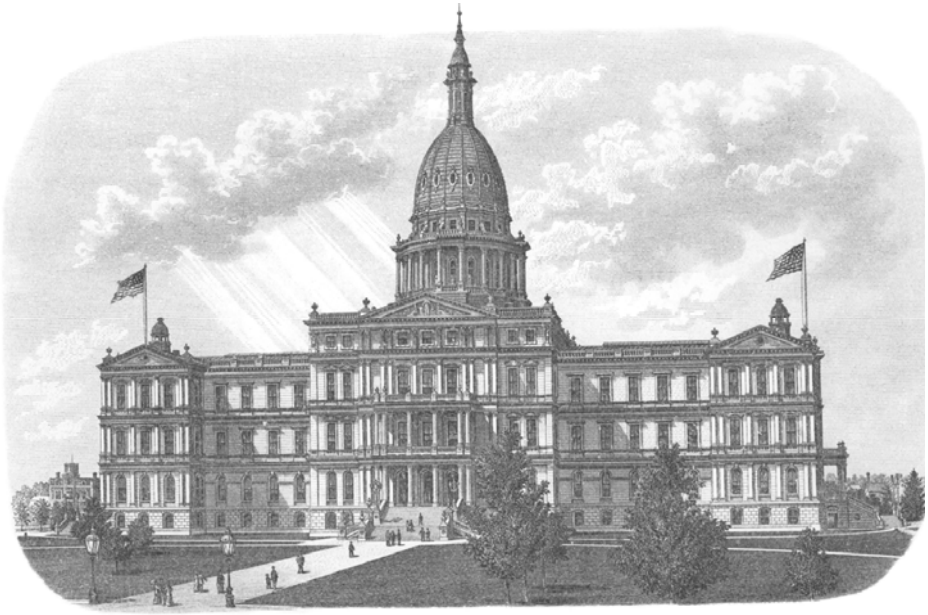
Michigan Register

Issue No. 20– 2015 (Published November 15, 2015)



GRAPHIC IMAGES IN THE

MICHIGAN REGISTER

COVER DRAWING

Michigan State Capitol:

This image, with flags flying to indicate that both chambers of the legislature are in session, may have originated as an etching based on a drawing or a photograph. The artist is unknown. The drawing predates the placement of the statue of Austin T. Blair on the capitol grounds in 1898.

(Michigan State Archives)

PAGE GRAPHICS

Capitol Dome:

The architectural rendering of the Michigan State Capitol's dome is the work of Elijah E. Myers, the building's renowned architect. Myers inked the rendering on linen in late 1871 or early 1872. Myers' fine draftsmanship, the hallmark of his work, is clearly evident.

Because of their size, few architectural renderings of the 19th century have survived. Michigan is fortunate that many of Myers' designs for the Capitol were found in the building's attic in the 1950's. As part of the state's 1987 sesquicentennial celebration, they were conserved and deposited in the Michigan State Archives.

(Michigan State Archives)

East Elevation of the Michigan State Capitol:

When Myers' drawings were discovered in the 1950's, this view of the Capitol – the one most familiar to Michigan citizens – was missing. During the building's recent restoration (1989-1992), this drawing was commissioned to recreate the architect's original rendering of the east (front) elevation.

(Michigan Capitol Committee)

Michigan Register

Published pursuant to § 24.208 of
The Michigan Compiled Laws

Issue No. 20— 2015
(This issue, published November 15, 2015, contains
documents filed from October 15, 2015 to November 1, 2015)

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Rick Snyder, Governor

Brian Calley, Lieutenant Governor

PREFACE

PUBLICATION AND CONTENTS OF THE MICHIGAN REGISTER

The Office of Regulatory Reform publishes the *Michigan Register*.

While several statutory provisions address the publication and contents of the *Michigan Register*, two are of particular importance.

24.208 Michigan register; publication; cumulative index; contents; public subscription; fee; synopsis of proposed rule or guideline; transmitting copies to office of regulatory reform.

Sec. 8.

(1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

(a) Executive orders and executive reorganization orders.

(b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.

(c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.

(d) Proposed administrative rules.

(e) Notices of public hearings on proposed administrative rules.

(f) Administrative rules filed with the secretary of state.

(g) Emergency rules filed with the secretary of state.

(h) Notice of proposed and adopted agency guidelines.

(i) Other official information considered necessary or appropriate by the office of regulatory reform.

(j) Attorney general opinions.

(k) All of the items listed in section 7(m) after final approval by the certificate of need commission under section 22215 of the public health code, 1978 PA 368, MCL 333.22215.

(2) The office of regulatory reform shall publish a cumulative index for the Michigan register.

(3) The Michigan register shall be available for public subscription at a fee reasonably calculated to cover publication and distribution costs.

(4) If publication of an agency's proposed rule or guideline or an item described in subsection (1)(k) would be unreasonably expensive or lengthy, the office of regulatory reform may publish a brief synopsis of the proposed rule or guideline or item described in subsection (1)(k), including information on how to obtain a complete copy of the proposed rule or guideline or item described in subsection (1)(k) from the agency at no cost.

(5) An agency shall electronically transmit a copy of the proposed rules and notice of public hearing to the office of regulatory reform for publication in the Michigan register.

4.1203 Michigan register fund; creation; administration; expenditures; disposition of money received from sale of Michigan register and amounts paid by state agencies; use of fund; price of Michigan register; availability of text on internet; copyright or other proprietary interest; fee prohibited; definition.

Sec. 203.

(1) The Michigan register fund is created in the state treasury and shall be administered by the office of regulatory reform. The fund shall be expended only as provided in this section.

(2) The money received from the sale of the Michigan register, along with those amounts paid by state agencies pursuant to section 57 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.257, shall be deposited with the state treasurer and credited to the Michigan register fund.

(3) The Michigan register fund shall be used to pay the costs of preparing, printing, and distributing the Michigan register.

(4) The department of management and budget shall sell copies of the Michigan register at a price determined by the office of regulatory reform not to exceed the cost of preparation, printing, and distribution.

(5) Notwithstanding section 204, beginning January 1, 2001, the office of regulatory reform shall make the text of the Michigan register available to the public on the internet.

(6) The information described in subsection (5) that is maintained by the office of regulatory reform shall be made available in the shortest feasible time after the information is available. The information described in subsection (5) that is not maintained by the office of regulatory reform shall be made available in the shortest feasible time after it is made available to the office of regulatory reform.

(7) Subsection (5) does not alter or relinquish any copyright or other proprietary interest or entitlement of this state relating to any of the information made available under subsection (5).

(8) The office of regulatory reform shall not charge a fee for providing the Michigan register on the internet as provided in subsection (5).

(9) As used in this section, "Michigan register" means that term as defined in section 5 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.205.

CITATION TO THE MICHIGAN REGISTER

The *Michigan Register* is cited by year and issue number. For example, 2001 MR 1 refers to the year of issue (2001) and the issue number (1).

CLOSING DATES AND PUBLICATION SCHEDULE

The deadlines for submitting documents to the Office of Regulatory Reinvention for publication in the *Michigan Register* are the first and fifteenth days of each calendar month, unless the submission day falls on a Saturday, Sunday, or legal holiday, in which event the deadline is extended to include the next day which is not a Saturday, Sunday, or legal holiday. Documents filed or received after 5:00 p.m. on the closing date of a filing period will appear in the succeeding issue of the *Michigan Register*.

The Office of Regulatory Reinvention is not responsible for the editing and proofreading of documents submitted for publication.

Documents submitted for publication should be delivered or mailed in an electronic format to the following address: MICHIGAN REGISTER, Office of Regulatory Reinvention, Ottawa Building – Second Floor, 611 W. Ottawa Street, Lansing, MI 48909.

RELATIONSHIP TO THE MICHIGAN ADMINISTRATIVE CODE

The *Michigan Administrative Code* (1979 edition), which contains all permanent administrative rules in effect as of December 1979, was, during the period 1980-83, updated each calendar quarter with the publication of a paperback supplement. An annual supplement contained those permanent rules, which had appeared in the 4 quarterly supplements covering that year.

Quarterly supplements to the Code were discontinued in January 1984, and replaced by the monthly publication of permanent rules and emergency rules in the *Michigan Register*. Annual supplements have included the full text of those permanent rules that appear in the twelve monthly issues of the *Register* during a given calendar year. Emergency rules published in an issue of the *Register* are noted in the annual supplement to the Code.

SUBSCRIPTIONS AND DISTRIBUTION

The *Michigan Register*, a publication of the State of Michigan, is available for public subscription at a cost of $400.00 per year. Submit subscription requests to: Office of Regulatory Reinvention, Ottawa Building – Second Floor, 611 W. Ottawa Street, Lansing, MI 48909. Checks Payable: State of Michigan. Any questions should be directed to the Office of Regulatory Reinvention (517) 335-8658.

INTERNET ACCESS

The *Michigan Register* can be viewed free of charge on the Internet web site of the Office of Regulatory Reinvention: www.michigan.gov/orr.

Issue 2000-3 and all subsequent editions of the *Michigan Register* can be viewed on the Office of Regulatory Reinvention Internet web site. The electronic version of the *Register* can be navigated using the blue highlighted links found in the Contents section. Clicking on a highlighted title will take the reader to related text, clicking on a highlighted header above the text will return the reader to the Contents section.

Mike Zimmer, Director
Licensing and Regulatory Affairs

2015 PUBLICATION SCHEDULE

Issue No.	Closing Date for Filing or Submission Of Documents (5 p.m.)	Publication Date
1	January 15, 2015	February 1, 2015
2	February 1, 2015	February 15, 2015
3	February 15, 2015	March 1, 2015
4	March 1, 2015	March 15, 2015
5	March 15, 2015	April 1, 2015
6	April 1, 2015	April 15, 2015
7	April 15, 2015	May 1, 2015
8	May 1, 2015	May 15, 2015
9	May 15, 2015	June 1, 2015
10	June 1, 2015	June 15, 2015
11	June 15, 2015	July 1, 2015
12	July 1, 2015	July 15, 2015
13	July 15, 2015	August 1, 2015
14	August 1, 2015	August 15, 2015
15	August 15, 2015	September 1, 2015
16	September 1, 2015	September 15, 2015
17	September 15, 2015	October 1, 2015
18	October 1, 2015	October 15, 2015
19	October 15, 2015	November 1, 2015
20	November 1, 2015	November 15, 2015
21	November 15, 2015	December 1, 2015
22	December 1, 2015	December 15, 2015
23	December 15, 2015	January 1, 2016
24	January 1, 2016	January 15, 2016

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ADMINISTRATIVE RULES
FILED WITH THE SECRETARY OF STATE

MCL 24.208 states in part:

"Sec. 8. (1) The Office of Regulatory Reinvention shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(f) Administrative rules filed with the secretary of state."

ADMINISTRATIVE RULES

DEPARTMENT OF ENVIRONMENTAL QUALITY

OFFICE OF DRINKING WATER AND MUNICIPAL ASSISTANCE

SUPPLYING WATER TO THE PUBLIC

Filed with the Secretary of State on October 16, 2015

These rules take effect immediately upon filing with the Secretary of State

(By authority conferred on the department of environmental quality by section 5 of 1976 PA 399, MCL 325.1005)

R 325.10102, R 325.10103, R 325.10105, R 325.10108, R 325.10112, R 325.10113, R 325.10116, R 325.10303, R 325.10304, R 325.10306, R 325.10313, R 325.10401a, R 325.10402 to R 325.10405, R 325.10413, R 325.10420, R 325.10602, R 325.10605, R 325.10610, R 325.10610b, R 325.10610d, R 325.10702, R 325.10704, R 325.10708, R 325.10710a, R 325.10719e, R 325.10719f, R 325.10719h, R 325.10719i, R 325.10720, R 325.10720d, R 325.10722, R 325.10739, R 325.11203, R 325.11401 to R 325.11405, R 325.11509, R 325.11606, R 325.11705, R 325.11906a, R 325.11910, R 325.11915, R 325.12102 and R 325.12302 of the Michigan Administrative Code are amended, and R 325.10704a to R 325.10704k and R 325.11510 are added to the Code, and R 325.10416 to R 325.10419, R 325.10719g, R 325.10719m and R 325.12604 of the Code are rescinded, as follows:

PART 1. GENERAL PROVISIONS

R 325.10102 Definitions; A, B.
Rule 102. As used in these rules:
(a) "Act" means 1976 PA 399, MCL 325.1001 to 325.1023 and known as the safe drinking water act.
(b) "Action level" means the concentration of lead or copper in water as specified in R 325.10604f(1)(c) that determines, in some cases, the treatment requirements that a water supply is required to complete.
(c) "Advisory board" means the advisory board of examiners appointed by the director under section 9(2) of the act.
(d) "Alteration" means the modification of, or addition to, an existing waterworks system, or portion of the system, that affects any of the following:
(i) Flow.
(ii) Capacity.
(iii) System service area.
(iv) Source.
(v) Treatment.
(vi) Reliability.

(e) "Approved analytical technique" means a calculation, determination, or other laboratory examination or procedure that has been approved by the United States environmental protection agency under 40 C.F.R. part 141, which is adopted by reference in R 325.10605.
(f) "Approved basement" means a basement which has walls and a floor that are constructed of concrete or its equivalent, which is essentially watertight, which is effectively drained, and which is in daily use.
(g) "Aquifer" means an underground water-bearing formation which is saturated and which transmits water in sufficient quantities to serve as a water supply.
(h) "Artesian" means a condition of internal pressure which causes the water level in a well to rise above the aquifer used to supply water at the well location.
(i) "Asset management program" means a program that identifies the desired level of service at the lowest life cycle cost for rehabilitating, repairing, or replacing the assets associated with the waterworks system.
(j) "Back-up operator" means a certified operator designated by the public water supply to be in charge of the waterworks system or portion of the waterworks system when the operator in charge is not available.
(k) "Bag filters" means pressure-driven separation devices that remove particulate matter larger than 1 micrometer using an engineered porous filtration media. They are typically constructed of a non-rigid, fabric filtration media housed in a pressure vessel in which the direction of flow is from the inside of the bag to outside.
(l) "Bank filtration" means a water treatment process that uses a well to recover surface water that has naturally infiltrated into groundwater through a river bed or bank or banks. Infiltration is typically enhanced by the hydraulic gradient imposed by a nearby pumping water supply or other well or wells.
(m) "Bottled drinking water" means water that is ultimately sold, provided, or offered for human consumption in a closed container.

R 325.10103 Definitions; C.
Rule 103. As used in these rules:
(a) "C" in "CT calculation" means the residual disinfectant concentration measured in milligrams per liter in a representative sample of water.
(b) "Cartridge filters" means pressure-driven separation devices that remove particulate matter larger than 1 micrometer using an engineered porous filtration media. They are typically constructed as rigid or semi-rigid, self-supporting filter elements housed in pressure vessels in which flow is from the outside of the cartridge to the inside.
(c) "Casing" means a durable pipe that is placed in a well to prevent the soil from caving in and to seal off surface drainage or undesirable water, gases, contaminants, or other fluids and prevent them from entering the well and the aquifer supplying the well.
(d) "Casing vent" means an outlet at the upper terminal of a well casing which provides atmospheric pressure in the well and which allows the escape of gases when present.
(e) "Certificate" means a document that is issued by the department to a person who meets the qualification requirements for operating a waterworks system or a portion of the waterworks system.
(f) "Certified operator" means an operator who holds a certificate.
(g) "Clean compliance history" means, for the purposes of the total coliform provisions of R 325.10704a to R 325.10704k, a record of no MCL violations under R 325.10602; no monitoring violations under R 325.10704 to R 325.10709; and no coliform treatment

technique trigger exceedances or treatment technique violations under R 325.10704a to R 325.10704k.
(h) "Combined distribution system" means the interconnected distribution system consisting of the distribution systems of wholesale supplies and of the consecutive supplies that receive finished water.
(i) "Community supply" or "community water supply" or "community water system" means a public water supply that provides year-round service to not fewer than 15 living units or that regularly provides year-round service to not fewer than 25 residents.
(j) "Complete treatment" means a series of processes, including disinfection and filtration, to treat surface water or ground water under the direct influence of surface water, or to treat ground water not under the direct influence of surface water that uses precipitative softening, to produce a finished water meeting state drinking water standards.
(k) "Compliance cycle" means the 9-year calendar year cycle during which public water supplies are required to monitor. Each compliance cycle consists of three 3-year compliance periods. The first calendar year cycle begins January 1, 1993, and ends December 31, 2001; the second begins January 1, 2002, and ends December 31, 2010; the third begins January 1, 2011, and ends December 31, 2019.
(l) "Compliance period" means a 3-year calendar year period within a compliance cycle. Each compliance cycle has three 3-year compliance periods. Within the first compliance cycle, the first compliance period runs from January 1, 1993, to December 31, 1995; the second from January 1, 1996, to December 31, 1998; the third from January 1, 1999, to December 31, 2001.
(m) "Comprehensive performance evaluation (CPE)" means a thorough review and analysis of a treatment plant's performance-based capabilities and associated administrative, operation, and maintenance practices. It is conducted to identify factors that may be adversely impacting a plant's capability to achieve compliance and emphasizes approaches that can be implemented without significant capital improvements. For purposes of compliance, the comprehensive performance evaluation shall consist of at least all of the following components:
(i) Assessment of plant performance.
(ii) Evaluation of major unit processes.
(iii) Identification and prioritization of performance limiting factors.
(iv) Assessment of the applicability of comprehensive technical assistance.
(v) Preparation of a CPE report.
(n) "Confluent growth" means a continuous bacterial growth that covers the entire filtration area of a membrane filter, or portion of a filtration area, in which bacterial colonies are not discrete.
(o) "Consecutive system" or "consecutive supply" means a public water supply that receives some or all of its finished water from 1 or more wholesale supplies. Delivery may be through a direct connection or through the distribution system of 1 or more consecutive supplies.
(p) "Construction" means the erection, installation, or alteration of a waterworks system, or any portion of a waterworks system, that affects any of the following:
(i) Flow.
(ii) Capacity.
(iii) System service area.
(iv) Source.

(v) Treatment.
(vi) Reliability.
(q) "Contested cases" means matters that are within the definition of a contested case as set forth by section 3(3) of 1969 PA 306, MCL 24.203(3), and matters of issue that involve any of the following which are issued by the director, the department, or the division under the act and these rules:
(i) Orders.
(ii) Exemptions.
(iii) Variances.
(iv) Stipulations.
(v) Consent agreements.
(vi) Permits.
(vii) Licenses.
(viii) Certificates.
(r) "Contested case hearing" means a hearing that is initiated by the department or a person under chapters 4, 5, and 6 of 1969 PA 306, MCL 24.271 to 24.306.
(s) "Contaminant" means a physical, chemical, biological, or radiological substance or matter in water.
(t) "Conventional filtration" means a series of processes, including coagulation, flocculation, sedimentation, and filtration, resulting in substantial particulate removal.
(u) "Corrosion inhibitor" means a substance that is capable of reducing the corrosivity of water toward metal plumbing materials, especially lead and copper, by forming a protective film on the interior surface of those materials.
(v) "Cross connection" means a connection or arrangement of piping or appurtenances through which a backflow could occur.
(w) "CT calculation" means the product of residual disinfectant concentration (C) in milligrams per liter determined at or before the first customer and the corresponding disinfectant contact time (T) in minutes; C*T is calculated at rated capacity. The total CT shall be the sum of individual CTs of each disinfectant sequence.
(x) "Customer service connection" means the pipe between a water main and customer site piping or building plumbing system.
(y) "Customer site piping" means an underground piping system owned or controlled by the customer that conveys water from the customer service connection to building plumbing systems and other points of use on lands owned or controlled by the customer. Customer site piping does not include any system that incorporates treatment to protect public health.

R 325.10105 Definitions; F to L.
Rule 105. As used in these rules:
(a) "Federal act" means the safe drinking water act of 1974, 42 U.S.C.§300f et seq. and the state and local assistance set forth in 40 C.F.R. part 35, §35.600 to §35.630; national primary drinking water regulations set forth in 40 C.F.R. part 141; and national primary drinking water regulations implementation set forth in 40 C.F.R. part 142 promulgated by EPA (2014) under the federal act.
(b) "Filter profile" means a graphical representation of individual filter performance, based on continuous turbidity measurements or total particle counts versus time for an entire filter run, from startup to backwash inclusively, that includes an assessment of filter performance while another filter is being backwashed.

(c) "Finished water" means water that is introduced into the distribution system of a public water supply and is intended for distribution and consumption without further treatment, except as treatment necessary to maintain water quality in the distribution system, for example, booster disinfection, addition of corrosion control chemicals.
(d) "Firm capacity," as applied to wells, pumping stations, or units of treatment systems, means the production capability of each respective part of the waterworks system with the largest well, pump, or treatment unit out of service.
(e) "First draw sample" means a 1-liter sample of tap water which has been standing in plumbing pipes for not less than 6 hours and which is collected without flushing the tap.
(f) "Flowing stream" means a course of running water flowing in a definite channel.
(g) "GAC10" means granular activated carbon filter beds with an empty-bed contact time of 10 minutes based on average daily flow and a carbon reactivation frequency of every 180 days, except that the reactivation frequency for GAC10 used as a best available technology for compliance with TTHM and HAA5 MCLs based on a locational running annual average under R 325.10610 shall be 120 days.
(h) "GAC20" means granular activated carbon filter beds with an empty-bed contact time of 20 minutes based on average daily flow and a carbon reactivation frequency of every 240 days.
(i) "Gravity storage tank" means an elevated or ground level finished water storage reservoir that, during normal use, operates under atmospheric pressure.
(j) "Ground water" or "groundwater" means the water in the zone of saturation in which all of the pore spaces of the subsurface material are filled with water.
(k) "Ground water under the direct influence of surface water (GWUDI)" means any water beneath the surface of the ground with significant occurrence of insects or other macroorganisms, algae, or large-diameter pathogens such as Giardia lamblia or Cryptosporidium, or significant and relatively rapid shifts in water characteristics, such as turbidity, temperature, conductivity, or pH, that closely correlate to climatological or surface water conditions. The department will determine direct influence for individual sources in accordance with this definition and R 325.10611(1) and will notify the supply of its determination.
(l) "Grout" means neat cement, concrete, or other sealing material which is approved by the department and which is used to seal a well casing in a well.
(m) "Haloacetic acids (five) (HAA5)" mean the sum of the concentrations in milligrams per liter of the haloacetic acid compounds (monochloroacetic acid, dichloroacetic acid, trichloroacetic acid, monobromoacetic acid, and dibromoacetic acid), rounded to 2 significant figures after addition.
(n) "Imminent hazard" means that, in the judgment of the director, there is a violation, or a condition that may cause a violation, of the state drinking water standards at a public water supply requiring immediate action to prevent endangering the health of people.
(o) "Initial compliance period" means January 1993 to December 1995. For a supply that has less than 150 service connections, the initial compliance period is January 1996 to December 1998 for contaminants listed in part 6 of these rules that have an effective date of January 17, 1994.
(p) "Lake/reservoir" means a natural or man-made basin or hollow on the Earth's surface in which water collects or is stored that may or may not have a current or single direction of flow.
(q) "Large water supply" or "large water system," for the purpose of lead and copper control, means a public water supply that serves more than 50,000 persons.

(r) "Lead service line" means a service line which is made of lead and which connects the water main to the building inlet and any lead pigtail, gooseneck, or other fitting that is connected to the lead line.
(s) "Level 1 assessment" means an evaluation to identify the possible presence of sanitary defects, defects in distribution system coliform monitoring practices, and (when possible) the likely reason that the supply triggered the assessment. Level 1 assessment shall be conducted by the supply operator or owner. Minimum elements include review and identification of atypical events that could affect distributed water quality or indicate that distributed water quality was impaired; changes in distribution system maintenance and operation that could affect distributed water quality (including water storage); source and treatment considerations that bear on distributed water quality, where appropriate (for example, whether a ground water supply is disinfected); existing water quality monitoring data; and inadequacies in sample sites, sampling protocol, and sample processing. The supply shall conduct the assessment consistent with any department directives that tailor specific assessment elements with respect to the size and type of the supply and the size, type, and characteristics of the distribution system.
(t) "Level 2 assessment" means an evaluation to identify the possible presence of sanitary defects, defects in distribution system coliform monitoring practices, and (when possible) the likely reason that the supply triggered the assessment. A level 2 assessment provides a more detailed examination of the supply (including the supply's monitoring and operational practices) than does a level 1 assessment through the use of more comprehensive investigation and review of available information, additional internal and external resources, and other relevant practices. Level 2 assessment shall be conducted by the department. Minimum elements include review and identification of atypical events that could affect distributed water quality or indicate that distributed water quality was impaired; changes in distribution system maintenance and operation that could affect distributed water quality (including water storage); source and treatment considerations that bear on distributed water quality, where appropriate (for example, whether a ground water supply is disinfected); existing water quality monitoring data; and inadequacies in sample sites, sampling protocol, and sample processing. The department shall conduct the assessment tailoring specific assessment elements with respect to the size and type of the supply and the size, type, and characteristics of the distribution system. The supply shall comply with any expedited actions or additional actions required by the department in the case of an E. coli MCL violation.
(u) "License" means the license that is issued by the department to a water hauler, or for a water hauling tank, under section 18 of the act.
(v) "Limited treatment system" means a treatment system, including, but not limited to, disinfection, fluoridation, iron removal, ion exchange treatment, phosphate application, or filtration other than complete treatment.
(w) "Living unit" means a house, apartment, or other domicile occupied or intended to be occupied on a day-to-day basis by an individual, family group, or equivalent.
(x) "Locational running annual average (LRAA)" means the average of sample analytical results for samples taken at a particular monitoring location during the previous 4 calendar quarters.

R 325.10108 Definitions; S.
Rule 108. As used in these rules:

(a) "Sanitary defect" means a defect that could provide a pathway of entry for microbial contamination into the distribution system or that is indicative of a failure or imminent failure in a barrier that is already in place.
(b) "Sanitary survey" means an evaluation, including an on-site review of a waterworks system or a portion of the waterworks system, including all of the following applicable components for existing or potential health hazards for the purpose of determining the ability of the public water supply to produce, treat, and distribute adequate quantities of water meeting state drinking water standards:
(i) Source.
(ii) Treatment.
(iii) Distribution system.
(iv) Finished water storage.
(v) Pumps, pump facilities, and controls.
(vi) Monitoring, reporting, and data verification.
(vii) System management and operation.
(viii) Operator compliance with state requirements.
(c) "Seasonal supply" means a noncommunity water supply that is not operated as a public water supply on a year-round basis and starts up and shuts down at the beginning and end of each operating season.
(d) "Service connection" means a direct connection from a distribution water main to a living unit or other site to provide water for drinking or household purposes.
(e) "Service line sample" means a 1 liter sample of water that has been standing for not less than 6 hours in a service line.
(f) "Shift operator" means a certified operator, other than the operator in charge, who is in charge of an operating shift of a waterworks system.
(g) "Single-family structure," for the purpose of lead and copper control, means a building which is constructed as a single-family residence and which is currently used as either a residence or a place of business.
(h) "Small water supply" or "small water system," for the purpose of lead and copper control, means a public water supply that serves fewer than 3,301 persons.
(i) "SOC" means synthetic organic chemical.
(j) "Source" means the point of origin of raw water or means treated water that is purchased or obtained by a public water supply, by a water hauler, or by a person who provides bottled water.
(k) "State drinking water standards" means quality standards setting limits for contaminant levels or establishing treatment techniques to meet standards necessary to protect the public health.
(l) "Static water level" means the distance measured from an established datum at or above ground level to the water surface in a well which is not being pumped, which is not under the influence of pumping, and which is not flowing under artesian pressure.
(m) "Subpart H system" or "subpart H supply" means a public water supply using surface water or ground water under the direct influence of surface water as a source.
(n) "Suction line" means a pipe or line that is connected to the inlet side of a pump or pumping equipment.
(o) "Supplier of water" or "supplier" means a person who owns or operates a public water supply, and includes a water hauler.
(p) "Surface water" means water that rests or flows on the surface of the ground.

(q) "SUVA" means specific ultraviolet absorption at 254 nanometers (nm), an indicator of the humic content of water. It is a calculated parameter obtained by dividing a sample's ultraviolet absorption at a wavelength of 254 nm (uv254) (in m-1) by its concentration of dissolved organic carbon (DOC) (in mg/l). Therefore, SUVA units are l/mg-m.
(r) "System with a single service connection" means a public water supply that supplies drinking water to consumers through a single service line.

R 325.10112 Adoption by reference.
Rule 112. (1) The materials adopted by reference in this rule are available for inspection at the offices of the department or from the sources, or available on the Internet. The contact information for the department and each source for the materials are listed in R 325.10116 addresses. The purchase prices are at the time of adoption of these rules.
(2) Report 22, 1963, Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure is adopted by reference. The material is referenced in R 325.10603. The material is available for purchase for $20.00 from the National Council on Radiation Protection and Measurements.
(3) NSF international standards are available for purchase from NSF International or on the Internet at http://www.nsf.org. The department adopts by reference all of the following NSF standards:

Standard	Name	Date	Price	Rule Reference
44-2013	Residential Cation Exchange Water Softeners	06/11/2013	$165.00	R 325.10313
53-2013	Drinking Water Treatment Units - Health Effects	06/11/2013	$165.00	R 325.10313
58-2013	Reverse Osmosis Drinking Water Treatment Systems	12/01/2013	$165.00	R 325.10313
60-2012	Drinking Water Treatment Chemicals - Health Effects	08/22/2012	$325.00	R 325.12102
61-2012	Drinking Water System Components - Health Effects	07/08/2012	$325.00	R 325.12102
61-2012 addendum	Addendum: Drinking Water System Components - Health Effects	03/26/2013	$45.00	R 325.12102
62-2013	Drinking Water Distillation Systems	06/11/2013	$165.00	R 325.10313

(4) Title 40 of the Code of Federal Regulations is available on the Internet at http://www.ecfr.gov or contained in 40 CFR parts 136 to 149 available from the superintendent of documents for $67.00. The department adopts by reference both of the following 40 CFR materials:
(a) 40 CFR §141.42(d) Special Monitoring for Corrosivity Characteristics, December 5, 1994, referenced in R 325.10710a.
(b) CT99.9 values in Tables 1.1 to 1.6, 2.1 and 3.1 of 40 CFR §141.74(b)(3)(v) analytical and monitoring requirements, (2014), referenced in R 325.10722.
(5) CT99.99 values in the tables in appendix b of the LT1ESWTR Disinfection Profiling and Benchmarking Technical Guidance Manual, May 2003, are adopted by reference. The material is referenced in R 325. 10722. The guidance manual is accessible on the

Internet at http://www.epa.gov/safewater/mdbp/lt1eswtr.html or available for purchase for $32.50 from Educational Realms (document C-900) at 1929 Kenny Road, Columbus, Ohio 43210-1080, Internet address www.stemworks.org, telephone number 800-276-0462.

R 325.10113 Compliance with rules; guideline information.
Rule 113. Public water supplies may use the information in the following publications as guideline documents to comply with these rules:
(a) Recommended standards for water works, prepared by the Great Lakes--upper Mississippi river board of state sanitary engineers, is available for inspection at the department offices in Lansing, and may be purchased at a cost of $12.00 from the Health Education Services, P.O. Box 7126, Albany, New York 12224 telephone 518-439-7286, Internet http://www.hes.org/.
(b) The American water works association manual M 19, emergency planning for water utilities, 2001, as referred to in part 23, is available for inspection at the department offices in Lansing, and may be purchased at a cost of $95.00 from the American Water Works Association, 6666 West Quincy Avenue, Denver, Colorado 80235, telephone 1-800-926-7337, Internet www.awwa.org.
(c) Suggested practices for waterworks design, construction, and operation for type I public water supplies, February 2008, prepared by the Michigan department of environmental quality, is available for inspection at the department offices in Lansing and on the Internet at http://www.michigan.gov/deq.
(d) Best practices manual for cross connection control, fourth edition, October 2008, prepared by the Michigan department of environmental quality, is available for inspection at the department offices in Lansing and on the Internet at http://www.michigan.gov/deq.
(e) Reference Guide for Asset Management Tools: Asset Management Plan Components and Implementation Tools for Small and Medium sized Drinking Water and Wastewater Systems, May 2014, prepared by the U.S. Environmental Protection Agency, document number EPA 816-B-14-001 is available for inspection at the department offices in Lansing.

R 325.10116 Addresses.
Rule 116. The following are addresses and contact information of the department and other organizations referred to in these rules:
(a) Department of Environmental Quality, Office of Drinking Water and Municipal Assistance, 525 West Allegan Street, Post Office Box 30241, Lansing, MI 48909-7741, Telephone 800-662-9278. Internet address: http://www.michigan.gov/deq.
(b) National Council On Radiation Protection and Measurements, 7910 Woodmont Avenue, Suite 400, Bethesda, Maryland 20814-3095, Telephone 301-657-2652. Internet address: http://www.ncrponline.org/.
(c) NSF International, P.O Box 130140, 789 North Dixboro Road, Ann Arbor, Michigan 48105, telephone 734-769-8010 or 800 673 6275, email info@nsf.org, Internet address http://www.nsf.org.
(d) Superintendent of Documents, United States Government Printing Office, Post Office Box 979050, St. Louis, MO 63197-9000, Telephone 202-512-1800. Internet address to download documents is http://www.gpoaccess.gov/index.html or to purchase documents online is http://bookstore.gpo.gov.

PART 3. VARIANCES, EXEMPTIONS, AND AVAILABLE TECHNOLOGIES

R 325.10303 Request for variance or exemption from state drinking water standards generally.
Rule 303. (1) A variance or exemption from a state drinking water standard shall not be granted with respect to either of the following:
(a) MCLs for E. coli and total coliform. Beginning April 1, 2016, the total coliform MCL is no longer effective.
(b) Treatment technique requirements of filtration and disinfection under R 325.10611 to R 325.10611c.
(2) A supplier of water who wishes to request a variance or exemption from a state drinking water standard shall make that request, in writing, to the department not less than 90 days before the date on which the supplier of water wishes the variance or exemption to be effective. The request shall be made in a manner prescribed by the department and shall contain all information required by this part and the federal act.
(3) Requests for variances or exemptions from state drinking water standards for more than 1 MCL or treatment technique shall be made separately.

R 325.10304 Variance from MCL or treatment technique; required finding.
Rule 304. Variances from an MCL or treatment technique other than those prohibited in R 325.10303 may be granted by the director only upon his or her specific finding that either of the following conditions exists:
(a) The supplier of water demonstrates that the characteristics of the raw water source or sources which are reasonably available to the public water supply do not permit the public water supply to meet the maximum contaminant level specified in a state drinking water standard despite application of the best available treatment technology, techniques, or other means which the department finds are generally available, taking costs into consideration, and that the granting of a variance will not result in an unreasonable risk to the health of persons served by the public water supply.
(b) The supplier of water demonstrates that a specific treatment technique is not necessary to protect the health of persons served by the public water supply, and that the granting of the variance will not result in an unreasonable risk to the health of persons served by the public water supply.

R 325.10306 Exemption from MCL or treatment technique; required finding.
Rule 306. Exemptions from an MCL or treatment technique other than those prohibited in R 325.10303 may be granted by the director only upon his or her specific finding that all of the following conditions exist:
(a) Due to compelling factors, including economic factors, a public water supply is not able to comply with an MCL or treatment technique.
(b) A public water supply for which an exemption is requested was in operation on the effective date of the state drinking water standard.
(c) The supplier of water demonstrates that the granting of an exemption will not result in an unreasonable risk to the health of persons using the public water supply.

