



**MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY DIVISION**

**OPERATIONAL MEMORANDUM
NO. 4**

**SUBJECT: MECHANISMS FOR LIMITING THE APPLICABILITY OF MICHIGAN'S
RENEWABLE OPERATING PERMIT PROGRAM**

EFFECTIVE DATE: August 15, 1995

REVISED: September 8, 1995, December 30, 1996, March 31, 1997, and July 1, 2003

PREAMBLE

Title V of the federal Clean Air Act requires the development of a renewable operating permit (ROP) program for all major sources and certain non-major sources. The U.S. Environmental Protection Agency (EPA) granted interim approval of Michigan's ROP program, effective February 10, 1997. Michigan's program is being implemented through a decentralized approach, with district offices as primary contacts. (See Attachment A for a list of district office locations and phone numbers.)

In the ROP program the definition of "major source" is based on a stationary source's "potential to emit" an air contaminant. Without enforceable restrictions to the contrary, a source's potential to emit is based on operation at maximum design capacity on a continuous schedule throughout the year. To implement the federal Title V requirements, Michigan's R 336.1210 (Rule 210) requires all major sources to submit an ROP application within the 12 month interval of February 29, 1996, to February 28, 1997, based on a schedule defined by Standard Industrial Classification codes for specific source categories. A facility can become exempt from the definition of major source (and therefore exempt from the Title V permit requirement) by obtaining limits on the source's potential to emit through an available legally enforceable mechanism. An owner/operator of a major source wishing to avoid the requirement to obtain an ROP must obtain these legally enforceable limits before the appropriate due date specified in Rule 210.

On January 25, 1995, the EPA issued a memo outlining a "transition policy" for the States to use as guidance to come into compliance with revised requirements for Title V of the Clean Air Act. The EPA guidance allowed the States until January 25, 1997, to obtain federal approval of additional selected mechanisms that can serve to limit the scope of which sources are subject to the Title V program. Although a federal court decision vacated the requirement for federal enforceability, such limits nonetheless must be established through practicably enforceable mechanisms such as those described in the EPA transition policy. Considering the EPA guidance, the Air Quality Division (AQD) pursued promulgation of new administrative rules to explicitly incorporate these mechanisms as permanent components of the ROP program. On August 27, 1996, the EPA issued an extension of its transition policy until July 31, 1998. This extension provides additional time for these new rules to be submitted and approved by the EPA as revisions to Michigan's State Implementation Plan and for delegation of authority for Section 112(l) of the Clean Air Act.

This document briefly discusses the transitional options and delineates the legally enforceable mechanisms available for sources to use to avoid being subject to Michigan's ROP program. Effective December 12, 1996, new rules R 336.1201a (Rule 201a) and R 336.1208a (Rule 208a) incorporate these mechanisms into the administrative rules for air pollution control, pursuant to Part 55 of Act 451 of the Public Acts of 1994, the Natural Resources and Environmental Protection Act (the Act). The provisions of this Operational Memorandum do not affect the requirement to obtain a permit to install required by R 336.1201 (Rule 201).

POLICY

For smaller sources of air pollution that have high potential to emit, but that consistently maintain actual emissions significantly below Major Source Thresholds (see Attachment B), relatively few benefits would be gained by making them subject to major source requirements under Title V of the Clean Air Act.

Previously, the AQD identified three mechanisms to allow smaller sources to avoid Michigan's ROP requirements. They were: Option A -- use of existing exemptions, Option B -- consideration as a non-major source based on actual emissions less than 50% of major source thresholds, and Option C -- opt-out permits. Option A was available only during Michigan's transition period before rules promulgation. Excessive revisions for recordkeeping, reporting, and enforcement, similar to those contained in Rule 208a, would have been required to use these existing exemptions on a permanent basis. Option B has been converted into a permanent mechanism through promulgation of Rule 208a. Rule 208a allows a source operating in compliance and maintaining actual emissions at 50% or less of all Major Source Thresholds to accept these 50% levels as legally enforceable limits to avoid being subject to the Title V program requirements. Option C to obtain opt-out permits remains unchanged, except that Rule 201a has been adopted to formally embody the procedure for establishing a general permit to install, as required by Part 55 of the Act.

