date of this rule, whichever is earlier, complete on-site construction or installation of control equipment or process changes.

(v) By December 19, 2000, start up the air pollution control equipment for the unit or units or cease operations of the unit or units until the retrofit of the unit or units is complete.

(vi) Within 180 days after completion of retrofit and start-up of operations as specified in paragraph (v) of this subdivision, conduct a final performance test.

(vii) Within 90 days after conducting the final performance test as specified in paragraph (vi) of this subdivision, submit performance test results to the department.

(c) The owner or operator of a municipal waste combustor unit or units at a facility to which the provisions of 40 C.F.R. §60.39b(c)(1)(ii) of subpart Cb apply shall permanently cease operations not later than December 19, 2000. A written closure agreement shall be submitted to the department before the closure date and shall include the calendar date on which operations of the unit or units will permanently cease and data from dioxin/furan emission tests in accordance with 40 C.F.R. §60.39b(c)(2) of subpart Cb.

(2) In accordance with the emission averaging and emission reduction credit trading rules, being R 336.2201 et seq., an owner or operator of a large municipal waste combustor unit or units may engage in air emission trading for oxides of nitrogen emissions.

(3) A copy of [40 C.F.R. part 60, subpart Cb, §§60.30b to 60.39b \(2000\)](#), is available for inspection and purchase at the Department of Environmental Quality, Air Quality Division, P.O. Box 30260, Lansing, Michigan 48909-7760, at a cost as of the time of adoption of these rules of \$66.00. Copies may also be obtained from the Superintendent of Documents, [Government Printing Office](#), P.O. Box 371954, Pittsburgh, Pennsylvania, 15250-7954, at a cost as of the time of adoption of this rule of \$66.00, or on the United States government printing office internet web site at <http://www.access.gpo.gov>.

History: 1999 MR 1, Eff. Feb. 4, 1999; 2002 MR 5, Eff. Mar. 19, 2002.

R 336.1933 Standards for hospital/medical/infectious waste incinerators; adoption by reference.

Rule 933. (1) 40 C.F.R. part 60, subpart Ce, "Emission Guidelines and Compliance Times for Hospital/Medical/Infectious Waste Incinerators," is adopted by reference. The owner or operator responsible for the operation of a hospital/medical/infectious waste incinerator, as defined in 40 C.F.R. part 60, subpart Ce, for which construction was commenced on or before June 20, 1996, shall comply with the provisions of this subrule, except for those incinerators that meet the definition of small rural as specified in subrule (2) of this rule, as follows:

(a) By the dates specified in subrule (3) or (3)(a) of this rule, as applicable, emissions from the incinerator shall not exceed the following limitations, except during periods of startup, or shutdown, provided that no hospital or medical/infectious waste is charged to the hospital/medical/infectious waste incinerator during startup or shutdown:

(i) Particulate matter, carbon monoxide, dioxins/furans, hydrogen chloride, sulfur dioxide, nitrogen oxides, lead, and cadmium emissions shall not exceed the emission limits specified in 40 C.F.R. part 60, subpart Ce, §60.33e(a) table 1 (1999).

(ii) Mercury emissions shall not exceed 3.0 micrograms per dry standard cubic meter, or an 85 percent reduction with the emissions not exceeding 200 micrograms per dry standard cubic meter after the 85 percent reduction. Within 24 months of the effective date of the state plan or federal implementation plan, whichever is more stringent, mercury emissions shall not exceed 3.0 micrograms per dry standard cubic meter, or an 85 percent reduction with the emissions not exceeding 100 micrograms per dry standard cubic meter after the 85 percent reduction. Within 36 months of the effective date of the state plan or federal implementation plan, whichever is more stringent, mercury emissions shall not exceed 3.0 micrograms per dry standard cubic meter, or an 85 percent reduction with the emission not exceeding 50 micrograms per dry standard cubic meter after the 85 percent reduction.

(iii) Visible emissions shall not exceed the opacity limits specified in 40 C.F.R. part 60, subpart Ce, §60.33e(c) (1999).