R 325.10313 Criteria for water supplies using POE, or POU, or both.

Rule 313. (1) Community and noncommunity water supplies shall not use point-of-use devices (POU) or point-of-entry devices (POE) except as required by the department under R 325.10308b or under all of the following provisions with department approval:
(a) Community water supplies may use POE to comply with the maximum contaminant level or treatment technique for organic, inorganic, and radiological contaminants.
(b) Noncommunity water supplies may use POU, or POE, or both, to comply with maximum contaminant levels or treatment techniques for organic and inorganic contaminants.
(c) An alternative source of water that meets state drinking water standards is not available.
(2) Supplies that use POU or POE, or both, shall meet all of the following requirements:
(a) The supply shall operate and maintain the POU, or POE, or both.
(b) Before POU, or POE, or both, are installed, the supply shall obtain department approval of a monitoring plan that ensures that the devices provide health protection equivalent to that provided by central water treatment. If the POU, or POE, or both, are being used to comply with maximum contaminant levels or treatment techniques, then "equivalent" means that the water shall meet all state drinking water standards and shall be of acceptable quality similar to water distributed by a well-operated central treatment plant. At a minimum, the monitoring plan shall include all of the following:
(i) Contaminants and parameters to be analyzed.
(ii) Physical measurements and observations, such as total flow treated and mechanical condition of the treatment equipment.
(iii) Location of sampling sites.
(iv) Frequency of sampling. Approximately 10% of the treatment units shall be sampled at regular intervals so that all the POE or POU are monitored at least as frequently as required in part 7 for a particular contaminant. For example, for a contaminant that is required to be sampled every 3 years, 10% of the POE or POU shall be monitored quarterly so that in 3 years time all of the POE or POU have been monitored. The department may approve an alternate frequency that better represents the rate of degradation of the POE or POU.
(c) Before POU, or POE, or both, are installed, the supply shall obtain department approval of a technology plan that ensures that effective technology is applied and that the microbiological safety of the water is maintained at all times. At a minimum, the technology plan shall include all of the following:
(i) The POU, or POE, or both, shall be equipped with mechanical warnings to ensure that customers are automatically notified of operational problems.
(ii) If a specific type of POU or POE has been independently certified to comply with the maximum contaminant level or treatment technique in accordance with the American national standards institute/national sanitation foundation standards 44, 53, 58, or 62, as adopted by reference in R 325.10112, then individual units of that type shall be used to comply with the maximum contaminant level or treatment technique. A supply may use an alternate type of POU or POE if the supply demonstrates to the department, using pilot plant studies or other means, that the alternative POU or POE consistently complies with the maximum contaminant level or treatment technique and the department approves the use of the POU or POE.
(iii) The design and application of the POU, or POE, or both, shall consider the potential for increasing concentrations of heterotrophic bacteria in water treated with activated

carbon. Frequent backwashing, post-contactor disinfection, and heterotrophic plate count monitoring may ensure that the microbiological safety of the water is not compromised.
(d) The supply shall demonstrate that buildings connected to the system have sufficient POU, or POE, or both, that are properly installed, maintained, and monitored such that all of consumers shall be protected.
(e) If the POU, or POE, or both, are used to meet an MCL or treatment technique, then the supply shall replace or repair the POU or POE when the contaminant for which the device is intended to control is above the maximum contaminant level in a confirmed sample.
(3) Compliance with the maximum contaminant level shall be determined based on the analytical results obtained at each POU or POE, also known as "sampling point". Compliance determination shall be made under R 325.10604b(2) for volatile organic contaminants, R 325.10604c(2) for inorganic contaminants, or R 325.10604d(2) for synthetic organic chemicals.
(4) Supplies that violate the MCL shall notify the department under part 7 of these rules and shall notify the public under part 4 of these rules. The supply may limit the distribution of the public notice to only persons served by the POU or POE that is out of compliance.

PART 4. PUBLIC NOTIFICATION AND PUBLIC EDUCATION

R 325.10401a General public notification requirements.
Rule 401a. (1) Each community water supply, nontransient noncommunity water supply, or transient noncommunity water supply shall give notice for violations of the maximum contaminant level (MCL), maximum residual disinfection level (MRDL), treatment technique (TT), monitoring requirements, testing procedures in these rules, and for other situations, as listed in the following provisions:
(a) Violations and other situations requiring public notice, including all of the following:
(i) Failure to comply with an applicable maximum contaminant level (MCL) or maximum residual disinfectant level (MRDL).
(ii) Failure to comply with a prescribed treatment technique (TT).
(iii) Failure to perform water quality monitoring, as required by part 7 of these rules.
(iv) Failure to comply with testing procedures as prescribed by part 6 of these rules.
(b) Variance and exemptions under part 3 of these rules, including both of the following:
(i) Operation under a variance or an exemption.
(ii) Failure to comply with the requirements of a schedule that has been set under a variance or exemption.
(c) Special public notices, including all of the following:
(i) Occurrence of a waterborne disease outbreak or other waterborne emergency.
(ii) Exceedance of the nitrate MCL by noncommunity water supplies, where granted permission by the department.
(iii) Fluoride level above 2.0 mg/l as specified in R 325.10408a.
(iv) Availability of unregulated contaminant monitoring data.
(v) Other violations and situations which are determined by the department to require a public notice under this part and which are not already listed in table 1 of this rule. The tier assignment for each specific violation or situation requiring a public notice is identified in table 1 of this rule. Community and noncommunity water supplies are also

considered "water supplies" or "supplies" in this rule, R 325.10402 to R 325.10407 and R 325.10408a to R 325.10409.
(2) Public notice requirements are divided into 3 tiers to take into account the seriousness of the violation or situation and of the potential adverse health effects that may be involved. The public notice requirements for each violation or situation listed in subrule (1) of this rule are determined by the tier to which the violation or situation is assigned. The definition of each tier is provided in the following provisions:
(a) Tier 1 public notice is required for violations and situations that have significant potential to have serious adverse effects on human health as a result of short term exposure.
(b) Tier 2 public notice is required for all other violations and situations that have potential to have serious adverse effects on human health.
(c) Tier 3 public notice is required for all other violations and situations not included in tier 1 and tier 2. The tier assignment for each specific violation or situation is identified in table 1 of this rule.
(3) Supplies shall provide public notice to the following:
(a) Each supply shall provide public notice to persons served by the supply as specified in this part. Supplies that sell or otherwise provide drinking water to other public water supplies, such as to consecutive supplies, shall give public notice to the consecutive supply. The consecutive supply shall provide public notice to the persons it serves.
(b) If a public water supply has a violation in a portion of the distribution system that is physically or hydraulically isolated from other parts of the distribution system, then the department may grant permission, which shall be in writing, to the supply to limit distribution of the public notice to only persons served by that portion of the system which is out of compliance. To be physically separated, the supply shall show that the affected portion of the distribution system is separated from other parts of the distribution system with no interconnections. To be considered hydraulically separated, the supply shall show that the design of the distribution system or the system operation, or both, created a situation where water in the affected portion is effectively isolated from the water in all other parts of the distribution system because of projected water flow patterns and water pressure zones.
(4) The supply, within 10 days of completing the public notification requirements under this part for the initial public notice and applicable repeat notices, shall submit to the department a certification that it fully complied with the public notification regulations. The supply shall include with this certification a representative copy of each type of notice distributed, published, posted, and made available to the persons served by the supply and to the media.

Table 1 Violations and other situations requiring public notice

Contaminant	MCL/MRDL/TT violations [1]		Monitoring, testing, & reporting procedure violations	
	Tier of public notice required	Citation	Tier of public notice required	Citation
I. Violations of MCL, MRDL, treatment technique, monitoring and reporting, and testing procedure requirements:				

Contaminant	MCL/MRDL/TT violations [1]		Monitoring, testing, & reporting procedure violations	
	Tier of public notice required	Citation	Tier of public notice required	Citation
A. Microbiological contaminants				
Total coliform until March 31, 2016	2	R 325.10602(a) and (b)	3	R 325.10704 to R 325.10707a R 325.10702(2) R 325.10707b(4)
Total coliform (TT violations resulting from failure to perform assessments or corrective actions, monitoring violations, and reporting violations) beginning April 1, 2016	2	R 325.10704j(2)(a)	3	R 325.10704j(3) R 325.10704j(4)(a)
Seasonal supply failure to follow department-approved start-up plan before serving water to the public or failure to provide certification to the department beginning April 1, 2016	2	R 325.10704j(2)(b)	3	R 325.10704j(4)(c)
Fecal coliform/E. coli until March 31, 2016	1	R 325.10602(c)	1, 3 [2]	R 325.10704(3) R 325.10707b(4)
E. coli (MCL, monitoring, and reporting violations) beginning April 1, 2016	1	R 325.10704j(1)	3	R 325.10704j(3)(b) R 325.10704j(4)(a) R 325.10704j(4)(b)
E. coli (TT violations resulting from failure to perform level 2 Assessments or corrective action) beginning April 1, 2016	2	R 325.10704j(2)(a)	n/a	n/a

Contaminant	MCL/MRDL/TT violations [1]		Monitoring, testing, & reporting procedure violations	
	Tier of public notice required	Citation	Tier of public notice required	Citation
Turbidity (for TT violations resulting from a single exceedance of maximum allowable turbidity level)	2, 1 [3]	R 325.10611b	3	R 325.10605 R 325.10720(2)(a) and (b)
Violations, other than violations resulting from single exceedance of max. allowable turbidity level (TT)	2	R 325.10611, R 325.10611a, and R 325.10611b	3	R 325.10605 R 325.10720(2)(c) and (d)
Violations of disinfection profiling and benchmarking	N/A	N/A	3	R 325.10722
Violations of filter backwash recycling provisions	2	R 325.10611c	3	R 325.1507
Violations of enhanced treatment for cryptosporidium	2	R 325.10611e to R 325.10611m	2, 3	40 CFR §141.701 to §141.705, as adopted by reference in R 325.10720b, R 325.10720c and R 325.10720d. Failure to collect 3 or more samples for Cryptosporidium analysis is a Tier 2 violation requiring special notice as required in R 325.10408d. All other monitoring and testing procedure violations are Tier 3.

Contaminant	MCL/MRDL/TT violations [1]		Monitoring, testing, & reporting procedure violations	
	Tier of public notice required	Citation	Tier of public notice required	Citation
Violations of rules for ground water supplies subject to R 325.10612	2	R 325.10612b	3	R 325.10739(7) R 325.10739a(5)
B. Inorganic chemicals (IOC)				
Antimony	2	R 325.10604c(1)	3	R 325.10710(4) and (5)
Arsenic	2	R 325.10604c(1)	3	R 325.10710(4) and (5) R 325.10605
Asbestos (fibers longer than 10 μm)	2	R 325.10604c(1)	3	R 325.10710(4), (6)
Barium	2	R 325.10604c(1)	3	R 325.10710(4) and (5)
Beryllium	2	R 325.10604c(1)	3	R 325.10710(4) and (5)
Cadmium	2	R 325.10604c(1)	3	R 325.10710(4) and (5)
Chromium (total)	2	R 325.10604c(1)	3	R 325.10710(4) and (5)
Cyanide (free)	2	R 325.10604c(1)	3	R 325.10710(4) and (5)
Fluoride	2	R 325.10604c(1)	3	R 325.10710(4) and (5)
Mercury (inorganic)	2	R 325.10604c(1)	3	R 325.10710(4) and (5)
Nitrate (as nitrogen)	1	R 325.10604c(1)	1, 3 [4]	R 325.10710(3), (4), (7), and (9)(b)
Nitrite (as nitrogen)	1	R 325.10604c(1)	1, 3 [4]	R 325.10710(3), (4), (8), and (9)(b)
Total nitrate and nitrite (as nitrogen)	1	R 325.10604c(1)	3	R 325.10710(4)
Selenium	2	R 325.10604c(1)	3	R 325.10710(4) and (5)
Thallium	2	R 325.10604c(1)	3	R 325.10710(4) and (5)
C. Lead and copper (action level for lead is 0.015 mg/l, for copper is 1.3 mg/l)				
Lead and copper rule (TT)	2	R 325.10604f(1) – (5) R 325.10410(2) and (3)	3	R 325.10710a to R 325.10710c and R 325.10605
D. Synthetic organic chemicals (SOC)				
2,4-D	2	R 325.10604d(1)	3	R 325.10717

Contaminant	MCL/MRDL/TT violations [1]		Monitoring, testing, & reporting procedure violations	
	Tier of public notice required	Citation	Tier of public notice required	Citation
2,4,5-TP (silvex)	2	R 325.10604d(1)	3	R 325.10717
Alachlor	2	R 325.10604d(1)	3	R 325.10717
Atrazine	2	R 325.10604d(1)	3	R 325.10717
Benzo(a)pyrene (PAHs)	2	R 325.10604d(1)	3	R 325.10717
Carbofuran	2	R 325.10604d(1)	3	R 325.10717
Chlordane	2	R 325.10604d(1)	3	R 325.10717
Dalapon	2	R 325.10604d(1)	3	R 325.10717
Di (2-ethylhexyl) adipate	2	R 325.10604d(1)	3	R 325.10717
Di (2-ethylhexyl) phthalate	2	R 325.10604d(1)	3	R 325.10717
Dibromochloropropane	2	R 325.10604d(1)	3	R 325.10717
Dinoseb	2	R 325.10604d(1)	3	R 325.10717
Dioxin (2,3,7,8-TCDD)	2	R 325.10604d(1)	3	R 325.10717
Diquat	2	R 325.10604d(1)	3	R 325.10717
Endothall	2	R 325.10604d(1)	3	R 325.10717
Endrin	2	R 325.10604d(1)	3	R 325.10717
Ethylene dibromide	2	R 325.10604d(1)	3	R 325.10717
Glyphosate	2	R 325.10604d(1)	3	R 325.10717
Heptachlor	2	R 325.10604d(1)	3	R 325.10717
Heptachlor epoxide	2	R 325.10604d(1)	3	R 325.10717
Hexachlorobenzene	2	R 325.10604d(1)	3	R 325.10717
Hexachlorocyclo-pentadiene	2	R 325.10604d(1)	3	R 325.10717
Lindane	2	R 325.10604d(1)	3	R 325.10717
Methoxychlor	2	R 325.10604d(1)	3	R 325.10717
Oxamyl (vydate)	2	R 325.10604d(1)	3	R 325.10717
Pentachlorophenol	2	R 325.10604d(1)	3	R 325.10717
Picloram	2	R 325.10604d(1)	3	R 325.10717
Polychlorinated biphenyls [PCBs]	2	R 325.10604d(1)	3	R 325.10717
Simazine	2	R 325.10604d(1)	3	R 325.10717
Toxaphene	2	R 325.10604d(1)	3	R 325.10717
E. Volatile organic chemicals (VOC)				
Benzene	2	R 325.10604b(1)	3	R 325.10716
Carbon tetrachloride	2	R 325.10604b(1)	3	R 325.10716
Chlorobenzene (monochloro-benzene)	2	R 325.10604b(1)	3	R 325.10716
O-dichlorobenzene	2	R 325.10604b(1)	3	R 325.10716

Contaminant	MCL/MRDL/TT violations [1]		Monitoring, testing, & reporting procedure violations	
	Tier of public notice required	Citation	Tier of public notice required	Citation
P-dichlorobenzene	2	R 325.10604b(1)	3	R 325.10716
1,2-dichloroethane	2	R 325.10604b(1)	3	R 325.10716
1,1-dichloroethylene	2	R 325.10604b(1)	3	R 325.10716
Cis-1,2-dichloroethylene	2	R 325.10604b(1)	3	R 325.10716
Trans-1,2-dichloroethylene	2	R 325.10604b(1)	3	R 325.10716
Dichloromethane	2	R 325.10604b(1)	3	R 325.10716
1,2-dichloropropane	2	R 325.10604b(1)	3	R 325.10716
Ethylbenzene	2	R 325.10604b(1)	3	R 325.10716
Styrene	2	R 325.10604b(1)	3	R 325.10716
Tetrachloro-ethylene	2	R 325.10604b(1)	3	R 325.10716
Toluene	2	R 325.10604b(1)	3	R 325.10716
1,2,4-trichlorobenzene	2	R 325.10604b(1)	3	R 325.10716
1,1,1-trichloroethane	2	R 325.10604b(1)	3	R 325.10716
1,1,2-trichloroethane	2	R 325.10604b(1)	3	R 325.10716
Trichloroethylene	2	R 325.10604b(1)	3	R 325.10716
Vinyl chloride	2	R 325.10604b(1)	3	R 325.10716
Xylenes (total)	2	R 325.10604b(1)	3	R 325.10716
F. Radioactive contaminants				
Beta/photon emitters	2	R 325.10603(2)(c)	3	R 325.10605 R 325.10725 R 325.10730
Alpha emitters (gross alpha)	2	R 325.10603(2)(b)	3	R 325.10605 R 325.10725 R 325.10726 R 325.10728 R 325.10729
Combined radium (226 & 228)	2	R 325.10603(2)(a)	3	R 325.10605 R 325.10725 R 325.10726 R 325.10728 R 325.10729
Uranium (pCi/L)	2	R 325.10603(2)(d)	3	R 325.10605 R 325.10725 R 325.10726 R 325.10728 R 325.10729

Contaminant	MCL/MRDL/TT violations [1]		Monitoring, testing, & reporting procedure violations	
	Tier of public notice required	Citation	Tier of public notice required	Citation
G. Disinfection byproducts (DBP), byproduct precursors, disinfectant residuals. Where disinfection is used in the treatment of drinking water, disinfectants combine with organic and inorganic matter present in water to form chemicals called disinfection byproducts (DBP). The department sets standards for controlling the levels of disinfectants and DBPs in drinking water, including trihalomethanes (THM) and haloacetic acids (HAA). See R 325.10610 to R 325.10610d, and R 325.10719e to R 325.10719n for disinfection byproduct MCLs, disinfectant MRDLs, and related monitoring requirements.				
Total trihalomethanes (TTHM)	2	R 325.10610(2) R 325.10610b(2)(a)	3	R 325.10610d, R 325.10719e(1) and (2)(a), and R 325.10719h to R 325.10719n
Haloacetic acids (HAA)	2	R 325.10610(2) R 325.10610b(2)(a)	3	R 325.10610d, R 325.10719e(1) and (2)(a), and R 325.10719h to R 325.10719n
Bromate	2	R 325.10610 R 325.10610b(2)(b)	3	R 325.10719e(1) and (2)(c)
Chloramine (MRDL)	2	R 325.10610a R 325.10610b(3)(a)	3	R 325.10719e(1) and (3)
Chlorine (MRDL)	2	R 325.10610a R 325.10610b(3)(a)	3	R 325.10719e(1) and (3)
Chlorite	2	R 325.10610 R 325.10610b(2)(c)	3	R 325.10719e(1) and (2)(b)
Chlorine dioxide (MRDL), where any 2 consecutive daily samples at entrance to distribution system only are above MRDL	2	R 325.10610a R 325.10610b(3)(b)(ii)	2 *, 3	R 325.10719e(1), (3)(b)(i) and (iii)
	* Failure to monitor for chlorine dioxide at the entrance to the distribution system the day after exceeding the MRDL at the entrance to the distribution system is a tier 2 violation.			
Chlorine dioxide (MRDL), where sample(s) in distribution system the next day are also above MRDL	1 *	R 325.10610a R 325.10610b(3)(b)(i)	1	R 325.10719e(1), (3)(b)(ii) and (iii)
	* If any daily sample taken at the entrance to the distribution system exceeds the MRDL for chlorine dioxide and 1 or more samples taken in the distribution system the next day exceed the MRDL, tier 1 notification is required. Failure to take the required samples in the distribution system after the MRDL is exceeded at the entry point also triggers tier 1 notification.			

Contaminant	MCL/MRDL/TT violations [1]		Monitoring, testing, & reporting procedure violations	
	Tier of public notice required	Citation	Tier of public notice required	Citation
Control of DBP precursors—TOC (TT)	2	R 325.10610b(4) R 325.10610c	3	R 325.10719e(1) and (4)
Bench marking and disinfection profiling	N/A	N/A	3	R 325.10722
Development of monitoring plan	N/A	N/A	3	R 325.10719e(5)
H. Other treatment techniques				
Acrylamide (TT)	2	R 325.10604e	N/A	N/A
Epichlorohydrin (TT)	2	R 325.10604e	N/A	N/A
II. Other monitoring:				
Unregulated contaminants	N/A	N/A	3	40 CFR §141.40 [5]
Nickel	N/A	N/A	3	R 325.10710(4), (5), and (9)
III. Public notification for variances and exemptions:				
Operation under a variance or exemption	3	R 325.10302	N/A	N/A
Violation of conditions of a variance or exemption	2	R 325.10312	N/A	N/A
IV. Other situations requiring public notification:				
Fluoride level above 2.0 mg/l	3	R 325.10408a(1)	N/A	N/A
Exceedance of nitrate MCL for noncommunity supplies, as allowed by the department	1	R 325.10604c(3)	N/A	N/A
Availability of unregulated contaminant monitoring data	3	R 325.10407	N/A	N/A
Waterborne disease outbreak	1	R 325.10734(4)	N/A	N/A
Source water sample positive for Fecal Indicator: E.coli, enterococci, or coliphage	1	R 325.10739(6)	N/A	N/A
Other waterborne emergencies and other	1 or 2 or 3 *	N/A	N/A	N/A

Contaminant	MCL/MRDL/TT violations [1]		Monitoring, testing, & reporting procedure violations	
	Tier of public notice required	Citation	Tier of public notice required	Citation
situations as determined by the department	* Waterborne emergencies require a tier 1 public notice. The department may place other situations in any tier it determines appropriate, based on threat to public health.			

[1]MCL - Maximum contaminant level, MRDL - maximum residual disinfectant level, TT - treatment technique.

[2]Failure to test for fecal coliform or E. coli is a tier 1 violation if testing is not done after any repeat sample tests positive for coliform. All other total coliform monitoring and testing procedure violations are tier 3.

[3]Supplies with treatment technique violations involving a single exceedance of a maximum turbidity limit under R 325.10611b(1) are required to initiate consultation with the department within 24 hours after learning of the violation. Based on this consultation, the department may subsequently decide to elevate the violation to tier 1. If a supply is unable to make contact with the department in the 24-hour period, the violation is automatically elevated to tier 1.

[4]Failure to take a confirmation sample within 24 hours for nitrate or nitrite after an initial sample exceeds the MCL is a tier 1 violation. Other monitoring violations for nitrate are tier 3.

[5]Title 40 CFR part 141 Section 40, being 40 CFR §141.40, (2014), which pertains to Unregulated Contaminant Monitoring, is contained in Title 40 CFR parts 136 to 149 and is available for purchase for $67.00 from the superintendent of documents at the address in R 325.10116. The material is available for inspection from the offices of the department at the address in R 325.10116(a) or available on the Internet at http://www.ecfr.gov/.

R 325.10402 Tier 1 public notice; form, manner, and frequency of notice.
Rule 402. (1) A tier 1 public notice is required for all of the following violation categories and other situations in a community or noncommunity water supply that is subject to R 325.10401a:
(a) Violation of the MCL for total coliforms when fecal coliform or E. coli are present in the water distribution system as specified in R 325.10602, or when the water supply fails to test for fecal coliforms or E. coli when a repeat sample tests positive for coliform as specified in R 325.10707. Violation of the MCL for E. coli, as specified in R 325.10602.
(b) Violation of the MCL for nitrate, nitrite, or total nitrate and nitrite, as defined in R 325.10604c, or when the water supply fails to take a confirmation sample within 24 hours of the water supply's receipt of the first sample result showing an exceedance of the nitrate or nitrite MCL, as specified in R 325.10710(9)(b).

(c) Exceedance of the nitrate MCL by noncommunity water supplies, where permitted to exceed the MCL by the department, as required under R 325.10408b.
(d) Violation of the MRDL for chlorine dioxide, as defined in R 325.10610a(1), when 1 or more samples taken in the distribution system the day following an exceedance of the MRDL at the entrance of the distribution system exceed the MRDL, or when the water supply does not take the required samples in the distribution system, as specified in R 325.10610b(3)(b).
(e) Violation of the treatment technique requirement resulting from a single exceedance of the maximum allowable turbidity limit under R 325.10611b(1) as identified in table 1 of R 325.10401a, where the department determines after consultation that a tier 1 notice is required or where consultation does not take place within 24 hours after the supply learns of the violation.
(f) Occurrence of a waterborne disease outbreak or other waterborne emergency, such as a failure or significant interruption in key water treatment processes, a natural disaster that disrupts the water supply or distribution system, or a chemical spill or unexpected loading of possible pathogens into the source water that significantly increases the potential for drinking water contamination.
(g) Detection of E. coli, enterococci, or coliphage in source water samples as specified in R 325.10739(1) and (2).
(h) Other violations or situations with significant potential to have serious adverse effects on human health as a result of short-term exposure, as determined by the department either in these rules or on a case-by-case basis. The tier assignment for each specific violation or situation is listed in table 1 of R 325.10401a.
(2) A tier 1 public notice shall be provided under all the following provisions:
(a) Water supplies shall provide the public notice as soon as practical but not later than 24 hours after the supply learns of the violation or situation.
(b) The water supply shall initiate consultation with the department as soon as practical, but not later than 24 hours after the supply learns of the violation or situation, to determine additional public notice requirements.
(c) The water supply shall comply with additional public notification requirements, including repeat notices or direction on the duration of the posted notices, established as a result of consultation with the department. These additional requirements may include the timing, form, manner, frequency, and content of applicable repeat notices, and other actions designed to reach all persons served.
(3) Water supplies shall provide the notice within 24 hours in a form and manner reasonably calculated to reach all persons served. The form and manner used by the supply are to fit the specific situation, but shall be designed to reach residential, transient, and nontransient users of the supply. To reach all persons served, supplies shall use, at a minimum, 1 or more of the following forms of delivery:
(a) Appropriate broadcast media, such as radio and television.
(b) Posting of the notice in conspicuous locations throughout the area served by the supply.
(c) Hand delivery of the notice to persons served by the system.
(d) Another delivery method approved, in writing, by the department.

R 325.10403 Tier 2 public notice; form, manner, and frequency of notice.

Rule 403. (1) A tier 2 public notice is required for all of the following violations and situations in a community or noncommunity water supply that is subject to R 325.10401a:
(a) All violations of the MCL, MRDL, and treatment technique requirements, except where a tier 1 notice is required under R 325.10402(1) or where the department determines that a tier 1 notice is required.
(b) Violations of the monitoring and testing procedure requirements, where the department determines that a tier 2 rather than a tier 3 public notice is required, taking into account potential health impacts and persistence of the violation.
(c) Failure to comply with the terms and conditions of a variance or exemption in place. The tier assignment for each specific violation or situation is listed in table 1 of R 325.10401a.
(d) Failure to take corrective action or failure to maintain at least 4-log treatment of viruses, using inactivation, removal, or a department-approved combination of 4-log virus inactivation and removal, before or at the first customer under R 325.10612a(1).
(2) A tier 2 public notice shall be provided under all the following provisions:
(a) Supplies shall provide the public notice as soon as practical, but not later than 30 days after the supply learns of the violation or situation. If the public notice is posted, the notice shall remain in place for as long as the violation or situation exists, but not for less than 7 days, even if the violation or situation is resolved. The department may, on a case-by-case basis, allow additional time for the initial notice of up to 3 months from the date the supply learns of the violation or situation. Circumstances that may warrant an extension include coordination with billing cycles for mailing purposes and violations that were quickly resolved and no longer pose any risk to persons served. The department shall not grant an extension to the 30-day deadline for an unresolved violation. Extensions granted by the department shall be in writing.
(b) The supply shall repeat the notice every 3 months as long as the violation or situation exists, unless the department determines that appropriate circumstances warrant a different repeat notice frequency. The repeat notice shall not be given less frequently than once per year. The department shall not allow less frequent repeat notice for an MCL or treatment technique violation of total coliform provisions under R 325.10602, R 325.10704, R 325.10704a to R 325.10704k, and R 325.10705 to R 325.10709 or a treatment technique violation of filtration or disinfection under R 325.10611, R 325.10611a, or R 325.10611b. The department may, on a case-by-case basis, reduce the repeat notice frequency for other ongoing violations requiring a tier 2 repeat notice. Circumstances that may warrant a reduction in frequency include coordination with billing cycles for mailing purposes and consolidating notices for violations and situations occurring within a given year into an annual notice to provide for more effective communication with the consumer. Department determinations allowing repeat notices to be given less frequently than once every 3 months shall be in writing.
(c) For the turbidity violations specified in this subdivision, supplies shall consult with the department as soon as practical but not later than 24 hours after the supply learns of the violation, to determine whether a tier 1 public notice under R 325.10402(1) is required to protect public health. When consultation does not take place within the 24-hour period, the supply shall distribute a tier 1 notice of the violation within the next 24 hours, which shall be not more than 48 hours after the supply learns of the violation, and shall follow the requirements under R 325.10402(2) and (3). Consultation with the department is required for violations of the treatment technique requirement under

R 325.10611 resulting from a single exceedance of the maximum allowable turbidity limit under R 325.10611b.
(3) Supplies shall provide the initial tier 2 public notice and applicable repeat notices in a form and manner that is reasonably calculated to reach persons served in the required time period. The form and manner of the public notice may vary based on the specific situation and type of supply, but it shall, at a minimum, meet all of the following requirements:
(a) Unless directed otherwise by the department, in writing, community water supplies shall provide notice by using both of the following forms of delivery:
(i) Mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the supply.
(ii) Other methods reasonably calculated to reach other persons regularly served by the supply, if they would not normally be reached by the notice required in paragraph (i) of this subdivision. Other persons served may include those who do not pay water bills or do not have service connection addresses, such as house renters, apartment dwellers, university students, nursing home patients, and prison inmates. Other methods may include any of the following:
(A) Publication in a local newspaper.
(B) Delivery of multiple copies for distribution by customers that provide their drinking water to others, such as apartment building owners or large private employers.
(C) Posting in public places served by the system or on the internet.
(D) Delivery to community organizations.
(b) Unless directed otherwise by the department, in writing, noncommunity water supplies shall use both of the following forms of delivery:
(i) Posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the system, or mailing or directly delivering to each customer and service connection, where known.
(ii) Other methods reasonably calculated to reach other persons served by the system if they would not normally be reached by the notice required in paragraph (i) of this subdivision. Other persons served may include those who may not see a posted notice because the notice is not in a location they routinely pass by. Other methods may include any of the following:
(A) Publication in a local newspaper or newsletter distributed to customers.
(B) Use of e-mail to notify employees or students.
(C) Delivery of multiple copies in central locations, such as community centers.

R 325.10404 Tier 3 public notice; form, manner, and frequency of notice.
Rule 404. (1) A tier 3 public notice is required for all of the following violation categories and other situations in a community or noncommunity water supply that is subject to R 325.10401a:
(a) Monitoring violations under part 7 of these rules, except where a tier 1 notice is required under R 325.10402(1) or where the department determines that a tier 2 notice is required.
(b) Failure to comply with a testing procedure established in part 6 of these rules, except where a tier 1 notice is required under R 325.10402(1) or where the department determines that a tier 2 notice is required.
(c) Operation under a variance or exemption granted under section 20 of the safe drinking water act, 1976 PA 399, MCL 325.1020 and part 3 of these rules.

(d) Availability of unregulated contaminant monitoring results, as required under R 325.10407.
(e) Fluoride level above 2.0 mg/l as specified in R 325.10408a.The tier assignment for each specific violation or situation is listed in table 1 of R 325.10401a.
(f) Reporting and recordkeeping violations under total coliform provisions of R 325.10704a to R 325.10704k.
(2) A tier 3 public notice shall be provided under all the following provisions:
(a) Supplies shall provide the public notice not later than 1 year after the supply learns of the violation or situation or begins operating under a variance or exemption. Following the initial notice, the supply shall repeat the notice annually for as long as the violation, variance, exemption, or other situation exists. If the public notice is posted, the notice shall remain in place for as long as the violation, variance, exemption, or other situation exists, but for not less than 7 days, even if the violation or situation is resolved.
(b) Instead of individual tier 3 public notices, a supply may use an annual report detailing all violations and situations that occurred during the previous 12 months, as long as the timing requirements of subdivision (a) of this subrule are met.
(3) Supplies shall provide the initial tier 3 public notice and applicable repeat notices in a form and manner that is reasonably calculated to reach persons served in the required time period. The form and manner of the public notice may vary based on the specific situation and type of supply, but it shall, at a minimum, meet all of the following requirements:
(a) Unless directed otherwise by the department, in writing, community water supplies shall provide notice by using both of the following forms of delivery:
(i) Mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the community supply.
(ii) Other methods reasonably calculated to reach other persons regularly served by the community supply, if they would not normally be reached by the notice required in paragraph (i) of this subdivision. Other persons served may include those who do not pay water bills or do not have service connection addresses, such as house renters, apartment dwellers, university students, nursing home patients, and prison inmates. Other methods may include any of the following:
(A) Publication in a local newspaper.
(B) Delivery of multiple copies for distribution by customers that provide their drinking water to others, such as apartment building owners or large private employers.
(C) Posting in public places served by the community supply or on the internet.
(D) Delivery to community organizations.
(b) Unless directed otherwise by the department, in writing, noncommunity water supplies shall provide notice by using both of the following forms of delivery:
(i) Posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the noncommunity supply or mailing or directly delivering to each customer and service connection, where known.
(ii) Other methods reasonably calculated to reach other persons served by the noncommunity supply if they would not normally be reached by the notice required in paragraph (i) of this subdivision. Other persons served may include those who may not see a posted notice because the notice is not in a location they routinely pass by. Other methods may include any of the following:
(A) Publication in a local newspaper or newsletter distributed to customers.
(B) Use of e-mail to notify employees or students.

(C) Delivery of multiple copies in central locations, such as community centers.
(4) For community water supplies, the consumer confidence report (CCR) required under R 325.10411 to R 325.10415 may be used as a vehicle for the initial tier 3 public notice and all required repeat notices, if all of the following requirements are satisfied:
(a) The CCR is provided to persons served not later than 12 months after the community water supply learns of the violation or situation as required under subrule (2) of this rule.
(b) The tier 3 notice contained in the CCR follows the content requirements under R 325.10405.
(c) The CCR is distributed following the delivery requirements under subrule (3) of this rule.

R 325.10405 Content of public notice.
Rule 405. (1) If a community or noncommunity water supply that is subject to R 325.10401a has a violation or situation requiring public notification, then each public notice shall include all of the following elements:
(a) A description of the violation or situation, including the contaminant or contaminants of concern, and, as applicable, the contaminant level or levels.
(b) When the violation or situation occurred.
(c) The potential adverse health effects from the violation or situation, including the standard language under subrule (4)(a) or (4)(b) of this rule, whichever is applicable.
(d) The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in their drinking water.
(e) If alternative water supplies should be used.
(f) What actions consumers should take, including when they should seek medical help, if known.
(g) What the supply is doing to correct the violation or situation.
(h) When the supply expects to return to compliance or resolve the situation.
(i) The name, business address, and phone number of the supply or designee of the supply as a source of additional information concerning the notice.
(j) A statement to encourage the notice recipient to distribute the public notice to other persons served, using the standard language under subrule (4)(c) of this rule, where applicable.
(2) All of the following elements shall be included in the public notice for public water supplies operating under a variance or exemption:
(a) If a public water supply has been granted a variance or an exemption, then the public notice shall contain all of the following elements:
(i) An explanation of the reasons for the variance or exemption.
(ii) The date on which the variance or exemption was issued.
(iii) A brief status report on the steps the supply is taking to install treatment, find alternative sources of water, or otherwise comply with the terms and schedules of the variance or exemption.
(iv) A notice of opportunities for public input in the review of the variance or exemption.
(b) If a public water supply violates the conditions of a variance or exemption, then the public notice shall contain the 10 elements listed in subrule (1) of this rule.
(3) The public notice shall be presented in the following manner:
(a) Each public notice required by this part shall meet all of the following criteria:
(i) Shall be displayed in a conspicuous way when printed or posted.
(ii) Shall not contain overly technical language or very small print.