A facility remains a major source subject to the ROP program requirements until or unless legally enforceable limits are obtained to restrict the potential to emit to achieve non-major status. Rule 210 allows for alternate ROP submittal dates up to the final submittal deadline of February 28, 1997. Previously, this Operational Memorandum allowed qualified sources to defer submittal of the required ROP application until January 25, 1997, or until rulemaking could establish appropriate legally enforceable mechanisms to allow qualified sources to avoid being subject to the ROP requirements. If a major source met the criteria specified in the August 15, 1995, version of this Operational Memorandum and complied with the associated recordkeeping requirements, the source will now be allowed to submit the ROP application or obtain an opt-out option by February 28, 1997. If a major source did not meet the conditions of the Operational Memorandum, its ROP application was due on the submittal date specified in Rule 210(4).

Existing major sources as of February 29, 1996 (the first deadline for major sources to submit an ROP application), that choose to use the provisions of Rule 208a are encouraged to submit the required registration information by February 28, 1997 (the last deadline for major sources to submit an ROP application). However, sources that meet the qualifications of Rule 208a will be allowed to submit the required registration information by March 15, 1997. This deadline allows the source to submit the registration forms in conjunction with the annual report of emissions required by Section 5503 of the Act and R 336.202 (Rule 2). New major sources after February 29, 1996, that choose to use the provisions of Rule 208a must submit the required registration information within 12 months of becoming a major source.

Generally, a source using one of the permanent options and operating in compliance with that option should not receive a facility fee billing invoice. However, due to the definition of "fee-subject facility" in Section 5501 of the Act, the source may not waive the requirement to pay a fee if the source is subject to a New Source Performance Standard and/or a National Emission Standard for Hazardous Air Pollutants pursuant to Sections 111 or 112 of the Clean Air Act, respectively. If a fee billing invoice is received and the owner/operator believes that the source is now exempt, the appropriate district office (See Attachment A) should be contacted within 30 days to initiate appropriate corrections.

- A. **Existing Exemptions**: During the transition period, facilities were allowed to use the existing exemptions in Rule 287(c) or Rule 290 to limit the potential to emit from a combination of all such exempted processes at a stationary source. Rule 287(c) provides an exemption from the permit to install requirements for small coating operations. Rule 290 provides an exemption for small sources that emit volatile organic compounds (VOCs) that are not carcinogens. This option is no longer available except as provided in Section A of the Procedures in this Operational Memorandum because it has been determined that these rules would have to be excessively modified in order to meet the EPA criteria to provide a legally enforceable mechanism for limiting a source's potential to emit. An owner/operator of a source who chose to take advantage of this option during the transition period is advised to consider using the registration process provided by Rule 208a or to obtain an opt-out permit in order to legally limit the source's potential to emit. The Procedure Section of this Operational Memorandum provides a more detailed explanation of this issue.
- B. **Non-major Source Based on Actual Emissions Less Than 50% of Major Threshold Levels**: Pursuant to EPA's transitional policy, facilities that would be considered major sources based on the potential to emit but have actual emissions that are less than 50% of the Major Source Threshold for all regulated air pollutants were allowed to choose to delay submitting an application for an ROP until January 25, 1997. The AQD adopted this policy until administrative rules could become effective. This policy was designed to limit applicability of the ROP program, not to limit a source's potential to emit. Eligible participating facilities were required to maintain adequate records to demonstrate that, after considering the effectiveness of required control equipment, the actual emissions were maintained below these thresholds for the entire stationary source.

Rule 208a became effective on December 12, 1996. This rule allows a source to accept the 50% Thresholds listed in Attachment B as legally enforceable limits by submitting a complete registration form and support tables (see Attachment D) to the AQD. Attachment D includes a registration form to be signed by a responsible official to certify that the source's emissions are below all threshold levels and that these levels are accepted as legally enforceable limits on potential to emit. Two support tables are also required to be submitted as part of the registration, one that lists the individual processes at the source and the associated air emissions and one that provides a summary of all air emissions for the entire facility. Sources wishing to use the provisions of Rule 208a must submit the required registration information to the appropriate AQD district office by March 15, 1997, to avoid possible enforcement action for failing to submit an ROP application. This due date allows the source to submit the registration forms in conjunction with the annual report of emissions required by Section 5503 of the Act and Rule 2.

