

APPENDIX A

Elements of a C3 EMS

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ELEMENTS OF A C3 ENVIRONMENTAL MANAGEMENT SYSTEM

1.0 ENVIRONMENTAL POLICY – A written environmental policy demonstrating commitment to environmental management through establishment of guiding principles must be developed and signed by a responsible company official. This is the guiding force for an EMS.

2.0 ENVIRONMENTAL PROGRAM POLICY – Identify the environmental aspects of your activities, products, and services that can interact with the environment. Identify those aspects that can have significant environmental impact. Develop and implement objectives and targets to reduce and manage the identified environmental impacts.

3.0 OPERATIONS AND ACTIVITIES OF SIGNIFICANT ENVIRONMENTAL IMPACT – Develop procedures to manage those operations and activities that have been identified to have significant environmental impact. These procedures shall include monitoring, maintaining operations within acceptable parameters, implementation of corrective action, and records review and environmental reporting on environmental actions relating to operations and activities.

4.0 ENVIRONMENTAL REPORTS AND RECORDKEEPING - Establish reporting and recordkeeping to document the environmental status of all operations and activities.

5.0 ENVIRONMENTAL TRAINING AND TRACKING – Establish procedures to train and track those personnel that have responsibility or authority over activities that have significant environmental impact.

6.0 EMERGENCY PREPAREDNESS AND RESPONSE – Establish procedures to respond to, and report accidents, malfunctions, spills, upsets, and other emergency situations and to mitigate any environmental impacts. Provide for review of procedures after accidents or emergencies.

7.0 INTERNAL COMMUNICATION – Develop procedures to communicate environmental issues to personnel across all levels of an organization.

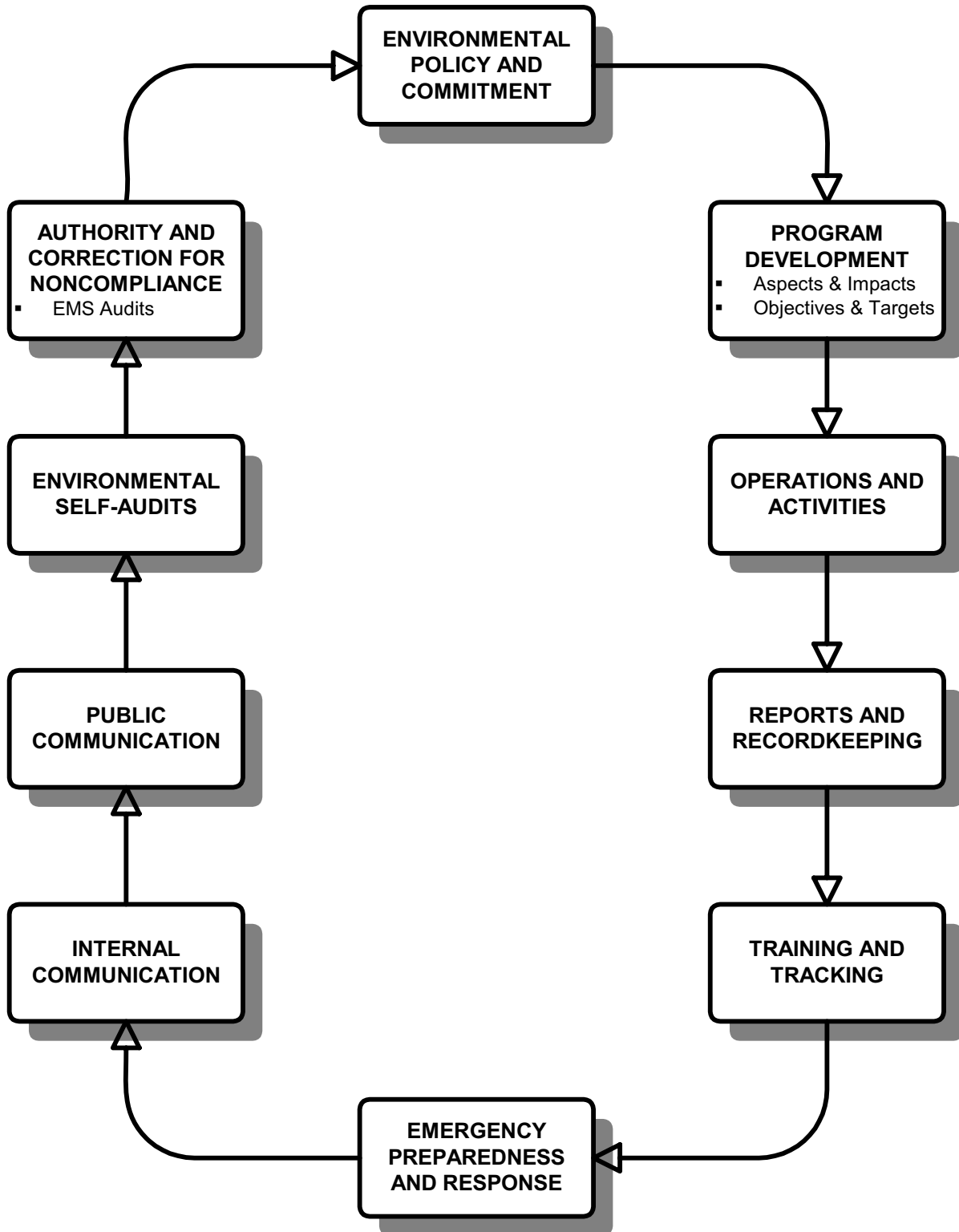
8.0 PUBLIC COMMUNICATION – Develop procedures to communicate to the public on environmental issues that facilitates public understanding and dialogue.

9.0 ENVIRONMENTAL SELF AUDITS – Establish methods or procedures to systematically audit for environmental compliance and correct any noncompliances found.

10.0 EMS AUDITS – Define authority, responsibility, and methods to audit the EMS and correct for noncompliance of the system.