(iii) Shall not be formatted in a way that defeats the purpose of the notice.
(iv) Shall not contain language which nullifies the purpose of the notice.
(b) In communities where more than 10% of the consumers are non English speaking consumers, the public notice shall contain information in the appropriate language or languages regarding the importance of the notice or contain a telephone number or address where persons served may contact the supply to obtain a translated copy of the notice or to request assistance in the appropriate language.
(4) The supply shall include the following standard language in the public notice:
(a) The supply shall include in each public notice the health effects language specified in table 1 of this rule corresponding to each MCL, MRDL, and treatment technique violation listed in table 1 of R 325.10401a, and for each violation of a condition of a variance or exemption.
(b) The supply shall include the following language in the notice, including the language necessary to fill in the blanks, for all monitoring and testing procedure violations listed in table 1 of R 325.10401a: "We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not your drinking water meets health standards. During [compliance period], we 'did not monitor or test' or 'did not complete all monitoring or testing' for [contaminant or contaminants], and therefore cannot be sure of the quality of your drinking water during that time."
(c) The supply shall include in the notice the following language, where applicable, to encourage the distribution of the public notice to all persons served: "Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses).You can do this by posting this notice in a public place or distributing copies by hand or mail."

Table 1 Regulated contaminants

Key
AL=Action level
MCL=Maximum contaminant level
MCLG=Maximum contaminant level goal
mfl=Million fibers per liter
MRDL=Maximum residual disinfectant level
MRDLG=Maximum residual disinfectant level goal
mrem/year=Millirems per year (a measure of radiation absorbed by the body)
N/A=Not applicable
NTU=Nephelometric turbidity units (a measure of water clarity)
pci/l=Picocuries per liter (a measure of radioactivity)
ppm=Parts per million, or milligrams per liter (mg/l)
ppb=Parts per billion, or micrograms per liter (µg/l)
ppt=Parts per trillion, or nanograms per liter
ppq=Parts per quadrillion, or picograms per liter
TT=Treatment technique

Contaminant in CCR units	Traditional MCL in mg/l, except where noted	To convert for CCR, multiply by	MCL in CCR units	MCLG in CCR units	Major sources in drinking water	Health effects language
Microbiological contaminants						
Total coliform bacteria until March 31, 2016	MCL: For water supplies analyzing 40 or more samples per month, not more than 5.0% of the monthly samples may be positive for total coliform. For supplies analyzing fewer than 40 samples per month, not more than 1 sample per month may be positive for total coliform.			zero	Naturally present in the environment	Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.
Total coliform bacteria beginning April 1, 2016. This row applies to Consumer Confidence Reporting.	TT	No conversion necessary	TT	N/A	Naturally present in the environment	Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially harmful, waterborne pathogens may be present or that a potential pathway exists through which contamination may enter the drinking water distribution system.

Contaminant in CCR units	Traditional MCL in mg/l, except where noted	To convert for CCR, multiply by	MCL in CCR units	MCLG in CCR units	Major sources in drinking water	Health effects language
Fecal coliform and E. coli until March 31, 2016	zero	No conversion necessary	zero	zero	Human and animal fecal waste	Fecal coliforms and E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly, and people with severely compromised immune systems.
E. coli beginning April 1, 2016	MCL: Routine and repeat samples are total coliform-positive and either is E. coli-positive or supply fails to take all required repeat samples following E. coli-positive routine sample or supply fails to analyze total coliform-positive repeat sample for E. coli			zero	Human and animal fecal waste	E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Human pathogens in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a greater health risk for infants, young children, the elderly, and people with severely-compromised immune systems.

Contaminant in CCR units	Traditional MCL in mg/l, except where noted	To convert for CCR, multiply by	MCL in CCR units	MCLG in CCR units	Major sources in drinking water	Health effects language
Coliform Assessment and/or Corrective Action Violations beginning April 1, 2016. This row applies to public notification. For Consumer Confidence Reporting, see R 325.10413(12)(g)(i).	N/A	No conversion necessary	TT	N/A	N/A	Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially harmful, waterborne pathogens may be present or that a potential pathway exists through which contamination may enter the drinking water distribution system. We found coliforms indicating the need to look for potential problems in water treatment or distribution. When this occurs, we are required to conduct assessments to identify problems and to correct any problems that are found. [THE SUPPLY MUST USE ONE OF THE FOLLOWING APPLICABLE SENTENCES:] We failed to conduct the required assessment. We failed to correct all identified sanitary defects that were found during the assessment(s).

Contaminant in CCR units	Traditional MCL in mg/l, except where noted	To convert for CCR, multiply by	MCL in CCR units	MCLG in CCR units	Major sources in drinking water	Health effects language
E. coli Assessment and/or Corrective Action Violations beginning April 1, 2106. This row applies to public notification. For Consumer Confidence Reporting, see R 325.10413(12)(g)(ii).	N/A	No conversion necessary	TT	N/A	N/A	E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Human pathogens in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a greater health risk for infants, young children, the elderly, and people with severely compromised immune systems. We violated the standard for E. coli, indicating the need to look for potential problems in water treatment or distribution. When this occurs, we are required to conduct a detailed assessment to identify problems and to correct any problems that are found. [THE SUPPLY MUST USE ONE OF THE FOLLOWING APPLICABLE SENTENCES:] We failed to conduct the required assessment. We failed to correct all identified sanitary defects that were found during the assessment that we conducted.
Seasonal Supply Treatment Technique Violations of the Total Coliform Rule beginning April 1, 2016.	N/A	No conversion necessary	TT	N/A	N/A	When this violation includes the failure to monitor for total coliforms or E. coli prior to serving water to the public, the mandatory language found at R 325.10405(4)(b) shall be used. When this violation includes failure to complete other actions, the appropriate public notice elements found in R 325.10405(1) shall be used.

Contaminant in CCR units	Traditional MCL in mg/l, except where noted	To convert for CCR, multiply by	MCL in CCR units	MCLG in CCR units	Major sources in drinking water	Health effects language
Fecal indicator under groundwater requirements in R 325.10612 et. al: - E.coli - enterococci or - coliphage)	TT	No conversion necessary	TT	E.coli: zero Others: N/A	Human and animal fecal waste	Fecal indicators are microbes whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term health effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly, and people with severely compromised immune systems.
Violations of rules for ground water supplies subject to R 325.10612	TT	No conversion necessary	TT	N/A	N/A	Inadequately treated or inadequately protected water may contain disease-causing organisms. These organisms can cause symptoms such as diarrhea, nausea, cramps, and associated headaches.
Turbidity (ntu)	TT	No conversion necessary	TT	N/A	Soil runoff	Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.
Other microbiological contaminants						
Giardia lamblia, viruses, heterotrophic plate	TT*	No conversion necessary	TT*	zero	Naturally present in the environment	Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which

Contaminant in CCR units	Traditional MCL in mg/l, except where noted	To convert for CCR, multiply by	MCL in CCR units	MCLG in CCR units	Major sources in drinking water	Health effects language
count (HPC) bacteria, legionella, cryptosporidium	* The treatment technique violations that involve turbidity exceedances may use health effects language for turbidity instead.					can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.
Inorganic contaminants						
Antimony (ppb)	0.006	1000	6	6	Discharge from petroleum refineries; fire retardants; ceramics; electronics; solder	Some people who drink water containing antimony well in excess of the MCL over many years could experience increases in blood cholesterol and decreases in blood sugar.
Arsenic (ppb)	0.010	1000	10	0	Erosion of natural deposits; runoff from orchards; runoff from glass and electronics production wastes	Some people who drink water containing arsenic in excess of the MCL over many years could experience skin damage or problems with their circulatory system, and may have an increased risk of getting cancer.
Asbestos [fibers longer than 10 µm] (mfl)	7 mfl	No conversion necessary	7	7	Decay of asbestos cement water mains; erosion of natural deposits	Some people who drink water containing asbestos in excess of the MCL over many years may have an increased risk of developing benign intestinal polyps.
Barium (ppm)	2	No conversion necessary	2	2	Discharge of drilling wastes; discharge from metal refineries; erosion of natural deposits	Some people who drink water containing barium in excess of the MCL over many years could experience an increase in their blood pressure.

Contaminant in CCR units	Traditional MCL in mg/l, except where noted	To convert for CCR, multiply by	MCL in CCR units	MCLG in CCR units	Major sources in drinking water	Health effects language
Beryllium (ppb)	0.004	1000	4	4	Discharge from metal refineries and coal-burning factories; discharge from electrical, aerospace, and defense industries	Some people who drink water containing beryllium well in excess of the MCL over many years could develop intestinal lesions.
Cadmium (ppb)	0.005	1000	5	5	Corrosion of galvanized pipes; erosion of natural deposits; discharge from metal refineries; runoff from waste batteries and paints	Some people who drink water containing cadmium in excess of the MCL over many years could experience kidney damage.
Chromium [total] (ppb)	0.1	1000	100	100	Discharge from steel and pulp mills; erosion of natural deposits	Some people who use water containing chromium well in excess of the MCL over many years could experience allergic dermatitis.
Cyanide [free] (ppb)	0.2	1000	200	200	Discharge from steel/metal factories; discharge from plastic and fertilizer factories	Some people who drink water containing cyanide well in excess of the MCL over many years could experience nerve damage or problems with their thyroid.

Contaminant in CCR units	Traditional MCL in mg/l, except where noted	To convert for CCR, multiply by	MCL in CCR units	MCLG in CCR units	Major sources in drinking water	Health effects language
Fluoride (ppm)	4.0	No conversion necessary	4.0	4.0	Erosion of natural deposits; water additive that promotes strong teeth; discharge from fertilizer and aluminum factories	Some people who drink water containing fluoride in excess of the MCL over many years could get bone disease, including pain and tenderness of the bones. Fluoride in drinking water at half the MCL or more may cause mottling of children's teeth, usually in children less than 9 years old. Mottling, also known as dental fluorosis, may include brown staining and/or pitting of the teeth, and occurs only in developing teeth before they erupt from the gums.
Mercury [inorganic] (ppb)	0.002	1000	2	2	Erosion of natural deposits; discharge from refineries and factories; runoff from landfills; runoff from cropland	Some people who drink water containing inorganic mercury well in excess of the MCL over many years could experience kidney damage.
Nitrate [as nitrogen] (ppm)	10	No conversion necessary	10	10	Runoff from fertilizer use; leaching from septic tanks, sewage; erosion of natural deposits	Infants below the age of 6 months who drink water containing nitrate in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.

Contaminant in CCR units	Traditional MCL in mg/l, except where noted	To convert for CCR, multiply by	MCL in CCR units	MCLG in CCR units	Major sources in drinking water	Health effects language
Nitrite [as nitrogen] (ppm)	1	No conversion necessary	1	1	Runoff from fertilizer use; leaching from septic tanks, sewage; erosion of natural deposits	Infants below the age of 6 months who drink water containing nitrite in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.
Total nitrate and nitrite [as nitrogen] (ppm)	10	No conversion necessary	10	10	Runoff from fertilizer use; leaching from septic tanks, sewage; erosion of natural deposits	Infants below the age of 6 months who drink water containing nitrate and nitrite in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.
Selenium (ppb)	0.05	1000	50	50	Discharge from petroleum and metal refineries; erosion of natural deposits; discharge from mines	Selenium is an essential nutrient. However, some people who drink water containing selenium in excess of the MCL over many years could experience hair or fingernail losses, numbness in fingers or toes, or problems with their circulation.
Thallium (ppb)	0.002	1000	2	0.5	Leaching from ore-processing sites; discharge from electronics, glass, and drug factories	Some people who drink water containing thallium in excess of the MCL over many years could experience hair loss, changes in their blood, or problems with their kidneys, intestines, or liver.
Lead and copper						

Contaminant in CCR units	Traditional MCL in mg/l, except where noted	To convert for CCR, multiply by	MCL in CCR units	MCLG in CCR units	Major sources in drinking water	Health effects language
Lead (ppb)	AL=0.015	1000	AL=15 (TT)	zero	Corrosion of household plumbing systems; erosion of natural deposits	Infants and children who drink water containing lead in excess of the action level could experience delays in their physical or mental development. Children could show slight deficits in attention span and learning abilities. Adults who drink this water over many years could develop kidney problems or high blood pressure.
Copper (ppm)	AL=1.3	No conversion necessary	AL=1.3 (TT)	1.3	Corrosion of household plumbing systems; erosion of natural deposits	Copper is an essential nutrient, but some people who drink water containing copper in excess of the action level over a relatively short amount of time could experience gastrointestinal distress. Some people who drink water containing copper in excess of the action level over many years could suffer liver or kidney damage. People with Wilson's disease should consult their personal doctor.
Synthetic organic contaminants including pesticides and herbicides						
2,4-D (ppb)	0.07	1000	70	70	Runoff from herbicide used on row crops	Some people who drink water containing the weed killer 2,4-d well in excess of the MCL over many years could experience problems with their kidneys, liver, or adrenal glands.
2,4,5-TP [silvex] (ppb)	0.05	1000	50	50	Residue of banned herbicide	Some people who drink water containing silvex in excess of the MCL over many years could experience liver problems.

Contaminant in CCR units	Traditional MCL in mg/l, except where noted	To convert for CCR, multiply by	MCL in CCR units	MCLG in CCR units	Major sources in drinking water	Health effects language
Alachlor (ppb)	0.002	1000	2	zero	Runoff from herbicide used on row crops	Some people who drink water containing alachlor in excess of the MCL over many years could have problems with their eyes, liver, kidneys, or spleen, or experience anemia, and may have an increased risk of getting cancer.
Atrazine (ppb)	0.003	1000	3	3	Runoff from herbicide used on row crops	Some people who drink water containing atrazine well in excess of the MCL over many years could experience problems with their cardiovascular system or reproductive difficulties.
Benzo(a)pyrene [PAHs] (ppt)	0.0002	1,000,000	200	zero	Leaching from linings of water storage tanks and distribution lines	Some people who drink water containing benzo(a)pyrene in excess of the MCL over many years may experience reproductive difficulties and may have an increased risk of getting cancer.
Carbofuran (ppb)	0.04	1000	40	40	Leaching of soil fumigant used on rice and alfalfa	Some people who drink water containing carbofuran in excess of the MCL over many years could experience problems with their blood or nervous or reproductive systems.
Chlordane (ppb)	0.002	1000	2	zero	Residue of banned termiticide	Some people who drink water containing chlordane in excess of the mcl over many years could experience problems with their liver or nervous system, and may have an increased risk of getting cancer.
Dalapon (ppb)	0.2	1000	200	200	Runoff from herbicide used on rights of way	Some people who drink water containing dalapon well in excess of the MCL over many years could experience minor kidney changes.

Contaminant in CCR units	Traditional MCL in mg/l, except where noted	To convert for CCR, multiply by	MCL in CCR units	MCLG in CCR units	Major sources in drinking water	Health effects language
Di(2-ethylhexyl) adipate (ppb)	0.4	1000	400	400	Discharge from chemical factories	Some people who drink water containing di (2-ethylhexyl) adipate well in excess of the MCL over many years could experience toxic effects such as weight loss, liver enlargement, or possible reproductive difficulties.
Di(2-ethylhexyl) phthalate (ppb)	0.006	1000	6	zero	Discharge from rubber and chemical factories	Some people who drink water containing di (2-ethylhexyl) phthalate well in excess of the MCL over many years may have problems with their liver, or experience reproductive difficulties, and may have an increased risk of getting cancer.
Dibromochloropropane [DBCP] (ppt)	0.0002	1,000,000	200	zero	Runoff/leaching from soil fumigant used on soybeans, cotton, pineapples, and orchards	Some people who drink water containing DBCP in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.
Dinoseb (ppb)	0.007	1000	7	7	Runoff from herbicide used on soybeans and vegetables	Some people who drink water containing dinoseb well in excess of the MCL over many years could experience reproductive difficulties.
Dioxin [2,3,7,8-TCDD] (ppq)	0.00000003	1,000,000,000	30	zero	Emissions from waste incineration and other combustion; discharge from chemical factories	Some people who drink water containing dioxin in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.
Diquat (ppb)	0.02	1000	20	20	Runoff from herbicide use	Some people who drink water containing diquat in excess of the MCL over many years could get cataracts.

Contaminant in CCR units	Traditional MCL in mg/l, except where noted	To convert for CCR, multiply by	MCL in CCR units	MCLG in CCR units	Major sources in drinking water	Health effects language
Endothall (ppb)	0.1	1000	100	100	Runoff from herbicide use	Some people who drink water containing endothall in excess of the MCL over many years could experience problems with their stomach or intestines.
Endrin (ppb)	0.002	1000	2	2	Residue of banned insecticide	Some people who drink water containing endrin in excess of the MCL over many years could experience liver problems.
Ethylene dibromide (ppt)	0.00005	1,000,000	50	zero	Discharge from petroleum refineries	Some people who drink water containing ethylene dibromide in excess of the MCL over many years could experience problems with their liver, stomach, reproductive system, or kidneys, and may have an increased risk of getting cancer.
Glyphosate (ppb)	0.7	1000	700	700	Runoff from herbicide use	Some people who drink water containing glyphosate in excess of the MCL over many years could experience problems with their kidneys or reproductive difficulties.
Heptachlor (ppt)	0.0004	1,000,000	400	zero	Residue of banned pesticide	Some people who drink water containing heptachlor in excess of the MCL over many years could experience liver damage and may have an increased risk of getting cancer.
Heptachlor epoxide (ppt)	0.0002	1,000,000	200	zero	Breakdown of heptachlor	Some people who drink water containing heptachlor epoxide in excess of the MCL over many years could experience liver damage, and may have an increased risk of getting cancer.

Contaminant in CCR units	Traditional MCL in mg/l, except where noted	To convert for CCR, multiply by	MCL in CCR units	MCLG in CCR units	Major sources in drinking water	Health effects language
Hexachlorobenzene (ppb)	0.001	1000	1	zero	Discharge from metal refineries and agricultural chemical factories	Some people who drink water containing hexachlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys, or adverse reproductive effects, and may have an increased risk of getting cancer.
Hexachlorocyclopentadiene (ppb)	0.05	1000	50	50	Discharge from chemical factories	Some people who drink water containing hexachlorocyclopentadiene well in excess of the MCL over many years could experience problems with their kidneys or stomach.
lindane (ppt)	0.0002	1,000,000	200	200	Runoff/leaching from insecticide used on cattle, lumber, gardens	Some people who drink water containing lindane in excess of the MCL over many years could experience problems with their kidneys or liver.
Methoxychlor (ppb)	0.04	1000	40	40	Runoff/leaching from insecticide used on fruits, vegetables, alfalfa, livestock	Some people who drink water containing methoxychlor in excess of the MCL over many years could experience reproductive difficulties.
Oxamyl [vydate] (ppb)	0.2	1000	200	200	Runoff/leaching from insecticide used on apples, potatoes, and tomatoes	Some people who drink water containing oxamyl in excess of the MCL over many years could experience slight nervous system effects.
Pentachlorophenol (ppb)	0.001	1000	1	zero	Discharge from wood preserving factories	Some people who drink water containing pentachlorophenol in excess of the MCL over many years could experience problems with their liver or kidneys, and may have an increased risk of getting cancer.

Contaminant in CCR units	Traditional MCL in mg/l, except where noted	To convert for CCR, multiply by	MCL in CCR units	MCLG in CCR units	Major sources in drinking water	Health effects language
Picloram (ppb)	0.5	1000	500	500	Herbicide runoff	Some people who drink water containing picloram in excess of the MCL over many years could experience problems with their liver.
Polychlorinated biphenyls [PCBs] (ppt)	0.0005	1,000,000	500	zero	Runoff from landfills; discharge of waste chemicals	Some people who drink water containing PCBs in excess of the MCL over many years could experience changes in their skin, problems with their thymus gland, immune deficiencies, or reproductive or nervous system difficulties, and may have an increased risk of getting cancer.
Simazine (ppb)	0.004	1000	4	4	Herbicide runoff	Some people who drink water containing simazine in excess of the MCL over many years could experience problems with their blood.
Toxaphene (ppb)	0.003	1000	3	zero	Runoff/leaching from insecticide used on cotton and cattle	Some people who drink water containing toxaphene in excess of the MCL over many years could have problems with their kidneys, liver, or thyroid, and may have an increased risk of getting cancer.
Volatile organic contaminants						
Benzene (ppb)	0.005	1000	5	zero	Discharge from factories; leaching from gas storage tanks and landfills	Some people who drink water containing benzene in excess of the MCL over many years could experience anemia or a decrease in blood platelets, and may have an increased risk of getting cancer.

Contaminant in CCR units	Traditional MCL in mg/l, except where noted	To convert for CCR, multiply by	MCL in CCR units	MCLG in CCR units	Major sources in drinking water	Health effects language
Carbon tetrachloride (ppb)	0.005	1000	5	zero	Discharge from chemical plants and other industrial activities	Some people who drink water containing carbon tetrachloride in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.
Chlorobenzene (ppb)	0.1	1000	100	100	Discharge from chemical and agricultural chemical factories	Some people who drink water containing chlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys.
O-dichlorobenzene (ppb)	0.6	1000	600	600	Discharge from industrial chemical factories	Some people who drink water containing o-dichlorobenzene well in excess of the MCL over many years could experience problems with their liver, kidneys, or circulatory systems.
P-dichlorobenzene (ppb)	0.075	1000	75	75	Discharge from industrial chemical factories	Some people who drink water containing p-dichlorobenzene in excess of the MCL over many years could experience anemia, damage to their liver, kidneys, or spleen, or changes in their blood.
1,2-dichloroethane (ppb)	0.005	1000	5	zero	Discharge from industrial chemical factories	Some people who drink water containing 1,2-dichloroethane in excess of the MCL over many years may have an increased risk of getting cancer.
1,1-dichloroethylene (ppb)	0.007	1000	7	7	Discharge from industrial chemical factories	Some people who drink water containing 1,1-dichloroethylene in excess of the MCL over many years could experience problems with their liver.

Contaminant in CCR units	Traditional MCL in mg/l, except where noted	To convert for CCR, multiply by	MCL in CCR units	MCLG in CCR units	Major sources in drinking water	Health effects language
Cis-1,2-dichloroethylene (ppb)	0.07	1000	70	70	Discharge from industrial chemical factories	Some people who drink water containing cis-1,2-dichloroethylene in excess of the MCL over many years could experience problems with their liver.
Trans-1,2-dichloroethylene (ppb)	0.1	1000	100	100	Discharge from industrial chemical factories	Some people who drink water containing trans-1,2-dichloroethylene well in excess of the MCL over many years could experience problems with their liver.
Dichloromethane (ppb)	0.005	1000	5	zero	Discharge from pharmaceutical and chemical factories	Some people who drink water containing dichloromethane in excess of the MCL over many years could have liver problems and may have an increased risk of getting cancer.
1,2-dichloropropane (ppb)	0.005	1000	5	zero	Discharge from industrial chemical factories	Some people who drink water containing 1,2-dichloropropane in excess of the MCL over many years may have an increased risk of getting cancer.
Ethylbenzene (ppb)	0.7	1000	700	700	Discharge from petroleum refineries	Some people who drink water containing ethylbenzene well in excess of the MCL over many years could experience problems with their liver or kidneys.
Styrene (ppb)	0.1	1000	100	100	Discharge from rubber and plastic factories; leaching from landfills	Some people who drink water containing styrene well in excess of the MCL over many years could have problems with their liver, kidneys, or circulatory system.
Tetrachloro-ethylene (ppb)	0.005	1000	5	Zero	Discharge from factories and dry cleaners	Some people who drink water containing tetrachloroethylene in excess of the MCL over many years could have problems with their liver, and may have an increased risk of getting cancer.

Contaminant in CCR units	Traditional MCL in mg/l, except where noted	To convert for CCR, multiply by	MCL in CCR units	MCLG in CCR units	Major sources in drinking water	Health effects language
Toluene (ppm)	1	No conversion necessary	1	1	Discharge from petroleum factories	Some people who drink water containing toluene well in excess of the MCL over many years could have problems with their nervous system, kidneys, or liver.
1,2,4-trichlorobenzene (ppb)	0.07	1000	70	70	Discharge from textile-finishing factories	Some people who drink water containing 1,2,4-trichlorobenzene well in excess of the MCL over many years could experience changes in their adrenal glands.
1,1,1-trichloroethane (ppb)	0.2	1000	200	200	Discharge from metal degreasing sites and other factories	Some people who drink water containing 1,1,1-trichloroethane in excess of the MCL over many years could experience problems with their liver, nervous system, or circulatory system.
1,1,2-trichloroethane (ppb)	0.005	1000	5	3	Discharge from industrial chemical factories	Some people who drink water containing 1,1,2-trichloroethane well in excess of the MCL over many years could have problems with their liver, kidneys, or immune systems.
Trichloroethylene (ppb)	0.005	1000	5	zero	Discharge from metal degreasing sites and other factories	Some people who drink water containing trichloroethylene in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.
Vinyl chloride (ppb)	0.002	1000	2	zero	Leaching from PVC piping; discharge from plastics factories	Some people who drink water containing vinyl chloride in excess of the MCL over many years may have an increased risk of getting cancer.

Contaminant in CCR units	Traditional MCL in mg/l, except where noted	To convert for CCR, multiply by	MCL in CCR units	MCLG in CCR units	Major sources in drinking water	Health effects language
Xylenes [total] (ppm)	10	No conversion necessary	10	10	Discharge from petroleum factories; discharge from chemical factories	Some people who drink water containing xylenes in excess of the MCL over many years could experience damage to their nervous system.
Radioactive contaminants						
Beta/photon emitters (mrem/yr)	4 mrem/yr	No conversion necessary	4	zero	Decay of natural and man-made deposits	Certain minerals are radioactive and may emit forms of radiation known as photons and beta radiation. Some people who drink water containing beta particle and photon radioactivity in excess of the MCL over many years may have an increased risk of getting cancer.
Alpha emitters [gross alpha] (pci/l)	15 pCi/L	No conversion necessary	15	zero	Erosion of natural deposits	Certain minerals are radioactive and may emit a form of radiation known as alpha radiation. Some people who drink water containing alpha emitters in excess of the MCL over many years may have an increased risk of getting cancer.
Combined radium [226 & 228] (pci/l)	5 pCi/L	No conversion necessary	5	zero	Erosion of natural deposits	Some people who drink water containing radium 226 or 228 in excess of the MCL over many years may have an increased risk of getting cancer.
Uranium (pCi/L)	30 ug/L	No conversion necessary	30	Zero	Erosion of natural deposits	Some people who drink water containing uranium in excess of the MCL over many years may have an increased risk of getting cancer and kidney toxicity.

Contaminant in CCR units	Traditional MCL in mg/l, except where noted	To convert for CCR, multiply by	MCL in CCR units	MCLG in CCR units	Major sources in drinking water	Health effects language
Disinfection byproducts (DBP), byproduct precursors, and disinfectant residuals: where disinfection is used in the treatment of drinking water, disinfectants combine with organic and inorganic matter present in water to form chemicals called disinfection byproducts (DBP). The department sets standards for controlling the levels of disinfectants and DBP in drinking water, including trihalomethanes (THM) and haloacetic acids (HAA). See R 325.10610 to R 325.10610d and R 325.10719e to R 325.10719n for disinfection byproduct MCLs, disinfectant MRDLs, and related monitoring requirements.						
Total trihalomethanes [TTHM] (ppb)	0.080*	1000	80*	N/A	By-product of drinking water disinfection	Some people who drink water containing trihalomethanes in excess of the MCL over many years may experience problems with their liver, kidneys, or central nervous system, and may have an increased risk of getting cancer.
	* The MCL for total trihalomethanes is the sum of the concentrations of the individual trihalomethanes.					
Haloacetic acids (HAAs) (ppb)	0.060*	1000	60*	N/A	By-product of drinking water disinfection	Some people who drink water containing haloacetic acids in excess of the MCL over many years may have an increased risk of getting cancer.
	* The MCL for haloacetic acids is the sum of the concentrations of the individual haloacetic acids.					
Bromate (ppb)	0.010	1000	10	zero	By-product of drinking water disinfection	Some people who drink water containing bromate in excess of the MCL over many years may have an increased risk of getting cancer.
Chloramines (ppm)	MRDL = 4	No conversion necessary	MRDL = 4	MRDLG = 4	Water additive used to control microbes	Some people who use water containing chloramines well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chloramines well in excess of the MRDL could experience stomach discomfort or anemia.

Contaminant in CCR units	Traditional MCL in mg/l, except where noted	To convert for CCR, multiply by	MCL in CCR units	MCLG in CCR units	Major sources in drinking water	Health effects language
Chlorine (ppm)	MRDL = 4	No conversion necessary	MRDL = 4	MRDLG = 4	Water additive used to control microbes	Some people who use water containing chlorine well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chlorine well in excess of the MRDL could experience stomach discomfort.
Chlorite (ppm)	1	No conversion necessary	1	0.8	By-product of drinking water disinfection	Some infants and young children who drink water containing chlorite in excess of the MCL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorite in excess of the MCL. Some people may experience anemia.
Chlorine dioxide (ppb)	MRDL = 0.8	1000	MRDL = 800	MRDLG = 800	Water additive used to control microbes	Some infants and young children who drink water containing chlorine dioxide in excess of the MRDL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorine dioxide in excess of the MRDL. Some people may experience anemia.

Contaminant in CCR units	Traditional MCL in mg/l, except where noted	To convert for CCR, multiply by	MCL in CCR units	MCLG in CCR units	Major sources in drinking water	Health effects language
	Add the following only to public notification where any 2 consecutive daily samples taken at the entrance to the distribution system are above the MRDL: "The chlorine dioxide violations reported today are the result of exceedances at the treatment facility only, not within the distribution system which delivers water to consumers. Continued compliance with chlorine dioxide levels within the distribution system minimizes the potential risk of these violations to consumers." Add the following only to public notification where 1 or more distribution system samples are above the MRDL: "The chlorine dioxide violations reported today include exceedances of the drinking water standard within the distribution system which delivers water to consumers. Violations of the chlorine dioxide standard within the distribution system may harm human health based on short-term exposures. Certain groups, including fetuses, infants, and young children, may be especially susceptible to nervous system effects from excessive chlorine dioxide exposure."					
Total organic carbon [TOC - control of DBP precursors] (ppm)	TT	No conversion necessary	TT	None	Naturally present in the environment	Total organic carbon (TOC) has no health effects. However, total organic carbon provides a medium for the formation of disinfection byproducts. These byproducts include trihalomethanes (THM) and haloacetic acids (HAA). Drinking water containing these byproducts in excess of the MCL may lead to adverse health effects, liver or kidney problems, or nervous system effects, and may lead to an increased risk of getting cancer.
Other treatment techniques						
Acrylamide	TT	No conversion necessary	TT	zero	Added to water during sewage/ wastewater treatment	Some people who drink water containing high levels of acrylamide over a long period of time could have problems with their nervous system or blood, and may have an increased risk of getting cancer.

Contaminant in CCR units	Traditional MCL in mg/l, except where noted	To convert for CCR, multiply by	MCL in CCR units	MCLG in CCR units	Major sources in drinking water	Health effects language
Epichlorohydrin	TT	No conversion necessary	TT	zero	Discharge from industrial chemical factories; an impurity of some water treatment chemicals	Some people who drink water containing high levels of epichlorohydrin over a long period of time could experience stomach problems, and may have an increased risk of getting cancer.

R 325.10413 Annual consumer confidence reporting; content of reports.
Rule 413. (1) Each community water supply shall provide to its customers an annual report that contains the information specified in this rule and the information specified in R 325.10414.
(2) Each report shall identify the source or sources of the water delivered by the community water supply by providing information on both of the following:
(a) The type of the water; for example, surface water or ground water.
(b) The commonly used name, if any, and location of the body or bodies of water.
(3) If a source water assessment has been completed, then the report shall notify consumers of the availability of the information and the means to obtain it. In addition, a community supply is encouraged to highlight in the report significant sources of contamination in the source water area if the supply has readily available information. If a supply has received a source water assessment from the department, then the report shall include a brief summary of the supply's susceptibility to potential sources of contamination, using language provided by the department or written by the operator.
(4) Each report shall include both of the following definitions:
(a) "Maximum Contaminant Level Goal" or "MCLG" means the level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs allow for a margin of safety.
(b) "Maximum Contaminant Level" or "MCL" means the highest level of a contaminant that is allowed in drinking water. MCLs are set as close to the MCLGs as feasible using the best available treatment technology.
(5) A report for a community water supply operating under a variance or an exemption issued under section 20 of the act shall include the definition for variances and exemptions. "Variances and exemptions" means state or EPA permission not to meet an MCL or a treatment technique under certain conditions.
(6) A report that contains data on regulated contaminants using any of the following terms shall include the applicable definitions:
(a) "Treatment technique" or "TT" means a required process intended to reduce the level of a contaminant in drinking water.
(b) "Action level" or "AL" means the concentration of a contaminant that, if exceeded, triggers treatment or other requirements that a water supply shall follow.
(c) "Maximum residual disinfectant level goal" or "MRDLG" means the level of a drinking water disinfectant below which there is no known or expected risk to health. MRDLGs do not reflect the benefits of the use of disinfectants to control microbial contaminants.
(d) "Maximum residual disinfectant level" or "MRDL" means the highest level of a disinfectant allowed in drinking water. There is convincing evidence that addition of a disinfectant is necessary for control of microbial contaminants.
(7) A report that contains information regarding a level 1 or level 2 assessment required under total coliform provisions of R 325.10704a to R 325.10704k shall include the following applicable definitions:
(a) Level 1 assessment: A level 1 assessment is a study of the water supply to identify potential problems and determine (if possible) why total coliform bacteria have been found in our water system.
(b) Level 2 assessment: A level 2 assessment is a very detailed study of the water system to identify potential problems and determine (if possible) why an E. coli MCL violation has occurred and/or why total coliform bacteria have been found in our water system on multiple occasions.