C. **Opt-out Permits:** Two available permit options allow a qualified source to “opt-out” of Michigan’s ROP program.

1. A general permit to install can be used to provide a source with emission and operational limits that allow the source to "opt-out" of the ROP program by limiting the source’s potential to emit to below major source thresholds. A source type or category will have variables and parameters that are typical/characteristic of its processes and would distinguish it from other sources.

Once a general permit to install has been established for a given source type, an owner or operator responsible for a facility with operations that meet the applicability criteria can review the general permit requirements and determine if their facility operates within the terms of the permit. If the owner/operator determines that the source can comply with the conditions of the permit, they may apply to the AQD for issuance of the general permit to the source. If AQD approves the application, the terms and conditions of the general permit would apply to the source and would be enforceable by the EPA and/or the AQD.

As required by Part 55 of the Act, Rule 201a has been promulgated to formally embody the procedure for establishing a general permit to install.

2. A case-by-case permit to install can be issued using the procedure described in Operational Memorandum No. 3. That document specifies the procedure for a source to become a "synthetic minor" source by establishing emission and operational limits, enforceable by the AQD and/or the EPA, which will reduce a source’s potential to emit to below the major source thresholds and therefore avoid the requirements of the ROP program.

PROCEDURE

A. Existing Exemptions

The option to use the existing permit to install exemptions provided by Rule 287(c) and Rule 290 as source-wide limits on potential to emit will no longer be available after January 25, 1997. It has been determined that these rules would have to be excessively modified to meet the EPA criteria to provide a legally enforceable mechanism to avoid being subject to the ROP program. These revisions would have included additional provisions to require the owner/operator to accept the levels in the existing rule provisions as legally enforceable limits, as well as including significantly more recordkeeping and reporting requirements. These additional requirements already exist in Rule 208a. Therefore, the AQD has determined that revising these rules to allow for their continued use as source-wide limits on potential to emit would not provide any benefit to the regulated community or to the environment. Instead, such revisions would needlessly and significantly complicate the use of these rules for their original intended purpose as exemptions from the requirement to obtain a permit to install. Rule 208a allows higher source-wide emissions and, as a result, greater operational flexibility than was provided by either of these existing exemptions.

An owner/operator of a source who chose to take advantage of Option A during the transition period is advised to consider using the registration process provided by new Rule 208a or to obtain an opt-out permit to permanently obtain non-subject status for the source. This determination does

not affect the continued acceptability or use of these exemptions for their original intended purpose as exemptions from the requirement to obtain a permit to install pursuant to Rule 201. It also does not affect the use of the emission or usage limits specified in these rules in the potential to emit calculation for the individual processes covered by these exemptions, provided the owner/operator of the process complies with the recordkeeping requirements contained in the exemption.

B. Non-Major Source Based on Actual Emissions Less Than 50% of Major Source Threshold

This mechanism applies to any stationary source which would, if it did not comply with the conditions set forth in this memorandum, have the potential to emit air contaminants equal to or in excess of any Major Source Threshold for regulated air pollutants as listed in Attachment B. If the source has actual emissions that are less than 50% of the Major Source Threshold for all regulated pollutants, the owner/operator was previously allowed to choose to delay obtaining legally enforceable conditions and operate as a non-subject stationary source until January 25, 1997. With the promulgation of Rule 208a, owners/operators of these facilities now have the option of establishing a legally enforceable limit on potential to emit through a registration process that will legally allow the source to avoid being subject to the ROP requirements, so long as the source is operated in compliance with the conditions of Rule 208a.

EPA's January 25, 1995, transition policy referenced a proposed California rule that is known as the "prohibitory rule." It has also been referred to as an "exclusionary rule" or "50% rule." Through the initial Operational Memorandum No. 4, the AQD adopted a modified version of the California rule as a transitional policy until an administrative rule could become effective to formally incorporate EPA's minimum criteria for establishing a legally enforceable mechanism to avoid the ROP program requirements for these sources. Rule 208a became effective on December 12, 1996. This rule allows a source to accept the 50% Thresholds as legally enforceable limits by submitting to the AQD the appropriate registration form and support tables (see Attachment D). Attachment D includes a registration form where the responsible official certifies that: 1) the source's emissions are below all threshold levels, 2) these levels are accepted as legally enforceable limits, 3) the source has been and will continue to be operated in compliance with these limits, and 4) the recordkeeping and reporting requirements of Rule 208a are met. Two summary tables are required to be submitted with this form, one that lists the individual processes at the source and the associated air emissions, and one that provides a summary of air emissions for the entire facility. Sources wishing to use the provisions of Rule 208a must submit the required registration information by March 15, 1997, to avoid possible enforcement action for failing to submit an ROP application. This due date allows the source to submit the registration forms in conjunction with the annual report of emissions required by Section 5503(k) of the Act and Rule 2.