(b) The owner or operator shall meet the following compliance and performance testing requirements:

(i) Within 180 days of the final compliance date of this rule or the federal implementation plan, whichever is earlier, the owner or operator of an affected incinerator shall conduct an initial performance test to determine compliance with the emission limits specified in subrule 1(a)(i), (ii), and (iii) of this rule, for particulate matter (PM), carbon monoxide (CO), dioxins/furans (CDD/CDF), hydrogen chloride (HCl), lead (PB), cadmium (CD), mercury (HG), and opacity, as specified in 40 C.F.R. part 60, subpart Ce, §60.37e(a) (1999). Between 36 and 42 months of the effective date of this rule or the federal implementation plan, whichever is earlier, the owner or operator of an affected incinerator shall conduct an additional performance test to

determine compliance with the emission limits, specified in subrule (1)(a)(ii) of this rule, for mercury as specified in 40 C.F.R. part 60, subpart Ce, §60.37e(a) (1999).

(ii) The owner or operator of an affected incinerator shall establish site specific operating parameters which shall be based on the results of the initial performance test, as specified in 40 C.F.R. part 60, subpart Ce, §60.37e(a) (1999), as applicable.

(iii) Within 60 days following the initial performance test, the owner or operator shall submit to the department results of the initial performance test and the site specific operating parameters established, as specified in 40 C.F.R. part 60, subpart Ce, §60.38e(a) (1999).

(c) Within 12 months of the effective date of this rule or the federal implementation plan, whichever is earlier, the owner or operator of an affected incinerator shall comply with the monitoring requirements specified in 40 C.F.R. part 60, subpart Ce, §60.37e(c) (1999).

(d) Within 12 months of the effective date of this rule or the federal implementation plan, whichever is earlier, the owner or operator of an affected incinerator shall comply with operator training and qualification requirements specified in 40 C.F.R. part 60, subpart Ce, §60.34e(1999).

(e) Within 60 days following the initial performance test, an owner or operator shall submit a waste management plan that complies with the requirements defined in 40 C.F.R. part 60, subpart Ce, §60.35e(1999), and demonstrates that the generator of the hospital medical infectious waste has eliminated known mercury-containing materials, including fluorescent lights, from the hospital medical infectious waste stream. This waste management plan shall be signed by the owner or operator of the affected incinerator. The mercury elimination section of the plan shall consist of, at a minimum, all of the following information:

(i) An in-house inventory of mercury usage identifying all products and equipment used in the facility that contain mercury.

(ii) A mercury source reduction evaluation, which includes the identification of all essential and nonessential uses of mercury, and how mercury usage can be eliminated or reduced.

(iii) While mercury is in use at the facility, a plan for properly segregating, recycling, and disposing of mercury.

(iv) While mercury is in use at the facility, the development of a mercury spill management plan.

(f) Within 12 months of the effective date of this rule or the federal implementation plan, whichever is earlier, the owner or operator of an affected incinerator shall comply with the reporting and recordkeeping requirements specified in 40 C.F.R. part 60, subpart Ce, §60.38e(a) (1999).

(2) The owner or operator of a small hospital/medical/infectious waste incinerator, as defined in 40 C.F.R. part 60, subpart Ce, "Emission Guidelines and Compliance Times for Hospital/Medical/Infectious Waste Incinerators," that meets the rural criteria, as defined in

40 C.F.R. part 60, subpart Ce, §60.33e(b) (1999), and which burns less than 2,000 pounds per week of hospital/medical/infectious waste, for which construction was commenced on or before June 20, 1996, shall comply with the provisions of this subrule:

(a) By the date specified in subrule (3) of this rule, emissions from the incinerator shall not exceed the following limitations, except during periods of startup or shutdown, provided that no hospital or medical/infectious waste is charged to the incinerator during startup or shutdown:

(i) Particulate matter, carbon monoxide, dioxins/furans, hydrogen chloride, sulfur dioxide, nitrogen oxides, lead, and cadmium emissions shall not exceed the emission limits specified in 40 C.F.R. part 60, subpart Ce, §60.33e(b) table 2 (1999).

(ii) Mercury emissions shall not exceed 200 micrograms per dry standard cubic meter.

(iii) Visible emissions shall not exceed the opacity limits specified in 40 C.F.R. part 60, subpart Ce, §60.33e(c) (1999).