(8) The report shall include all of the following information on detected contaminants subject to mandatory monitoring, except Cryptosporidium:
(a) This subrule applies to all of the following contaminants:
(i) Contaminants subject to an MCL, action level, maximum residual disinfectant level, or treatment technique known as regulated contaminants.
(ii) Contaminants for which monitoring is required by 40 CFR §141.40, as referenced in R 325.10401a, known as unregulated contaminants.
(iii) Disinfection byproducts or microbial contaminants for which monitoring is required by 40 C.F.R. §§141.142 and 141.143, except as provided under subrule (9)(a) of this rule, and which are detected in the finished water.
(b) The data relating to the contaminants specified in this subrule shall be displayed in 1 table or in several adjacent tables. Any additional monitoring results that a community supply chooses to include in its report shall be displayed separately.
(c) The data shall be derived from data collected to comply with EPA and state monitoring and analytical requirements during the previous calendar year with the following exceptions:
(i) If a supply is allowed to monitor for regulated contaminants less often than once a year, then the table or tables shall include the date and results of the most recent sampling and the report shall include a brief statement indicating that the data presented in the report are from the most recent testing done in accordance with the regulations. Data older than 5 years need not be included.
(ii) Results of monitoring in compliance with 40 C.F.R. §§141.142 and 141.143 need only be included for 5 years from the date of last sample or until any of the detected contaminants becomes regulated and subject to routine monitoring requirements, whichever comes first.
(d) For detected regulated contaminants in table 1 of R 325.10405, the table or tables shall contain all of the following information:
(i) The MCL for that contaminant expressed as a number equal to or greater than 1.0, as provided in table 1 of R 325.10405.
(ii) The MCLG for that contaminant expressed in the same units as the MCL.
(iii) If there is not an MCL for a detected contaminant, then the table shall indicate that there is a treatment technique, or specify the action level, applicable to that contaminant. The report shall also include the definitions for treatment technique or action level, or both, as appropriate, and specified in subrule (6) of this rule.
(iv) For contaminants subject to an MCL, except turbidity, total coliform, fecal coliform, and E. coli, the table shall indicate the highest contaminant level used to determine compliance with a drinking water standard and the range of detected levels as follows:
(A) If compliance with the MCL is determined annually or less frequently, then the table shall indicate the highest detected level at any sampling point and the range of detected levels expressed in the same units as the MCL.
(B) If compliance with the MCL is determined by calculating a running annual average of all samples taken at a sampling point, then the table shall indicate the highest average of any of the sampling points and the range of all sampling points expressed in the same units as the MCL. For the MCLs for TTHM and HAA5 in R 325.10610(2) that are based on a locational running annual average, supplies shall include the highest locational running annual average for TTHM and HAA5 and the range of individual sample results for all monitoring locations expressed in the same units as the MCL. If more than 1 location exceeds the TTHM or HAA5 MCL, the supply shall include the locational running annual averages for all locations that exceed the MCL.

(C) If compliance with the MCL is determined on a supply-wide basis by calculating a running annual average of all samples at all sampling points, then the table shall indicate the average and range of detection expressed in the same units as the MCL. Note to subdivision (d) (iv) of this subrule: When rounding of results to determine compliance with the MCL is allowed, rounding may be done before multiplying the results by the factor listed in table 1 of R 325.10405.
(v) For turbidity reported under R 325.10720 and R 325.10611b, the table shall indicate the highest single measurement and the lowest monthly percentage of samples meeting the turbidity limits for the filtration technology being used. The report shall include an explanation of the reasons for measuring turbidity.
(vi) For lead and copper, the table shall indicate the ninetieth percentile value of the most recent round of sampling and the number of sampling sites exceeding the action level.
(vii) For total coliform analytical results until March 31, 2016, the table shall indicate either of the following:
(A) The highest monthly number of positive samples for supplies collecting fewer than 40 samples per month.
(B) The highest monthly percentage of positive samples for supplies collecting not less than 40 samples per month.
(viii) For fecal coliform and E. coli until March 31, 2016, the table shall indicate the total number of positive samples.
(ix) The table shall indicate the likely source or sources of detected contaminants to the best of the supply's knowledge. Specific information regarding contaminants may be available in sanitary surveys and source water assessments and the supply shall use the information when it is available. If the supply lacks specific information on the likely source, then the report shall include 1 or more of the typical sources for that contaminant listed in table 1 of R 325.10405 that are most applicable to the community water supply.
(x) For E. coli analytical results under the total coliform provisions of R 325.10704a to R 325.10704k, the table shall indicate the total number of positive samples.
(e) If a community water supply distributes water to its customers from multiple hydraulically independent distribution systems that are fed by different raw water sources, then the table may contain a separate column for each service area and the report may identify each separate distribution system. Alternatively, supplies may produce separate reports tailored to include data for each service area.
(f) The table or tables shall clearly identify any data indicating violations of MCLs, MRDLs, or treatment techniques and the report shall contain a clear and readily understandable explanation of the violation including the length of the violation, the potential adverse health effects, and actions taken by the supply to address the violation. The supply shall use the relevant language in table 1 of R 325.10405 to describe the potential health effects.
(g) For detected unregulated contaminants for which monitoring is required, except Cryptosporidium, the table or tables shall contain the average and range at which the contaminant was detected. The report may include a brief explanation of the reasons for monitoring for unregulated contaminants.
(9) All of the following information shall be included on Cryptosporidium, radon, and other contaminants:
(a) If the supply has performed any monitoring for Cryptosporidium, including monitoring performed to satisfy the requirements of 40 C.F.R. §141.143, which indicates that Cryptosporidium may be present in the source water or the finished water, the report shall include both of the following:
(i) A summary of the results of the monitoring.

(ii) An explanation of the significance of the results.
(b) If the supply has performed any monitoring for radon which indicates that radon may be present in the finished water, then the report shall include both of the following:
(i) The results of the monitoring.
(ii) An explanation of the significance of the results.
(c) If the supply has performed additional monitoring which indicates the presence of other contaminants in the finished water, then the supply is encouraged to report any results that may indicate a health concern. To determine if results may indicate a health concern, the supply may determine if EPA has proposed a national primary drinking water regulation or issued a health advisory for that contaminant by calling the safe drinking water hotline (800-426-4791). EPA considers detections above a proposed MCL or health advisory level to indicate possible health concerns. For such contaminants, the report may include both of the following:
(i) The results of the monitoring.
(ii) An explanation of the significance of the results noting the existence of a health advisory or a proposed regulation.
(d) Levels of sodium monitored under R 325.10717b during the year covered by the report.
(10) For compliance with state drinking water standards, in addition to the requirements of subrule (7) (f) of this rule, the report shall note any violation that occurred during the year covered by the report for all of the following requirements and include a clear and readily understandable explanation of the violation, any potential adverse health effects, and the steps the supply has taken to correct the violation:
(a) Monitoring and reporting of compliance data.
(b) For filtration and disinfection prescribed by R 325.10611, R 325.10611a, and R 325.10611b, supplies which have failed to install adequate filtration or disinfection equipment or processes, or have had a failure of such equipment or processes which constitutes a violation shall include the following language as part of the explanation of potential adverse health effects in the report: "Inadequately treated water may contain disease causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches."
(c) For lead and copper control requirements prescribed by R 325.10604f, supplies that fail to take 1 or more actions prescribed by R 325.10604f(1) (d), R 325.10604f(2), R 325.10604f(3), R 325.10604f(4), or R 325.10604f(5) shall include the applicable language of table 1 of R 325.10405 for lead, copper, or both, in the report.
(d) For treatment techniques for acrylamide and epichlorohydrin prescribed by R 325.10604e, supplies that violate the requirements of R 325.10604e shall include the relevant language from table 1 of R 325.10405 in the report.
(e) Recordkeeping of compliance data.
(f) Special monitoring requirements prescribed by R 325.10717b.
(g) Violation of the terms of a variance, an exemption, or an administrative or judicial order.
(11) For variances and exemptions, if a supply is operating under the terms of a variance or an exemption issued under section 20 of the act, then the report shall contain all of the following information:
(a) An explanation of the reasons for the variance or exemption.
(b) The date on which the variance or exemption was issued.
(c) A brief status report on the steps the supply is taking to install treatment, find alternative sources of water, or otherwise comply with the terms and schedules of the variance or exemption.

(d) A notice of any opportunity for public input in the review, or renewal, of the variance or exemption.
(12) The report shall include all of the following additional information:
(a) A brief explanation regarding contaminants which may reasonably be expected to be found in drinking water including bottled water. The explanation may include the language of paragraphs (i) to (iii) of this subdivision or supplies may use their own comparable language. The report also shall include the language of paragraph (iv) of this subdivision.
(i) The sources of drinking water, both tap water and bottled water, including rivers, lakes, streams, ponds, reservoirs, springs, and wells. As water travels over the surface of the land or through the ground, it dissolves naturally occurring minerals and, in some cases, radioactive material, and can pick up substances resulting from the presence of animals or from human activity.
(ii) Contaminants that may be present in source water including all of the following:
(A) Microbial contaminants, such as viruses and bacteria, which may come from sewage treatment plants, septic systems, agricultural livestock operations, and wildlife.
(B) Inorganic contaminants, such as salts and metals, which can be naturally occurring or result from urban stormwater runoff, industrial or domestic wastewater discharges, oil and gas production, mining, or farming.
(C) Pesticides and herbicides, which may come from a variety of sources such as agriculture, urban stormwater runoff, and residential uses.
(D) Organic chemical contaminants, including synthetic and volatile organic chemicals, which are by products of industrial processes and petroleum production, and can also come from gas stations, urban stormwater runoff, and septic systems.
(E) Radioactive contaminants, which can be naturally occurring or be the result of oil and gas production and mining activities.
(iii) To ensure that tap water is safe to drink, EPA prescribes regulations that limit the amount of certain contaminants in water provided by public water supplies. FDA regulations establish limits for contaminants in bottled water that shall provide the same protection for public health.
(iv) Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the United States environmental protection agency's safe drinking water hotline (800-426-4791).
(b) The report shall include the telephone number of the owner, operator, or designee of the community water supply as a source of additional information concerning the report.
(c) In communities that have more than 10% non-English speaking residents, the report shall contain information in the appropriate language or languages regarding the importance of the report or the report shall contain a telephone number or address where residents may contact the supply to obtain a translated copy of the report or assistance in the appropriate language.
(d) The report shall include information about opportunities for public participation in decisions by the supplies that may affect the quality of the water; for example, time and place of regularly scheduled board meetings.
(e) The supply may include such additional information as it determines necessary for public education consistent with, and not detracting from, the purpose of the report.
(f) Groundwater supplies required to comply with groundwater provisions of R 325.10612 shall comply with all of the following:
(i) A groundwater supply that receives notice from the department of a significant deficiency or notice from a laboratory of a fecal indicator-positive groundwater source sample that is not

invalidated by the department under R 325.10739(3) shall inform its customers of any significant deficiency that is uncorrected at the time of the next report or of any fecal indicator-positive groundwater source sample in the next report. The groundwater supply shall continue to inform the public annually until the department determines that particular significant deficiency is corrected or the fecal contamination in the groundwater source is addressed under R 325.10612a(1). Each report shall include all of the following elements:
(A) The nature of the particular significant deficiency or the source of the fecal contamination, if the source is known, and the date the significant deficiency was identified by the department or the dates of the fecal indicator-positive groundwater source samples.
(B) If the fecal contamination in the groundwater source has been addressed under R 325.10612a(1) and the date of the action.
(C) For each significant deficiency or fecal contamination in the groundwater source that has not been addressed under R 325.10612a(1), the department-approved plan and schedule for correction, including interim measures, progress to date, and any interim measures completed.
(D) If the groundwater supply receives notice of a fecal indicator-positive groundwater source sample that is not invalidated by the department under R 325.10739(3), the potential health effects using the health effects language of Table 1 of R 325.10405.
(ii) If directed by the department, a groundwater supply with significant deficiencies that have been corrected before the next report is issued shall inform its customers of the significant deficiency, how the deficiency was corrected, and the date of correction under paragraph (i) of this subdivision.
(g) Supplies required to comply with total coliform provisions of R 325.10704a to R 325.10704k shall comply with all of the following:
(i) A supply required to comply with the level 1 assessment requirement or a level 2 assessment requirement that is not due to an E. coli MCL violation shall comply with all of the following:
(A) Include in the report the text, "Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially harmful, waterborne pathogens may be present or that a potential pathway exists through which contamination may enter the drinking water distribution system. We found coliforms indicating the need to look for potential problems in water treatment or distribution. When this occurs, we are required to conduct assessment(s) to identify problems and to correct the problems that were found during these assessments."
(B) Include in the report as appropriate, filling in the blanks accordingly the text, "During the past year we were required to conduct [INSERT NUMBER OF LEVEL 1 ASSESSMENTS] level 1 assessment(s). [INSERT NUMBER OF LEVEL 1 ASSESSMENTS] level 1 assessment(s) were completed. In addition, we were required to take [INSERT NUMBER OF CORRECTIVE ACTIONS] corrective actions and we completed [INSERT NUMBER OF CORRECTIVE ACTIONS] of these actions."
(C) Include in the report as appropriate, filling in the blanks accordingly the text, "During the past year [INSERT NUMBER OF LEVEL 2 ASSESSMENTS] level 2 assessments were required to be completed for our water supply. [INSERT NUMBER OF LEVEL 2 ASSESSMENTS] Level 2 assessments were completed. In addition, we were required to take [INSERT NUMBER OF CORRECTIVE ACTIONS] corrective actions and we completed [INSERT NUMBER OF CORRECTIVE ACTIONS] of these actions."
(D) A supply that has failed to complete all the required assessments or correct all identified sanitary defects, is in violation of the treatment technique requirement and shall also include 1 or both of the following statements, as appropriate:
(1) During the past year we failed to conduct all of the required assessment(s).

(2) During the past year we failed to correct all identified defects that were found during the assessment.
(ii) A supply required to undergo a level 2 assessment due to an E. coli MCL violation shall comply with all of the following:
(A) Include in the report the text, "E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Human pathogens in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a greater health risk for infants, young children, the elderly, and people with severely compromised immune systems. We found E. coli bacteria, indicating the need to look for potential problems in water treatment or distribution. When this occurs, we are required to conduct assessment(s) to identify problems and to correct the problems that were found during these assessments."
(B) Include in the report as appropriate, filling in the blanks accordingly the text, "We were required to complete a level 2 assessment because we found E. coli in our water system. In addition, we were required to take [INSERT NUMBER OF CORRECTIVE ACTIONS] corrective actions and we completed [INSERT NUMBER OF CORRECTIVE ACTIONS] of these actions."
(C) A supply that has failed to complete the required assessment or correct all identified sanitary defects, is in violation of the treatment technique requirement and shall also include one or both of the following statements, as appropriate:
(1) We failed to conduct the required assessment.
(2) We failed to correct all sanitary defects that were identified during the assessment that we conducted.
(iii) If a supply detects E. coli and has violated the E. coli MCL, in addition to completing the table as required in subrule (8)(d) of this rule, the supply shall include 1 or more of the following statements to describe the noncompliance, as applicable:
(A) We had an E. coli-positive repeat sample following a total coliform-positive routine sample.
(B) We had a total coliform-positive repeat sample following an E. coli-positive routine sample.
(C) We failed to take all required repeat samples following an E. coli-positive routine sample.
(D) We failed to test for E. coli when a repeat sample tests positive for total coliform.
(iv) If a supply detects E. coli and has not violated the E. coli MCL, in addition to completing the table as required in subrule (8)(d) of this rule, the supply may include a statement that explains that although they have detected E. coli, they are not in violation of the E. coli MCL.

R 325.10416 Rescinded.

R 325.10417 Rescinded.

R 325.10418 Rescinded.

R 325.10419 Rescinded.

R 325.10420 Annual consumer confidence reporting; contaminants for vulnerable subpopulation.
Rule 420. Pursuant to section 14 of the act, if any contaminants listed in table 1 of this rule are detected above a level of concern as indicated in table 1 of this rule, then the consumer confidence report shall include a description of the potential adverse health effects and the

vulnerable subpopulation that may be susceptible to the level of contaminant detected. The community water supply may use the relevant language provided in table 1 of R 325.10405.

Table 1 Contaminants for vulnerable subpopulation reporting

Contaminant	Susceptible vulnerable subpopulation	Level of concern
Fecal coliform/ E. coli	Infants, young children, the elderly, and people with severely compromised immune systems.	Confirmed presence (any confirmed detect)
Copper	People with Wilson's disease.	1.3 mg/l (ppm)
Fluoride	Children.	4.0 mg/l (ppm)
Lead	Infants and children.	15.0 µg/l (ppb)
Nitrate	Infants below the age of 6 months.	10.0 mg/l (ppm)
Nitrite	Infants below the age of 6 months.	1.0 mg/l (ppm)

PART 6. STATE DRINKING WATER STANDARDS AND ANALYTICAL METHODS

R 325.10602 Maximum contaminant levels (MCLs) for microbiological contaminants.
Rule 602. (1) Beginning April 1, 2016, a community or noncommunity water supply is in compliance with the MCL for E. coli for samples taken under R 325.10704a to R 325.10704k unless 1 or more of the following conditions occur:
(a) The supply has an E. coli-positive repeat sample following a total coliform-positive routine sample.
(b) The supply has a total coliform-positive repeat sample following an E. coli-positive routine sample.
(c) The supply fails to take all required repeat samples following an E. coli-positive routine sample.
(d) The supply fails to test for E. coli when a repeat sample tests positive for total coliform.
Note to this subrule: For purposes of the public notification requirements in R 325.10401a to R 325.10409, violation of the MCL may pose an acute risk to health.
(2) Beginning April 1, 2016, a supply shall determine compliance with the MCL for E. coli in subrule (1) of this rule for each month in which it is required to monitor for total coliforms.
(3) The best technology, treatment techniques, or other means available for achieving compliance with the maximum contaminant level for total coliforms in subrule (5) of this rule until March 31, 2016 and for achieving compliance with the maximum contaminant level for E. coli in subrule (1) of this rule beginning April 1, 2016 are all of the following:
(a) Protection of wells from fecal contamination by appropriate placement and construction.
(b) Maintenance of a disinfectant residual throughout the distribution system.
(c) Proper maintenance of the distribution system including appropriate pipe replacement and repair procedures, main flushing programs, proper operation and maintenance of storage tanks and reservoirs, cross connection control, and continual maintenance of positive water pressure in all parts of the distribution system.

(d) Filtration and disinfection of surface water, as described in the surface water treatment provisions of R 325.10611 to R 325.10611n, R 325.10720 to R 325.720e, and R 325.10722, or disinfection of groundwater, as described in the groundwater provisions of R 325.10612 to R 325.10612b and R 325.10739 to R 325.10739b, using strong oxidants such as chlorine, chlorine dioxide, or ozone.
(e) For supplies using ground water, compliance with the requirements of an EPA-approved state Wellhead Protection Program developed and implemented under section 1428 of the federal act.
(4) The technology, treatment techniques, or other means available identified in subrule (3) of this rule are considered affordable technology, treatment techniques, or other means available to supplies serving 10,000 or fewer people for achieving compliance with the maximum contaminant level for total coliforms in subrule (5) of this rule until March 31, 2016 and for achieving compliance with the maximum contaminant level for E. coli in subrule (1) of this rule beginning April 1, 2016.
(5) Until March 31, 2016 all of the following apply:
(a) The total coliform MCL is based on the presence or absence of total coliforms in a sample, rather than coliform density. Either of the following applies to the total coliform MCL:
(i) For a supply that collects at least 40 samples per month, if no more than 5.0 percent of the samples collected during a month are total coliform-positive, the supply is in compliance with the MCL for total coliforms.
(ii) For a supply that collects fewer than 40 samples per month, if no more than one sample collected during a month is total coliform-positive, the supply is in compliance with the MCL for total coliforms.
(b) A fecal coliform-positive repeat sample or E. coli-positive repeat sample, or a total coliform-positive repeat sample following a fecal coliform-positive or E. coli-positive routine sample, constitutes a violation of the MCL for total coliforms. For purposes of the public notification requirements in R 325.10401a to R 325.10409, this is a violation that may pose an acute risk to health.
(c) A supply shall determine compliance with the MCL for total coliforms in this subrule for each month in which it is required to monitor for total coliforms.

R 325.10605 Analytical methods and sample collection procedures; incorporation by reference.
Rule 605. The analytical methods and sample collection procedures used in the determination of compliance with the state drinking water standards for microbiological contaminants, fecal indicators, inorganic chemical contaminants, organic chemical contaminants, including maximum TTHM potential, turbidity, disinfectant residuals, disinfection byproducts, disinfection byproduct precursors, temperature, pH, conductivity, alkalinity, bromide, specific ultraviolet absorbance, total organic carbon, and radioactivity which are contained in 40 CFR parts 141 and 143, 2014, and which have been promulgated by the United States EPA under authority of the safe drinking water act of 1974 (public law 93-523), the safe drinking water act amendments of 1986 (public law 99-339), and the safe drinking water act amendments of 1996 (public law 104-182), 42 USC 300f et seq. are adopted by reference in these rules. The adopted material is contained in Title 40 CFR parts 136 to 149 and is available from the superintendent of documents at the address in R 325.10116(b) for a cost of $67.00 at the time of adoption of these rules. The adopted material is available for inspection from the offices of the department at the address in R 325.10116(a) or available on the Internet at http://www.ecfr.gov/.

R 325.10610 MCLs for disinfection byproducts.
Rule 610. (1) Both of the following apply to bromate and chlorite:

(a) The maximum contaminant levels (MCLs) for bromate and chlorite are as follows:

Disinfection byproduct	MCL (mg/l)
Bromate	0.010
Chlorite	1.0

(b) The best available technologies, treatment techniques, or other means available for achieving compliance with the MCLs are as follows:

Disinfection byproduct	Best available technology.
Bromate	Control of ozone treatment process to reduce production of bromate.
Chlorite	Control of treatment processes to reduce disinfectant demand and control of disinfection treatment processes to reduce disinfectant levels.

(2) All of the following apply to total trihalomethanes and haloacetic acids:
(a) The MCLs for TTHM and HAA5 are as follows:

Disinfection byproduct	MCL (mg/L)
Total trihalomethanes (TTHM)	0.080
Haloacetic acids (five) (HAA5)	0.060

(b) For all supplies that disinfect their source water, the best available technologies, treatment techniques, or other means available for achieving compliance with the MCLs under subdivision (a) of this subrule are as follows:

Disinfection byproduct	Best available technology
Total trihalomethanes (TTHM) and Haloacetic acids (five) (HAA5).	Enhanced coagulation or enhanced softening, plus GAC10; or nanofiltration with a molecular weight cutoff less than or equal to 1000 Daltons; or GAC20

(c) The best technology, treatment techniques, or other means available for achieving compliance with the MCLs for TTHM and HAA5 under subdivision (a) of this subrule for consecutive supplies are as follows and applies only to the disinfected water that consecutive supplies buy or otherwise receive.

Disinfection byproduct	Best available technology
Total trihalomethanes (TTHM) and Haloacetic acids (five) (HAA5).	Supplies serving 10,000 or more people: Improved distribution system and storage tank management to reduce residence time, plus the use of chloramines for disinfectant residual maintenance. Supplies serving fewer than 10,000 people: Improved distribution system and storage tank management to reduce residence time

R 325.10610b Disinfectant residuals, disinfection byproducts, and disinfection byproduct precursors; compliance requirements.
Rule 610b. (1) This rule, R 325.10610c, R 325.10719e, and R 325.10719f apply to community water supplies and nontransient noncommunity water supplies that add a chemical disinfectant to the water in any part of the drinking water treatment process and to transient noncommunity water supplies adding chlorine dioxide. These public water supplies are considered "water supplies" or "supplies" in this rule. Transient noncommunity water supplies are only required to comply with the chlorine dioxide requirements. Compliance with this rule is based on all of the following:
(a) All samples taken under this rule, R 325.10610c, R 325.10719e, and R 325.10719f and analyzed under R 325.10605, shall be included in determining compliance with the maximum contaminant levels and maximum residual disinfectant levels of R 325.10610 and R 325.10610a.

(b) If, during the first year of monitoring under R 325.10719e, any individual quarter's average will cause the running annual average of that water supply to exceed the MCL for total trihalomethanes, haloacetic acids (five), or bromate; or the MRDL for chlorine or chloramine, the supply is out of compliance at the end of that quarter.
(c) A supply is in violation of the state drinking water standard if compliance is based on 4 consecutive quarters of monitoring and the average of samples, or quarterly averages, or running annual averages, whichever is applicable, exceeds the state drinking water standard, unless otherwise noted in this rule.
(d) Where compliance is based on a running annual average of monthly or quarterly samples or averages and the supply fails to complete 4 consecutive quarters or 12 consecutive months of monitoring, whichever is applicable, compliance with the MCL for the last 4 quarter compliance period is based on an average of the available data unless otherwise stated in this rule.
(2) Compliance with disinfection byproducts requirements is based on all of the following:
(a) Compliance with TTHM and HAA5 requirements are based on R 325.10610d(4) and (5).
(b) Compliance with the bromate requirements is based on a running annual average, computed quarterly, of monthly samples, or, for months in which the supply takes more than 1 sample, the average of all samples taken during the month, collected under R 325.10719e(2)(c).
(c) Compliance with the chlorite requirements is based on an average of each 3 sample set taken in the distribution system under R 325.10719e(2)(b)(i)(B) and R 325.10719e(2)(b)(ii). If the average of any 3 sample set exceeds the MCL, the supply is in violation of the MCL.
(3) Compliance with disinfectant residuals requirements is based on both of the following:
(a) Compliance with the chlorine and chloramines requirements is based on a running annual average, computed quarterly, of monthly averages of all samples collected by the supply under R 325.10719e(3)(a). In cases where supplies switch between the use of chlorine and chloramines for residual disinfection during the year, compliance is determined by including together all monitoring results of both chlorine and chloramines in calculating compliance. Supplies shall clearly indicate which residual disinfectant was analyzed for each sample when submitting reports to the department under R 325.11502a.
(b) Compliance with the chlorine dioxide requirements is based on consecutive daily samples collected by the supply under R 325.10719e(3)(b).
(i) An acute violation occurs when a daily sample taken at the entrance to the distribution system exceeds the MRDL, and on the following day 1, or more, of the 3 samples taken in the distribution system exceed the MRDL. The supply shall take immediate corrective action to lower the level of chlorine dioxide below the MRDL. Failure to monitor in the distribution system the day following an exceedance of the chlorine dioxide MRDL at the entrance to the distribution system is also an MRDL violation and the supply shall notify the public of the violation under R 325.10402, Tier 1 public notice, and report to the department under R 325.10719f.
(ii) A nonacute violation occurs when 2 consecutive daily samples taken at the entrance to the distribution system exceed the MRDL and all distribution system samples taken are below the MRDL. The supply shall take corrective action to lower the level of chlorine dioxide below the MRDL at the point of sampling. Failure to monitor at the entrance to the distribution system the day following an exceedance of the chlorine dioxide MRDL at the entrance to the distribution system is also an MRDL violation and the supply shall notify the public of the violation under R 325.10403, Tier 2 public notice, and report to the department under R 325.10719f.
(c) Notwithstanding the MRDLs in R 325.10610b, supplies may increase residual disinfectant levels in the distribution system of chlorine or chloramines, but shall not increase the levels of chlorine dioxide, to a level and for a time necessary to protect public health to address specific

microbiological contamination problems caused by circumstances such as distribution line breaks, storm run-off events, source water contamination events, or cross-connection events.
(4) Compliance with the treatment technique for disinfection byproduct precursors (DBPP) is determined as specified by R 325.10610c(3). Supplies may begin monitoring to determine whether step 1 TOC removals can be met 12 months before the compliance date for the supply. This monitoring is not required and failure to monitor during this period is not a violation. However, a supply that does not monitor during this period, and then determines, in the first 12 months after the compliance date, that the supply is not able to meet the step 1 requirements in R 325.10610c(2)(b) and shall therefore apply for alternate minimum TOC removal (step 2) requirements, is not eligible for retroactive approval of alternate minimum TOC removal (step 2) requirements as allowed under R 325.10610c(2)(c) and is in violation. Supplies may apply for alternate minimum TOC removal (step 2) requirements any time after the compliance date. For supplies required to meet step 1 TOC removals, if the value calculated under R 325.10610c(3)(a)(iv) is less than 1.00 calculated as a running annual average of monthly samples, computed quarterly, the supply is in violation of the treatment technique requirements and shall notify the public.

R 325.10610d Disinfection byproducts; requirements.
Rule 610d. (1) This rule and R 325.10719h to R 325.10719n establish monitoring and other requirements for achieving compliance with maximum contaminant levels based on locational running annual averages (LRAA) for total trihalomethanes (TTHM) and haloacetic acids (five) (HAA5), and for achieving compliance with maximum residual disinfectant residuals for chlorine and chloramine for certain consecutive supplies.
(2) Subject to these requirements are community and nontransient noncommunity water supplies that use a primary or residual disinfectant other than ultraviolet light or delivers water that has been treated with a primary or residual disinfectant other than ultraviolet light. These public water supplies are considered "water supplies" or "supplies" in this rule and R 325.10719h to R 325.10719n.
(3) The supply shall comply with all of the following provisions:
(a) The supply shall comply with the requirements in this rule and R 325.10719h to R325.10719n when the supply becomes subject to this rule as indicated in subrule (2) of this rule.
(b) The monitoring frequency is specified in R 325.10719h(1)(a) and both of the following:
(i) If the supply is required to conduct quarterly monitoring, the supply shall begin monitoring in the first full calendar quarter that the supply becomes subject to this rule, as indicated in subrule (2) of this rule.
(ii) If the supply is required to conduct monitoring at a frequency that is less than quarterly, the supply shall begin monitoring in the calendar month identified in the monitoring plan developed under R 325.10719i not later than 12 months after the supply becomes subject to this rule, as indicated in subrule (2) of this rule.
(c) If the supply is required to conduct quarterly monitoring, the supply shall make compliance calculations at the end of the fourth calendar quarter that follows the compliance date and at the end of each subsequent quarter (or earlier if the LRAA calculated based on fewer than 4 quarters of data would cause the MCL to be exceeded regardless of the monitoring results of subsequent quarters). If the supply is required to conduct monitoring at a frequency that is less than quarterly, the supply shall make compliance calculations beginning with the first compliance sample taken after the compliance date.

(d) For the purpose of the schedule in this subrule, the department may determine that the combined distribution system does not include certain consecutive supplies based on factors such as receiving water from a wholesale supply only on an emergency basis or receiving only a small percentage and small volume of water from a wholesale supply. The department may also determine that the combined distribution system does not include certain wholesale supplies based on factors such as delivering water to a consecutive supply only on an emergency basis or delivering only a small percentage and small volume of water to a consecutive supply.
(4) Compliance with the MCLs shall be based on both of the following:
(a) This subdivision applies to supplies required to monitor quarterly. To comply with MCLs in R 325.10610(2), the supply shall calculate LRAAs for TTHM and HAA5 using monitoring results collected under this rule and R 325.10719h to R 325.10719n and determine that each LRAA does not exceed the MCL. If the supply fails to complete 4 consecutive quarters of monitoring, the supply shall calculate compliance with the MCL based on the average of the available data from the most recent 4 quarters. If the supply takes more than 1 sample per quarter at a monitoring location, the supply shall average all samples taken in the quarter at that location to determine a quarterly average to be used in the LRAA calculation.
(b) This subdivision applies to supplies required to monitor annually or less frequently. To determine compliance with MCLs in R 325.10610(2), the supply shall determine that each sample taken is less than the MCL. If a sample exceeds the MCL, the supply shall comply with the requirements of R 325.10719k. If no sample exceeds the MCL, the sample result for each monitoring location is considered the LRAA for that monitoring location.
(5) The supply is in violation of the MCL when the LRAA exceeds the MCLs in R 325.10610(2), calculated based on 4 consecutive quarters of monitoring, or the LRAA calculated based on fewer than 4 quarters of data if the MCL would be exceeded regardless of the monitoring results of subsequent quarters. The supply is in violation of the monitoring requirements for each quarter that a monitoring result would be used in calculating an LRAA if the supply fails to monitor.
(6) A consecutive supply that does not add a disinfectant but delivers water that has been treated with a primary or residual disinfectant other than ultraviolet light, shall comply with monitoring requirements for chlorine and chloramines in R 325.10719e(3)(a) and the compliance requirements in R 325.10610b(1)(c) and (3)(a) and shall report monitoring results under R 325.10719f(3)(a).

PART 7. SURVEILLANCE, INSPECTION, AND MONITORING

R 325.10702 Evaluation of adequacy and condition of public water supplies; sanitary surveys.
Rule 702. (1) Under section 3 of the act, the department shall make sanitary surveys, onsite inspections, surveillance observations, or special purpose investigations for the purpose of evaluating the adequacy and condition of public water supplies at a frequency which may be determined by the department.
(2) Based on the results of each sanitary survey, the department shall determine whether the existing monitoring frequency is adequate and what additional measures, if any, the supply shall take to improve drinking water quality.
(3) Subpart H supplies shall undergo sanitary surveys at least once every 3 years for community water supplies and at least once every 5 years for noncommunity water supplies. The department may reduce the frequency to at least once every 5 years for community water supplies that have demonstrated outstanding performance.

(4) Groundwater supplies subject to R 325.10612 shall undergo sanitary surveys at either of the following frequencies:
(a) Community water supplies shall undergo a sanitary survey at least once every 3 years, except the department may reduce the frequency to once every 5 years if either of the following conditions exists:
(i) The supply provides at least 4-log treatment of viruses (using inactivation, removal, or a department approved combination of 4-log inactivation and removal) before or at the first customer for all its groundwater sources.
(ii) The supply has an outstanding performance record.
(b) Noncommunity water supplies shall undergo a sanitary survey at least once every 5 years.

R 325.10704 Coliform sampling.
Rule 704. (1) Until March 31, 2016, community and noncommunity water systems shall collect samples and cause analyses to be made for coliform bacteria to determine compliance with the state drinking water standards. Beginning April 1, 2016, the total coliform provisions of R 325.10704a to R 325.10704k are applicable, with supplies required to begin regular monitoring at the same frequency as the supply-specific frequency required on March 31, 2016.
(2) Until March 31, 2016, the department may require samples to be collected and analyzed for coliform bacteria for type III public water systems at a frequency as may be considered necessary by the department. Beginning April 1, 2016, supplies shall comply with R 325.10704a(2).
(3) If any routine or repeat sample is total coliform-positive, the supplier shall analyze that total coliform-positive culture medium to determine if fecal coliforms are present. Analysis for E. coli may be performed instead of fecal coliforms.
(4) All of the following provisions apply until March 31, 2016:
(a) R 325.10705 collection and analysis of samples for coliform bacteria; community water systems.
(b) R 325.10706 collection and analysis of samples for coliform bacteria; noncommunity water system.
(c) R 325.10709 special purpose and invalidated samples.
(5) All of the following provisions apply until all required repeat monitoring under R 325.10707 and fecal coliform or E. coli testing under subrule (3) of this rule that was initiated by a total coliform-positive sample taken before April 1, 2016 is completed, as well as analytical method, reporting, recordkeeping, public notification, and consumer confidence report requirements associated with that monitoring and testing:
(a) R 325.10707 repeat monitoring for total coliform.
(b) R 325.10707a invalidation of total coliform samples.
(c) Subrule (3) of this rule, analyze culture for fecal coliforms.
(d) R 325.10707b general notification requirements for total coliform and fecal coliform/escherichia coli (E. coli).

R 325.10704a Total coliform; general.
Rule 704a. (1) All of the following rules, also known in these rules as the total coliform rules, include both maximum contaminant level and treatment technique requirements:
(a) R 325.10704a total coliform; general.
(b) R 325.10704b total coliform; analytical methods.
(c) R 325.10704c total coliform; general monitoring.