1. A person that owns or operates a source and wishes to operate as a non-subject source through this provision shall calculate actual emission levels for each pollutant for every consecutive 12-month period. For initial registrations filed on or before March 15, 1997, the source may choose to do the calculation for either the interval of January 1, 1996 through December 31, 1996, or beginning with the 12-month period immediately preceding the source's registration pursuant to Rule 208a. This calculation shall include all processes at the source, excluding insignificant activities as listed in Michigan Rule 212(1). In performing these calculations, the owner or operator of a stationary source may take into account the operation of air pollution control equipment on the capacity of the source to emit an air contaminant if the equipment is included in the registration pursuant to Rule 208a.

2. These actual emission levels shall be evaluated against each of the 50% Thresholds listed in Attachment B.
3. If the source does not exceed any of the 50% Thresholds listed in Attachment B, it may be registered pursuant to Rule 208a and therefore not required to submit an application or to obtain an ROP under Michigan's Rule 210. A complete initial registration form shall include the information and certification required by subrule (3) of Rule 208a. This includes a brief description of all process and control equipment and associated emission information, as well as a signed statement by a responsible official certifying the compliance status and acceptance of the threshold levels as legally enforceable limits. The owner/operator also accepts that the proper use and maintenance of the registered control equipment is a legally enforceable requirement. The required registration form and support tables may be obtained from the local AQD district office and are also included in this memorandum as Attachment D.
4. Within 30 days of receipt, the AQD district office shall notify the owner/operator of the source if the AQD has received a complete registration. An owner/operator of a source shall be subject to enforcement action if the AQD later determines that the source did not meet the criteria for limiting its potential to emit pursuant to Rule 208a at the time the registration was submitted.
5. The owner/operator of the stationary source shall keep and maintain records for each process sufficient to demonstrate that, after considering the effectiveness of registered control equipment, the actual emissions for the entire source are maintained below all 50% Thresholds listed in Attachment B. These records shall include, at a minimum, all of those required by subrule (5) of Rule 208a. These records shall be kept on file for the most recent 5-year period and made available to the AQD upon request.
6. The certification shall be renewed annually by submittal of a registration to the AQD in conjunction with the annual report of emissions required by Section 5503(k) of the Act and Rule 2. The registration form shall include a statement certifying compliance during each of the 12-month rolling average periods that ended during that calendar year.
7. The actual emission levels for all relevant emission points at the facility (as calculated in step 1) shall be reported to the AQD through the annual emission reporting required under Section 5503(k) of the Act and Rule 2.
8. Failure to comply with any provisions of Rule 208a is a violation of the rule. The registration does not serve as a legally enforceable restriction on potential to emit if a violation of Rule 208a occurs. As a result, the source may be subject to the ROP program requirements.
9. A source that has registered pursuant to Rule 208a becomes subject to applicable ROP program requirements for a major source pursuant to Rule 210 if the actual emissions exceed any of the 50% Thresholds in Attachment B and if the potential to emit exceeds any Major Source Thresholds listed in Attachment B. Within 30 days of exceeding any 50% Threshold, the owner/operator shall notify the AQD that appropriate action will be taken. This can include submittal of an application for an ROP, submittal of an application for an opt-out permit, or a demonstration to the satisfaction of AQD that the potential to emit of the source does not exceed any Major Source Threshold. An ROP

application must be submitted or an opt-out permit must be obtained within 12 months of the exceedance. However, the source may be immediately subject to applicable federal requirements, including standards promulgated under Section 112 of the Clean Air Act.

10. AQD shall maintain, and make available to the public upon request, a list of sources registered pursuant to Rule 208a.

Generally, a source using this option and operating in compliance should not receive a facility fee billing invoice. However, due to the definition of “fee-subject facility” in Section 5501 of the Act, the source may not waive the requirement to pay a fee if the source is subject to a New Source Performance Standard and/or a National Emission Standard for Hazardous Air Pollutants pursuant to Sections 111 or 112 of the Clean Air Act, respectively. If a fee billing invoice is received and the owner/operator believes that the source is now exempt, the appropriate district office (See Attachment A) should be contacted within 30 days to initiate appropriate corrections.