APPENDIX A

C3 ENVIRONMENTAL MANAGEMENT SYSTEM FRAMEWORK





Environmental Science and Services Division
Michigan Department of Environmental Quality

ADMINISTRATIVE RULES



CLEAN CORPORATE CITIZEN PROGRAM

- ▶ **Clean Corporate Citizen (C3) General Program**
R324.1501 to R324.1511

- ▶ **Part 14, (Air Quality) Clean Corporate Citizen Benefits**
R336.2413 to R336.2415 Air Quality Permitting

- ▶ **Part 21, Wastewater Discharge Permits**
 - R323.2193 National Permit C3 Benefits: Surface Water Discharge Permitting
 - R323.2194 State Permit C3 Benefits: Groundwater Discharge Permitting
 - R323.2195 Termination of Benefits

- ▶ **Subpart B, UST Systems; Design, Construction, Installation, and Notification**
R29.2113(d) Registration Submittal Requirements

December 2006



Michigan Department of Environmental Quality
Environmental Science and Services Division

Effective Date: December 1, 2006

CLEAN CORPORATE CITIZEN PROGRAM

R 324.1501 Definitions.

Rule 1501. As used in this part:

(a) “**Applicable federal environmental requirements**” means the Federal Water Pollution Control Act, 33 USC 1251 et seq., the Clean Air Act, 42 USC 7401 et seq., the Resource Conservation and Recovery Act, 42 USC 6901 et seq., and the Comprehensive Environmental Response, Compensation, and Liability Act, 42 USC 9601 et seq.

(b) “**Applicable state environmental requirements**” means article II and chapters 1 and 3 of article III of 1994 PA 451, MCL 324.3101 to 324.21551, 324.30101 to 324.36507, and 324.60101 to 324.64111, 1976 PA 399, MCL 325.1001 to 325.1023, parts 135 and 138 of 1978 PA 368, MCL 333.13501 to 333.13536 and 333.13801 to 333.13831, the administrative rules promulgated under article II and chapters 1 and 3 of article III of 1994 PA 451, 1976 PA 399, parts 135 and 138 of 1978 PA 368, and permits, orders, and other legally binding documents issued under article II and chapters 1 and 3 of article III, 1976 PA 399, and parts 135 and 138 of 1978 PA 368.

(c) “**Clean corporate citizen**” means a person who operates an establishment that has demonstrated environmental stewardship and a strong environmental ethic by meeting the criteria in this part and who has been designated a clean corporate citizen by the department.

(d) “**Department**” means the department of environmental quality.

(e) “**Director**” means the director of the department of environmental quality or his or her designee.

(f) “**Environmental management system**” means the part of an overall management system that addresses environmental concerns through the allocation of resources, assignment of responsibilities, and ongoing evaluation of practices, procedures, and processes to achieve sound environmental performance.

(g) “**Environmental media**” means the air, water, or land medium that is impacted, or would have been impacted, by a waste.

(h) “**Establishment**” means any of the following that operates in accordance with or under the jurisdiction of applicable environmental requirements:

- (i) A stationary source.
- (ii) A location.
- (iii) A public institution.
- (iv) A municipal, commercial, industrial, or other business facility.

(i) **“ISO 14001:2004”** means the standard adopted by the international organization for standardization to prescribe uniform requirements for the purpose of certification or registration of an environmental management system. The provisions of the ISO 14001:2004 standard are adopted by reference as part of these rules. The ISO 14001:2004 standard is available for inspection at the office of the Department of Environmental Quality, Environmental Science and Services Division, 525 West Allegan, Lansing, Michigan 48933. Copies of the ISO 14001:2004 standard are available from the American National Standards Institute, 25 West 43rd Street, 4th floor, New York, New York 10036, for \$82.00, the cost at the time of the adoption of these rules.

(j) **“Pollution prevention”** means eliminating or minimizing the initial generation of waste at the source or utilizing environmentally sound on-site and off-site reuse or recycling. Waste treatment, release, or disposal is not considered pollution prevention.

(k) **“Responsible official”** means an individual, who has the authority to sign and certify to, on behalf of an applicant for a clean corporate citizen designation, the truth, accuracy, and completeness of the application and annual report.

(l) **“Supplemental environmental project” or “SEP”** means an environmentally beneficial project that an alleged violator agrees to undertake in settlement of an enforcement action, but which the alleged violator is not otherwise legally required to perform.

(m) **“Violation notice”** means any written notice or formal enforcement action by the department in response to a violation of an applicable state environmental requirement. Voluntary disclosures made under part 148 of 1994 PA 451, do not constitute a violation notice.

(n) **“Waste”** means all environmental pollutants, wastes, discharges, and emissions, regardless of how they are regulated and regardless of whether they are released to the general environment or the workplace environment.

R 324.1502 Purpose.

Rule 1502. The purpose of this part is to establish the Michigan clean corporate citizen program, including the criteria to be met and the procedures to be followed for a person to be designated a clean corporate citizen and the benefits available to a designated clean corporate citizen. Nothing in this rule authorizes any violation of state or federal law, rule, or regulation.

R 324.1503 Applicability.

Rule 1503. (1) This part applies to a person who operates an establishment in Michigan and who voluntarily seeks a clean corporate citizen designation.

(2) This part does not apply to an establishment under any of the following conditions:

(a) Has been convicted of a criminal violation of applicable state environmental requirements within a 10-year period before filing the initial clean corporate citizen application.

(b) Has been assessed by a court of appropriate jurisdiction a civil fine, penalty, or damages of \$10,000.00 or more for violation of applicable state environmental requirements within a 3-year period before filing the initial clean corporate citizen application.

(c) Has been found, by a court of appropriate jurisdiction, to have been responsible for an illegal action that caused substantial endangerment to the public health, safety, or welfare or to the environment within a 10-year period before filing the initial clean corporate citizen application.

(d) Has been assessed by the department or paid through entry of a judicial consent decree or administrative consent order, a monetary fine, penalty, or damages of \$25,000.00 or more, including the amount of any supplemental environmental project or projects used to offset a monetary fine or penalty, for a violation of applicable state environmental requirements that occurred within a 3-year period before filing the initial clean corporate citizen application.