(d) R 325.10704d total coliform; routine monitoring; noncommunity; serving 1,000 or fewer people; groundwater.
(e) R 325.10704e total coliform; routine monitoring; community; serving 1,000 or fewer people; groundwater.
(f) R 325.10704f total coliform; routine monitoring; subpart H; serving 1,000 or fewer people.
(g) R 325.10704g total coliform; routine monitoring; community and noncommunity; serving more than 1,000 people.
(h) R 325.10704h total coliform; repeat monitoring; E. coli.
(i) R 325.10704i total coliform; treatment technique triggers; assessments.
(j) R 325.10704j total coliform; violations.
(k) R 325.10704k total coliform; reporting and recordkeeping.
(2) The total coliform rules apply to all community and noncommunity water supplies. The department may require samples to be collected and analyzed for coliform bacteria for type III public water systems at a frequency as may be considered necessary by the department.
(3) Supplies falling under direct oversight of the EPA, where the EPA acts as the department, shall comply with decisions made by the EPA for implementation of these total coliform rules. The EPA has authority to establish the procedures and criteria as are necessary to implement these total coliform rules.
(4) Failure to comply with these total coliform rules is a violation of these rules.
(5) Supplies shall comply with these total coliform rules beginning April 1, 2016, unless otherwise required in these total coliform rules.

R 325.10704b Total coliform; analytical methods.
Rule 704b. (1) All of the following provisions apply to analytical methodology for compliance with the total coliform rules in R 325.10704a.
(a) The standard sample volume required for analysis, regardless of analytical method used, is 100 milliliters.
(b) Supplies need only determine the presence or absence of total coliforms and E. coli; a determination of density is not required.
(c) The time from sample collection to initiation of test medium incubation shall not exceed 30 hours. Supplies are encouraged but not required to hold samples below 10 degrees Celsius (50 degrees Fahrenheit) during transit.
(d) If water having residual chlorine (measured as free, combined, or total chlorine) is to be analyzed, sufficient sodium thiosulfate ($Na_2S_2O_3$) shall be added to the sample bottle before sterilization to neutralize the residual chlorine in the water sample. Dechlorination procedures are addressed in Section 9060A.2 of Standard Methods for the Examination of Water and Wastewater (20th and 21st editions), which is adopted by reference in R 325.10605.
(e) Supplies shall conduct total coliform and E. coli analyses in accordance with the appropriate analytical methods adopted by reference in R 325.10605.
(2) Supplies shall have all compliance samples required under the total coliform rules R 325.10704a to R 325.10704k analyzed by a laboratory certified by the EPA or the department to analyze drinking water samples, as required under R 325.10601a and R 325.10731. The laboratory used by the supply shall be certified for each method (and associated contaminant(s)) used for compliance monitoring analyses under total coliform rules, R 325.10704a to R 325.10704k.
(3) The standards required in these rules are incorporated by reference in R 325.10605.

R 325.10704c Total coliform; general monitoring.

Rule 704c. (1) Sample siting plan requirements for compliance with the total coliform rules in R 325.10704a are all of the following:
(a) Supplies shall develop a written sample siting plan that identifies sampling sites and a sample collection schedule that are representative of water throughout the distribution system not later than March 31, 2016. These plans are subject to department review and revision. Supplies shall collect total coliform samples according to the written sample siting plan. Monitoring required by R 325.10704d to R 325.10704h may take place at a customer's premise, dedicated sampling station, or other designated compliance sampling location. Routine and repeat sample sites and the sampling points necessary to meet the requirements of the groundwater rules of R 325.10739 to R 325.10739b shall be reflected in the sampling plan.
(b) Supplies shall collect samples at regular time intervals throughout the month, except that supplies that use only ground water and serve 4,900 or fewer people may collect all required samples on a single day if they are taken from different sites.
(c) Supplies shall take at least the minimum number of required samples even if the supply has had an E. coli MCL violation or has exceeded the coliform treatment technique triggers in R 325.10704i(1).
(d) A supply may conduct more compliance monitoring than is required by these total coliform rules R 325.10704a to R 325.10704k to investigate potential problems in the distribution system and use monitoring as a tool to assist in uncovering problems. A supply may take more than the minimum number of required routine samples and shall include the results in calculating whether the coliform treatment technique trigger in R 325.10704i(1)(a)(i) and (ii) has been exceeded only if the samples are taken in accordance with the existing sample siting plan and are representative of water throughout the distribution system.
(e) Supplies shall identify repeat monitoring locations in the sample siting plan. All of the following apply to repeat monitoring locations:
(i) Unless the provisions of paragraph (iii) of this subdivision are met, the supply shall collect at least 1 repeat sample from the sampling tap where the original total coliform-positive sample was taken, and at least 1 repeat sample at a tap within 5 service connections upstream and at least 1 repeat sample at a tap within 5 service connections downstream of the original sampling site. If a total coliform-positive sample is at the end of the distribution system, or 1 service connection away from the end of the distribution system, the supply shall still take all required repeat samples. However, the department may allow an alternative sampling location instead of the requirement to collect at least 1 repeat sample upstream or downstream of the original sampling site.
(ii) Supplies required to conduct triggered source water monitoring under R 325.10739(1)(a) shall take ground water source sample or samples in addition to repeat samples required under these total coliform rules R 325.10704a to R 325.10704k.
(iii) Supplies may propose repeat monitoring locations to the department that the supply believes to be representative of a pathway for contamination of the distribution system. A supply may elect to specify either alternative fixed locations or criteria for selecting repeat sampling sites on a situational basis in a standard operating procedure (SOP) in its sample siting plan. The supply shall design its SOP to focus the repeat samples at locations that best verify and determine the extent of potential contamination of the distribution system area based on specific situations. The department may modify the SOP or require alternative monitoring locations as needed.
(f) The department may review, revise, and approve, as appropriate, repeat sampling proposed by supplies under subdivision (e)(iii) of this subrule. The supply shall demonstrate that the sample siting plan remains representative of the water quality in the distribution system. The department may determine that monitoring at the entry point to the distribution system

(especially for undisinfected ground water supplies) is effective to differentiate between potential source water and distribution system problems.
(2) Special purpose samples, such as those taken to determine whether disinfection practices are sufficient following pipe placement, replacement, or repair, shall not be used to determine whether the coliform treatment technique trigger has been exceeded. Repeat samples taken under R 325.10704h are not considered special purpose samples, and shall be used to determine whether the coliform treatment technique trigger has been exceeded.
(3) A total coliform-positive sample invalidated under this subrule does not count toward meeting the minimum monitoring requirements of these total coliform rules R 325.10704a to R 325.10704k. A sample is invalidated under either of the following:
(a) The department may invalidate a total coliform-positive sample only if 1 or more of the following conditions are met:
(i) The laboratory establishes that improper sample analysis caused the total coliform-positive result.
(ii) The department, on the basis of the results of repeat samples collected as required under R 325.10704h(1), determines that the total coliform-positive sample resulted from a domestic or other non-distribution system plumbing problem. For example, the department determines that the total coliform-positive sample result, which is from a sample tap that is approved in the sample siting plan, is isolated to that specific sample location. The department shall not invalidate a sample on the basis of repeat sample results unless both of the following occur:
(A) All repeat sample or samples collected at the same tap as the original total coliform-positive sample are also total coliform-positive.
(B) All repeat samples collected at a location other than the original tap are total coliform-negative.
Note to subdivision (ii) of this subrule: For example, the department shall not invalidate a total coliform-positive sample on the basis of repeat samples if all the repeat samples are total coliform-negative, or if the supply has only 1 service connection.
(iii) The department has substantial grounds to believe that a total coliform-positive result is due to a circumstance or condition that does not reflect water quality in the distribution system, such as use of an unapproved sample location or documented gross deviation from accepted sample collection procedures that clearly could be expected to contaminate the sample itself. In this case, the supply shall still collect all repeat samples required under R 325.10704h(1), and use them to determine whether a coliform treatment technique trigger in R 325.10704i has been exceeded. To invalidate a total coliform-positive sample under this subdivision, the decision and supporting rationale shall be documented in writing, and approved and signed by the supervisor of the department official who recommended the decision. The department shall make this document available to the EPA and the public. The written documentation shall state the specific cause of the total coliform-positive sample, and what action the supply has taken, or will take, to correct this problem. The department shall not invalidate a total coliform-positive sample solely on the grounds that all repeat samples are total coliform-negative.
(b) Both of the following apply to laboratory invalidation of a sample:
(i) A laboratory shall invalidate a total coliform sample, unless total coliforms are detected, if 1 or more of the following occur:
(A) The sample produces a turbid culture in the absence of gas production using an analytical method where gas formation is examined, for example, the multiple-tube fermentation technique.
(B) The sample produces a turbid culture in the absence of an acid reaction in the presence-absence (p-a) coliform test.

(C) The sample exhibits confluent growth or produces colonies too numerous to count with an analytical method using a membrane filter, for example, membrane filter technique.
(ii) If a laboratory invalidates a sample because of the interference, the supply shall collect another sample from the same location as the original sample within 24 hours of being notified of the interference problem, and have it analyzed for the presence of total coliforms. The supply shall continue to resample within 24 hours and have the samples analyzed until it obtains a valid result. The department may waive the 24-hour time limit on a case-by-case basis.

R 325.10704d Total coliform; routine monitoring; noncommunity; serving 1,000 or fewer people; groundwater.
Rule 704d. (1) General total coliform rules routine monitoring requirements are all of the following:
(a) This rule applies to noncommunity water supplies using only ground water, except ground water under the direct influence of surface water, as defined in R 325.10105 and serving 1,000 or fewer people.
(b) Following a total coliform-positive sample taken under this rule, supplies shall comply with the repeat monitoring requirements and E. coli analytical requirements in R 325.10704h.
(c) Once all monitoring required by this rule and R 325.10704h for a calendar month has been completed, supplies shall determine whether 1 or more coliform treatment technique triggers in R 325.10704i have been exceeded. If 1 or more trigger has been exceeded, supplies shall complete assessments under R 325.10704i.
(d) For the purpose of determining eligibility for remaining on or qualifying for quarterly monitoring under subrules (6)(a)(iv) and (7)(d) of this rule, respectively, for transient noncommunity water supplies, the department may elect not to count monitoring violations under R 325.10704j(3)(a) if the missed sample is collected no later than the end of the monitoring period following the monitoring period in which the sample was missed. The supply shall collect the make-up sample in a different week than the routine sample for that monitoring period and should collect the sample as soon as possible during the monitoring period. The department shall not use this provision to reduce monitoring for a supply on increased monitoring in subrule (7) of this rule. This authority does not affect monitoring violations in R 325.10704j(3)(a) and reporting requirements in R 325.10704k(1)(d).
(2) Supplies shall monitor each calendar quarter that the supply provides water to the public, except for seasonal supplies or as provided under subrules (3) to (8) and (10) of this rule. Seasonal supplies shall meet the monitoring requirements of subrule (9) of this rule.
(3)Transition to total coliform rules R 325.10704a to R 325.10704k are both of the following requirements:
(a) Supplies, including seasonal supplies, shall continue to monitor according to the total coliform monitoring schedules under R 325.10702, R 325.10704, R 325.10705, R 325.10706, R 325.10707, R 325.10707a, R 325.10707b, and R 325.10709 that were in effect on March 31, 2016, unless 1 or more of the conditions for increased monitoring in subrule (6) of this rule are triggered on or after April 1, 2016, or unless otherwise directed by the department.
(b) Beginning April 1, 2016, the department shall perform a special monitoring evaluation during each sanitary survey to review the status of the supply, including the distribution system, to determine whether the supply is on an appropriate monitoring schedule. After the department has performed the special monitoring evaluation during each sanitary survey, the department may modify the supply's monitoring schedule, as necessary, or it may allow the supply to stay on its existing monitoring schedule, consistent with this rule. The department shall not allow supplies to begin less frequent monitoring under the special monitoring evaluation unless the

supply has already met the applicable criteria for less frequent monitoring in this rule. For seasonal supplies on quarterly monitoring, this evaluation shall include review of the approved sample siting plan, which shall designate the time period or periods for monitoring based on site-specific considerations, for example, during periods of highest demand or highest vulnerability to contamination. The seasonal supply shall collect compliance samples during these time periods.
(4) Beginning no later than calendar year 2017, supplies on annual monitoring shall have an initial and recurring annual site visit by the department that is equivalent to a level 2 assessment or an annual voluntary level 2 assessment that meets the criteria in R 325.10704i(2) to remain on annual monitoring. The periodic required sanitary survey may be used to meet the requirement for an annual site visit for the year in which the sanitary survey was completed.
(5) Criteria for annual monitoring are both of the following:
(a) Beginning April 1, 2016, the department may reduce the monitoring frequency for a well-operated ground water supply from quarterly routine monitoring to at least annual monitoring, if the supply demonstrates that it meets all of the following criteria for reduced monitoring, except for a supply that has been on increased monitoring under subrule (6) of this rule:
(i) The supply has a clean compliance history for a minimum of 12 months.
(ii) The most recent sanitary survey shows that the supply is free of sanitary defects or has corrected all identified sanitary defects, has a protected water source, and meets approved construction standards.
(iii) The department has conducted an annual site visit within the last 12 months and the supply has corrected all identified sanitary defects. The supply may substitute a level 2 assessment that meets the criteria in R 325.10704i(2) for the department annual site visit.
(b) A supply on increased monitoring under subrule (6) of this rule shall meet the provisions of subrule (7) of this rule to go to quarterly monitoring and shall meet the provisions of subrule (8) of this rule to go to annual monitoring.
(6) Increased monitoring requirements for supplies on quarterly or annual monitoring are both of the following:
(a) A supply on quarterly or annual monitoring shall begin monthly monitoring the month following 1 or more of the following events, except as required in paragraph (v) of this subdivision:
(i) The supply triggers 1 level 2 assessment under R 325.10704i or 2 level 1 assessments under R 325.10704i in a rolling 12-month period.
(ii) The supply has an E. coli MCL violation.
(iii) The supply has a coliform treatment technique violation.
(iv) The supply on quarterly monitoring experiences either of the following events in a rolling 12-month period:
(A) Two total coliform monitoring violations.
(B) One total coliform monitoring violation and 1 level 1 assessment under R 325.10704i.
(v) The supply on annual monitoring has 1 total coliform rule monitoring violation. The supply shall begin quarterly monitoring the quarter following the event.
(b) The supply shall continue monthly or quarterly monitoring until the requirements in subrule (7) of this rule for quarterly monitoring or subrule (8) of this rule for annual monitoring are met. A supply on monthly monitoring for reasons other than those identified in subdivision (a)(i) to (iv) of this subrule is not considered to be on increased monitoring for the purposes of subrules (7) and (8) of this rule.

(7) The department may reduce the monitoring frequency for a supply on monthly monitoring triggered under subrule (6) of this rule to quarterly monitoring if the supply meets all of the following criteria:
(a) Within the last 12 months, the supply shall have a completed sanitary survey or a site visit by the department or a voluntary level 2 assessment by the department.
(b) The supply is free of sanitary defects.
(c) The supply has a protected water source.
(d) The supply has a clean compliance history for a minimum of 12 months.
(8) The department may reduce the monitoring frequency to annual monitoring for a supply on increased monitoring under subrule (6) of this rule if the supply meets the criteria in subrule (7) of this rule to reduce to quarterly monitoring plus both of the following criteria:
(a) An annual site visit by the department and correction of all identified sanitary defects. The supply may substitute a voluntary level 2 assessment by the department for the department annual site visit in a given year.
(b) The supply shall have in place or adopt 1 or more of the following additional enhancements to the water supply barriers to contamination:
(i) Cross connection control, as approved by the department.
(ii) An operator certified by the department or regular visits by a circuit rider certified by the department.
(iii) Continuous disinfection entering the distribution system and a residual in the distribution system under criteria specified by the department.
(iv) Demonstration of maintenance of at least a 4-log removal or inactivation of viruses as provided for under R 325.10739a(3).
(v) Other equivalent enhancements to water supply barriers as approved by the department.
(9) Seasonal supplies shall comply with all of the following:
(a) Beginning April 1, 2016, all seasonal supplies shall complete the department-approved start-up procedure, which may include a requirement for startup sampling, and submit a certification to the department, before serving water to the public, that it has completed the department-approved start-up procedures.
(b) A seasonal supply shall monitor every month that it is in operation unless it is eligible for quarterly monitoring beginning April 1, 2016, except as provided in subrule (3) of this rule. Seasonal supplies shall not reduce to annual monitoring. To be eligible for quarterly monitoring, a seasonal system shall meet both of the following criteria:
(i) Have an approved sample siting plan that designates the time period for monitoring based on site-specific considerations, for example, during periods of highest demand or highest vulnerability to contamination. Seasonal supplies shall collect compliance samples during this time period.
(ii) Meet the criteria in subrule (7) of this rule.
(c) The department may exempt a seasonal supply from some or all of the requirements for seasonal supplies if the entire distribution system remains pressurized during the entire period that the supply is not operating, except that supplies that monitor less frequently than monthly shall monitor during the vulnerable period designated by the department.
(10) Supplies collecting samples on a quarterly or annual frequency shall conduct additional routine monitoring the month following 1 or more total coliform-positive samples, with or without a level 1 treatment technique trigger. Supplies shall collect at least 3 routine samples during the next month. Supplies may either collect samples at regular time intervals throughout the month or may collect all required routine samples on a single day if samples are taken from different sites. Supplies shall use the results of additional routine samples in coliform treatment

technique trigger calculations under R 325.10704i(1). The department may waive the requirement to collect 3 routine samples the next month in which the supply provides water to the public if 1 or more of the following conditions are met:
(a) The department, or an agent approved by the department, performs a site visit before the end of the next month in which the supply provides water to the public. Although a sanitary survey need not be performed, the site visit shall be sufficiently detailed to allow the department to determine whether additional monitoring or corrective action, or both, is needed. The department shall not approve an employee of the supply to perform this site visit, even if the employee is an agent approved by the department to perform sanitary surveys.
(b) The department has determined why the sample was total coliform-positive and has established that the supply has corrected the problem or will correct the problem before the end of the next month in which the supply serves water to the public. In this case, the department shall document this decision to waive the following month's additional monitoring requirement in writing, have it approved and signed by the supervisor of the department official who recommends the decision, and make this document available to the EPA and public. The written documentation shall describe the specific cause of the total coliform-positive sample and what action the supply has taken and/or will take to correct this problem.
(c) The department determines that the supply has corrected the contamination problem before the supply takes the set of repeat samples required in R 325.10704h, and all repeat samples were total coliform-negative. The department shall not waive the requirement to collect 3 additional routine samples the next month in which the supply provides water to the public solely on the grounds that all repeat samples are total coliform-negative.

R 325.10704e Total coliform; routine monitoring; community; serving 1,000 or fewer people; groundwater.
Rule 704e. (1) General total coliform rules routine monitoring requirements are all of the following:
(a) This rule applies to community water supplies using only ground water, except ground water under the direct influence of surface water, as defined in R 325.10105 and serving 1,000 or fewer people.
(b) Following a total coliform-positive sample taken under this rule, supplies shall comply with the repeat monitoring requirements and E. coli analytical requirements in R 325.10704h.
(c) Once all monitoring required by this rule and R 325.10704h for a calendar month has been completed, supplies shall determine whether 1 or more coliform treatment technique triggers in R 325.10704i have been exceeded. If a trigger has been exceeded, supplies shall complete assessments under R 325.10704i.
(2) The monitoring frequency for total coliforms is 1 sample per month. Supplies shall not reduce monitoring frequency.

R 325.10704f Total coliform; routine monitoring; subpart H; serving 1,000 or fewer people.
Rule 704f. (1) General total coliform rules routine monitoring requirements are all of the following:
(a) This rule applies to subpart H community and noncommunity water supplies serving 1,000 or fewer people.
(b) Following a total coliform-positive sample taken under this rule, supplies shall comply with the repeat monitoring requirements and E. coli analytical requirements in R 325.10704h.
(c) Once all monitoring under this rule and R 325.10704h for a calendar month has been completed, supplies shall determine whether 1 or more coliform treatment technique triggers in

R 325.10704i have been exceeded. If a trigger has been exceeded, supplies shall complete assessments under R 325.10704i.
(d) Seasonal supplies shall comply with both of the following:
(i) Beginning April 1, 2016, all seasonal supplies shall complete the department-approved start-up procedure, which may include a requirement for startup sampling, and submit a certification to the department, before serving water to the public, that it has completed the department-approved start-up procedures.
(ii) The department may exempt a seasonal supply from some or all of the requirements for seasonal supplies if the entire distribution system remains pressurized during the entire period that the supply is not operating.
(2) Routine monitoring frequency for total coliforms. Subpart H supplies, including consecutive supplies shall monitor monthly. Supplies shall not reduce monitoring.

R 325.10704g Total coliform; routine monitoring; community and noncommunity; serving more than 1,000 people.
Rule 704g. (1) General total coliform rules routine monitoring requirements are all of the following:
(a) This rule applies to community and noncommunity water supplies serving more than 1,000 persons.
(b) Following a total coliform-positive sample taken under this rule, supplies shall comply with the repeat monitoring requirements and E. coli analytical requirements in R 325.10704h.
(c) Once all monitoring required by this rule and R 325.10704h for a calendar month has been completed, supplies shall determine whether 1 or more coliform treatment technique triggers in R 325.10704i have been exceeded. If a trigger has been exceeded, supplies shall complete assessments under R 325.10704i.
(d) Seasonal supplies shall comply with both of the following:
(i) Beginning April 1, 2016, all seasonal supplies shall complete the department-approved start-up procedure, which may include a requirement for startup sampling, and submit a certification to the department, before serving water to the public, that it has completed the department-approved start-up procedures.
(ii) The department may exempt a seasonal supply from some or all of the requirements for seasonal supplies if the entire distribution system remains pressurized during the entire period that the supply is not operating.
(2) The monitoring frequency for total coliforms is based on the population served by the supply, as follows:

Total Coliform Monitoring Frequency for Community and Noncommunity Water Supplies Serving More Than 1,000 People

Population served	Minimum number of samples per month
1,001 to 2,500	2
2,501 to 3,300	3
3,301 to 4,100	4
4,101 to 4,900	5
4,901 to 5,800	6
5,801 to 6,700	7
6,701 to 7,600	8
7,601 to 8,500	9

8,501 to 12,900	10
12,901 to 17,200	15
17,201 to 21,500	20
21,501 to 25,000	25
25,001 to 33,000	30
33,001 to 41,000	40
41,001 to 50,000	50
50,001 to 59,000	60
59,001 to 70,000	70
70,001 to 83,000	80
83,001 to 96,000	90
96,001 to 130,000	100
130,001 to 220,000	120
220,001 to 320,000	150
320,001 to 450,000	180
450,001 to 600,000	210
600,001 to 780,000	240
780,001 to 970,000	270
970,001 to 1,230,000	300
1,230,001 to 1,520,000	330
1,520,001 to 1,850,000	360
1,850,001 to 2,270,000	390
2,270,001 to 3,020,000	420
3,020,001 to 3,960,000	450
3,960,001 or more	480

(3) Supplies shall not reduce monitoring, except for noncommunity water supplies using only ground water, and not ground water under the direct influence of surface water, serving 1,000 or fewer people in some months and more than 1,000 persons in other months. In months when more than 1,000 persons are served, the supplies shall monitor at the frequency in subrule (2) of this rule. In months when 1,000 or fewer people are served, the department may reduce the monitoring frequency, in writing, to a frequency allowed under R 325.10704d for a similarly situated supply that always serves 1,000 or fewer people, considering the requirements of R 325.10704d(5) to (7).

R 325.10704h Total coliform; repeat monitoring; E. coli.
Rule 704h. (1) Total coliform rules repeat monitoring requirements are all of the following:
(a) If a sample taken under R 325.10704d to R325.10704g is total coliform-positive, the supply shall collect a set of repeat samples within 24 hours of being notified of the positive result. The supply shall collect not fewer than 3 repeat samples for each total coliform-positive sample found. The department may extend the 24-hour limit on a case-by-case basis if the supply has a logistical problem in collecting the repeat samples within 24 hours that is beyond its control. In the case of an extension, the department shall specify how much time the system has to collect the repeat sample. The department shall not waive the requirement for a supply to collect repeat samples in this subdivision and subdivisions (b) to (c) of this subrule.
(b) The supply shall collect all repeat samples on the same day, except that the department may allow a supply with a single service connection to collect the required set of repeat samples over

a 3-day period or to collect a larger volume repeat sample or samples in 1 or more sample containers of any size, as long as the total volume collected is at least 300 ml.
(c) The supply shall collect an additional set of repeat samples in the manner specified in subdivisions (a) and (b) and this subdivision of this subrule if 1 or more repeat samples in the current set of repeat samples is total coliform-positive. The supply shall collect the additional set of repeat samples within 24 hours of being notified of the positive result, unless the department extends the limit under subdivision (a) of this subrule. The supply shall continue to collect additional sets of repeat samples until either total coliforms are not detected in 1 complete set of repeat samples or the supply determines that a coliform treatment technique trigger specified in R 325.10704i(1) has been exceeded as a result of a repeat sample being total coliform-positive and notifies the department. If a trigger identified in R 325.10704i is exceeded as a result of a routine sample being total coliform-positive, the supply shall conduct 1 round of repeat monitoring, but is not required to conduct more than 1 round of repeat monitoring for each total coliform-positive routine sample.
(d) After a supply collects a routine sample and before it learns the results of the analysis of that sample, if it collects another routine sample or samples from within 5 adjacent service connections of the initial sample, and the initial sample, after analysis, is found to contain total coliforms, then the supply may count the subsequent sample or samples as a repeat sample instead of as a routine sample.
(e) Results of all routine and repeat samples taken under R 325.10704d to R 325.10704h not invalidated by the department shall be used to determine whether a coliform treatment technique trigger in R 325.10704i has been exceeded.
(2) Escherichia coli (E. coli) testing requirements are both of the following:
(a) If a routine or repeat sample is total coliform-positive, the supply shall analyze that total coliform-positive culture medium to determine if E. coli are present. If E. coli are present, the supply shall notify the department by the end of the day when the supply is notified of the test result, unless the supply is notified of the result after the department office is closed and the department does not have either an after-hours phone line or an alternative notification procedure, in which case the supply shall notify the department before the end of the next business day.
(b) The department may allow a supply, on a case-by-case basis, to forgo E. coli testing on a total coliform-positive sample if the supply assumes that the total coliform-positive sample is E. coli-positive. Accordingly, the supply shall notify the department under subdivision (a) of this subrule and the E. coli maximum contaminant level provisions of R 325.10602(1) apply.

R 325.10704i Total coliform; treatment technique triggers; assessments.
Rule 704i. (1) Supplies shall conduct assessments under subrule (2) of this rule after exceeding treatment technique triggers in this subrule.
(a) Level 1 treatment technique triggers are all of the following:
(i) For supplies taking 40 or more samples per month, the supply exceeds 5.0% total coliform-positive samples for the month.
(ii) For supplies taking fewer than 40 samples per month, the supply has 2 or more total coliform-positive samples in the same month.
(iii) The supply fails to take every required repeat sample after a single total coliform-positive sample.
(b) Level 2 treatment technique triggers are all of the following:
(i) An E. coli MCL violation in R 325.10704j(1).

(ii) A second level 1 trigger as defined in subdivision (a) of this subrule, within a rolling 12-month period, unless the department has determined a likely reason that the samples that caused the first level 1 treatment technique trigger were total coliform-positive and has established that the supply has corrected the problem.
(iii) For supplies with approved annual monitoring, a level 1 trigger in 2 consecutive years.
(2) Assessment requirements are all of the following:
(a) Supplies shall ensure that level 1 and 2 assessments are conducted to identify the possible presence of sanitary defects and defects in distribution system coliform monitoring practices. Level 2 assessments shall be conducted by the department.
(b) When conducting assessments, supplies shall ensure that the assessor evaluates all of the following minimum elements:
(i) Review and identification of inadequacies in sample sites.
(ii) Sampling protocol.
(iii) Sample processing.
(iv) Atypical events that could affect distributed water quality or indicate that distributed water quality was impaired.
(v) Changes in distribution system maintenance and operation that could affect distributed water quality, including water storage.
(vi) Source and treatment considerations that bear on distributed water quality, where appropriate, for example, small ground water supplies.
(vii) Existing water quality monitoring data.
Note to subdivision (b) of this subrule: The supply shall conduct the assessment consistent with department directives that tailor specific assessment elements with respect to the size and type of the supply and the size, type, and characteristics of the distribution system.
(c) A supply shall conduct a level 1 assessment consistent with department requirements if the supply exceeds 1 of the level 1 treatment technique triggers in subrule (1)(a) of this rule. All of the following apply to level 1 assessments:
(i) The supply shall complete a level 1 assessment as soon as practical after a trigger in subrule (1)(a) of this rule. In the completed assessment form, the supply shall describe sanitary defects detected, corrective actions completed, and a proposed timetable for each corrective action not already completed. The assessment form may also note that no sanitary defects were identified. The supply shall submit the completed level 1 assessment form to the department within 30 days after the supply learns that it has exceeded a trigger.
(ii) If the department reviews the completed level 1 assessment and determines that the assessment is not sufficient, including the proposed timetable for each corrective action not already completed, the department shall consult with the supply. If the department requires revisions after consultation, the supply shall submit a revised assessment form to the department on an agreed-upon schedule not to exceed 30 days from the date of the consultation.
(iii) Upon completion and submission of the assessment form by the supply, the department shall determine if the supply has identified a likely cause for the level 1 trigger and, if so, establish that the supply has corrected the problem, or has included a schedule acceptable to the department for correcting the problem.
(d) A supply shall undergo a level 2 assessment if the supply exceeds 1 of the treatment technique triggers in subrule (1)(b) of this rule. The supply shall comply with any expedited actions or additional actions required by the department in the case of an E. coli MCL violation. The supply shall undergo a level 2 assessment by the department as soon as practical after a trigger in subrule (1)(b) of this rule. The assessment form shall describe sanitary defects detected, corrective actions completed, and a timetable for each corrective action not already

completed. The assessment form may also note that no sanitary defects were identified. The department shall determine whether the likely cause for the Level 2 trigger has been identified and whether the supply has corrected the problem.
(3) Supplies shall correct sanitary defects found through either level 1 or 2 assessments conducted under subrule (2) of this rule. For corrections not completed by the time of submission of the assessment form, the supply shall complete the corrective action or actions in compliance with a timetable approved by the department in consultation with the supply. The supply shall notify the department when each scheduled corrective action is completed.
(4) At any time during the assessment or corrective action phase, either the water supply or the department may request a consultation with the other person to determine the appropriate actions to be taken. The supply may consult with the department on all relevant information that may impact on its ability to comply with a requirement of these total coliform rules R 325.10704a to R 325.10704k, including the method of accomplishment, an appropriate time frame, and other relevant information.

R 325.10704j Total coliform; violations.
Rule 704j. (1) A supply is in violation of the MCL for E. coli when 1 or more of the following conditions occur:
(a) The supply has an E. coli-positive repeat sample following a total coliform-positive routine sample.
(b) The supply has a total coliform-positive repeat sample following an E. coli-positive routine sample.
(c) The supply fails to take all required repeat samples following an E. coli-positive routine sample.
(d) The supply fails to test for E. coli when a repeat sample tests positive for total coliform.
(2) Treatment technique violations are both of the following:
(a) A supply exceeds a treatment technique trigger in R 325.10704i(1) and then fails to conduct the required assessment or corrective actions within the time frame in R 325.10704i(2) and (3).
(b) A seasonal supply fails to complete a department-approved start-up procedure before serving water to the public.
(3) Monitoring violations are both of the following:
(a) Failure to take every required routine or additional routine sample in a compliance period.
(b) Failure to analyze for E. coli following a total coliform-positive routine sample.
(4) Reporting violations are all of the following:
(a) Failure to submit a monitoring report or completed assessment form after a supply properly conducts monitoring or assessment in a timely manner.
(b) Failure to notify the department following an E. coli-positive sample under R 325.10704h(2)(a) in a timely manner.
(c) Failure to submit certification of completion of department-approved start-up procedure by a seasonal supply.

R 325.10704k Total coliform; reporting and recordkeeping.
Rule 704k. (1) Reporting requirements for supplies subject to the total coliform rules in R 325.10704a are all of the following:
(a) E. coli reporting requirements are both of the following:
(i) A supply shall notify the department by the end of the day when the supply learns of an E. coli MCL violation, unless the supply learns of the violation after the department office is closed and the department does not have either an after-hours phone line or an alternative notification

procedure, in which case the supply shall notify the department before the end of the next business day, and notify the public under R 325.10401a to R 325.10409.
(ii) A supply shall notify the department by the end of the day when the supply is notified of an E. coli-positive routine sample, unless the supply is notified of the result after the department office is closed and the department does not have either an after-hours phone line or an alternative notification procedure, in which case the supply shall notify the department before the end of the next business day.
(b) A supply that has violated the treatment technique for coliforms in R 325.10704i shall report the violation to the department no later than the end of the next business day after it learns of the violation, and notify the public under R 325.10401a to R 325.10409.
(c) A supply required to conduct an assessment under R 325.10704i shall submit the assessment report within 30 days. The supply shall notify the department under R 325.10704i(3) when each scheduled corrective action is completed for corrections not completed by the time of submission of the assessment form.
(d) A supply that has failed to comply with a coliform monitoring requirement shall report the monitoring violation to the department within 10 days after the supply discovers the violation, and notify the public under R 325.10401a to R 325.10409.
(e) A seasonal supply shall submit a certification to the department, before serving water to the public, that it has completed the department-approved start-up procedures.
(2) A supply shall maintain records under R 325.11510.

R 325.10708 Collection of additional samples.
Rule 708. (1) A single sample shall not be attributed to more than 1 monitoring period.
(2) If a sample that is needed to meet monitoring requirements is invalidated under these rules, and the public water supply does not learn of the invalidation until after the monitoring period has ended, and the supply collects a valid sample when they learn of the invalidation, then the valid sample may be used to determine compliance with these rules for the monitoring period that has ended.
(3) If the department collects a sample for the purpose of enforcement when a public water supply is delinquent in meeting a monitoring requirement, then the sample collected after the monitoring period has ended may be used to determine compliance with these rules for the monitoring period that has ended.