C. Opt-Out Permits

Two permit options are available which provide a mechanism for a qualified source to “opt-out” of Michigan’s ROP program. A permit to install is a good tool to limit a source’s potential to emit to levels below applicable thresholds for major stationary sources and is clearly recognized as enforceable by the AQD.

Generally, a source using this option and operating in compliance should not receive a facility fee billing invoice. However, due to the definition of “fee-subject facility” in Section 5501 of the Act, the source may not waive the requirement to pay a fee if the source is subject to a New Source Performance Standard and/or a National Emission Standard for Hazardous Air Pollutants pursuant to Sections 111 or 112 of the Clean Air Act, respectively. If a fee billing invoice is received and the owner/operator believes that the source is now exempt, the appropriate district office (See Attachment A) should be contacted within 30 days to initiate appropriate corrections.

1. General Permit To Install

AQD is authorized under Section 5505(4) of the Act to issue general permits. Rule 201a specifically allows for the development and use of general permits to install to establish legally enforceable limits to restrict potential to emit to below major source thresholds. A general permit to install can be used to provide a source with emission and operational limits that allow the source to opt-out of the ROP program by limiting the source’s potential to emit to below the Major Source Thresholds listed in Attachment B.

Basic criteria must be established for each permit to determine which stationary sources would qualify as candidates for that general permit to install. The criteria must distinguish an eligible source from other similar sources by identifying parameters and variables that are unique to the eligible source category. Qualifications for any source category for general permits to install will be established on a case-by-case basis.

The following is a list of variables and parameters that must exist before the source category can be considered as a candidate for a general permit to install:

- a. There must be similar operations or processes that produce the same or similar products throughout the source category.

- b. The operations or processes should emit similar air contaminants.
- c. The method for capturing and controlling air contaminants must be similar.
- d. The sources in the category are subject to the same emission limitations, monitoring requirements, federal standards, or state rules.

Associated parameters will be used to establish production and operational limitations as defined in Michigan's Rule 205. These limitations will aid in the development of suitable monitoring, recordkeeping and reporting requirements pursuant to Rule 209, as well as the development of a malfunction abatement plan pursuant to Rule 911, if appropriate. Other considerations in setting limitations could include specifying short-term emission limits for a given source or identifying that the primary process or function at a specific source accounts for the majority of all air contaminant emissions from the facility. Other limitations can also be created for a given source category on a case-by-case basis.

The selection of the production or operational limits that will be used to limit the source's potential to emit is crucial to the usefulness of the general permit to install. In order for the permit to meet EPA criteria for being enforceable as a practical matter, the method for demonstrating compliance with an emission limit in a permit must be quantifiable, accountable, enforceable and based on replicable procedures.

A general permit to install which requires the owner/operator to keep unusual records or do complex calculations to determine compliance will not be generally useful. However, maintaining simple records (such as number of products produced or amount of materials used) may not accurately reflect the actual emissions which result.

To balance these two issues in the development of general permits to install, the AQD has established a rule of thumb that if the permits (1) include an emission limit and a production or operational limit consistent with the requirements of Michigan's Rule 205, and (2) are designed to limit emissions to 85% or less of the applicable Major Source Threshold, they shall be written to require compliance reporting to be done annually through the existing emission inventory reporting system whenever possible. However, monitoring and recordkeeping requirements in the general permit to install shall be consistent with time periods established in the emission limit and the production or operational limit contained in that permit. General permits to install can be developed for emission levels greater than 85%; however, those permits may need to include more stringent or extensive monitoring, recordkeeping and/or reporting requirements.

Rule 205 specifies that to be considered enforceable a general permit for a source category must complete a 30 day comment period prior to its use. This comment period is not repeated when each individual source applies for coverage by the permit. The general permit for a specific source can be a stand-alone permit or it can be processed as a supplement revision to an existing permit to install or permit to operate. If a source fails to comply with the general permit and/or exceeds any applicable Major Source Threshold, it is subject to the appropriate enforcement action and possibly to the ROP program.