R 324.1504 Clean corporate citizen criteria.

Rule 1504. To qualify for and maintain a designation as a clean corporate citizen for a single establishment, a person shall operate the establishment in Michigan and meet the criteria in R 324.1503, R 324.1505, R 324.1506, R 324.1507, and R 324.1508.

R 324.1505 Environmental management system.

Rule 1505. (1) A clean corporate citizen shall have in place, and operate the clean corporate citizen's establishment in accordance with, an environmental management system which systematically addresses environmental concerns, environmental improvements, and which is integrated into the clean corporate citizen's overall management structure as specified in this rule.

(2) A clean corporate citizen meets the environmental management system requirements by complying with any of the following provisions:

(a) Registration or certification under an environmental management standard, such as ISO 14001:2004, that is approved by the director.

(b) Development, implementation, and maintenance of a written environmental management system consistent with the requirements of the ISO 14001:2004 standard, and which is appropriate to the nature, scale, and potential environmental impact of the operation.

(c) Adoption and maintenance of an environmental management system, approved by the director, applicable to a specific group or classification of establishments. An environmental management system developed in accordance with this rule shall be consistent with the requirements of the ISO 14001:2004 standard, and be appropriate to the nature, scale, and potential environmental impact of the operation.

R 324.1506 Pollution prevention.

Rule 1506. (1) A clean corporate citizen shall develop and implement an effective pollution prevention program as specified in this rule.

(2) A clean corporate citizen meets the pollution prevention program requirements by complying with both of the following provisions:

(a) Adopting, in the form of a written policy, the clean corporate citizen's philosophy of pollution prevention that promotes all of the following:

- (i) The elimination or reduction of waste at the source of generation.
- (ii) The reuse of waste, including the purchasing of recycled materials.
- (iii) Environmentally sound on-site and off-site recycling.

(b) Establishing and maintaining an establishment-specific pollution prevention program under which the clean corporate citizen shall do all of the following:

- (i) Adopt and post a pollution prevention policy or equivalent, as required in subdivision (a) of this subrule, that is signed by a responsible official.
- (ii) Conduct periodic pollution prevention assessments that identify opportunities for eliminating waste at the source, reuse, and recycling.
- (iii) Establish pollution prevention goals that specify the environmental media and types of pollution to be prevented or reduced, implementation activities, and projected time frames.
- (iv) Record and maintain reports to demonstrate progress on pollution prevention goal implementation.
- (v) Encourage efforts to exchange pollution prevention technologies, such as any of the following:
 - (A) Attending or sponsoring workshops.
 - (B) Developing case studies.
 - (C) Establishing pollution prevention supplier networks.

(D) Providing the department with pollution prevention information for possible publication and dissemination.

(3) A clean corporate citizen may satisfy the provisions of subrule (2)(b) of this rule through formal participation and by being a member in good standing in a recognized department pollution prevention program.

R 324.1507 Environmental compliance.

Rule 1507. (1) A clean corporate citizen shall comply with the applicable state environmental requirements and applicable federal environmental requirements as specified in this rule.

(2) To meet the environmental compliance requirement, a clean corporate citizen shall satisfy all of the following requirements:

(a) Provide to the department, as part of the clean corporate citizen application, a statement signed by a responsible official that he or she has reviewed the clean corporate citizen's compliance record and that, to the best of his or her knowledge, the clean corporate citizen is in compliance with all applicable state environmental requirements and applicable federal environmental requirements and has no outstanding unresolved past or current violations that have not been corrected or, in the case of renewal, resolved by the clean corporate citizen's adherence to a compliance schedule acceptable to the department to abate the violations.

(b) Have addressed any violation cited in a violation notice by resolving the violation, making a showing to the department that the violation did not occur, or in the case of renewal, adherence to a compliance schedule acceptable to the department to correct any violation specified in a violation notice issued by the department.

(c) Not have been found by the department to be in significant violation of environmental requirements established by a local unit of government.

(d) Not have been found by the department to be in significant violation of applicable federal environmental requirements established by the United States environmental protection agency.

(3) In the case of a change of ownership, the director may consider the environmental record of the new owner in determining whether the criteria in this rule are met.

R 324.1508 Procedures for application.

Rule 1508. (1) A person operating an establishment in Michigan may apply for a clean corporate citizen designation. An applicant for a clean corporate citizen designation shall follow the procedures in this rule.

(2) Before submitting an application to the department, the applicant shall provide for a public review of the application and related documentation for a period of not less than 30 days. Public review shall, at a minimum, include posting a notice in a local newspaper of the applicant's intent to file the clean corporate citizen application and of the availability of the application and related documentation for public review. The application and related documentation shall be made available at a local public library or other public building for not less than 30 days. The public notice shall allow for comments to be made to the applicant or the department. The documentation provided for public review shall include all of the following information:

(a) A detailed summary for each element of the environmental management system that demonstrates achievement of the criteria in R 324.1505.

(b) A copy of the applicant's pollution prevention policy or equivalent and supporting information that demonstrates achievement of the pollution prevention criteria in R 324.1506.

(c) A copy of the signed statement of compliance in R 324.1507(2)(a).

(3) The applicant shall notify the department of its intention to submit an application for clean corporate citizen designation not less than 30 days before the end of the public review period.

(4) After the 30-day public review period, an applicant shall submit the application for a clean corporate citizen designation to the department, on a form provided by the department, together with the supporting documentation that meets the requirements of this rule.

(5) The application and supporting documentation shall include all of the following:

(a) A checklist of the documentation that has been assembled and made available for public review.

(b) A signed statement by the responsible official that the applicant meets the criteria in R 324.1503, R 324.1504, R 324.1505, R 324.1506, and R 324.1507.

(c) A detailed summary for each element of the environmental management system and demonstration of achievement of the environmental management system requirements in R 324.1505.