R 325.10710a Lead and copper in tap water; monitoring requirements.
Rule 710a. (1) Sample site location provisions for lead and copper monitoring in tap water of community and nontransient noncommunity water supplies are as follows:
(a) By the applicable date for the commencement of monitoring under subrule (4)(a) of this rule, each water supply shall complete a materials evaluation of its distribution system to identify a pool of targeted sampling sites that is in compliance with the requirements of this rule and that is large enough to ensure that the water supply can collect the number of lead and copper tap samples required under subrule (3) of this rule. All sites from which first draw samples are collected shall be selected from the pool of targeted sampling sites. Sampling sites may not include faucets that have point of use or point of entry treatment devices designed to remove inorganic contaminants.
(b) A water supply shall use the information on lead, copper, and galvanized steel that it is required to collect under 40 C.F.R. §141.42(d), (Special Monitoring for Corrosivity Characteristics) when conducting a materials evaluation. When an evaluation of the information collected under 40 C.F.R. §141.42(d), is insufficient to locate the requisite number of lead and

copper sampling sites that are in compliance with the targeting criteria in this subrule, the water supply shall review the sources of information listed in paragraphs (i) to (iii) of this subdivision to identify a sufficient number of sampling sites. The provisions of 40 C.F.R. §141.42(d) are adopted by reference in R 325.10112. In addition, the supply shall collect all of the following information, where possible, in the course of its normal operations, for example, checking service line materials when reading water meters or performing maintenance activities:
(i) All plumbing codes, permits, and records in the files of the building department or departments that indicate the plumbing materials installed within publicly and privately owned structures connected to the distribution system.
(ii) All inspections and records of the distribution system that indicate the material composition of the service connections connecting a structure to the distribution system.
(iii) All existing water quality information, which includes the results of all prior analyses of the system or individual structures connected to the system, that indicates locations which may be particularly susceptible to high lead or copper concentrations.
(c) The sampling sites selected for a community water supply's sampling pool (tier 1 sampling sites) shall consist of single family structures to which either or both of the following provisions apply:
(i) The structures contain copper pipes soldered with lead and installed after 1982 or that contain lead pipes.
(ii) The structures are served by a lead service line. When multiple family residences comprise not less than 20% of the structures served by a water supply, the supply may include these types of structures in its sampling pool.
(d) A community water supply that has insufficient tier 1 sampling sites shall complete its sampling pool with tier 2 sampling sites, that consist of buildings, including multiple family residences to which either or both of the following provisions apply:
(i) The structures contain copper pipes soldered with lead and installed after 1982 or that contain lead pipes.
(ii) The structures are served by a lead service line.
(e) A community water supply that has insufficient tier 1 and tier 2 sampling sites shall complete its sampling pool with tier 3 sampling sites, that consist of single family structures containing copper pipes soldered with lead and installed before 1983. A community water supply with insufficient tier 1, tier 2, and tier 3 sampling sites shall complete its sampling pool with representative sites throughout the distribution system. For purposes of this subrule, a representative site is a site in which the plumbing materials used at that site would be commonly found at other sites served by the system.
(f) The sampling sites selected for a nontransient, noncommunity water supply (tier 1 sampling sites) shall consist of buildings to which either or both of the following provisions apply:
(i) The structures contain copper pipes soldered with lead and installed after 1982 or that contain lead pipes.
(ii) The structures are served by a lead service line.
(g) A nontransient, noncommunity water supply that has insufficient tier 1 sites shall complete its sampling pool with sampling sites containing copper pipes soldered with lead and installed before 1983. If additional sites are needed to complete the sampling pool, the nontransient noncommunity water supply shall use representative sites throughout the distribution system. For purposes of this subrule, a representative site is a site in which the plumbing materials used at that site would be commonly found at other sites served by the system.
(h) A water supply whose distribution system contains lead service lines shall draw 50% of the samples it collects during each monitoring period from sites that contain lead pipes or copper

pipes with lead solder and 50% of the samples from sites served by a lead service line. A water supply that cannot identify a sufficient number of sampling sites that are served by a lead service line shall collect first draw tap samples from all of the sites identified as being served by lead service lines and shall complete its sampling pool in compliance with subdivisions (c) to (g) of this subrule.
(2) Sample collection methods provisions for lead and copper monitoring in tap water are as follows:
(a) All tap samples for lead and copper collected in compliance with this subrule, with the exception of lead service line samples collected under R 325.10604f(5)(c), and samples collected under subdivision (e) of this subrule, shall be first draw samples.
(b) Each first draw tap sample for lead and copper shall be 1 liter in volume and have stood motionless in the plumbing system of each sampling site for not less than 6 hours. First draw samples from residential housing shall be collected from the cold water kitchen tap or bathroom sink tap. First draw samples from a nonresidential building shall be 1 liter in volume and shall be collected at an interior tap from which water is typically drawn for consumption. Non-first draw samples collected instead of first draw samples under subdivision (e) of this subrule shall be 1 liter in volume and shall be collected at an interior tap from which water is typically drawn for consumption. First draw samples may be collected by the supply or the supply may allow residents to collect first draw samples after instructing the residents about the sampling procedures specified in this subdivision. To avoid problems of residents handling nitric acid, acidification of first draw samples may be done up to 14 days after the sample is collected. After acidification to resolubilize the metals, the sample shall stand in the original container for the time specified in the approved EPA method before the sample can be analyzed. If a supply allows residents to perform sampling, the supply shall not challenge the accuracy of the sampling results based on alleged errors in sample collection.
(c) Each service line sample shall be 1 liter in volume and have stood motionless in the lead service line for not less than 6 hours. Lead service line samples shall be collected in 1 of the following ways:
(i) At the tap after flushing the volume of water between the tap and the lead service line. The volume of water shall be calculated based on the interior diameter and length of the pipe between the tap and the lead service line.
(ii) Tapping directly into the lead service line.
(iii) If the sampling site is a building constructed as a single family residence, allowing the water to run until there is a significant change in temperature which would be indicative of water that has been standing in the lead service line.
(d) A water supply shall collect each first draw tap sample from the same sampling site from which it collected a previous sample. If, for any reason, the water supply cannot gain entry to a sampling site to collect a follow-up tap sample, the supply may collect the follow-up tap sample from another sampling site in its sampling pool.
(e) A nontransient noncommunity water supply, or a community water supply that meets the criteria of R 325.10410(3)(g), that does not have enough taps that can supply first draw samples, as defined in R 325.10105, may apply to the department, in writing, to substitute non-first draw samples. The supply shall collect as many first draw samples from appropriate taps as possible and identify sampling times and locations that would likely result in the longest standing time for the remaining sites. The department has the discretion to waive the requirement for prior department approval of non-first draw sample sites selected by the supply, either through department regulation or written notification to the supply.

(3) Water supplies shall collect at least 1 sample during each monitoring period specified in subrule (4) of this rule from the number of sites listed in the standard monitoring column under this subrule. A supply that conducts reduced monitoring under subrule (4)(d) of this rule shall collect at least 1 sample from the number of sites specified in the reduced monitoring column under this subrule during each monitoring period specified in subrule (4)(d) of this rule. The reduced monitoring sites shall be representative of the sites required for standard monitoring. A public water supply that has fewer than 5 drinking water taps, that can be used for human consumption meeting the sample site criteria of subrule (1) of this rule to reach the required number of sample sites listed in this subrule, shall collect at least 1 sample from each tap and then shall collect additional samples from those taps on different days during the monitoring period to meet the required number of sites. Alternatively the department may allow these public water supplies to collect a number of samples less than the number of sites specified in this rule, provided that 100% of all taps that can be used for human consumption are sampled. The department shall approve this reduction of the minimum number of samples in writing based on a request from the supply or onsite verification by the department. The department may specify sampling locations when a water supply is conducting reduced monitoring.

Supply Size (Number of People Served)	Number of Sites (Standard Monitoring)	Number of Sites (Reduced Monitoring)
More than 100,000	100	50
10,001 to 100,000	60	30
3,301 to 10,000	40	20
501 to 3,300	20	10
101 to 500	10	5
Fewer than 101	5	5

(4) Provisions for the timing of monitoring for lead and copper in tap water are as follows:
(a) The first 6-month monitoring period for small, medium size, and large water supplies shall begin on the following dates:

Supply Size (Number of People Served)	First 6-Month Monitoring Period Begins On
More than 50,000	January 1, 1992
3,301 to 50,000	July 1, 1992
Fewer than 3,301	July 1, 1993

All large water supplies shall be monitored during 2 consecutive 6-month periods. All small and medium size water supplies shall be monitored during each 6-month monitoring period until either of the following occurs:
(i) The supply exceeds the lead or copper action level and is therefore required to implement the corrosion control treatment under R 325.10604f(2), in which case the supply shall continue monitoring under subdivision (b) of this subrule.
(ii) The supply is in compliance with the lead and copper action levels during 2 consecutive 6-month monitoring periods, in which case the supply may reduce monitoring under subdivision (d) of this subrule.
(b) Monitoring provisions after the installation of corrosion control and source water treatment are as follows:

(i) A large water supply that installs optimal corrosion control treatment under R 325.10604f(2)(d)(iii) shall monitor during 2 consecutive 6-month monitoring periods by the date specified in R 325.10604f(2)(d)(iv).
(ii) A small or medium size water supply that installs optimal corrosion control treatment under R 325.10604f(2)(e)(iv) shall monitor during 2 consecutive 6-month monitoring periods by the date specified in R 325.10604f(2)(e)(v).
(iii) A supply that installs source water treatment under R 325.10604f(4)(a)(ii) shall monitor during 2 consecutive 6-month monitoring periods by the date specified in R 325.10604f(4)(a)(iii).
(c) After the department specifies the values for water quality control parameters, the supply shall monitor during each subsequent 6-month monitoring period, with the first monitoring period to begin on the date the department specifies the optimal values.
(d) Reduced monitoring provisions are as follows:
(i) A small or medium size water supply that is in compliance with the lead and copper action levels during each of 2 consecutive 6-month monitoring periods may reduce the number of samples under subrule (3) of this rule and may reduce the frequency of sampling to once each year. A small or medium size water supply collecting fewer than 5 samples as specified in subrule (3) of this rule, that meets the lead and copper action levels during each of 2 consecutive 6-month monitoring periods may reduce the frequency of sampling to once per year. In no case can the supply reduce the number of samples required below the minimum of 1 sample per available tap. This sampling shall begin during the calendar year immediately following the end of the second consecutive 6-month monitoring period.
(ii) A water supply that meets the lead action level and maintains the range of values for the water quality control parameters reflecting optimal corrosion control treatment specified by the department under R 325.10604f(3)(f) during each of 2 consecutive 6-month monitoring periods may reduce the frequency of monitoring to once each year and reduce the number of lead and copper samples under subrule (3) of this rule if it receives written approval from the department. This sampling shall begin during the calendar year immediately following the end of the second consecutive 6-month monitoring period. The department shall review monitoring, treatment, and other relevant information submitted by the water supply under R 325.10710d, and shall notify the supply in writing when it determines the supply is eligible to commence reduced monitoring under this subrule. The department shall review, and where appropriate, revise its determination when the supply submits new monitoring or treatment data, or when other data relevant to the number and frequency of tap sampling becomes available.
(iii) A small or medium size water supply that is in compliance with the lead and copper action levels during 3 consecutive years of monitoring may reduce the frequency of monitoring for lead and copper from annually to once every 3 years. A small or medium size water supply collecting fewer than 5 samples as specified in subrule (3) of this rule, that meets the lead and copper action levels during 3 consecutive years of monitoring may reduce the frequency of sampling to once every 3 years. A water supply that meets the lead action level and maintains the range of values for the water quality control parameters reflecting optimal corrosion control treatment specified by the department under R 325.10604f(3)(f) during 3 consecutive years of monitoring may reduce the frequency of monitoring for lead and copper at the tap from annually to once every 3 years if it receives written approval from the department. Samples collected once every 3 years shall be collected not later than every third calendar year. The department shall review monitoring, treatment, and other relevant information submitted by the supply under R 325.10710d, and shall notify the supply in writing when it determines the supply is eligible to reduce the frequency of monitoring to once every 3 years. The department shall review, and

where appropriate, revise its determination when the supply submits new monitoring or treatment data, or when other data relevant to the number and frequency of tap sampling becomes available.
(iv) A water supply that reduces the number and frequency of sampling shall collect these samples from representative sites included in the pool of targeted sampling sites identified in subrule (1) of this rule. A water supply that samples annually or less frequently shall conduct the lead and copper tap sampling during the month of June, July, August, or September unless the department has approved a different sampling period under subparagraph (A) of this paragraph, as follows:
(A) The department, at its discretion, may approve a different period for conducting the lead and copper tap sampling for supplies collecting a reduced number of samples. The period shall be not longer than 4 consecutive months and shall represent a time of normal operation where the highest levels of lead are most likely to occur. For a nontransient noncommunity water supply that does not operate during the months of June through September, and for which the period of normal operation where the highest levels of lead are most likely to occur is not known, the department shall designate a period that represents a time of normal operation for the water supply. This sampling shall begin during the period approved or designated by the department in the calendar year immediately following the end of the second consecutive 6-month monitoring period for supplies initiating annual monitoring and during the 3-year period following the end of the third consecutive calendar year of annual monitoring for supplies initiating triennial monitoring.
(B) Supplies monitoring annually that have been collecting samples during the months of June through September and that received department approval to alter their sample collection period under subparagraph (A) of this paragraph, shall collect their next round of samples during a time period that ends not later than 21 months after the previous round of sampling. Supplies monitoring triennially that have been collecting samples during the months of June through September, and receive department approval to alter the sampling collection period under subparagraph (A) of this paragraph, shall collect their next round of samples during a time period that ends not later than 45 months after the previous round of sampling. Subsequent rounds of sampling shall be collected annually or triennially, as required by this subrule. Small water supplies with waivers, granted under subrule (7) of this rule, that have been collecting samples during the months of June through September and that received department approval to alter their sample collection period under subparagraph (A) of this paragraph shall collect their next round of samples before the end of the 9-year cycle.
(v) A water supply that demonstrates for 2 consecutive 6-month monitoring periods that the tap water lead level computed under R 325.10604f(1)(c) is less than or equal to 0.005 mg/l and the tap water copper level computed under R 325.10604f(1)(c) is less than or equal to 0.65 mg/l may reduce the number of samples under subrule (3) of this rule and reduce the frequency of sampling to once every 3 calendar years.
(vi) The following provisions apply to supplies subject to reduced monitoring:
(A) A small or medium size water supply subject to reduced monitoring that exceeds the lead or copper action level shall resume sampling under subdivision (c) of this subrule and shall collect the number of samples specified for the standard monitoring under subrule (3) of this rule. The supply shall also conduct water quality parameter monitoring under R 325.10710b(4), (5), or (6), as appropriate, during the monitoring period in which it exceeded the action level. The supply may resume annual monitoring for lead and copper at the tap at the reduced number of sites specified in subrule (3) of this rule after it has completed 2 subsequent consecutive 6-month rounds of monitoring that meet the criteria of paragraph (i) of this subdivision or may resume

triennial monitoring for lead and copper at the reduced number of sites after it demonstrates through subsequent rounds of monitoring that it meets the criteria of either paragraph (iii) or (v) of this subdivision.
(B) A water supply subject to the reduced monitoring frequency that fails to meet the lead action level during a 4-month monitoring period or that fails to operate at or above the minimum value or within the range of values for the water quality parameters specified by the department under R 325.10604f(3)(f) for more than 9 days in a 6-month period specified in R 325.10710b(6)shall conduct tap water sampling for lead and copper at the frequency specified in subdivision (c) of this subrule, collect the number of samples specified for standard monitoring under subrule (3) of this rule, and shall resume monitoring for water quality parameters within the distribution system under R 325.10710b(6). This standard tap water sampling shall begin not later than the 6-month period beginning January 1 of the calendar year following the lead action level exceedance or water quality parameter excursion. The supply may resume reduced monitoring for lead and copper at the tap and for water quality parameters within the distribution system under the following conditions:
(1) The supply may resume annual monitoring for lead and copper at the tap at the reduced number of sites specified in subrule (3) of this rule after it has completed 2 subsequent 6-month rounds of monitoring that meet the criteria of paragraph (ii) of this subdivison and the supply has received written approval from the department to resume reduced monitoring on an annual frequency. This sampling shall begin during the calendar year immediately following the end of the second consecutive 6-month monitoring period.
(2) The supply may resume triennial monitoring for lead and copper at the tap at the reduced number of sites after it demonstrates through subsequent rounds of monitoring that it meets the criteria of either paragraph (iii) or (v) of this subdivision and the supply has received written approval from the department to resume triennial monitoring.
(3) The supply may reduce the number of water quality parameter tap water samples required under R 325.10710b(7)(a) and the frequency with which it collects the samples under R 325.10710b(7)(b). The supply may not resume triennial monitoring for water quality parameters at the tap until it demonstrates, under the requirements of R 325.10710b(7)(b), that it has requalified for triennial monitoring.
(vii) A water supply subject to a reduced monitoring frequency under subdivision (d) of this subrule shall notify the department in writing under R 325.10710d(a)(iii) of any upcoming long-term change in treatment or addition of a new source as described in that rule. The department shall review and approve the addition of a new source or long-term change in water treatment before it is implemented by the water supply. The department may require the supply to resume sampling under subdivision (c) of this subrule and collect the number of samples specified for standard monitoring under subrule (3) of this rule or take other appropriate steps such as increased water quality parameter monitoring or reevaluation of its corrosion control treatment given the potentially different water quality considerations.
(5) The results of monitoring conducted in addition to the minimum requirements of this rule shall be considered in calculating the ninetieth percentile lead or copper level.
(6) A sample invalidated under this subrule does not count toward determining lead or copper ninetieth percentile levels under R 325.10604f(1)(c) or toward meeting the minimum monitoring requirements of subrule (3) of this rule. All of the following provisions apply to invalidating samples:
(a) The department may invalidate a lead or copper tap water sample if at least 1 of the following conditions is met:
(i) The laboratory establishes that improper sample analysis caused erroneous results.

(ii) The department determines that the sample was taken from a site that did not meet the site selection criteria of this rule.
(iii) The sample container was damaged in transit.
(iv) There is substantial reason to believe that the sample was subject to tampering.
(b) The supply shall report the results of all samples to the department and all supporting documentation for samples the supply believes should be invalidated.
(c) To invalidate a sample under subdivision (a) of this subrule, the decision and the rationale for the decision shall be documented in writing. The department may not invalidate a sample solely on the grounds that a follow-up sample result is higher or lower than that of the original sample.
(d) The water supply shall collect replacement samples for the samples invalidated under this rule if, after the invalidation of 1 or more samples, the supply has too few samples to meet the minimum requirements of subrule (3) of this rule. The replacement samples shall be taken as soon as possible, but not later than 20 days after the date the department invalidates the sample or by the end of the applicable monitoring period, whichever occurs later. Replacement samples taken after the end of the applicable monitoring period shall not also be used to meet the monitoring requirements of a subsequent monitoring period. The replacement samples shall be taken at the same locations as the invalidated samples or, if that is not possible, at locations other than those already used for sampling during the monitoring period.
(7) A small water supply that meets the criteria of this subrule may apply to the department to reduce the frequency of monitoring for lead and copper under this rule to once every 9 years, that is, a "full waiver", if it meets all of the materials criteria specified in subdivision (a) of this subrule and all of the monitoring criteria specified in subdivision (b) of this subrule. If a small water supply meets the criteria in subdivisions (a) and (b) of this subrule only for lead, or only for copper, the supply may apply to the department for a waiver to reduce the frequency of tap water monitoring to once every 9 years for that contaminant only, that is, a "partial waiver". All of the following apply:
(a) The supply shall demonstrate that its distribution system and service lines and all drinking water system plumbing, including plumbing conveying drinking water within all residences and buildings connected to the system, are free of lead containing materials or copper containing materials, or both, as those terms are defined in this subdivision, as follows:
(i) To qualify for a full waiver, or a waiver of the tap water monitoring requirements for lead, that is, a "lead waiver", the water supply shall provide certification and supporting documentation to the department that the supply is free of all lead containing materials and that the supply complies with both of the provisions in this paragraph. Both of the following apply:
(A) It does not contain plastic pipes that contain lead plasticizers or plastic service lines that contain lead plasticizers.
(B) It is free of lead service lines, lead pipes, lead soldered pipe joints, and leaded brass or bronze alloy fittings and fixtures, unless the fittings and fixtures meet the specifications of standards established under "Prohibition on Use of Lead Pipes, Solder, and Flux: Plumbing Fittings and Fixtures" 42 U.S.C. 300G-6(e), (2006), which is available on the Internet at http://www.law.cornell.edu/uscode/text/42/300g-6.
(ii) To qualify for a full waiver, or a waiver of the tap water monitoring requirements for copper, that is, a "copper waiver", the water supply shall provide certification and supporting documentation to the department that the supply does not contain copper pipes or copper service lines.
(b) The supply shall have completed at least one 6-month round of standard tap water monitoring for lead and copper at sites approved by the department and from the number of sites required by subrule (3) of this rule and demonstrate that the ninetieth percentile levels for all rounds of

monitoring conducted since the supply became free of all lead containing or copper containing materials, or both, as appropriate, meet the following criteria:
(i) To qualify for a full waiver or a lead waiver, the supply shall demonstrate that the ninetieth percentile lead level does not exceed 0.005 mg/l.
(ii) To qualify for a full waiver or a copper waiver, the supply shall demonstrate that the ninetieth percentile copper level does not exceed 0.65 mg/l.
(c) The department shall notify the supply of its waiver determination, in writing setting forth the basis of its decision and any condition of the waiver. As a condition of the waiver, the department may require the supply to perform specific activities, for example, limited monitoring, periodic outreach to customers to remind them to avoid installation of materials that might void the waiver, to avoid the risk of lead or copper concentration of concern in tap water. The small supply shall continue monitoring for lead and copper at the tap as required by subdivisions (a) to (d) of this subrule, as appropriate, until it receives written notification from the department that the waiver has been approved.
(d) Monitoring frequencies for supplies with waivers are as follows:
(i) A supply with a full waiver shall conduct tap water monitoring for lead and copper under subrule (4)(d)(iv) of this rule at the reduced number of sampling sites identified in subrule (3) of this rule at least once every 9 years and provide the materials certification specified in subdivision (a) of this subrule for both lead and copper to the department along with the monitoring results. Samples collected every 9 years shall be collected not later than every ninth calendar year.
(ii) A supply with a partial waiver shall conduct tap water monitoring for the waived contaminant under subrule (4)(d)(iv) of this rule at the reduced number of sampling sites specified in subrule (3) of this rule at least once every 9 years and provide the materials certification specified in subdivision (a) of this subrule pertaining to the waived contaminant along with the monitoring results. Samples collected every 9 years for the waived contaminant shall be collected not later than every ninth calendar year. The supply also shall continue to monitor for the non-waived contaminant under requirements of subrule (4)(a) to (d) of this rule, as appropriate.
(iii) A water supply with a full or partial waiver shall notify the department, in writing, under R 325.10710d(a)(iii) of an upcoming long-term change in treatment or addition of a new source, as described in that rule. The department shall review and approve the addition of a new source or long-term change in water treatment before it is implemented by the water supply. The department has the authority to require the water supply to add or modify waiver conditions, for example, require recertification that the system is free of lead containing or copper containing materials, or both, require additional round or rounds of monitoring, if it considers the modifications are necessary to address treatment or source water changes at the water supply.
(iv) If a water supply with a full or partial waiver becomes aware that it is no longer free of lead containing or copper containing materials, as appropriate, for example, as a result of new construction or repairs, the supply shall notify the department, in writing, not later than 60 days after becoming aware of the change.
(e) If the supply continues to satisfy the requirements of subdivision (d) of this subrule, the waiver will be renewed automatically, unless a condition listed in paragraphs (i) to (iii) of this subdivision occurs. A supply whose waiver has been revoked may reapply for a waiver if it again meets the appropriate materials and monitoring criteria of subdivisions (a) and (b) of this subrule. The waiver is revoked if any of the following conditions exist:
(i) A supply with a full waiver or a lead waiver no longer satisfies the materials criteria of subdivision (a)(i) of this subrule or has a ninetieth percentile lead level of more than 0.005 mg/l.

(ii) A supply with a full waiver or a copper waiver no longer satisfies the materials criteria of subdivision (a)(ii) of this subrule or has a ninetieth percentile copper level of more than 0.65 mg/l.
(iii) The department notifies the supply, in writing setting forth the basis of its decision, that the waiver has been revoked.
(f) A supply whose full or partial waiver has been revoked by the department is subject to the corrosion control treatment and lead and copper tap water monitoring requirements, as follows:
(i) If the supply exceeds the lead or copper action level, or both, the supply shall implement corrosion control treatment under the deadlines specified in R 325.10604f(2)(e) and other applicable requirements of this part.
(ii) If the supply meets both the lead and the copper action level, the supply shall monitor for lead and copper at the tap not less frequently than once every 3 years using the reduced number of sample sites specified in subrule (3) of this rule.
(g) Small water supply waivers approved by the department, in writing, before April 11, 2000, shall remain in effect if the supply has demonstrated that it is both free of lead containing and copper containing materials, as required by subdivision (a) of this subrule, and that its ninetieth percentile lead levels and ninetieth percentile copper levels meet the criteria of subdivision (b) of this subrule, and that the supply continues to meet the waiver eligibility criteria of subdivision (e) of this subrule. The first round of tap water monitoring conducted under subdivision (d) of this subrule shall be completed not later than 9 years after the last time the supply has monitored for lead and copper at the tap.

R 325.10719e Disinfectant residuals, disinfection byproducts, and disinfection byproduct precursors; monitoring requirements.
Rule 719e. (1) This rule applies as set forth in R 325.10610b. All of the following provisions are general monitoring requirements:
(a) Supplies shall take all samples during normal operating conditions.
(b) Supplies may consider multiple wells drawing water from a single aquifer as 1 treatment plant for determining the minimum number of TTHM and HAA5 samples required, with department approval. This approval will be granted in writing if the supply can demonstrate that the finished water quality characteristic of all entry points to the distribution system drawing from the identified aquifer, whether served by multiple wells or a single well, are similar and are expected to react alike in terms of the formation of disinfection byproducts. To demonstrate this, the supply shall arrange for a study to be prepared by an individual or firm considered qualified to perform this work, such as a hydrogeologist, geologist, or engineer. All of the following provisions apply to the study:
(i) The study shall consider well construction and geology, including all of the following:
(A) Well locations marked on a topographical map.
(B) Well depths.
(C) Well logs showing geological strata, identifying water production zones, screened or slotted areas, and grouting of the annular space.
(D) Static water levels.
(E) Aquifer studies and maps.
(F) Treatment applied.
(ii) The study shall consider water characteristics and chemistry of each well including all of the following:
(A) Field pH.
(B) Field temperatures.

(C) Specific conductivity.
(D) Total organic carbon.
(E) Analyses of common ions with a calculated cation/ion balance, such as calcium, magnesium, iron, manganese, sodium sulfate, alkalinity, and chloride.
(iii) The department may require disinfection byproducts monitoring at various entry points to the distribution system to determine if the study conclusions are correct.
(iv) Results of disinfection byproducts monitoring may be used instead of the study if all entry points to the distribution system drawing from the identified aquifer show that the levels are below the MCLs.
(c) Failure to monitor in accordance with the monitoring plan required under subrule (5) of this rule is a monitoring violation.
(d) Failure to monitor will be treated as a violation for the entire period covered by the annual average where compliance is based on a running annual average of monthly or quarterly samples or averages and the supply's failure to monitor makes it impossible to determine compliance with MCLs or MRDLs.
(e) Supplies shall use only data collected under this rule to qualify for reduced monitoring.
(2) All of the following provisions are monitoring requirements for disinfection byproducts:
(a) All of the following provisions are TTHM and HAA5 monitoring requirements:
(i) Supplies shall conduct routine monitoring at the frequency indicated in R 325.10719h.
(ii) Supplies may reduce monitoring, except as otherwise provided, under R 325.10719j.
(iii) To qualify for reduced monitoring for TTHM and HAA5 under R 325.10719j, subpart H supplies not subject to disinfection byproduct precursor monitoring under subrule (4) of this rule shall take monthly TOC samples every 30 days at a location before treatment. In addition to meeting other criteria for reduced monitoring in R 325.10719j, the source water TOC running annual average shall be less than or equal to 4.0 mg/L, based on the most recent 4 quarters of monitoring, on a continuing basis at each treatment plant to reduce or remain on reduced monitoring for TTHM and HAA5. Once qualified for reduced monitoring for TTHM and HAA5 under R 325.10719j, a supply may reduce source water TOC monitoring to quarterly TOC samples taken every 90 days at a location before treatment.
(b) Community and nontransient noncommunity water supplies adding chlorine dioxide shall conduct monitoring for chlorite under all of the following provisions:
(i) All of the following provisions are routine monitoring requirements:
(A) Each day, supplies shall take samples at the entrance to the distribution system. For any daily sample that exceeds the chlorite MCL, the supply shall take additional samples in the distribution system the following day at the locations required by paragraph (ii) of this subdivision, in addition to the sample required at the entrance to the distribution system.
(B) Each month, supplies shall take a 3-sample set in the distribution system. The supply shall take 1 sample at each of the following locations:
(1) Near the first customer.
(2) At a location representative of average residence time.
(3) At a location reflecting maximum residence in the distribution system.
Any additional routine sampling shall be conducted in the same manner, as 3-sample sets, at the specified locations. The supply may use the results of additional monitoring conducted under paragraph (ii) of this subdivision to meet the requirement for monitoring in this paragraph.
(ii) On each day following a routine sample monitoring result that exceeds the chlorite MCL at the entrance to the distribution system, the supply shall take 3 chlorite distribution system samples at each of the following locations:
(A) As close to the first customer as possible.

(B) In a location representative of average residence time.
(C) As close to the end of the distribution system as possible, reflecting maximum residence time in the distribution system.
(iii) Chlorite monitoring at the entrance to the distribution system required by paragraph (i)(A) of this subdivision may not be reduced. Chlorite monitoring in the distribution system required by paragraph (i)(B) of this subdivision may be reduced to 1 3-sample set per quarter after 1 year of monitoring where no individual chlorite sample taken in the distribution system under paragraph (i)(B) of this subdivision has exceeded the chlorite MCL and the supply has not been required to conduct monitoring under paragraph (ii) of this subdivision. The supply may remain on the reduced monitoring schedule until either any of the 3 individual chlorite samples taken quarterly in the distribution system under paragraph (i)(B) of this subdivision exceeds the chlorite MCL or the supply is required to conduct monitoring under paragraph (ii) of this subdivision, at which time the supply shall revert to routine monitoring.
(c) Supplies using ozone shall monitor for bromate as follows:
(i) Supplies using ozone shall monitor for bromate by taking 1 sample per month at the entrance to the distribution system for each treatment plant in the supply using ozone.
(ii) A supply required to monitor for bromate may reduce monitoring from monthly to quarterly, if the supply's running annual average bromate concentration is less than or equal to 0.0025 mg/L based on monthly bromate measurements under paragraph (i) of this subdivision for the most recent 4 quarters. The supply may remain on reduced monitoring as long as the running annual average of quarterly bromate sample are less than or equal to 0.0025 mg/L. If the running annual average bromate concentration is greater than 0.0025 mg/L, the supply shall resume routine monitoring required by paragraph (i) of this subdivision.
(3) Both of the following provisions are monitoring requirements for disinfectant residuals:
(a) Community and nontransient noncommunity water supplies adding chlorine or chloramines shall measure the residual disinfectant level in the distribution system at the same point in the distribution system and at the same time as total coliforms are sampled, as specified in R 325.10704 to R 325.10709 until March 31, 2016 and as specified in R 325.10704d to R 325.10704h beginning April 1, 2016. Subpart H supplies may use the results of residual disinfectant concentration sampling conducted under filtration sampling requirements of R 325.10720(4) instead of taking separate samples. Monitoring shall not be reduced.
(b) All of the following provisions are chlorine dioxide monitoring requirements:
(i) Community, nontransient noncommunity, and transient noncommunity water supplies that use chlorine dioxide shall monitor for chlorine dioxide by taking daily samples at the entrance to the distribution system. For any daily sample that exceeds the MRDL, the supply shall take samples in the distribution system the following day at the locations required by paragraph (ii) of this subdivision, in addition to the sample required at the entrance to the distribution system.
(ii) On each day following a routine sample monitoring result that exceeds the MRDL, the supply shall take 3 chlorine dioxide distribution system samples. If chlorine dioxide or chloramines are used to maintain a disinfectant residual in the distribution system, or if chlorine is used to maintain a disinfectant residual in the distribution system and there are no disinfection addition points after the entrance to the distribution system, that is, no booster chlorination, the supply shall take 3 samples as close to the first customer as possible, at intervals of at least 6 hours. If chlorine is used to maintain a disinfectant residual in the distribution system and there are 1 or more disinfection addition points after the entrance to the distribution system, that is, booster chlorination, the supply shall take 1 sample at each of the following locations:
(A) As close to the first customer as possible.
(B) In a location representative of average residence time.

(C) As close to the end of the distribution system as possible, reflecting maximum residence time in the distribution system.
(iii) Chlorine dioxide monitoring may not be reduced.
(4) Monitoring requirements for disinfection byproduct precursors (DBPP) are as follows:
(a) Subpart H supplies using conventional filtration shall monitor each treatment plant for TOC not later than the point of combined filter effluent turbidity monitoring and representative of the treated water. Supplies shall also monitor for TOC in the source water before any treatment at the same time as monitoring for TOC in the treated water. These samples (source water and treated water) are referred to as "paired samples." At the same time as the source water sample is taken, supplies shall monitor for alkalinity in the source water before any treatment. Supplies shall take 1 paired sample and 1 source water alkalinity sample per month per plant at a time representative of normal operating conditions and influent water quality.
(b) Subpart H supplies with an average treated water TOC of less than 2.0 mg/l for 2 consecutive years, or less than 1.0 mg/l for 1 year, may reduce monitoring for both TOC and alkalinity to 1 paired sample and 1 source water alkalinity sample per plant per quarter. The supply shall revert to routine monitoring in the month following the quarter when the annual average treated water TOC is greater than or equal to 2.0 mg/l.
(5) Supplies subject to this rule shall develop and implement a monitoring plan. The supply shall maintain the plan and make it available for inspection by the department and the general public not more than 30 days after the supply becomes subject to this rule, as indicated in R 325.10610b. Subpart H supplies serving more than 3,300 people shall submit a copy of the monitoring plan to the department not later than the date of the first report required under R 325.10719f. At a minimum, the plan shall include all of the following elements:
(a) Specific locations and schedules for collecting samples for parameters included in R 325.10610b, R 325.10610c, or this rule.
(b) The method the supply will use to calculate compliance with MCLs, MRDLs, and treatment techniques.
(c) If approved for monitoring as a consecutive supply, or if providing water to a consecutive supply, under of R 325.10733, the sampling plan shall reflect the entire distribution system.

R 325.10719f Disinfectant residuals, disinfection byproducts, and disinfection byproduct precursors; reporting and recordkeeping.
Rule 719f. (1) Supplies required to monitor under R 325.10719e shall report to the department under this rule and R 325.10719n. Supplies required to sample quarterly or more frequently shall report to the department within 10 days after the end of each quarter in which samples were collected, notwithstanding the provisions of R 325.10734. Supplies required to sample less frequently than quarterly shall report to the department within 10 days after the end of each monitoring period in which samples were collected.
(2) Supplies shall report disinfection byproducts information specified in the following table:

If supply monitors under R 325.10719e(2) for...	Supply shall report...

(a) Chlorite	(i) The number of entry point samples taken each month for the last 3 months. (ii) The location, date, and result of each sample (both entry point and distribution system) taken during the last quarter. (iii) For each month in the reporting period, the average of all samples taken in each 3-samples set taken in the distribution system. (iv) Whether, based on R 325.10610b(2)(c), the MCL was violated, in which month, and how many times it was violated each month.
(b) Bromate	(i) The number of samples taken during the last quarter. (ii) The location, date, and result of each sample taken during the last quarter. (iii) The average of the monthly averages of all samples taken in the last year. (iv) Whether, based on R 325.10610b(2)(b), the MCL was violated.

(3) Supplies shall report disinfectant information specified in the following table:

If supply monitors under R 325.10719e(3) for...	supply shall report...
(a) Chlorine or chloramines	(i) The number of samples taken during each month of the last quarter. (ii) The monthly average of all samples taken in each month for the last 12 months. (iii) The average of all monthly averages for the last 12 months. (iv) Whether, based on R 325.10610b(3)(a), the MRDL was violated.