(b) The owner or operator shall meet the following compliance and performance testing requirements:

(i) Within 180 days of the final compliance date of this rule or the federal implementation plan, whichever is earlier, the owner or operator of an affected incinerator shall conduct an initial performance test to determine compliance with the emission limits specified in subrule 2(a)(i), (ii), and (iii) of this rule for particulate matter (PM), carbon monoxide (CO), dioxins/furans (CDD/CDF), mercury (HG), and opacity, as specified in 40 C.F.R. part 60, subpart Ce, §60.37e(b) (1999). The 2,000 pound per week limitation under §60.33e(b) does not apply during performance tests.

(ii) The owner or operator of an affected incinerator shall establish site specific operating parameters which shall be based on the results of the initial performance test, as specified in 40 C.F.R. part 60, subpart Ce, §60.37e(b) (1999).

(iii) Within 60 days following the initial performance test, the owner or operator shall submit to the department results of the initial performance test and the site specific operating parameters established, as specified in 40 C.F.R. part 60, subpart Ce, §60.38e(b) (1999).

(c) Within 12 months of the effective date of this rule or the federal implementation plan, whichever is earlier, the owner or operator of an affected incinerator shall comply with the monitoring requirements specified in 40 C.F.R. part 60, subpart Ce, §60.37e(d) (1999).

(d) Within 12 months of the effective date of this rule or the federal implementation plan, whichever is earlier, the owner or operator of an affected incinerator shall comply with operator training and qualification requirements specified in 40 C.F.R. part 60, subpart Ce, §60.34e (1999).

(e) Within 60 days following the initial performance test, an owner or operator shall submit a waste management plan that complies with the requirements specified in 40 C.F.R. part 60, subpart Ce, §60.35e (1999) and demonstrates that the generator of the

hospital medical infectious waste has eliminated known mercury-containing materials, including fluorescent lights, from the hospital/medical/infectious waste stream. This waste management plan shall be signed by the owner or operator of the affected incinerator. The mercury elimination section of the plan shall consist of, at a minimum, all of the following information:

(i) An in-house inventory of mercury usage identifying all products and equipment used in the facility that contain mercury.

(ii) A mercury source reduction evaluation, which includes the identification of all essential and nonessential uses of mercury, and how mercury usage can be eliminated or reduced.

(iii) While mercury is in use at the facility, a plan for properly segregating, recycling, and disposing of mercury.

(iv) While mercury is in use at the facility, the development of a mercury spill management plan.

(f) The owner or operator of an affected incinerator shall comply with the following inspection requirements:

(i) Within 12 months of the effective date of this rule or the federal implementation plan, whichever is earlier, the subject equipment shall have an initial equipment inspection as specified in 40 C.F.R. part 60, subpart Ce, §60.36e(a)(1) (1999), and complete repairs in accordance with the requirements as specified in 40 C.F.R. part 60, subpart Ce, §60.36e(a)(2) (1999).

(ii) Within 12 months of the previous inspection, the subject equipment shall undergo an annual equipment inspection and complete repairs as specified in 40 C.F.R. part 60, subpart Ce, §60.36e(b) (1999).

(g) Within 12 months of the effective date of this rule or the federal implementation plan, whichever is earlier, the owner or operator of an affected incinerator shall comply with the reporting and recordkeeping requirements specified in 40 C.F.R. part 60, subpart Ce, §60.38e(b) (1999).

(3) The owner or operator of an incinerator facility shall be in compliance with all provisions of this rule within 12 months of the effective date of this rule or the federal implementation plan, whichever is earlier, regardless of whether the designated facility is identified in the state plan inventory required by 40 C.F.R. part 60, subpart Ce (1999), unless the conditions of one of the following subdivisions are met:

(a) The owner or operator of a designated facility who installs air pollution control equipment to comply with this rule shall comply with all provisions of this rule by September 15, 2002, and shall comply with the following measurable and enforceable incremental steps of progress:

(i) Submit a final control plan to the department by September 15, 2000.

(ii) Award contracts for emissions control systems or for process modifications, or issuance of orders for the purchase of component parts to accomplish emission control or process modifications by April 15, 2001.

(iii) Initiate onsite construction or installation of emission control equipment or process change by December 15, 2001.

(iv) Complete onsite construction or installation of emission control equipment or process change by July 15, 2002.