- i. The AQD is requesting that trade associations representing appropriate source categories assist in this process by taking the initiative to start the development process for a general permit to install specifically for their particular source type.

Any interested association is encouraged to contact the AQD (see Attachment A) or the Clean Air Assistance Program (see Attachment C) to obtain a copy of the "List of District Contact Teams for Various Source Categories." The trade association shall then work in concert with the Clean Air Assistance Program and the appropriate AQD staff contact to begin the development of a general permit to install.

- ii. Any proposed draft general permit to install shall be reviewed by AQD and the Clean Air Assistance Program. Public notice and comment period shall take place to provide for public participation as required by Rule 205. EPA will be given an opportunity to review and comment on the proposed general permit to install during the public comment period.
- iii. After a general permit to install has been implemented for a source category, an owner/operator of a facility with similar operations can review the permit and determine if the facility meets the criteria and can comply with its terms. If the facility is able to meet the conditions of the permit, the owner/operator notifies the AQD by submittal of an application. The application must state that the applicant is seeking coverage under the general permit to install and state that the facility meets the necessary criteria for that permit. The owner/operator shall check the appropriate box on the application form to indicate the intention to avoid applicability of the ROP program through this mechanism. AQD shall review the application submittal and make a determination of whether or not the facility will qualify for the permit.
- iv. If the source meets the qualifications, the AQD will issue the general permit to install to the company. This can be issued either as a stand-alone permit or as a supplement revision to an existing permit to install. If the source fails to qualify for the general permit to install, AQD will offer the source the option to withdraw its application prior to denial with an explanation of deficiencies of why the source did not qualify. After withdrawal of the application, the company can then apply for a case-by-case permit as described in item 2 below.
- v. If a source is issued a general permit to install and it is later determined that it does not meet the criteria/conditions of the permit, the source will be subject to enforcement action and may be required to obtain an ROP.

2. Case-By-Case Synthetic Minor Source Determination

If a stationary source does not qualify for one of the alternative mechanisms described above, the owner/operator of the source may choose to work with AQD staff to develop a permit that is specifically designed for their source. This permit to install can be used to establish legal operational and/or production limits that restrict the source's potential to emit to a level below all Major Source Thresholds and, as a result, enables the source to opt-out from the ROP requirements.

The procedure for obtaining a source-specific permit to install to limit potential to emit is contained in Operational Memorandum Number 3. A copy of this document can be obtained by contacting the appropriate AQD district office or the Clean Air Assistance Program.

This memorandum is intended to provide guidance to AQD staff to foster consistent application of Part 55 of the Act and the administrative rules promulgated thereunder. This document is not intended to convey any rights to any parties nor create any duties or responsibilities under law. This document and matters addressed herein are subject to revision.

Questions regarding this Operational Memorandum should be directed to Joanne Foy in the Operating Program Unit at 517-373-7033 or the appropriate district office.

Attachment A -- AQD District Offices. If you wish to receive a copy of the district boundary map, please contact AQD at 517-373-7023. A copy may also be viewed or downloaded from AQD's Internet home page at <http://www.deq.state.mi.us/aqd>.

Attachment B -- Major Source Thresholds and Rule 208a Thresholds (50% Thresholds)

Attachment C -- Clean Air Assistance Program (CAAP).