(b) Chlorine dioxide	(i) The dates, results, and locations of samples taken during the last quarter. (ii) Whether, based on R 325.10610(3)(b), the MRDL was violated. (iii) Whether the MRDL was exceeded in any 2 consecutive daily samples and whether the resulting violation was a tier 1 or tier 2 violation.

(4) Supplies shall report disinfection byproduct precursors and enhanced coagulation or enhanced softening information specified in the following table:

If supply monitors monthly or quarterly for TOC under R 325.10719e(4)...	Supply shall report...
(a) And is required to meet the enhanced coagulation or enhanced softening requirements in R 325.10610c(2)(b) or (c)	(i) The number of paired samples taken during the last quarter. (ii) The location, date, and result of each paired sample and associated alkalinity taken during the last quarter. (iii) For each month in the reporting period that paired samples were taken, the average of the percent reduction of TOC for each paired sample and the required TOC percent removal. (iv) Calculations for determining compliance with the TOC percent removal requirements, as provided in R 325.10610c(3)(a). (v) Whether the system is in compliance with the enhanced coagulation or enhanced softening percent removal requirements in R 325.10610c(2) for the last 4 quarters.

(b) And meets 1 or more of the alternative compliance criteria in R 325.10610c(1)(b) or (c)	(i) The number of paired samples taken during the last quarter. (ii) The location, date, and result of each paired sample and associated alkalinity taken during the last quarter. (iii) The alternative compliance criterion that the system is using. (iv) The running annual average based on monthly averages, or quarterly samples, of source water TOC for systems meeting a criterion in R 325.10610c(1)(b)(i) or (iii) or of treated water TOC for systems meeting the criterion in R 325.10610c(1)(b)(ii). (v) The running annual average based on monthly averages, or quarterly samples, of source water SUVA for systems meeting the criterion in R 325.10610c(1)(b)(v) or of treated water SUVA for systems meeting the criterion in R 325.10610c(1)(b)(vi). (vi) the running annual average of source water alkalinity for systems meeting the criterion in R 325.10610c(1)(b)(iii) and of treated water alkalinity for systems meeting the criterion in R 325.10610c(1)(c)(i). (vii) The running annual average for both TTHM and HAA5 for systems meeting the criterion in R 325.10610c(1)(b)(iii). (viii) The running annual average of the amount of magnesium hardness removal, as calcium carbonate, in mg/l, for systems meeting the criterion in R 325.10610c(1)(c)(ii). (ix) Whether the system is in compliance with the particular alternative compliance criterion in R 325.10610c(1)(b) or (c).

R 325.10719g Rescinded.

R 325.10719h Disinfection byproducts; routine monitoring.
Rule 719h. (1) A community or nontransient noncommunity water supply that is subject to disinfection byproducts requirements of R 325.10610d shall monitor at the location or locations

and dates identified in the monitoring plan in R 325.10719e(5), updated as required by R 325.10719i. These community and noncommunity water supplies are also considered "water supplies" or "supplies" in this rule and R 325.10719i to R 325.10719n.
(2) The supply shall monitor at least the number of locations identified in the following table:

Source Water Type	Population size category	Monitoring Frequency [1]	Distribution system monitoring locations total per monitoring period [2]
Subpart H	less than 500	per year	2
Subpart H	500 to 3,300	per quarter	2
Subpart H	3,301 to 9,999	per quarter	2
Subpart H	10,000 to 49,999	per quarter	4
Subpart H	50,000 to 249,999	per quarter	8
Subpart H	250,000 to 999,999	per quarter	12
Subpart H	1,000,000 to 4,999,999	per quarter	16
Subpart H	greater than or equal to 5,000,000	per quarter	20
Groundwater	less than 500	per year	2
Groundwater	500 to 9,999	per year	2
Groundwater	10,000 to 99,999	per quarter	4
Groundwater	100,000 to 499,999	per quarter	6
Groundwater	greater than or equal to 500,000	per quarter	8

[1] All supplies shall monitor during month of highest DBP concentrations.
[2] Supplies on quarterly monitoring shall take dual sample sets every 90 days at each monitoring location, except for subpart H supplies serving 500 to 3,300. Groundwater supplies serving 500-9,999 on annual monitoring shall take dual sample sets at each monitoring location. All other supplies on annual monitoring and subpart H supplies serving 500 to 3,300 shall take individual TTHM and HAA5 samples (instead of a dual sample set) at the locations with the highest TTHM and HAA5 concentrations, respectively. For supplies serving fewer than 500 people, only 1 location with a dual sample set per monitoring period is needed if the highest TTHM and HAA5 concentrations occur at the same location and month.
(3) An undisinfected supply that begins using a disinfectant other than UV light shall consult with the department to identify compliance monitoring locations for TTHM and HAA5 under R 325.10610d and R 325.10719h to R 325.10719n. The supply shall then develop a monitoring plan under R 325.10719i that includes those monitoring locations.

R 325.10719i Disinfection byproducts; monitoring plan.
Rule 719i. (1) Both of the following provisions apply to developing the monitoring plan for community or nontransient noncommunity water supplies that are subject to disinfection byproducts requirements of R 325.10610d:
(a) The supply shall develop and implement a monitoring plan to be kept on file for department and public review. The monitoring plan shall contain all of the following elements and be complete not later than the date the supply conducts the initial monitoring under TTHM and HAA5 provisions of R 325.10610d and R 325.10719h to R 325.10719n:
(i) Monitoring locations.

(ii) Monitoring dates.
(iii) Compliance calculation procedures.
(iv) Monitoring plans for the other supplies in the combined distribution system if the department has reduced monitoring requirements under R 325.10733.
(b) A supply shall identify monitoring locations by alternating selection of locations representing high TTHM levels and high HAA5 levels until the required number of monitoring locations have been identified for compliance with R 325.10719h to R 325.10719j. The supply shall also provide the rationale for identifying the locations as having high levels of TTHM or HAA5.
(2) A subpart H supply serving greater than 3,300 people shall submit a copy of the monitoring plan to the department before the date the supply conducts the initial monitoring under TTHM and HAA5 provisions of R 325.10610d and R 325.10719h to R 325.10719n.
(3) The supply may revise the monitoring plan to reflect changes in treatment, distribution system operations and layout, including new service areas, or other factors that may affect TTHM or HAA5 formation, or for department approved reasons, after consultation with the department regarding the need for changes and the appropriateness of changes. If the supply changes monitoring locations, the supply shall replace existing compliance monitoring locations with the lowest LRAA with new locations that reflect the current distribution system locations with expected high TTHM or HAA5 levels. The department may also require modifications in the monitoring plan. A subpart H supply serving greater than 3,300 people shall submit a copy of the modified monitoring plan to the department before the date the supply is required to comply with the revised monitoring plan.

R 325.10719m Rescinded.

R 325.10720 Filtration and disinfection; filtration sampling requirements.
Rule 720. (1) Subpart H supplies shall monitor under this rule to determine compliance with R 325.10611a and R 325.10611b.
(2) All of the following provisions are turbidity monitoring requirements:
(a) Supplies shall collect samples and perform measurements for turbidity at locations representative of filtered water at regular intervals at least once every 4 hours while the treatment plant is in operation.
(b) A public water supply may substitute continuous turbidity monitoring for grab sample monitoring if the continuous measurement is validated for accuracy on a regular basis using a protocol approved by the department. Readings taken from a continuous recording turbidimeter at regular intervals at least once every 4 hours may be used to determine compliance with the treatment technique under R 325.10611b. The turbidimeter shall be calibrated using the procedure specified by the manufacturer.
(c) Supplies using conventional or direct filtration shall conduct continuous monitoring of turbidity for each individual filter and shall calibrate turbidimeters using the procedure specified by the manufacturer. Supplies shall record the results of individual filter monitoring every 15 minutes.
(d) If there is a failure in the continuous turbidity monitoring equipment described in subdivision (c) of this subrule, then the supply shall conduct grab sampling every 4 hours instead of continuous monitoring, but for not more than 5 working days after the failure of the equipment for supplies serving 10,000 or more people or 14 days for supplies serving fewer than 10,000 people before a violation is incurred.
(e) If the supply serves fewer than 10,000 people and consists of only 2 or fewer filters, then the supply may conduct continuous monitoring of combined filter effluent turbidity instead of

individual filter effluent turbidity monitoring. Continuous monitoring shall meet the same requirements in subdivisions (c) and (d) of this subrule.
(3) All of the following provisions are disinfectant residual monitoring requirements at the entry points to the distribution system:
(a) Supplies serving more than 3,300 people shall monitor for residual disinfectant concentration at an entry point to the distribution system on a continuous basis and record the lowest value each day. If there is a failure in the continuous monitoring equipment, the supply may take grab samples every 4 hours instead of continuous monitoring, but for no more than 5 working days following the failure of the equipment.
(b) Supplies serving fewer than 3,301 people shall monitor for residual disinfectant concentration at an entry point to the distribution system at a frequency set forth in table 1 of this rule, and, if more than 1 sample is required per day, supplies shall collect samples at times evenly spaced throughout the operational day.

Table 1 Residual disinfectant concentration sampling frequencies

Supply size by population	Samples per day
500 or fewer people	1
501 to 1,000 people	2
1,001 to 2,500 people	3
2,501 to 3,300 people	4

(c) Under R 325.10611a, supplies shall maintain a residual disinfectant concentration entering the distribution system of not less than 0.2 milligrams per liter. If the residual disinfectant concentration drops below this level at any time, then the supply shall notify the department as soon as possible, but not later than the end of the next business day. In addition, the supply shall notify the department by the end of the next business day whether or not the residual disinfectant concentration was restored to not less than 0.2 milligrams per liter within 4 hours.
(4) The residual disinfectant concentration shall be measured, at least, at the same points in the distribution system and at the same time as total coliforms are sampled, as specified in R 325.10704 to R 325.10709 until March 31, 2016 and as specified in R 325.10704d to R 325.10704h beginning April 1, 2016. The department may allow a public water supply which uses both a surface water source or a ground water source under direct influence of surface water, and a ground water source, to take disinfectant residual samples at points other than the total coliform sampling points if the department determines that those points are more representative of treated (disinfected) water quality within the distribution system. Heterotrophic bacteria, measured as heterotrophic plate count (HPC) as adopted by reference in R 325.10605, may be measured instead of residual disinfectant concentration.

R 325.10720d Enhanced treatment for Cryptosporidium; developing disinfection profile and benchmark.
Rule 720d. (1) Subpart H supplies required to develop disinfection profiles under R 325.10720c shall follow the requirements of this rule. These Subpart H supplies are also considered "supplies" in this rule. Supplies shall monitor under subrule (2) of this rule to determine the total log inactivation for Giardia lamblia and viruses. Supplies shall determine log inactivation for Giardia lamblia through the entire plant, based on the protocol in R 325.10722(3)(b). Supplies shall determine log inactivation for viruses through the entire treatment plant, based on the protocol in R 325.10722(3)(c).

(2) Subpart H supplies with a single point of disinfectant application before the entrance to the distribution system shall conduct the monitoring in R 325.10722(3)(a). Supplies with more than 1 point of disinfectant application shall conduct the monitoring in R 325.10722(3)(a) for each disinfection segment. Subpart H supplies shall monitor the parameters necessary to determine the total inactivation ratio.
(3) Instead of conducting new monitoring under subrule (2) of this rule, Subpart H supplies may elect to meet the requirements of either of the following:
(a) Supplies that have at least 1 year of existing data that are substantially equivalent to data collected under R 325.10722(3)(a) to meet the requirements of subule (2) of this rule may use these data to develop disinfection profiles as specified in this rule if the supply has neither made a significant change to its treatment practice nor changed sources since the data were collected. Supplies may develop disinfection profiles using up to 3 years of existing data.
(b) Supplies may use a disinfection profile or profiles developed under R 325.10722 instead of developing a new profile if the supply has neither made a significant change to its treatment practice nor changed sources since the profile was developed. Supplies that have not developed a virus profile under R 325.10722 shall develop a virus profile using the same monitoring data on which the Giardia lamblia profile is based.
(4) Subpart H supplies shall calculate the total inactivation ratio for Giardia lamblia using the protocol in R 325.10722(3)(b). Supplies shall calculate the log of inactivation for viruses using the protocol in R 325.10722(3)(c).
(5) Subpart H supplies shall use the procedures in R 325.10722(4)(c) to calculate a disinfection benchmark.

R 325.10722 Filtration and disinfection; disinfection profiling and benchmarking.
Rule 722. (1) A subpart H supply making a significant change to its disinfection practice, as described in subrule (4)(a)(i) to (iv) of this rule shall consult with the department before making the change. An approved significant change in disinfection practices shall not jeopardize current levels of disinfection.
(2) A subpart H community or nontransient noncommunity supply that develops a disinfection profile under R 325.10720c of weekly log inactivations over 52 weeks shall report to the department under R 325.10720a(5).
(3) All of the following provisions apply to disinfection profiling:
(a) To determine the total log inactivation for Giardia lamblia and viruses, supplies shall monitor at least weekly for a period of 12 consecutive months. If supplies monitor more frequently, the monitoring frequency shall be evenly spaced. Supplies that operate for fewer than 12 months per year shall monitor weekly during the period of operation. Supplies shall monitor all of the following parameters:
(i) If a disinfectant other than UV is used, the temperature of the disinfected water shall be measured at each residual disinfectant concentration sampling point during peak hourly flow or at an alternative location approved by the department.
(ii) If chlorine is used, the pH of the disinfected water shall be measured at each chlorine residual disinfect disinfectant concentration sampling point during peak hourly flow or at an alternative location approved by the department.
(iii) Disinfectant contact time or times ("T") shall be determined during peak hourly flow.
(iv) Residual disinfectant concentration or concentrations ("C") of the water before or at the first customer and before each additional point of disinfectant application shall be measured during peak hourly flow.

(b) A supply shall determine log inactivation for Giardia lamblia through the entire plant, based on CT99.9 values in Tables 1.1 to 1.6, 2.1 and 3.1 of 40 CFR §141.74(b)(3)(v), as applicable, as adopted by reference in R 325.10112. A supply shall calculate the total logs of inactivation for Giardia lamblia as follows:
(i) A supply using only 1 point of disinfectant application shall determine the total inactivation ratio for the disinfection segment based on either of the following methods:
(A) Determine 1 inactivation ratio (CTcalc/CT99.9) before or at the first customer during peak hourly flow.
(B) Determine successive CTcalc/CT99.9 values, representing sequential inactivation ratios, between the point of disinfectant application and a point before or at the first customer during peak hourly flow. The supply shall calculate the total inactivation ratio by determining (CTcalc/CT99.9) for each sequence and then adding the (CTcalc/CT99.9) values together to determine ∑ (CTcalc/CT99.9).
(ii) A supply using more than 1 point of disinfectant application before the first customer shall determine the (CTcalc/CT99.9) value of each disinfection segment immediately before the next point of disinfectant application, or for the final segment, before or at the first customer, during peak hourly flow. The (CTcalc/CT99.9) value of each segment and ∑ (CTcalc/CT99.9) shall be calculated using the method specified in paragraph (i)(B) of this subdivision.
(iii) The supply shall determine the total logs of inactivation by multiplying the value calculated in paragraph (i) or (ii) of this subdivision by 3.0.
(c) A supply that uses chloramines, ozone, or chlorine dioxide for primary disinfection, and a supply subject to R 325.10720d, shall calculate the logs of inactivation for viruses through the entire treatment plant based on CT99.99 values in the tables in Appendix B of the LT1ESWTR Disinfection Profiling and Benchmarking Technical Guidance Manual, as adopted by reference in R 325.10112, as applicable, and develop a disinfection profile for viruses. A supply shall calculate the total log of inactivation for viruses as follows:
(i) A supply using only 1 point of disinfection application shall determine the total inactivation ratio for the disinfection segment based on either of the following methods:
(A) Determine 1 inactivation ratio (CTcalc/CT99.99) before or at the first customer during peak hourly flow.
(B) Determine successive CTcalc/CT99.99 values, representing sequential inactivation ratios, between the point of disinfectant application and a point before or at the first customer during peak hourly flow. The supply shall calculate the total inactivation ratio by determining (CTcalc/CT99.99) for each sequence and then adding the (CTcalc/CT99.99) values together to determine ∑ (CTcalc/CT99.99).
(ii) A supply using more than 1 point of disinfectant application before the first customer shall determine the (CTcalc/CT99.99) value of each disinfection segment immediately before the next point of disinfectant application, or for the final segment, before or at the first customer, during peak hourly flow. The (CTcalc/CT99.99) value of each segment and ∑ (CTcalc/CT99.99) shall be calculated using the method specified in paragraph (i)(B) of this subdivision.
(iii) The supply shall determine the total logs of inactivation by multiplying the value calculated in paragraph (i) or (ii) of this subdivision by 4.0.
(d) The disinfection profile of the 52 measurements of log inactivations shall be represented in a graphic form, such as a spreadsheet and shall be retained and be available for review by the department as part of a sanitary survey. The data shall be used to create the disinfection benchmark under subrule (4) of this rule.
(4) All of the following provisions apply to disinfection benchmarking:
(a) Significant changes to disinfection practice include all of the following:

(i) Changes to the point of disinfection.
(ii) Changes to the disinfectant or disinfectants used in the treatment plant.
(iii) Changes to the disinfection process.
(iv) Any other modification identified by the department as a significant change to disinfection practices.
(b) Prior to changing the disinfection practice, the supply shall notify the department and shall include in this notice the following information:
(i) A description of the proposed change in disinfection practice.
(ii) A completed disinfection profile and disinfection benchmark for Giardia lamblia and viruses as described in R 325.10720d.
(iii) An analysis of how the proposed change will affect the current level of disinfection.
(iv) Any additional information requested by the department to demonstrate the results or benefits, or both, of the change to the disinfection practice.
(c) Supplies shall use the following procedures to calculate a disinfection benchmark:
(i) For each year of profiling data collected and calculated under subrule (3)(a) to (c) of this rule and R 325.10720d(3), supplies shall determine the lowest mean monthly level of both Giardia lamblia and virus inactivation. Supplies shall determine the mean Giardia lamblia and virus inactivation for each calendar month for each year of profiling data by dividing the sum of daily or weekly Giardia lamblia and virus log inactivation by the number of values calculated for that month.
(ii) The disinfection benchmark is the lowest monthly mean value, for supplies with 1 year of profiling data, or the mean of the lowest monthly mean values, for supplies with more than 1 year of profiling data, of Giardia lamblia and virus log inactivation in each year of profiling data.

R 325.10739 Groundwater supply rules; groundwater source microbial monitoring and analytical methods.
Rule 739. (1) All of the following provisions apply to triggered source water monitoring in a groundwater supply that is subject to R 325.10612:
(a) A groundwater supply shall conduct triggered source water monitoring if both of the following conditions exist:
(i) The groundwater supply does not provide at least 4-log treatment of viruses (using inactivation, removal, or a department approved combination of 4-log virus inactivation and removal) before or at the first customer for each groundwater source.
(ii) The groundwater supply is notified that either of the following conditions exists:
(A) A sample collected under R 325.10705 to R 325.10706 is total coliform positive and the sample is not invalidated under R 325.10707a until March 31, 2016.
(B) A sample collected under R 325.10704d to R 325.10704g is total coliform-positive and the sample is not invalidated under R 325.10704c(3) beginning April 1, 2016.
(b) A groundwater supply shall collect, within 24 hours of notification of the total coliform positive sample, at least 1 groundwater source sample from each groundwater source in use at the time the total coliform positive sample was collected under R 325.10705 to R 325.10706 until March 31, 2016, or collected under R 325.10704d to R 325.10704g beginning April 1, 2016, except as provided in paragraph (ii) of this subdivision. The sample shall be analyzed for the presence of E. coli, or if approved by the department, for the presence of enterococci or coliphage. All of the following apply to groundwater source sample requirements:
(i) The department may extend the 24-hour time limit on a case-by-case basis if the groundwater supply cannot collect the groundwater source water sample within 24 hours due to circumstances

beyond its control. In the case of an extension, the department shall specify how much time the groundwater supply has to collect the sample.
(ii) If approved by the department, groundwater supplies with more than 1 groundwater source may meet the requirements of this subdivision by sampling a representative groundwater source or sources. If directed by the department, groundwater supplies shall submit for department approval a triggered source water monitoring plan that identifies 1 or more groundwater sources that are representative of each monitoring site in the groundwater supply's sample siting plan under R 325.10705 to R 325.10706, until March 31, 2016, or under R 325.10704c beginning April 1, 2016, and that the groundwater supply intends to use for representative sampling under this paragraph.
(iii) Until March 31, 2016, a groundwater supply serving 1,000 or fewer people may use a repeat sample collected from a groundwater source to meet both the requirements of R 325.10707 and to satisfy the monitoring requirements of this subdivision for that groundwater source. If the repeat sample collected from the groundwater source is E. coli positive, the groundwater supply shall comply with subdivision (c) of this subrule.
(c) If the department does not require corrective action under R 325.10612a(1)(b) for a fecal indicator positive source water sample collected under subdivision (b) of this subrule that is not invalidated under R 325.10739(3), the groundwater supply shall collect 5 additional source water samples from the same source within 24 hours of being notified of the fecal indicator positive sample and have it analyzed for the presence of E. coli, or with department approval, for the presence of enterococci or coliphage.
(d) Both of the following provisions apply to consecutive supplies and wholesale supplies:
(i) In addition to the other requirements of this subrule, a consecutive groundwater supply that has a total coliform positive sample collected under R 325.10705 to R 325.10706 until March 31, 2016, or under R 325.10704d to R 325.10704g beginning April 1, 2016, shall notify the wholesale supply or supplies within 24 hours of being notified of the total coliform positive sample.
(ii) In addition to the other requirements of this subrule, a wholesale groundwater supply shall comply with both of the following:
(A) A wholesale groundwater supply that receives notice from a consecutive supply it serves that a sample collected under R 325.10705 to R 325.10706 until March 31, 2016, or under R 325.10704d to R 325.10704g beginning April 1, 2016, is total coliform positive shall, within 24 hours of being notified, collect a sample from its groundwater source or sources under subdivision (b) of this subrule and have it analyzed for the presence of E. coli, or with department approval, for the presence of enterococci or coliphage.
(B) If the sample collected under subparagraph (A) of this paragraph is fecal indicator positive, the wholesale groundwater supply shall notify all consecutive supplies served by that groundwater source of the fecal indicator source water positive within 24 hours of being notified of the groundwater source sample monitoring result and shall meet the requirements of subdivision (c) of this subrule.
(e) Exceptions to the triggered source water monitoring requirements are either of the following. A groundwater supply is not required to comply with the source water monitoring requirements of subrule (1) of this rule if either of the following conditions exists:
(i) The department determines, and documents in writing, that the total coliform positive sample collected under R 325.10705 to R 325.10706 until March 31, 2016, or under R 325.10704d to R 325.10704g beginning April 1, 2016, is caused by a distribution system deficiency.
(ii) The total coliform positive sample collected under R 325.10705 to R 325.10706 until March 31, 2016, or under R 325.10704d to R 325.10704g beginning April 1, 2016, is collected at a

location that meets department criteria for distribution system conditions that will cause total coliform positive samples.
(2) All of the following provisions apply to assessment source water monitoring. If directed by the department, groundwater supplies shall conduct assessment source water monitoring that meets department determined requirements for that monitoring. A groundwater supply conducting assessment source water monitoring may use a triggered source water sample collected under subrule (1)(b) of this rule to meet the requirements of this subrule. Department determined assessment source water monitoring requirements may include any of the following:
(a) Collection of a total of 12 groundwater source samples that represent each month the groundwater supply provides groundwater to the public.
(b) Collection of samples from each well unless the groundwater supply obtains written department approval to conduct monitoring at 1 or more wells within the groundwater supply that are representative of multiple wells used by that groundwater supply and that draw water from the same hydrogeologic setting.
(c) Collection of a standard sample volume of not less than 100 mL for fecal indicator analysis regardless of the fecal indicator or analytical method used.
(d) Analysis of all groundwater source samples using analytical methods adopted by reference in R 325.10605 for the presence of E. coli, or if approved by the department, for the presence of enterococci, or coliphage.
(e) Collection of groundwater source samples at a location before any treatment of the groundwater source unless the department approves a sampling location after treatment.
(f) Collection of groundwater source samples at the well itself unless the groundwater supply's configuration does not allow for sampling at the well itself and the department approves an alternate sampling location that is representative of the water quality of that well.
(3) All of the following provisions apply to invalidation of a fecal indicator positive groundwater source sample.
(a) A groundwater supply may obtain department invalidation of a fecal indicator positive groundwater source sample collected under triggered source water monitoring of subrule (1) of this rule only under either of the following conditions:
(i) The groundwater supply provides the department with written notice from the laboratory that improper sample analysis occurred.
(ii) The department determines and documents in writing that there is substantial evidence that a fecal indicator positive groundwater source sample is not related to source water quality.
(b) If the department invalidates a fecal indicator positive groundwater source sample, the groundwater supply shall collect another source water sample under subrule (1) of this rule within 24 hours of being notified by the department of its invalidation decision and have it analyzed for the same fecal indicator using analytical methods adopted by reference in R 325.10605. The department may extend the 24-hour time limit on a case-by-case basis if the groundwater supply cannot collect the source water sample within 24 hours due to circumstances beyond its control. In the case of an extension, the department will specify how much time the groundwater supply has to collect the sample.
(4) Both of the following provisions apply to sampling location:
(a) A groundwater source sample required under subrule (1) of this rule shall be collected at a location before treatment of the groundwater source unless the department approves a sampling location after treatment.
(b) If the groundwater supply's configuration does not allow for sampling at the well itself, the groundwater supply may collect a sample at a department approved location to meet the

requirements of subrule (1) of this rule if the sample is representative of the water quality of that well.
(5) If directed by the department, a groundwater supply that places a new groundwater source into service after November 30, 2009, shall conduct assessment source water monitoring under subrule (2) of this rule. If directed by the department, the groundwater supply shall begin monitoring before the groundwater source is used to provide water to the public.
(6) A groundwater supply with a groundwater source sample collected under subrule (1) or (2) of this rule that is fecal indicator positive and that is not invalidated under subrule (3) of this rule, including consecutive supplies served by the groundwater source, shall conduct public notification under R 325.10402.
(7) Failure to meet the requirements of subrules (1) to (5) of this rule is a monitoring violation and requires the groundwater supply to provide public notification under R 325.10404.

PART 12. RELIABILITY

R 325.11203 Study of water supply requirements for type I public water supply; proposal for compliance.
Rule 1203. (1) A type I public water supply shall conduct a study to determine the quantity of water supply needed for the waterworks system and shall propose a method of compliance in accordance with R 325.11204.
(2) The study required by subrule (1) of this rule shall be based on 5-year and 20-year projections of water use by the public water supply. The study shall be updated every 5 years unless the owner demonstrates that water use projections are stable and this requirement is waived by the department.
(3) At a minimum, the information presented in this study shall include all of the following:
(a) Basic planning data, including current population, number of service connections, and equivalent residential units.
(b) Sufficient water production and consumption data to identify trends for both 5-year and 20-year planning periods, including the following elements:
(i) The present and projected average daily demand.
(ii) The present and projected maximum daily demand.
(iii) The present and projected maximum hourly demand.
(iv) The present and projected peak instantaneous demand for systems using hydropneumatic storage.
(v) The present and projected fire flow demand.
(vi) The basis of demand projections.
(vii) Monthly and annual production totals for each source, including water purchased from another public water supply.
(viii) Annual usage totals for water supplied to other public water supplies.
(ix) Annual usage totals for each customer class as determined by the public water supply.
(c) A water shortage response plan for emergencies.
(4) Permits shall not be issued by the department to a public water supply unless an approved study of water supply quantity requirements is available.

PART 14. CROSS CONNECTIONS

R 325.11401 Definitions.
Rule 1401. As used in this part:

(a) "Backflow" means water of questionable quality, wastes, or other contaminants entering a potable water supply system due to a reversal of flow.
(b) “Unprotected cross connection” means a cross connection between a potable and non-potable system where inadequate methods are provided to prevent backflow.

R 325.11402 Compliance with regulations and local codes.
Rule 1402. A connection with a public water supply system shall comply with existing laws, ordinances, codes, and rules including:
(a) All sections of the Michigan plumbing code or the Michigan residential code pertaining to backflow and cross connection control. The codes allow for existing plumbing systems to stay as currently installed, providing they were installed properly according to the code in effect at the time of installation and they do not currently present a safety hazard.
(b) Local ordinances or rules providing acceptable protection against cross connections.

R 325.11403 Cross-connections prohibited.
Rule 1403. (1) A temporary or permanent unprotected cross connection between a public water supply system and any source, piping, or system that may contain nonpotable water or other substances is prohibited.
(2) Subrule (1) of this rule applies to all customer types, such as, industrial, commercial, institutional, governmental, and single and multi-unit residential.
(3) Piping configurations creating the potential for water from a public distribution system to flow through a private water main or customer site piping and back into the public system are prohibited. Areas of private water main served by two or more service connections, where flow through the private system can re-enter the public system shall have cross connection control protection installed at each connection point to the public system.

R 325.11404 Local cross connection control programs.
Rule 1404. (1) A type 1 public water supply shall develop a comprehensive control program for the elimination and prevention of all cross connections. The plan for the program shall be submitted to the department for review and approval. Supplies may use the best practices manual for cross connection control prepared by the department, office of drinking water and municipal assistance, listed in R 325.10113 when developing a cross connection control program. When the plan is approved, the water supply shall implement the program for removal of all existing cross connections and prevention of all future cross connections.
(2) At a minimum, the program shall include all of the following:
(a) A complete description of the method of administering the program, including the designation of inspection and enforcement agency or agencies. The local authority for implementation of the program shall be indicated, preferably by ordinance.
(b) A time schedule for inspection and reinspection of all water supply customers' premises for possible cross connections. The periodic reinspection shall be to ascertain if safe air gaps or required backflow preventers are in place.
(c) A description of the methods and backflow preventers, as approved by the department, used to protect the public water supply.
(d) A time schedule for the testing of all testable backflow preventers. The schedule contained in the program shall require testing at least once every 3 years. Backflow preventers installed on lawn irrigation systems with no chemical treatment may be tested once every 5 years if specified within the approved local cross connection control program.
(e) A description of the time allowed for a customer to complete necessary corrections.

(f) A description of the record keeping methods.
(3) Upon receiving written notice from the department, a public water supply shall provide an updated program within 6 months.
(4) A water supply shall report annually to the department on the status of the cross connection control program on a form provided by the department.

R 325.11405 Backflow preventers; tester qualifications and corrections.
Rule 1405. (1) Backflow preventers shall meet the applicable ASSE or CSA standards.
(2) Beginning January 1, 2018, test results of backflow preventers are valid only if testing was performed by individuals holding an active ASSE 5110 certification.
(3) The total time allowed for completion of the necessary corrections shall be contingent upon the degree of hazard involved and include the time required to obtain and install equipment. If the cross connection has not been removed or properly protected, after a reasonable period of time, the water supply shall shut off the water supply to the premises or physically separate the public water supply system from the onsite piping system in a manner that the 2 systems cannot again be connected by any unauthorized person.

PART 15. OPERATION REPORTS AND RECORDKEEPING

R 325.11509 Retention of records; groundwater supply rules.
Rule 1509. In addition to the requirements of R 325.11506, a groundwater supply subject to R 325.10612 shall maintain all of the following information in its records:
(a) Documentation of corrective actions shall be kept for a period of not less than 10 years.
(b) Documentation of notice to the public as required under R 325.10408c shall be kept for a period of not less than 3 years.
(c) Records of decisions under R 325.10739(1)(e)(ii) and records of invalidation of fecal indicator-positive groundwater source samples under R 325.10739(3) shall be kept for a period of not less than 5 years.
(d) For consecutive supplies, documentation of notification to the wholesale supply or supplies of total-coliform positive samples that are not invalidated under R 325.10707a, until March 31, 2016, or under R 325.10704c beginning April 1, 2016 shall be kept for a period of not less than 5 years.
(e) For groundwater supplies, including wholesale supplies, that are required to perform compliance monitoring under R 325.10739a all of the following shall be kept:
(i) Records of the department-specified minimum disinfectant residual shall be kept for a period of not less than 10 years.
(ii) Records of the lowest daily residual disinfectant concentration and records of the date and duration of any failure to maintain the department-prescribed minimum residual disinfectant concentration for a period of more than 4 hours shall be kept for a period of not less than 5 years.
(iii) Records of department-specified compliance requirements for membrane filtration and of parameters specified by the department for department-approved alternative treatment and records of the date and duration of any failure to meet the membrane operating, membrane integrity, or alternative treatment operating requirements for more than 4 hours shall be kept for a period of not less than 5 years.

R 325.11510 Retention of records; total coliform.
Rule 1510. In addition to the requirements of R 325.11506, a community or noncommunity water supply subject to the total coliform rules in R 325.10704a shall maintain in its records the

assessment form, regardless of who conducts the assessment, and documentation of corrective actions completed as a result of those assessments, or other available summary documentation of the sanitary defects and corrective actions taken under R 325.10704i for department review. This record shall be maintained by the supply for a period not less than 5 years after completion of the assessment or corrective action.

PART 16. GENERAL PLANS

R 325.11606 Community water supplies; additional general plan requirements; asset management program; capital improvements plan.
Rule 1606. (1) A community water supply that serves more than 1,000 people shall implement an asset management program as defined in R 325.10102 beginning January 1, 2018, unless otherwise required in this subrule. Supplies may use the reference guide for asset management tools, May 2014, prepared by the U.S. Environmental Protection Agency and listed in R 325.10113 when developing an asset management program. Supplies shall include in the general plan each of the following:
(a) A summary detailing the system used to maintain an inventory of assets. Priority shall be given to an inventory of source, treatment, pumping, and distribution system assets.
(b) A summary describing the method used to assess the criticality of assets considering the likelihood and consequence of failure.
(c) A statement of level of service goals.
(d) A capital improvements plan that identifies waterworks system needs for 5-year and 20-year planning periods. A publicly owned or operated supply shall comply beginning January 1, 2016. A privately owned supply shall comply beginning January 1, 2018.
(e) A summary detailing the funding structure and rate methodology that provides sufficient resources to implement the asset management program.
(2) A community water supply that serves 1,000 or fewer people and that is publicly owned or operated shall include in the general plan a capital improvements plan that identifies waterworks system needs for 5-year and 20-year planning periods. A supply shall comply beginning January 1, 2016.
(3) A community water supply may include additional information with the general plan, including the current reliability study, annual pumpage report, sample siting plan, source water protection plan, water conservation/efficiency program, waterworks operation and maintenance programs, regional planning documents, and relevant zoning and land use plans for the service area.

PART 17. OWNERSHIP OF PUBLIC WATER SUPPLIES

R 325.11705 Private ownership of type I public water supply permitted; proof of refusal to accept ownership or operational responsibility by governmental entity.
Rule 1705. (1) If the department determines that ownership and operation of a type I public water supply by a local governmental agency is not practical for a particular public water supply, private ownership shall be allowed with adequate provisions to assure a continuous operation of the public water supply which meets the requirements of the act and these rules.
(2) The department shall not accept plans and specifications from, nor shall a permit be issued to, an owner of a proposed type I public water supply which is to be privately owned unless proof of refusal to accept ownership or operational responsibility of that public water supply is submitted in a formal resolution of the governing body of a city, county, village, township, or other

governmental entity under whose jurisdiction the public water supply is included, or where proof of refusal is established to the satisfaction of the department.