(d) The pollution prevention policy or equivalent and supporting information to demonstrate achievement of the pollution prevention requirements under R 324.1506.

(e) A combined list of the significant goals, objectives, and targets that are set in the environmental management system and the pollution prevention program.

(f) The certification of compliance as required by R 324.1507(2)(a).

(g) A listing of any criminal convictions or any civil fines, penalties, or damages assessed relative to applicable federal environmental requirements within a 3-year period before filing the initial clean corporate citizen application.

(h) A summary of public comment received by the applicant and the department during the public review period and the applicant's response to the public comments received.

(6) The department shall complete its initial review of the clean corporate citizen's application within 14 days of receipt of the application.

(7) The department shall publish, in the department calendar, a notice of receipt of the application and related documentation and of the availability of the application and related documentation for public review and comment not less than 30 days before the department makes a decision on the application.

(8) Within 60 days of receipt of a complete application, unless an extension of time is requested by the applicant, the department shall consider public comments, determine whether the criteria of these rules have been met, and notify the applicant, in writing, of the clean corporate citizen designation approval or disapproval.

(9) There is no formal appeal of the director's designation decision.

(10) A person operating an establishment in Michigan may reapply for clean corporate citizen designation at any time, in accordance with the applicability requirements in R 324.1503.

R 324.1509 Procedures for retaining or terminating clean corporate citizen designation.

Rule 1509. (1) To retain a clean corporate citizen designation, a clean corporate citizen shall submit a renewal request, supporting information, and a certification that the clean corporate citizen is currently achieving the criteria in R 324.1505, R 324.1506, and R 324.1507 as follows:

(a) For a clean corporate citizen that is also certified under ISO 14001:2004, at least 30 days before the 3 year anniversary date of the current clean corporate citizen designation.

(b) For any other clean corporate citizen, at least 30 days before the 2 year anniversary date of the current clean corporate citizen designation.

(2) The supporting information specified in subrule (1) of this rule shall include an annual report summarizing the activities undertaken over the previous year to do all of the following and describing the status of the activities:

(a) Maintain and implement the environmental management system consistent with R 324.1505.

(b) Identify and implement pollution prevention activities consistent with R 324.1506.

(c) Set, revise, and implement goals, objectives, and targets, and the strategy the clean corporate citizen is employing to resolve any unmet goals, objectives, and targets in its environmental management system and pollution prevention program.

(3) A renewal request shall include a statement by the responsible official that the clean corporate citizen is in compliance with all applicable state environmental requirements and applicable federal environmental requirements, and has no outstanding unresolved violations, or is in compliance with a schedule acceptable to the department to correct any outstanding violations.

(4) The director shall terminate the clean corporate citizen designation if the director determines that any of the following provisions apply to the clean corporate citizen:

(a) The clean corporate citizen failed to maintain and implement an environmental management system as required under R 324.1505.

(b) The clean corporate citizen failed to maintain and implement a pollution prevention policy or equivalent and program consistent with the provisions of R 324.1506.

(c) The clean corporate citizen failed to meet the environmental compliance criteria of R 324.1507.

(d) If after the effective date of the current designation the clean corporate citizen:

(i) Has been convicted of a criminal violation of applicable state environmental requirements.

(ii) Has been assessed by a court of appropriate jurisdiction a civil fine, penalty, or damages of \$10,000.00 or more for violation of applicable state environmental requirements.

(iii) Has been found by a court of appropriate jurisdiction to have been responsible for an illegal action that caused substantial endangerment to the public health, safety, or welfare or to the environment.

(iv) Was found by the director to have failed to promptly and adequately correct and resolve a serious violation of applicable state environmental requirements or applicable federal environmental requirements.

(v) Has been assessed by the department or paid through entry of a judicial consent decree or administrative consent order, a monetary fine, penalty or damages of \$25,000 or more, including the amount of any supplemental environmental project or projects used to offset a monetary fine or penalty, for a violation of applicable state environmental requirements.

(5) The director shall advise a facility of his or her intent to terminate the clean corporate citizen designation not less than 30 days before terminating the designation.

(6) There is no formal appeal of the director's termination decision.

(7) A person operating an establishment in Michigan may reapply for clean corporate citizen designation at any time, in accordance with the applicability requirements in R 324.1503.

R 324.1509a. Annual reporting requirements.

Rule 1509a. (1) The clean corporate citizen shall submit an annual report not later than 30 days before the annual anniversary date of the current clean corporate designation, summarizing the activities undertaken over the past year to do the following:

(a) Identify and implement pollution prevention activities consistent with R 324.1506.

(b) Set, revise, and implement goals, objectives, and targets, and the strategy the clean corporate citizen is employing to resolve any unmet goals, objectives, and targets in its environmental management system and pollution prevention programs.

(2) The annual report shall also include a statement by the responsible official that the clean corporate citizen is in compliance with all applicable state environmental requirements and applicable federal environmental requirements and has no outstanding unresolved violations, or is in compliance with a schedule acceptable to the department to correct any outstanding violations.

R 324.1510 Clean corporate citizen benefits.

Rule 1510. A designated clean corporate citizen qualifies for clean corporate citizen benefits set forth in rules promulgated under Act No. 399 of the Public Acts of 1976, as amended, being §§325.1001 to 325.1023 of the Michigan Compiled Laws, Act No. 368 of the Public Acts of 1978, as amended, being §§333.13501 to 333.13536 and 333.13801 to 333.13831 of the Michigan Compiled Laws, and Act No. 451 of the Public Acts of 1994, as amended, being §324.101 et seq. of the Michigan Compiled Laws.

R 324.1511 Impact on benefits from termination of clean corporate citizen designation.

Rule 1511. Upon termination of a clean corporate citizen designation, all benefits provided to a former clean corporate citizen under R 324.1510 shall be terminated or restricted as provided in this part and as determined by the director.



Michigan Department of Environmental Quality
Air Quality Division

Effective Date May 13, 1997

**PART 14. (AIR QUALITY)
CLEAN CORPORATE CITIZEN BENEFITS**

Part 2. CLEAN CORPORATE CITIZEN PROGRAM

R 336.2413 Waivers to commence construction and operation.