Attachment D -- Rule 208a Registration Form and Summary Tables

ATTACHMENT A



**MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY DIVISION AND DISTRICT LOCATIONS**

AIR QUALITY DIVISION CADILLAC DISTRICT MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY 120 W CHAPIN STREET CADILLAC MI 49601-2158	FAX: (231) 775-4050 TELEPHONE: (231) 775-3960
AIR QUALITY DIVISION JACKSON DISTRICT MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY STATE OFFICE BLDG, 4TH FLOOR 301 E LOUIS B GLICK HIGHWAY JACKSON MI 49201-1556	FAX: (517) 780-7437 TELEPHONE: (517) 780-7690
AIR QUALITY DIVISION SAGINAW BAY DISTRICT MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY 503 N EUCLID AVENUE BAY CITY MI 48706-2965	FAX: (989) 684-9799 TELEPHONE: (989) 686-8025
AIR QUALITY DIVISION DETROIT OFFICE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY CADILLAC PLACE, SUITE 2-300 3058 WEST GRAND BOULEVARD DETROIT MI 48202-6058	FAX: (313) 456-4692 TELEPHONE: (313) 456-4700
AIR QUALITY DIVISION GAYLORD OFFICE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY 2100 WEST M-32 GAYLORD MI 49735-9282	FAX: (989) 731-6181 TELEPHONE: (989) 731-4920
AIR QUALITY DIVISION UPPER PENINSULA DISTRICT MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY 420 FIFTH STREET GWINN MI 49841-3004	FAX: (906) 346-4480 TELEPHONE: (906) 346-8300
AIR QUALITY DIVISION LANSING DISTRICT MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY CONSTITUTION HALL, 525 W ALLEGAN LANSING MI 48933	FAX: (517) 241-3571 TELEPHONE: (517) 335-6010
AIR QUALITY DIVISION GRAND RAPIDS DISTRICT MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY STATE OFFICE BLDG, 6TH FLOOR 350 OTTAWA AVE NW, UNIT 10 GRAND RAPIDS MI 49503-2341	FAX: (616) 356-0201 TELEPHONE: (616) 356-0500
AIR QUALITY DIVISION KALAMAZOO DISTRICT MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY 7953 ADOBE ROAD KALAMAZOO MI 49009-5026	FAX: (269) 567-3555 TELEPHONE: (269) 567-3500
AIR QUALITY DIVISION SOUTHEAST MICHIGAN DISTRICT MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY 38980 SEVEN MILE ROAD LIVONIA MI 48152-1006	FAX: (734) 432-1278 TELEPHONE: (734) 953-8905

EQC 5701 (06/96)

ATTACHMENT B



MAJOR SOURCE & RULE 208a THRESHOLDS¹

<u>Air Pollutant²</u>	<u>Major Source Threshold¹</u>	<u>Rule 208a Threshold (50% Threshold)¹</u>
Sulfur Dioxide (SO ₂)	100 tons per year	50 tons per year
Nitrogen Oxides (NO _x)	100 tons per year	50 tons per year
Particulates (PM-10) ³	100 tons per year	50 tons per year
Volatile Organic Compounds (VOCs) ³	100 tons per year	50 tons per year
Carbon Monoxide (CO)	100 tons per year	50 tons per year
Lead/Lead Compounds ⁴	(See footnote 4)	(See footnote 4)
Class I & II CFCs ²	100 tons per year	50 tons per year
NSPS Pollutants ^{2,3}	100 tons per year	50 tons per year
HAPs (any single) ^{2,3}	10 tons per year	5 tons per year
HAPs (all combined) ^{2,3}	25 tons per year	12.5 tons per year
LQER ⁵	As EPA promulgates	50% of promulgated threshold

¹ Major Source Thresholds are based on a source's "potential to emit." The potential to emit is determined by calculating what the source's emissions could be if all processes and process equipment was operated at full capacity at all times. The Rule 208a 50% Thresholds are based on actual emissions from the source, i.e., the emissions that are actually emitted from the source during its real operation must be at 50% or less of all Major Source Threshold levels. For the requirements of Rule 208a, the actual emissions calculations are totaled for all processes and process equipment at the source based on a monthly rolling average beginning with the 12-month interval preceding the source's registration.

² The document entitled "Renewable Operating Permit Program: Guidebook for Determining Applicability" contains a complete listing of Chloroflourocarbons (CFCs), New Source Performance Standard (NSPS) pollutants, and Hazardous Air Pollutants (HAPs). This document can be obtained from the Clean Air Assistance Program of the Environmental Assistance Division of the Michigan Department of Environmental Quality. See Attachment C for further information.

³ If a pollutant is both an NSPS pollutant and a HAP (such as dioxins and furans), the HAP thresholds apply. If a pollutant is a particulate or a VOC and is also a HAP, both the particulate or VOC and the HAP thresholds apply.

⁴ Although elemental lead is a criteria pollutant with a Major Source Threshold of 100 tons per year and a 50% Threshold of 50 tons per year, "lead compounds" are listed in Section 112(b) of the Clean Air Act as HAPs, with the single and combined thresholds listed above. Lead emissions will generally be assumed to be "lead compounds" unless demonstrated otherwise.

⁵ Section 112(a)(1) authorizes EPA to promulgate a Lesser Quantity Emission Rate (LQER) to define a major source of a HAP based on potency of the air pollutant, persistence, potential for bioaccumulation, other characteristics of the air pollutant, or other relevant factors. As of the effective date of this Operational Memorandum, EPA has not promulgated any LQERs.