(v) Complete initial performance testing within 180 days after the final compliance date.

(vi) Submit results of the initial performance test, site specific operating parameters, and a waste management plan to the department within 60 days after the initial performance test.

(vii) Be in final compliance by September 15, 2002.

(viii) Notify the department in writing within 15 days after the scheduled compliance date if any incremental step of progress in subrule (3)(a)(i) through (vii) is not completed. Notifying the department within 15 days does not preclude an enforcement action for failure to meet the compliance date.

(b) Within 6 months of the effective date of this rule or the federal implementation plan, whichever is earlier, the owner or operator of an affected incinerator may petition the department to establish an alternative compliance schedule for closure of the incinerator for reasons including installation of alternative waste disposal technologies, approved under part 138 of act 368 of the public acts of 1978, as amended, provided that the owner or operator of the designated facility complies with the following measurable and enforceable incremental steps of progress:

(i) Provide documentation of the analyses undertaken to support the need for an extension, including an explanation of why additional time is necessary. The documentation shall include an evaluation of the option to transport the waste offsite to a commercial medical waste treatment and disposal facility on a temporary or permanent basis.

(ii) Provide a detailed compliance plan, including documentation of measurable and enforceable incremental steps of progress to be taken towards compliance with this rule.

(iii) The department shall grant or deny the petition for extension stating reasons for granting or denying in a written response to the facility within 3 months of receipt of a complete petition containing the information required.

(4) The owner or operator of a hospital/medical/infectious waste incinerator may demonstrate compliance with the annual performance testing for carbon monoxide and hydrochloric acid using a continuous emission monitoring system in lieu of the monitoring methods and procedures prescribed by 40 C.F.R. part 60, subpart Ce (1999), for carbon monoxide and hydrochloric acid, provided all of the following provisions are met:

(a) The continuous emission monitoring system is required in a condition of a permit to install or a renewable operating permit.

(b) The continuous emission monitoring system records and reports emissions for compliance purposes, on a continuous basis, in a manner acceptable to the department.

(c) The continuous emission monitoring system is certified, calibrated, and maintained as specified by 40 C.F.R. §60.13, §60.7(c) and (d), appendices B and F of 40 C.F.R. part 60, and part 11 of these rules.

(d) The owner or operator of the hospital/medical/infectious waste incinerator obtains prior approval from the department on an annual basis.

(5) The provisions of [40 C.F.R. part 60, subpart Ce \(1999\)](#), are adopted by reference. A copy may be inspected at the Lansing office of the air quality division of the department of environmental quality. A copy may be obtained from the Department of Environmental Quality, Air Quality Division, 106 West Allegan Street, P.O. Box 30260, Lansing, Michigan 48909-7760, at a cost at the time of adoption of this rule of \$59.00. A copy may also be obtained from the Superintendent of Documents, [Government Printing Office](#), P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954, at a cost at the time of adoption of this rule of \$59.00.

History: 2001 MR 20, Eff. Dec. 21, 2000.

R 336.1940 Emission standards for ethylene oxide commercial sterilization and fumigation operations; adoption by reference.

Rule 940. The provisions of 40 C.F.R., part 63 subpart O, are adopted by reference in R 336.1902. A person responsible for the operation of a facility subject to the provisions of 40 C.F.R., part 63, subpart O, entitled “Ethylene Oxide Emissions Standards for Sterilization Facilities,” shall comply with those provisions.

History: 2000 MR 18, Eff. Nov. 30, 2000; 2008 MR 4, Eff. Sep. 11, 2008.

R 336.1941 Emission standards for chromium emissions from hard chromium electroplating, decorative chromium electroplating, and chromium anodizing tanks; adoption by reference.

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

History: 2000 MR 18, Eff. Nov. 30, 2000; 2008 MR 4, Eff. Sep. 11, 2008.

R 336.1942 Emission standards for asbestos; adoption by reference.

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

(2) For the purpose of this rule, the term “administrator” as used in §61.02 means the department.

History: 2000 MR 18, Eff. Nov. 30, 2000; 2008 MR 4, Eff. Sep. 11, 2008.

R 336.1943 General provisions for emission standards; adoption by reference.

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

(2) For purposes of this rule, the terms “administrator” and “EPA” as used in §63.2 mean the department.