Rule 1413. (1) Before the approval of a permit to install required pursuant to these rules, a clean corporate citizen may request a department waiver to proceed with construction and, if desired, operation of process or process equipment at an existing stationary source. The request for a waiver shall be in writing, shall be accompanied by an administratively complete application for a permit to install, shall not include proposed process or process equipment prohibited by federal requirements from commencing construction or operation before issuance of an approved permit, and shall be signed by the owner or the owner's authorized agent. The request for a waiver shall be automatically approved 15 calendar days after receipt of the request and required information, unless, within the 15-calendar-day period, either the request is denied in writing for cause by the department or an extension of up to 15 additional calendar days is specified in writing by the department. If the time period is extended, the request for a waiver shall be automatically approved at the end of the extended time period, unless the request for a waiver is denied by the department within the extended time period.

(2) If a waiver is approved, the clean corporate citizen applicant shall comply with all of the following provisions:

(a) Submit all pertinent information, including plans and specifications, necessary for a technically complete application for a permit to install as soon as is reasonably practical.

(b) Be authorized to proceed to construct and operate the process or process equipment according to the terms of the approved waiver at the applicant's own risk.

(c) Comply with all federal, state, and local air quality requirements applicable to the process or process equipment covered by the approved waiver at all times. The applicable requirements may include, but not be limited to, any of the following:

- (i) Emissions limitations.
- (ii) Operation limitations.
- (iii) Fuel limitations.
- (iv) Emissions testing.
- (v) Continuous emissions monitoring.
- (vi) Notifications.

(vii) Recordkeeping.

Operation of the process or process equipment under a waiver does not relieve the applicant from enforcement for violations of the requirements.

(3) The term of the initial waiver shall be for the period requested, but not more than 1 year from the date the request is received by the department. After a waiver to construct or operate is approved pursuant to subrule (1) of this rule, the clean corporate citizen permit applicant may apply for 1 extension to the term of the initial waiver. A waiver extension application shall be in writing, shall state the reasons for the need of the extension, shall be submitted not later than 30 days before the end of the term of the initial waiver, and shall be signed by the owner or the owner's authorized agent. The waiver extension application shall be acted upon by the department within 30 days of receipt of the extension application. The term of the extension shall be that approved by the department, but the total term of the initial waiver and extension shall not be more than 18 months.

(4) A waiver approved pursuant to subrule (1) of this rule shall be revoked by the department for cause, including, but not limited to, the termination of the permit applicant's clean corporate citizen designation or a finding by the department of noncompliance with applicable state or federal air quality requirements related to the process or process equipment, exclusive of the state requirement to obtain an approved permit prior to construction or operation of the process. The applicant shall have an opportunity to present information to the department before a revocation action is taken. A waiver revocation shall be in writing by the department. There is no formal appeal of the department's revocation decision.

(5) A clean corporate citizen may operate a process or process equipment pursuant to a waiver to operate approved pursuant to subrule (1) of this rule until 1 of the following occurs:

(a) The permit to install for the process or process equipment is approved, at which time the waivers approved pursuant to subrule (1) of this rule become void.

(b) The term of the approved waiver and extension, if applicable, expires.

(c) The permit for the process or process equipment is denied, at which time the waivers approved pursuant to subrule (1) of this rule become void.

(d) The waiver is revoked by the department.

(6) The department shall deny a permit to install after a waiver has been granted or approved pursuant to subrule (1) of this rule if the information, including plans and specifications, provided by the applicant shows that cause exists for denial pursuant to section 5510 of the act or if the applicant has not provided the information necessary for a technically complete application in a timely manner. An appeal of a denial shall be made pursuant to section 5505(8) of the act.



R 336.2414 Processing of clean corporate citizen permit applications.

Rule 1414. (1) A clean corporate citizen may request that the department process an application for a permit to install in accordance with the process set forth in this rule.

(2) A clean corporate citizen who requests processing of an application for a permit to install pursuant to this rule shall include all of the following in the application:

(a) The information required by R 336.1203 and other applicable rules.

(b) The identification of all state rules and federal regulations applicable to the proposed process or process equipment.

(c) An analysis that demonstrates that the process or process equipment covered by the application will comply with the applicable requirements. A summary of the analysis shall be provided on a form provided by the department.

(d) An analysis of the applicable control technology requirements, such as best available control technology, best available control technology for toxics, and maximum achievable control technology. Process or control technologies that have been considered and rejected as part of the control technology assessment shall be identified.

(e) A draft permit.

(f) A certification as to the completeness and adequacy of the control technology analysis.

(g) Certification by a responsible official of the completeness and accuracy of the application.

(h) For draft permits that are subject to public notification, a draft staff report and draft public notice that are in writing and on a computer diskette in a format specified by the department.

(3) Except as provided in subrule (4) of this rule, the department shall notify the clean corporate citizen applicant, in writing, of approval or denial of an application for a permit to install within 30 days after receipt of the application and information required by subrule (1) of this rule, except that the 30-day period may be extended by the department with agreement by the applicant in order to address issues with the applicant that would otherwise make the permit unapprovable.

(4) If the clean corporate citizen permit application is subject to public notice requirements under state or federal law, then the department will publish the required notice within 30 days of receipt of the application and information required by subrule (1) of this rule. The department shall notify the applicant, in writing, of approval or denial of an application for a permit to install within 10 calendar days after the conclusion of the public hearing or comment period, whichever is later, except that the 10-day period may be extended by the department if substantial new issues are raised during the comment period or hearing.



R 336.2415 Plantwide applicability limit permit for clean corporate citizen.

Rule 1415. (1) A clean corporate citizen may request that the department issue a plantwide applicability limit permit that establishes a federally enforceable emissions cap for 1 or more pollutants at an existing stationary source pursuant to this rule.