ATTACHMENT C



The Michigan Department of Environmental Quality

CLEAN AIR ASSISTANCE PROGRAM (CAAP)

The Michigan Clean Air Assistance Program (CAAP) is one of three components of the Small Business Stationary Source Technical and Environmental Compliance Assistance Program (the Program) created by the federal Clean Air Act Amendments of 1990. The Michigan Clean Air Ombudsman, which represents the interests of small businesses to appropriate government agencies, and the Compliance Advisory Panel, which provides oversight of both the assistance and ombudsman programs, are the other two components of the Program.

The purpose of the CAAP is to provide technical assistance to small and medium-sized businesses in Michigan, with a primary focus on the ongoing compliance requirements of the federal Clean Air Act Amendments of 1990 and subsequent state air quality rules. Technical assistance is provided in the form of: publication development and distribution, industry conference or meeting attendance, site visits and phone consultations. The CAAP is located in the Environmental Assistance Division of the Michigan Department of Environmental Quality, and can be reached at **1-800-662-9278**.

ATTACHMENT D



Michigan Department of Environmental Quality, Air Quality Division

RULE 208a INITIAL REGISTRATION
LIMITING POTENTIAL TO EMIT BASED ON ACTUAL EMISSIONS

Pursuant to Michigan Rule 336.1208a (Rule 208a) completion of this registration is required in order to legally limit a stationary source's potential emissions. Certification for this registration by the owner or operator will allow the source to avoid being subject to Michigan's Renewable Operating Permit program requirements. Failure to comply with any of the applicable provisions of this rule shall constitute a violation of this rule.

FOR AQD USE ONLY	REGISTRATION NUMBER: _____
-------------------------	-----------------------------------

Please print clearly.

REGISTRATION IDENTIFICATION:

AQD Source ID (SRN): _____ Primary SIC Code: _____

Source Name: _____

City: _____ State: MI ZIP: _____ County No.: _____

REGISTRATION INFORMATION:

Documentation demonstrating compliance with Rule 208a(2)(a)(i) must be included.

Indicate type of attachment: Attached tables only Attached tables w/additional documentation

Specify 12 month reporting period: ____/____ through ____/____ (month/year)

OWNER/OPERATOR REGISTRATION CERTIFICATION:

Name: _____
(Last, First)

Title: _____

Phone: _____ Ext.: _____

Contact for Technical Information, if other than Owner/Operator:

Name: _____
(Last, First)

Title: _____

Phone: _____ Ext.: _____

CERTIFICATION: I hereby certify to the following for the preceding 12 month period: I) Based on information and belief formed after reasonable inquiry, the information on the registration form is true, accurate, and complete. II) That all threshold levels specified in subrule (1) of this rule were met during the preceding 12-month period and will continue to be complied with as legally enforceable conditions for the stationary source and that the recordkeeping and reporting requirements of subrules (5) and (6) of this rule are being met and will continue to be met. III) That, during the preceding 12-month period, the air pollution control equipment was maintained and operated in a manner consistent with good air pollution control practice for minimizing emissions as specified in subrule (2) of this rule and shall continue to be maintained and operated in a manner consistent with good air pollution control practices for minimizing emissions as specified in subrule (2) of this rule.

 Signature of Owner or Operator _____
 Date

Submit completed registration and attachments to the address of the appropriate district office or Wayne County.

ATTACHMENT D

TABLE 1
ACTUAL EMISSIONS SUMMARY

AQD Source ID (SRN) _____

Photocopies of the BLANK Table should be made prior to use.

PROCESS/PROCESS EQUIPMENT DESCRIPTION (including control equipment)	PERMIT NUMBER (If applicable)	INDIVIDUAL HAZARDOUS AIR POLLUTANT (HAP)	ANNUAL ACTUAL HAP EMISSIONS (TPY)	CRITERIA POLLUTANTS *	ANNUAL ACTUAL CRITERIA EMISSIONS (TPY)

* VOC's must include HAP's as part of criteria pollutant.
 Required recordkeeping pursuant to Rule 208a(5) cannot be met by use of this summary.
 Include all emissions except insignificant emissions as defined in Rule 212(1).