History: 2008 MR 4, Eff. Sep. 11, 2008.

R 336.1944 Emission standards for Portland cement manufacturing; adoption by reference.

Rule 944. The provisions of 40 C.F.R., part 63, subpart LLL, are adopted by reference in R 336.1902. The owner or operator of a facility subject to the provisions of 40 C.F.R., part 63, subpart LLL, entitled “National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry,” shall comply with those provisions.

History: 2008 MR 4, Eff. Sep. 11, 2008.

R 336.1945 Emission standards for publicly owned treatment works; adoption by reference.

Rule 945. The provisions of 40 C.F.R., part 63, subpart VVV, are adopted by reference in R 336.1902. The owner or operator of a facility subject to the provisions of 40 C.F.R., part 63, subpart VVV, entitled “National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works,” shall comply with those provisions.

History: 2008 MR 4, Eff. Sep. 11, 2008.

R 336.1946 Emission standards for secondary aluminum production; adoption by reference.

Rule 946. The provisions of 40 C.F.R., part 63, subpart RRR, are adopted by reference in R 336.1902. The owner or operator of a facility subject to the provisions of 40 C.F.R., part 63 subpart RRR, entitled “National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production,” shall comply with those provisions.

History: 2008 MR 4, Eff. Sep. 11, 2008.

R 336.1947 Emission standards for site remediation; adoption by reference.

Rule 947. The provisions of 40 C.F.R., part 63, subpart GGGGG, are adopted by reference in R 336.1902. The owner or operator of a facility subject to the provisions of 40 C.F.R., part 63, subpart GGGGG, entitled “National Emission Standards for Hazardous Air Pollutants: Site Remediation,” shall comply with those provisions.

History: 2008 MR 4, Eff. Sep. 11, 2008.

R 336.1970 Best available retrofit technology; adoption by reference.

Rule 970. (1) The provisions of 40 C.F.R., part 51, appendix Y, "Guidelines for BART Determinations Under the Regional Haze Rule," and 40 C.F.R. §51.301, "Definitions," are adopted by reference in R 336.1902.

History: 2008 MR 4, Eff. Sep. 11, 2008.

R 336.1971 Best available retrofit technology or BART program.

Rule 971. (1) The department shall determine applicability of best available retrofit technology based on the provisions referenced in R 336.1970.

(2) The owner or operator of a unit subject to BART shall perform an engineering analysis as described in the provisions referenced in R 336.1970 and shall provide the results of the analysis to the department within 60 days of the effective date of R 336.1970 and R 336.1971.

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

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

(5) The department shall determine the BART level of control for each unit subject to BART based on the engineering analysis referenced in subrule (2) of this rule, the provisions referenced in R 336.1970, and other information which the department determines to be relevant.

(6) The owner or operator of a unit subject to BART shall enter into a permit to install or consent order with the department to make the BART provisions legally enforceable within 90 days of the department's approval of the engineering analysis, unless the department determines that more than 90 days will be allowed. BART controls shall be in place and operating not later than December 31, 2012.

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

(a) A continuous emission monitoring system.

(b) An alternate method as described in 40 C.F.R. part 60 or 75, adopted by reference in R 336.1802a, as applicable and acceptable to the department.

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

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

(a) Use procedures set forth in 40 C.F.R., part 60, subpart A and appendix B, and comply with the quality assurance procedures in appendix F, adopted by reference in R 336.1802a as applicable and acceptable to the department.

(b) Use procedures set forth in 40 C.F.R., part 75, and associated appendices, adopted by reference in R 336.1802a, as applicable and acceptable to the department.

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

(10) An owner or operator of an emission unit that is subject to this rule and has a permit or consent order issued under R 336.1971(4) shall submit at a minimum semiannual summary reports, in an acceptable format, to the department by March 15 for the reporting period July 1 to December 31 and September 15 for the reporting period January 1 to June 30 of each calendar year. The reports shall include all of the following information:

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

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

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

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

(11) Quarterly summary reports, if required by the department pursuant to R 336.1213, shall be submitted within 30 days following the end of the calendar quarter and may be used in place of the semi-annual reports required pursuant to subrule (9) of this rule.

History: 2008 MR 4, Eff. Sep. 11, 2008.