(2) For a clean corporate citizen, the department may, after notice and opportunity for public participation pursuant to section 5516 of the act, issue a plantwide applicability limit permit to install which includes terms and conditions necessary to assure compliance with applicable air quality regulations at the stationary source and which allows the clean corporate citizen to undertake changes, without a permit to install, as long as compliance with the plantwide applicability limit permit is maintained.

(3) A clean corporate citizen may request that the plantwide applicability limit permit establish an emissions cap set equal to actual emissions plus the significant emissions for each pollutant being considered in the plantwide applicability limit application. Alternatively, the plantwide applicability limit permit may, at the request of a clean corporate citizen, establish an emissions cap set equal to existing allowable emissions, if the levels of the emissions are consistent with state and federal requirements.

(4) In addition to the information required by R 336.1203 and other applicable rules, an application for a plantwide applicability limit permit pursuant to this rule shall include all of the following information:

- (a) Identification of all past technology determinations that are the basis for existing emission and operation limitations at the stationary source.
- (b) Identification of the plantwide applicability limit requested and supporting documentation for both the point and fugitive emissions to be included in the plantwide applicability limit permit.
- (c) For a plantwide applicability limit permit based on existing allowable emissions, identification of all emissions offsets previously provided for the stationary source.
- (d) The proposed recordkeeping, monitoring, and reporting that would be used to demonstrate compliance with the emissions cap and any individual technology limitations that are to be maintained within the plantwide applicability limit permit.
- (e) A proposed periodic review process that describes the mechanism for making adjustments to the plantwide applicability limit permit limits for cause. An example of cause is a new applicable requirement.
- (f) The proposed procedure to be followed to ensure a clean corporate citizen does not modify the stationary source to exceed the emissions cap in the plantwide applicability limit permit.
- (g) The proposed procedure to ensure that a clean corporate citizen does not modify the stationary source to cause or contribute to violations of the national ambient air quality standards.

- (5) The department shall not approve a plantwide applicability limit permit to install unless the conditions in R 336.1207(a) to (f) are met and the plantwide applicability limit permit provides for all of the following:
- (a) A requirement that the clean corporate citizen notify the department of the commencement of construction and operation for either of the following for which a permit to install is not required pursuant to the plantwide applicability limit permit:
 - (i) A source subject to standards of performance for new stationary sources or national emission standards for hazardous air pollutants.
 - (ii) A source that has the potential to emit more than 50% of the prevention of significant deterioration significance level.
 - (b) A requirement that, before the addition of new process or process equipment, other than process or process equipment exempted by R 336.1279 through R 336.1290, a clean corporate citizen shall determine that the proposed new process or process equipment is in compliance with the provisions of R 336.1230.
 - (c) A requirement that a clean corporate citizen is not relieved of the responsibility of complying with applicable control technology requirements.
 - (d) Limits on a pollutant-specific basis and limits on other air contaminants that are not included in the emissions cap.
 - (e) Recordkeeping, monitoring, and reporting requirements necessary to assure compliance with the plantwide applicability limit permit.
 - (f) A future review of the plantwide applicability limit permit and the conditions that could affect the limit or limits.
 - (g) A requirement that a clean corporate citizen shall comply with all applicable air quality regulations, except for the requirement to obtain a permit to install pursuant to R 336.1201.
 - (h) A provision for reopening the terms and conditions of a plantwide applicability limit permit if a clean corporate citizen's designation is terminated pursuant to R 336.2409.





Michigan Department of Environmental Quality
Water Bureau

PART 21. WASTEWATER DISCHARGE PERMITS

Effective Date: March 24, 2000

CLEAN CORPORATE CITIZEN PROGRAM BENEFITS

R 323.2193 National Permit Clean Corporate Citizen Benefits

Rule 2193. An establishment that has been designated as a clean corporate citizen by the department under R 324.1504 is eligible for the following benefits related to national permits:

(a) A clean corporate citizen applying for reissuance of a national permit may certify that the previous application information, or a portion of the application, is still representative of the discharge, and need not provide new discharge monitoring information, unless there have been changes in state or federal application requirements including, but not limited to, the adoption of or modification to analytical methods under 40 CFR 136, since the previous application was submitted. The department may request additional information as necessary to process the permit.

(b) When applying for a national permit for a new wastewater discharge that is not covered by a federal technology-based treatment standard, a clean corporate citizen may provide its determination of best professional judgment (BPJ) for technology-based effluent limitations for the case-by-case determinations required under section 402(a)(1) of the federal act. The department will review and use the clean corporate citizen's determination of BPJ for purposes of a draft permit, unless the determination is inconsistent with state or federal regulations or is contrary to known technology previously used in setting BPJ permit limitations.

(c) A clean corporate citizen that qualifies for coverage under a general permit as provided in R 323.2191 is not required to obtain an individual national permit solely because it is designated as a major discharger by the United States Environmental Protection Agency.

(d) A nonmunicipal clean corporate citizen may construct and utilize wastewater treatment processes to comply with effluent limitations of a national permit without department approval of the plans and specifications for the wastewater treatment processes.

(e) The department shall not conduct more than 1 comprehensive sampling inspection during the effective period of the national permit for a clean corporate citizen, unless the department has reason to believe that the permittee is not in compliance with any applicable statute, rule, national permit, or enforcement order.

(f) The national permit for a clean corporate citizen shall include a provision allowing the director or his or her authorized representative to reduce, but not eliminate, the

monitoring frequency of parameters specified in the permit. The director or his or her authorized representative may reduce monitoring. Reduced monitoring shall be sufficient to determine compliance and will be conditioned on continued compliance with parameter limitations. If reduced monitoring identifies a violation of a parameter limitation, then the permit shall provide for an increase in monitoring until compliance is regained. A clean corporate citizen shall submit a request for reduced monitoring to the department in writing. Approval of reduced monitoring under this rule is not subject to the requirements in R 323.2159.

(g) Unless otherwise required by the director or the director's authorized representative, or as necessary for a complete application for national permit reissuance, upon request, the director or the director's authorized representative shall authorize a clean corporate citizen to submit discharge monitoring reports on an annual basis. This provision does not abrogate the permittee's responsibility to report instances of noncompliance required to be reported by statute, rule, national permit, or enforcement order.

(h) The department shall expedite its response to a request from a clean corporate citizen to use a water treatment additive.

R 323.2194 State Permit Clean Corporate Citizen Benefits

Rule 2194. An establishment that has been designated as a clean corporate citizen by the department under R 324.1504 is eligible for the following benefits related to state permits:

(a) A clean corporate citizen applying for a new state permit, permit renewal, or permit modification may request the department to accelerate the application review. All of the following provisions apply to the request:

(i) A clean corporate citizen shall request an accelerated review in writing.

(ii) A clean corporate citizen shall submit an administratively complete application under R 323.2108 for the unit to be permitted.

(iii) A clean corporate citizen or its authorized agent shall sign the written request.

(iv) The department shall approve the request for an accelerated permit application review within 15 calendar days after receipt of the request and required information, unless, within the 15-calendar-day period, the request is either denied in writing for cause by the department or an extension of up to 15 additional calendar days is specified in writing by the department. If the department fails to make its decision within the extended time period, then the request for an accelerated permit application review is automatically approved at the end of the extended time period.

(v) If the accelerated permit application review is approved, then the department shall complete a review of the application within 30 calendar days and recommend either that the permit be issued with or without special conditions or that the permit be denied.

(vi) If the department recommends that the permit be issued, then the department shall provide a copy of the draft permit to the applicant and publish the public notice required under R 323.2117. The department shall issue or deny the permit within 15 calendar days after the conclusion of the public comment period, unless substantial new issues are raised during the comment period or hearing.

(vii) If the department recommends that the permit be denied, then the department shall notify the applicant, in writing, of the deficiencies that caused the application to be denied. The department may extend the 30 day accelerated review period if an extension is requested by the applicant within 10 calendar days to address those deficiencies.

(viii) If an extension is granted, an applicant will have 30 days to address the application deficiencies. If the applicant sufficiently addresses the deficiencies, then the department shall proceed with the issuance of the permit. If the applicant does not sufficiently address the deficiencies, then the department may proceed with permit denial or may place the application in lower priority status to afford the clean corporate citizen additional time to address the deficiencies.

(b) The department may authorize a clean corporate citizen to reduce the required frequency of effluent and groundwater monitoring at an existing facility by up to 50%. All of the following provisions apply to reduced monitoring:

(i) The department may reduce the effluent and groundwater monitoring requirements as outlined in the permit if all of the following criteria are met:

(A) The effluent limits set forth in the permit have been consistently met over a period of 1 year or over 12 sampling events.

(B) The groundwater limits set forth in the permit have been consistently met for 4 consecutive sampling events.

(C) The point of compliance for measuring groundwater impact is not more than 150 feet from the discharge point.

(ii) Upon request by a clean corporate citizen, the department shall provide its decision to reduce effluent and groundwater monitoring within 30 days of receipt of documentation that the criteria specified in subparagraphs (A) to (C) of this paragraph have been met.

(iii) The reduced monitoring specified in writing by the department supersedes the monitoring frequency set forth in the permit. However, upon notice from the department that an effluent or groundwater permit limit has been or is being exceeded, the original sampling frequency as specified in the permit shall immediately resume.

(c) After notice to the department, unless disapproved by the department within 30 days, a clean corporate citizen may reduce the monitoring or reporting requirements,

or both, for upgradient wells specified in a permit to a frequency of once per year unless or until either of the following occurs:

(i) An effluent or groundwater permit limit is exceeded. If an exceedance of a permit limit in the effluent or the groundwater as a result of monitoring downgradient wells is found, then a clean corporate citizen shall immediately sample and monitor the upgradient well or wells and analyze the sample in accordance with requirements for sampling and analysis set forth in the permit. A clean corporate citizen shall continue the frequency of monitoring and reporting for the upgradient well or wells in accordance with the permit until the clean corporate citizen can demonstrate to the department that the problem that caused the exceedance has been resolved. Once the clean corporate citizen has demonstrated that the problem that caused the exceedance has been resolved, the clean corporate citizen may request the department to authorize reduced monitoring as specified in this subdivision.

(ii) The permit expires.

(d) After notice to the department, unless disapproved by the department within 45 days, a clean corporate citizen may use a product that is not specified in the current permit if an approved toxicologist certifies that the discharge would not violate the discharge standards in R 323.2222 as a result of using the product. All of the following provisions apply to the use of a product that is not specified in the current permit:

(i) The department may approve a toxicologist for certifying a discharge if the toxicologist meets all of the following qualifications and if proof of the qualifications is provided to the department in writing:

(A) The toxicologist possesses, at a minimum, a Master of Science degree in toxicology.

(B) The toxicologist has at least 1 year of experience conducting toxicological reviews.

(C) The toxicologist has a minimum of 1 year of practical experience in evaluating biological and chemical data to determine the potential impact to humans and other living organisms.

(ii) Except for standards developed under R 323.2222(2)(c)(ii) soil treatment) of the Part 22 rules, a toxicologist who meets all of the criteria in paragraph (i)(A), (B), and (C) of this subdivision may review and certify product changes for a clean corporate citizen if both of the following occur:

(A) The toxicologist follows the procedures in R 323.2220 for determining wastewater characteristics.

(B) The toxicologist certifies that the discharge standards for each chemical constituent determined to be in the discharge meet the limits in R 323.2222.

(iii) The notice in this subdivision shall include copies of all documentation and materials used by the toxicologist to certify the product change.

(iv) If, at anytime after the 45-day period specified in this subdivision, the department determines that the use of a product should be discontinued, then, upon written notification by the department, the clean corporate citizen shall either discontinue use of the product within 30 days or reduce the concentrations of the product to meet the applicable standards in R 323.2222. The clean corporate citizen shall notify the department by the end of the 30 day-period of its decision regarding the use of the product. If the concentration is reduced, the clean corporate citizen shall submit documentation to the department which demonstrates that the reduced concentrations are consistent with the discharge standards in R 323.2222.

(e) R 323.2150 notwithstanding, a clean corporate citizen may petition the department to extend the expiration date for an existing permit for a period of up to 5 years if the clean corporate citizen can demonstrate that its facility has consistently maintained compliance with its permit for the preceding 5 years. All of the following provisions apply to a permit extension:

(i) To receive a permit extension, the clean corporate citizen shall provide all of the following information to the department:

(A) A written request for the permit extension that specifies the duration of the extension. A clean corporate citizen shall submit the extension request to the department not less than 180 days before the expiration date of the current permit.

(B) A summary of reports on monitoring data and other required facility operations which demonstrates that the facility has consistently complied with its permit requirements for the preceding 5 years.

(C) A certification that the current discharges are fully and accurately represented in the most recent permit application.

(ii) The written request for an extension satisfies the requirements for timely application for permit renewal. If the department determines that the criteria in paragraph (i) of this subdivision has been met, then the department shall extend the expiration date for the permit for the period of time requested, but not for more than 5 years.

(iii) If the department determines that the clean corporate citizen meets the necessary criteria to qualify for a permit extension, then within 30 days of making the determination the department shall publish a public notice stating that the department proposes to extend the existing permit. The notice shall also include the proposed new expiration date.

(iv) The department shall extend the permit expiration date at the end of the public notice period unless either of the following occurs:

(A) The department determines that the clean corporate citizen does not meet the criteria in paragraph (i) of this subdivision.

(B) Based on comments received during the public comment period or other information, the department determines that further review of the permit is needed

or that changes to the permit may be needed, or both, before extending the expiration date.

(v) The department shall not extend a permit more than 5 additional years.

(f) A nonmunicipal clean corporate citizen qualifies for a reduction in design reviews for industrial treatment processes by the department. This subdivision pertains to design reviews specified by rules or permit, including, but not limited to, the preliminary basis of designs, new technologies, and alternative treatment systems.

(g) A nonmunicipal clean corporate citizen may construct and utilize wastewater treatment processes to comply with permit requirements without department approval of the plans and specifications for the wastewater treatment process if all of the following provisions are satisfied:

(i) All process equipment is the proper size and type for the intended application.

(ii) Proper staffing, operation, and maintenance requirements have been specified for the facility.

(iii) The facility is designed to meet all permit limits when operated and maintained as specified.

R 323.2195 Termination of Benefits.

Rule 2195. Upon termination of a clean corporate citizen designation, the department shall terminate or restrict all benefits provided to a former clean corporate citizen under R 323.2193 and R 323.2194 as provided in this part and as determined by the director.



Michigan Department of Environmental Quality
Waste and Hazardous Materials Division

Effective Date: January 2, 1999

**SUBPART B.
UST Systems; Design, Construction, Installation, and
Notification**

CLEAN CORPORATE CITIZEN BENEFITS

R29.2113(d) Registration Submittal Requirements.

- (d) Any owner or operator who meets the requirements of a designated clean corporate citizen in R336.2401 to R336.2420 shall be entitled to an expedited review report by the department to complete the review process.

(UST - Underground Storage Tank)

Summary - Michigan Clean Corporate Citizen (C3) Regulatory Benefits

Air Quality -AOD	Water Bureau-WB	Water Bureau -WB	Storage Tank -WHMD
R336.2413 Rule 1413 Permittee may request a waiver to commence construction and/or operation of a process or process equipment while air use permit application is under review	R323.2193(a) – No new discharge data needed for NPDES ¹ reissuance if a C3 certifies that previous application information applies	R323.2194(a) – A C3 may request an expedited application review for a new permit, or for modification or renewal of an existing permit	R29.2113(d) – A C3 shall receive an expedited review report of a UST ⁶ system installation
R336.2412 Rule 1414 Permit to install response (or publication of public notice if applicable) due from Department within 30 days of receiving a completed application	R323.2193(b) – BPJ ² limits can be submitted by a C3 in place of Department developed TBELs ³ (when not covered by federal technology-based standards)	R323.2194(b) – If a C3 maintains compliance, the Department may reduce monitoring effluent and groundwater monitoring frequency up to 50%	
R336.2415 Rule 1415 Permittee may request the Department issue plant-wide applicability limit (PAL) permit that establishes emission cap for one or more pollutant(s) at a facility thus allowing changes without a permit to install	R323.2193(c) – A C3 that qualifies for coverage under a general permit does not have to obtain an individual NPDES permit solely because EPA designates them as a major discharger	R323.2194(c) – A C3 may reduce monitoring and/or reporting requirements for upgradient wells unless disapproved by the Department within 30 days	
	R323.2193(d) – A non-municipal C3 may construct and use wwt ⁴ processes without Department plans & specs approval	R323.2194(d) – Unless disapproved by the Department, a C3 may use a product not specified in the current permit if an approved toxicologist certifies that applicable standards will be met	
	R323.2193(e) – If a C3 maintains compliance, the Department shall conduct no more than one comprehensive sampling inspection during the effective period of the NPDES permit	R323.2194(e) – If a C3 maintains compliance, they may petition the Department to extend the existing permit expiration date for up to five years	
	R323.2193(f) – If a C3 maintains compliance, they can request to reduce (but not eliminate) monitoring frequency of a parameter in a permit	R323.2194(f) – A non-municipal C3 qualifies for reduced design reviews for treatment processes	
	R323.2193(g) – A C3 can request submission of DMRs ⁵ on an annual basis	R323.2194(g) – A non-municipal C3 may construct and use wwt ⁴ process without Department approval of plans & specs	
	R323.2193(h) – The Department will expedite response for request to use a water treatment additive		

¹National Pollutant Discharge Elimination; ²Best Professional Judgement; ³Technology Based Effluent Limits; ⁴wastewater treatment; ⁵ Discharge Monitoring Reports, ⁶Underground Storage Tank