PART 19. EXAMINATION AND CERTIFICATION OF OPERATORS

R 325.11906a Restricted certificates.
Rule 1906a. With the concurrence of the advisory board, the department may issue site specific, restricted certification to an operator on a case-by-case basis. An operator issued restricted certification under this rule is only authorized to operate the waterworks system or portion of the system that is designated on the restricted certificate issued to him or her, except such operator may operate any other waterworks system or portion of a system for which he or she holds an unrestricted certification. An operator with a restricted certification is subject to the same requirements for performance as other certification classes and the certificate may be suspended or revoked or the operator placed on probation under R 325.11917.

R 325.11910 Application for examination; notice to accepted applicants of examination.
Rule 1910. (1) To be certified for the operation of a public water supply, an individual shall submit to the department, not less than 60 days before the announced examination date, an application for examination on a form provided by the department. This deadline is extended to not less than 30 days before the examination for the F-5, D-5, or S-5 classification examinations if proof of credit card or debit card fee payment under MCL 324.3110 is submitted with the application. The information contained on the application shall be evaluated by the department, shall be subject to review by the advisory board, and shall constitute a part of the examination. The department may require verification of the education and experience of an applicant for an examination.
(2) Not less than 15 days before the examination the department shall notify all applicants of its findings and shall notify those applicants accepted for examination of the date, time, and place of the examination.
(3) For the purposes of certifying individuals attending specific department approved training programs specified under R 325.11906a, the department may waive the requirement for an examination application.

R 325.11915 Renewal requirements.
Rule 1915. (1) The department shall renew a certificate on a 3-year cycle. To renew a certificate, a certificate holder shall submit, to the department, an application for renewal on a form provided by the department.
2) To have a certificate renewed, a holder of a drinking water certificate shall satisfy the minimum criteria for continuing education requirements as required in the following table:

Table 1. Minimum requirements for continuing education

Highest certification level held	Minimum number of continuing education training hours required to renew	Minimum number of continuing education training hours categorized as "technical", "managerial," or both
1 or 2	24	18
3	24	12

4	12	6
5	9	no minimum

(3) Types of education or training programs that may be approved include any of the following:
(a) Association programs that are sponsored by any of the following entities:
(i) American water works association.
(ii) Township, municipal, and county organizations.
(iii) Professional and trade organizations.
(iv) National rural water association.
(b) Distance learning, such as videotapes, DVDs, correspondence courses, and online courses.
(c) Private contractor technical courses.
(d) University, college, and community college courses.
(e) Department and environmental protection agency sponsored training programs.
(f) Training sponsored by nationally recognized organizations.
(g) Water utility in-service training.
(4) A holder of a certificate shall be responsible for renewal of a certificate regardless of notification.
(5) A certificate holder shall keep his or her own record of approved training, education, and work experience and be prepared to present proof of that training, education, and experience if required by the department.
(6) The failure of an applicant for renewal to meet the requirements of this subrule and subrules (1) to (5) of this rule shall constitute grounds for refusing to renew a certificate.
(7) For a holder of multiple certificates within a category, the department shall only renew the certificate representing the higher class within a waterworks system category.
(8) A holder of a certificate who is not eligible for renewal or who has been refused renewal pursuant to subrules (1) to (7) of this rule may apply for examination pursuant to R 325.11910.
(9) A holder of a certificate who has not met the continuing education requirements of subrule (2) of this rule for his or her certification may be issued a certificate for the classification within the same category for which the continuing education requirements have been met. A certificate that is not renewed shall expire.

PART 21. APPROVAL OF CHEMICALS AND OTHER MATERIALS

R 325.12102 Approval of chemicals and other materials.
Rule 2102. (1) Approval by the department is required for all chemicals, coatings or paints, proprietary products, and similar materials of any description, that are used or are proposed for use in, or in contact with, drinking water at any point in the waterworks system from the source to the ultimate point of distribution of the water.
(2) The public water supply shall determine that approval for a chemical or material has been granted by the department and determine the special conditions or limitations under which that approval was granted.
(3) All chemicals or components that may come in contact with water intended for use in a public water supply shall meet ANSI/NSF standards 60 and 61, as adopted by reference in R 325.10112.

PART 23. EMERGENCY RESPONSE PLANS

R 325.12302 Preparation; timetable; exceptions.

Rule 2302. (1) Unless specifically waived by the department, a type I public water supply, including a type I public water supply that purchases water from another public water supply, shall prepare, or cause to be prepared, an emergency response plan.
(2) The department may require certain type II public water supplies to prepare emergency response plans in accordance with the requirements of this part.
(3) If a public water supply has an existing emergency response plan, it shall be updated on the schedule contained in the plan to include any requirements specified by this part.

PART 26. BOTTLED WATER

R 325.12604 Rescinded.

ADMINISTRATIVE RULES

DEPARTMENT OF COMMUNITY HEALTH

CRIME VICTIM'S SERVICES COMMISSION

GENERAL RULES

Filed with the Secretary of State on October 21, 2015

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the crime victims compensation board by section 3 of 1976 PA 223, MCL 18.353.)

R 18.351 and R 18.365 of the Michigan Administrative Code are amended, as follows:

R 18.351 Definitions.

Rule 1. (1) As used in these rules:

(a) "Accomplice" means any person who knowingly aids or assists another person in the commission of a crime, either before, during, or after the crime.

(b) "Act" means 1976 PA 223, MCL 18.351 to 18.368.

(c) "Civil infraction" has the meaning prescribed by section 6a of 1949 PA 300, MCL 257.6

(d) "Closed session" means a meeting or part of a meeting of the commission which is closed to the public in order to protect certain rights of confidentiality.

(e) "Crime" means an act or omission forbidden by law which is not designated as a civil infraction and which is punishable, upon conviction, by imprisonment, a fine which is not a civil fine, or other penal discipline.

(f) "Criminally responsible" means legally accountable or legally answerable for a crime.

(g) "Dependent" means a person who receives at least 1/2 of his or her support from a deceased victim or claimant and includes a child of the victim born after his or her death.

(h) "Household" means persons who dwell together as a family under 1 roof and who are related by blood, marriage, or judicial decree.

(i) "Intimate personal privacy" means matters dealing with the mental or physical health of a person or the details or a crime involving sexual assault in any degree.

(j) "Legally incapacitated person" means a person, other than a minor, for whom a guardian has been appointed by a court.

(k) "Loss of support" means the cessation of a victim's earnings that were actually paid to or for a dependent prior to the victim's death and not reimbursed from insurance or public funds after the victim's death.

(l) "Meeting" means the convening of the commission at which **a** majority of the board are present for the purpose of deliberating toward or rendering a decision on a public policy.

(m) "Minor" means a person who is less than 18 years of age.

(n) "Other services necessary" means recognized medical treatment, convalescent aids, supplies, and other equipment needed by the victim because of physical incapacity sustained as a direct result of the crime.

(o) "Peace officer" means an employee of this state, or any political subdivision thereof, who is employed as a police officer, sheriff, firefighter, conservation officer, or similar officer exercising powers of a police officer.

(p) "Resident" means a person who is living in this state when the crime occurs. Resident does not include a person who resides in another state or foreign country and who is temporarily in this state for business, recreation, or personal matters.

(q) "Unreimbursed and unreimbursable expenses" means expenses for which the claimant has no means of payment other than the claimant's assets or through an award of the commission.

(r) "Writing" means any of the following:

(i) Handwriting.

(ii) Typewriting.

(iii) Printing.

(iv) Photostating.

(v) Photographing.

(vi) Photocopying.

(vii) Any other means of recording, including the recording of letters, words, pictures, sounds, symbols, or any combination thereof.

(viii) Maps.

(ix) Papers.

(x) Magnetic or punched cards.

(xi) Discs.

(xii) Drums.

(xiii) Any other means of recording or retaining meaningful contents.

(2) Terms defined in the act have the same meanings when used in these rules.

R 18.365 Appeals; application for full board review of claim or evidentiary hearing.

Rule 15. (1) When a board member to whom a claim is assigned is unable to decide a claim in favor of the claimant or denies the claim in whole or in part, the claimant shall be advised in writing, of the right to full board review of the claim or an evidentiary hearing before the full board at the option of the claimant.

(2) Within 30 days after receipt of the report of the decision of the board member, a claimant, a claimant's attorney, or a board member may make an application, in writing, to the board at its Lansing office for consideration of the decision by the full board or an evidentiary hearing, if desired. The secretary of the board shall notify the claimant, the claimant's attorney, or the board member requesting the appeal of the date, time, and place when the appeal will be considered. Additional information which the claimant desires the board to consider shall be submitted to the board in Lansing not less than 10 days prior to such hearing.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

WORKERS' COMPENSATION AGENCY

GENERAL RULES

Filed with the Secretary of State on October 21, 2015

These rules become effective immediately upon filing with the Secretary of State.

(By authority conferred on the director of the workers' compensation agency by section 205 of 1969 PA 317, MCL 418.205; and Executive Reorganization Order Nos. 1996-2, 1999-3, 2002-1, and 2003-1, MCL 445.2001, 418.3, 445.2004, and 445.2011)

R 408.43i of the Michigan Administrative Code is amended to read as follows:

PART 3. INSURANCE

R 408.43i Group self-insurer's fund; board of trustees' power and duties; investment restrictions.
Rule 13i. To ensure the financial stability of each group self-insurers' fund, a board of trustees of each fund shall be responsible for all operations of the fund. A board of trustees shall be a group of members elected by the membership of the fund for stated terms of office. The majority of the trustees shall be owners or employees of members of the self-insurers' fund, but a trustee shall not be an owner, officer, or employee of a service company. The board of trustees of each fund shall take all necessary precautions to safeguard the assets of the fund, including all of the following:
(a) Designate a trustee as administrator or, in the alternative, hire an employee or designate an individual to act as the group fund administrator. The trustees may delegate to the administrator the duties they determine proper. The duties may include, but are not limited to, advising the board with regard to any of the following:
(i) Contracting with a service company.
(ii) Determining the premium charged.
(iii) Investing surplus monies, subject to the restrictions set forth in this rule.
(iv) Accepting applications for membership. However, the board of trustees remains the responsible party for the operation of the fund. The duties delegated to the administrator and all compensation to be paid to the administrator shall be reduced to writing, and a copy shall be provided to the agency with each annual group renewal application. The group fund administrator shall not be an owner, officer, or employee of a service company. The trustees shall purchase a fidelity policy covering the fund trustees, administrator, employees of the fund, and the service company in an amount sufficient to protect the assets of the fund. A copy of the fidelity policy will be provided to the agency with each annual renewal.
(b) Limit disbursements to payment and expenses of handling claims and administrative expenses necessary for operating the fund. The board of trustees shall also establish necessary accounts and accounting procedures for control and accurate financial reporting. Established

accounting procedures shall provide accurate financial information for each open year individually with respect to revenue and expense until the year is closed out. The board of trustees shall maintain, and be responsible for, all records and documents relating to the formation and ongoing operation of the group self-insurance fund. If the board of trustees does not maintain the records in a responsible manner and in accordance with these rules, then the self-insured approval of the fund may be terminated by the director.

(c) Audit the accounts and records of the fund annually or at any time required by the agency. Audits shall be made by certified public accountants or by authorized representatives of the agency. The agency reserves the right to prescribe the type of audits to be made and the uniform accounting system to be used by the self-insurers' fund to enable the agency to determine the solvency of the group self-insurers' fund. Copies of financial audits prepared by certified public accountants shall be filed with the agency in Lansing within 180 days after the close of the fund year. Claim reserve audits used in support of surplus distribution requests shall be performed by auditors who meet the requirements of the agency relating to independence, report content, and timing.

(d) Not extend credit to individual members for payment of premium.

(e) Apply a penalty rate in excess of the normal premium to any risk that has unfavorable loss experience, if the member and the agency are notified in writing before the effective date of the change in rates.

(f) Not utilize any of the monies collected as premiums for any purpose unrelated to workers' compensation. Further, the board of trustees shall not borrow any monies from the fund or in the name of the fund without advising the agency of the nature and purpose of the loan and obtaining agency approval. The board of trustees may, at its discretion, invest any surplus monies not needed for immediate cash needs, but the investments shall be limited to United States government bonds, United States treasury notes, United States government agency issues, United States government-sponsored enterprises, investment share accounts in any savings and loan association and credit unions that have their deposits insured by a federal agency, and certificates of deposit issued by a duly chartered commercial bank. Deposits in savings and loan associations, credit unions, and commercial banks shall be limited to institutions in this state and shall not exceed the federally insured amount in any 1 account, except that the federally insured amount in any 1 account in a commercial bank may be exceeded if the account amount involved does not exceed either of the following factors:

(i) Five percent of the combination of surplus and undivided profits and reserves as currently reported for each bank in the state in the banking division annual report of the office of financial and insurance regulation.

(ii) Five hundred thousand dollars per institution. A group self-insurance fund shall not invest in mutual funds, except that investments in money market mutual funds of short-term duration which invest only in government agency issues, government-sponsored enterprises, and government bills, bonds, and notes will be allowed for short-term cash investment needs. As used in this paragraph, "short-term duration" means 180 days or less.

(g) The board of trustees of a group self-insurance fund, subject to the limitations set forth in subdivisions (h), (i), and (j) of this subrule, may, in its discretion, and upon contracting with a bank trust department or with a professional investment advisor registered with the securities and exchange commission under the investment advisors act of 1940, 15 U.S.C. '80B-3, invest monies not needed for immediate cash needs in corporate bonds and municipal bonds and common and preferred stock.

(h) Limit the combined holdings of corporate and municipal bonds to not more than 45% of the market value of the available investment portfolio. Corporate and municipal bonds must be (A)

rated or better by at least 2 nationally recognized rating services. Holdings in any 1 corporation or municipality shall not be more than 5% of the total amount eligible for investment in corporate and municipal bonds as set forth in this subrule.

(i) Of the 45% of the market value of the investment portfolio available for investment in municipal or corporate bonds, 45% may be invested in common or preferred stocks. Common or preferred stocks shall be limited to publicly owned companies that trade on a United States regulated exchange. Mutual funds or bank pooled funds that invest in common or preferred stocks are permitted and shall be calculated as part of the percentage of market value available for investment in common and preferred stocks.

(j) Ensure that the professional investment advisor completes a compliance review of the investment portfolio on a quarterly basis. A copy of the investment review shall be provided to the fund and the agency within 30 days of the close of each quarter. The annual financial statements shall be audited by a certified public accountant and shall include a certification as to whether the fund has been in compliance with the requirements for investments. Failure to report on investments as required by this rule may result in withdrawal of the authority to invest in corporate and municipal bonds and/or common and preferred stocks.

(k) Any group fund found to have investments in vehicles other than as provided by this rule shall be given 30 days or a time period approved by the director to divest themselves of the investments. Failure to meet the divestiture requirement may subject the fund to further sanction by the director.

ADMINISTRATIVE RULES

DEPARTMENT OF licensing and regulatory affairs

DIRECTOR'S OFFICE

CONSTRUCTION SAFETY AND HEALTH STANDARDS

Filed with the secretary of state on October 22, 2015

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 14, 19, 21, and 24 of 1974 PA 154, MCL 408.1014, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

R 408.43501, R 408.43505, and R 408.43510 are added to the Michigan Administrative Code as follows:

PART 35. CONFINED SPACE IN CONSTRUCTION

R 408.43501 Scope.
Rule 3501. (1) This standard sets forth requirements for practices and procedures to protect employees engaged in construction activities at a worksite with 1 or more confined spaces, subject to the exceptions in subrule (2) of this rule. Examples of locations where confined spaces may occur include, but are not limited to, those listed in table 1:

TABLE 1 EXAMPLES OF LOCATIONS WHERE CONFINED SPACES MAY OCCUR
Bins
Boilers
Pits, such as elevator, escalator, pump, valve or other equipment
Manholes, such as sewer, storm drain, electrical, communication, or other utility
Tanks, such as fuel, chemical, water, or other liquid, solid or gas
Incinerators
Scrubbers
Concrete pier columns
Sewers
Transformer vaults
Heating, ventilation, and air-conditioning (HVAC) ducts
Storm drains

Water mains
Precast concrete and other pre-formed manhole units
Drilled shafts
Enclosed beams
Vessels
Digesters
Lift Stations
Cesspools
Silos
Air receivers
Sludge gates
Air preheaters
Step up transformers
Turbines
Chillers
Bag houses
Mixers, such as reactors

(2) This standard does not apply to any of the following:
(a) Construction work regulated by Construction Safety Standard Part 9 "Excavation, Trenching, and Shoring."
(b) Construction work regulated by Construction Safety Standard Part 14 "Tunnels, Shafts, Caissons, and Cofferdams."
(c) Construction work regulated by Occupational Health Standard Part 504 "Diving Operations."
(d) Construction work regulated by Occupational Health Standard Part 665 "Underground Construction, Caissons, Cofferdams, and Compressed Air."
(3) When this standard applies and there is a provision that addresses a confined space hazard in another applicable standard, the employer shall comply with both that requirement and the applicable provisions of this standard.
(4) The following provisions of the occupational safety and health administration (OSHA) regulations, except as amended in these rules, are adopted by reference in these rules:
(a) 1926.1202 "Definitions."
(b) 1926.1203 "General requirements."
(c) 1926.1204 "Permit-required confined space program."
(d) 1926.1205 "Permitting process."
(e) 1926.1206 "Entry permit."
(f) 1926.1207 "Training."
(g) 1926.1208 "Duties of authorized entrants."
(h) 1926.1209 "Duties of attendants."
(i) 1926.1210 "Duties of entry supervisors."
(j) 1926.1211 "Rescue and emergency services."
(k) 1926.1212 "Employee participation."

R 408.43505 Provision of documents.

Rule 3505. For each document required to be retained in this standard, the retaining employer must make the document available on request to the director of the department of licensing and regulatory affairs or his or her designee.

R 408.43510 Adopted and referenced standards.

Rule 3510. (1) The following federal occupational safety and health administration (OSHA) regulations, that are effective August 3, 2015, are adopted by reference in these rules:

(a) 1926.1202 "Definitions."

(b) 1926.1203 "General requirements."

(c) 1926.1204 "Permit-required confined space program."

(d) 1926.1205 "Permitting process."

(e) 1926.1206 "Entry permit."

(f) 1926.1207 "Training."

(g) 1926.1208 "Duties of authorized entrants."

(h) 1926.1209 "Duties of attendants."

(i) 1926.1210 "Duties of entry supervisors."

(j) 1926.1211 "Rescue and emergency services."

(k) 1926.1212 "Employee participation."

(2) The standards adopted in this rule are available from the United States Department of Labor, Occupational Safety and Health Administration website: www.osha.gov, at no charge as of the time of adoption of these rules.

(3) The standards adopted in these rules are available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 530 West Allegan Street, Lansing, Michigan, 48909-8143.

(4) The standards adopted in these rules may be obtained from the publisher or may be obtained from the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143, plus $20.00 for shipping and handling.

(5) The following Michigan occupational safety and health (MIOSHA) standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 530 West Allegan Street, Lansing, Michigan, 48909-8143 or via the internet at website: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, as of the time of adoption of these rules, is 4 cents per page.

(a) Construction Safety Standard Part 9 "Excavation, Trenching, and Shoring." R 408.40901 to R 408.40953.

(b) Construction Safety Standard Part 14 "Tunnels, Shafts, Caissons, and Cofferdams." R 408.41401 to R 408.41483.

(c) Occupational Health Standard Part 504 "Diving Operations." R 325.50301 to R 325.50348.

(d) Occupational Health Standard Part 665 "Underground Construction, Caissons, Cofferdams, and Compressed Air." R 325.62991 to R 325.62996.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

CONSTRUCTION SAFETY STANDARDS

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(By authority conferred on the director of the department of licensing and regulatory affairs by sections 19 and 21 of 1974 PA 154, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

R 408.40101, R 408.40102, R 408.40105, and R 408.40114, are amended and R 408.40121 is rescinded, to the Michigan Administrative Code, as follows:

PART 1. GENERAL RULES

R 408.40101 Scope.
Rule 101. (1) This standard sets forth general rules for the safe use, operation, and maintenance of equipment, and for safe work practices pertaining to all employers and employees performing construction operations, except that where a specific rule is set forth in another part, the general rule is preempted.
(2) For confined space, see Construction Safety Standard Part 35 “Confined Space in Construction,” as referenced in R 408.40105.

R 408.40102. Definitions.
Rule 102. (1) “Accident prevention program” means the program by which an employer provides instruction and safety training to an employee in the recognition and avoidance of hazards.
(2) “Aisle” means a designated path of travel for equipment and employees.
(3) “Approved” means approval by the director of the department of licensing and regulatory affairs or by the director’s duly designated representative.
(4) “Equivalent” means an alternate design or feature that provides at least as effective degree of safety or a greater degree of safety.
(5) “Hazard” means a condition or procedure that is causing or is likely to cause serious physical harm or death to an employee.
(6) “Potable water” means water that is in compliance with the provisions of 1976 PA 399, MCL 325.1001 to 325.1023.

(7) "Qualified employee" means an employee who, by knowledge, training, and experience, has successfully demonstrated to the employer his or her ability to solve or resolve problems relating to the subject matter, the work, or the project.

R 408.40105. Adopted and referenced standards.
Rule 105. (1) The following standards are adopted by reference in these rules and are available from IHS Global, 15 Inverness Way East, Englewood, Colorado, 80112, USA, telephone number: 1-800-854-7179 or via the internet at website: www.global.ihs.com; at a cost as of the time of adoption of these rules, as stated in this subrule.
(a) American National Standards Institute Standard ANSI A11.1 "Industrial lighting," 1965 edition. Cost: $156.00.
(b) American Society of Mechanical Engineers Standard ASME "Boiler and pressure vessel code," Section viii on "Unfired pressure vessels," 1989 edition. Cost: $514.00.
(2) The standards adopted in these rules are available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143.
(3) Copies of the standards adopted in these rules may be obtained from the publisher or may be obtained from the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143, at the cost charged in this rule, plus $20.00 for shipping and handling.
(4) The following Michigan occupational safety and health standards (MIOSHA) are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services section, 7150 Harris Drive, P.O. Box 30643, Lansing, MI, 48909-8143 or via the internet at website: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, at the time of adoption of these rules, is 4 cents per page.
(a) Construction Safety Standard Part 16 "Power Transmission and Distribution," R 408.41601 to R 408.41658.
(b) Construction Safety Standard Part 17 "Electrical Installations," R 408.41701 to R 408.41734.
(c) Construction Safety Standard Part 30 "Telecommunications," R 408.43001 to R 408.43006.
(d) Construction Safety Standard Part 35 "Confined Space in Construction," R 408.43501 to R 408.43510.
(e) Construction Safety Standard Part 45 "Fall Protection," R 408.44501 to R 408.44502.
(f) General Industry Safety Standard Part 7 "Guards for Power Transmission," R 408.10701 to R 408.10765.

R 408.40114. Employer responsibilities; accident prevention program.
Rule 114. (1) An employer shall develop, maintain, and coordinate with employees an accident prevention program, a copy of which shall be available at the worksite.
(2) An accident prevention program shall, at a minimum, provide for all of the following:
(a) Instruction to each employee regarding the operating procedures, hazards, and safeguards of tools and equipment when necessary to perform the job.
(b) Inspections of the construction site, tools, materials, and equipment to assure that unsafe conditions which could create a hazard are eliminated.
(c) Instruction to each employee in the recognition and avoidance of hazards and the regulations applicable to his or her work environment to control or eliminate any hazards or other exposure to illness or injury.

(d) Instruction to each employee who is required to handle or use known poisons, toxic materials, caustics, and other harmful substances regarding all of the following:
(i) The potential hazards.
(ii) Safe handling.
(iii) Use.
(iv) Personal hygiene.
(v) Protective measures.
(vi) Applicable first aid procedures to be used in the event of injury.
(e) Instruction to each employee if known harmful plants, reptiles, animals, or insects are present regarding all of the following:
(i) The potential hazards.
(ii) How to avoid injury.
(iii) Applicable first aid procedures to be used in the event of injury.
(3) An employee required to handle or use flammable liquids, gases, or toxic materials shall be instructed in the safe handling and use of these materials and made aware of the specific requirements contained in the applicable MIOSHA standards.

R 408.40121. Rescinded.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

CONSTRUCTION SAFETY STANDARDS

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These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 19 and 21 of 1974 PA 154, MCL 408.1019 and 408.1021, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

R 408.40705, R 408.40709, and R 408.40713 of the Administrative Code are amended, as follows:

PART 7. WELDING AND CUTTING

R 408.40705 Definitions; A to C.
Rule 705.(1) "AC" means alternating current.
(2) "Arc welding" means a process for joining metals by melting with an electric arc with or without the use of pressure and with or without a filler material.
(3) "Brazing" means a process of joining metals, without melting them, with a filler metal melting above 800 degrees Fahrenheit(427 degrees Celsius).
(4) "Cutting" means a process in which the severing or removing of metal is effected by the use of an arc or flame.
(5) "Cylinders" means containers for storing compressed gases.

R 408.40709 Adopted and referenced standards.
Rule 709.(1) The following standards are adopted by reference in these rules and are available from IHS Global, 15 Inverness Way East, Englewood, Colorado, 80112, USA, telephone number: 1-800-854-7179 or via the internet at website: http://global.ihs.com; at a cost as of the time of adoption of these rules, as stated in this subrule.
(a) American National Standard Institute Standard ANSI/AWS Z49.1, “Safety in Welding and Cutting and Allied Processes,” 1973 edition. Cost: $96.00
(b) American National Standard Institute Standard ANSI/ASA B57.1, “Compressed Gas Cylinder Valve Outlet and Inlet Connections,” 1965 edition. Cost $29.00
(2) This standard is adopted by reference in these rules, National Fire Protection Association NFPA 50 “Standards for Bulk Oxygen Systems at Consumer Sites,” 1974 edition. This standard is available from National Fire Prevention Association, 1 Batterymarch Park, Quincy,

Massachusetts, USA, 02169-7471, telephone number: 1-617-770-3000 or via the internet at website: www.nfpa.org; at a cost as of the time of adoption of these rules of $27.00.

(3) The Code of Federal Regulations, Title 49 Transportation, Parts 186-199, "Subchapter D-Pipeline Safety" is ~~are~~ available from the United States Government Printing Office website: www.ecfr.gov, at no charge as of the time of adoption of these rules.

(4) The standards adopted in these rules are available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 7150 Harris Drive, Lansing, Michigan, 48909-8143.

(5) The standards adopted in these rules may be obtained from the publisher or may be obtained from the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143, at the cost of the standard plus $20.00 for shipping and handling.

(6) The following Michigan occupational safety and health standards (MIOSHA) are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Michigan department of licensing and regulatory affairs, MIOSHA Regulatory Services Section, 7150 Harris Drive, P.O. Box 30643, Lansing, MI, 48909-8143 or via the internet at website: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, at the time of adoption of these rules, is 4 cents per page.

(a) Construction Safety Standard Part 1 "General Rules," R 408.40101 to R 408.40134.

(b) Construction Safety Standard Part 6 "Personal Protective Equipment," R 408.40601 to R 408.40641.

(c) Construction Safety Standard Part 35 "Confined Space in Construction," R 408.43501 to R 408.43510.

(d) Construction Safety Standard Part 45 "Fall Protection," R 408.44501 to R 408.44502.

R 408.40713 Working in confined spaces.

Rule 713.(1) Before the start of a welding operation in a confined space, the employer shall ensure that the atmosphere is tested and recorded. Ventilation shall be provided and maintained in accordance with the requirements of the department of licensing and regulatory affairs.

(2) For specific confined space rules, see Construction Safety Standard Part 35 "Confined Space in Construction." as referenced in R 408.40709.

(3) When working in a confined space, the torch valves, the gas supply valve, and oxygen valve outside the confined space shall be shut off during the lunch period, overnight, or during any other prolonged period and the torch and hose shall be removed from the confined space. Open-end fuel gas and oxygen hoses shall be immediately removed from enclosed spaces when they are disconnected from the torch or other gas-consuming device.

(4) When electrodes are used in a confined space and welding is suspended during the lunch period, overnight, or during any other prolonged period, the electrode shall be removed from the holder and the machine shall be shut off. The holders shall be placed or protected so that they cannot make electrical contact with employees or conducting objects.

(5) A gas cylinder or a welding machine used for welding operations in a confined space shall be placed on the outside of the space where work is being performed.

(6) If an employee must enter a confined space through a small opening to perform welding operations, another employee trained in rescue procedures and equipped with the means necessary to effect a rescue shall be stationed outside the confined space in position to watch the welder. When a safety harness and lifeline are used, they shall be provided for as prescribed in Construction Safety Standard Part 45 "Fall Protection," as referenced in R 408.40709, and shall

be attached to the welder's body so that his or her body cannot be jammed in a small exit opening.

PROPOSED ADMINISTRATIVE RULES, NOTICES OF PUBLIC HEARINGS

MCL 24.242(3) states in part:

"… the agency shall submit a copy of the notice of public hearing to the Office of Regulatory Reform for publication in the Michigan register. An agency's notice shall be published in the Michigan register before the public hearing and the agency shall file a copy of the notice of public hearing with the Office of Regulatory Reform."

MCL 24.208 states in part:

"Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(d) Proposed administrative rules.

(e) Notices of public hearings on proposed administrative rules."

ADMINISTRATIVE RULES

~~MICHIGAN~~ DEPARTMENT OF ENVIRONMENTAL QUALITY

AIR QUALITY DIVISION

~~PART 1. GENERAL PROVISIONS~~ **AIR POLLUTION CONTROL**

Filed with the Secretary of State on

This rule becomes effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45(a) of the 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of environmental quality by ~~Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.5501 to 324.5542)~~ **sections 5503 and 5512 of 1994 PA 451, MCL 324.5503 and 324.5512, and Executive Reorganization Order Nos. 1995-16, 2009-31, and 2011-1, MCL 324.99903, 324.99919, and 324.99921)**

R 336.1101, R 336.1102, R 336.1103, R 336.1106, R 336.1107, R 336.1108, R 336.1109, R 336.1112, R 336.1113, R 336.1114, R 336.1115, R 336.1116, R 336.1118, R 336.1119, R 336.1120, R 336.1121, R 336.1122, R 336.1123, and R 336.1127 of the Michigan Administrative Code are amended as follows:

PART 1. GENERAL PROVISIONS

R 336.1101 Definitions; A.

Rule 101. As used in these rules:

(a) "Act" means 1994 PA 451, MCL ~~324.5503 and 324.5512 et seq~~**324.5501 to 324.5542**.

(b) "Actual emissions" means the average rate, in tons per year, at which the process or process equipment actually emitted the air contaminant during the preceding 2-year period and which was representative of the normal operation of the process or process equipment. A different time period may be used if the time period can be demonstrated to be more representative of normal operation. Actual emissions shall be calculated using the process's or process equipment's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period. The department may presume that the actual emissions for a process or process equipment shall equal the allowable emissions for such process or process equipment if the allowable emissions are identified in the demonstration for an approved state implementation plan. For any process or process equipment that has not begun normal operations, actual emissions shall equal the allowable emissions. The term "actual emissions" is not applicable in parts 6 and 7 of these rules.

(c) "Adhesion prime" means a coating that is applied to a polyolefin part to promote the adhesion of a subsequent coating. An adhesion prime is clearly identified as an adhesion prime or adhesion promoter on its accompanying material safety data sheet.

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

(e) "Air-cleaning device" means air pollution control equipment.

(f) "Air contaminant" means a dust, fume, gas, mist, odor, smoke, vapor, or any combination thereof.

(g) "Air-dried coating" means a coating that is dried by the use of air or forced warm air at temperatures up to 90 degrees Celsius (194 degrees Fahrenheit).

(h) "Air pollution" has the same meaning as defined in ~~section 2~~**section 5501** of the act.

(i) "Air pollution control equipment" means any method, process, or equipment that removes, reduces, or renders less noxious air contaminants discharged into the atmosphere.

(j) "Air quality standard" means the concentration and duration of an air contaminant specified by the department or by the national ambient air quality standards as contained in the provisions of 40 C.F.R. part 50 ~~(2002)~~, **adopted by reference in R 336.1902,** whichever is more restrictive, as the maximum acceptable concentration and duration of that contaminant in the ambient air.

(k) "Allowable emissions" means the emission rate calculated using the maximum rated capacity of the process or process equipment, unless there are legally enforceable limits that restrict the operating rate or the hours of operation, or both, and the most stringent of the following:

(i) Any applicable standards pursuant to the clean air act.

(ii) Any applicable emission limit specified in these rules, including a limit that has a future compliance date.

(iii) Any applicable emission rate specified as a legally enforceable permit condition or voluntary agreement, performance contract, stipulation, or order of the department, including a rate that has a future compliance date.

(l) "Alternate opacity" means that standard for density of emission which is greater than the standard specified in R 336.1301(1) and which is established by the department for a specific process or process equipment in accordance with the provisions of R 336.1301(4).

(m) "Alternative method," with respect to source sampling, means a method or set of procedures for obtaining source samples which is not a reference test method or an equivalent method and which has been demonstrated, to the department's satisfaction, to, in specific cases, produce results adequate for a performance test.

(n) "Ambient air" means that part of the atmosphere outside of buildings to which the general public has access.

(o) "Applicable requirement" means any of the following as they apply to process or process equipment, including requirements that have been approved as administrative rules under the act pursuant to **the administrative procedures act**, 1969 PA 306, MCL 24.201 ~~et seq.~~**to 24.328** or promulgated by the United States environmental protection agency through final rulemaking at the time of issuance of a permit under the act and which will become effective during the permit term:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(p) "Applicant" means a person who owns or operates a stationary source and who files an application for a permit with the department.

(q) "Aqueous based parts washer" means a tank containing liquid with a volatile organic compound content of less than 5 %, by weight, and at a temperature below its boiling point that is used to spray, brush, flush, or immerse metallic and/or plastic objects for the purpose of cleaning or degreasing.

(~~q~~**r**) "ASTM" means the American society for testing and materials.

(~~r~~**s**) "Automobile" means any passenger motor vehicle capable of seating not more than 12 occupants.

R 336.1102 Definitions; B.

Rule 102. As used in these rules:

(a) "Best available control technology for toxics" or "T-BACT" means the maximum degree of emission reduction which the department determines is reasonably achievable for each process that emits toxic air contaminants, taking into account energy, environmental, and economic impacts and other costs.

(b) "Best available information" means ~~data which serves as the basis for~~**the most scientifically credible and relevant data available for a particular air contaminant in relation to** a risk assessment **or the development of screening levels**. Such information may be taken from the scientific literature or the integrated risk information system database maintained by the United States environmental protection agency ~~or~~**and** from other databases, as appropriate. The term includes other pertinent studies or reports containing data which the department finds to be of adequate quality for use in the risk assessment.

(c) "Black coating" means a coating ~~which~~**that** meets both of the following criteria:

(i) Maximum lightness: 23 units.

(ii) Saturation: less than 2.8, where saturation equals the square root of $A^2 + B^2$. These criteria are based on Cielab color space, 0/45 geometry. For spherical geometry, specular included, maximum lightness is 33 units.

(d) "Blending tank," as it pertains to R 336.1631, means any vessel in which organic resin and solvent or other materials are added to produce a product blend.

(e) "Business machine" means a device that uses electronic or mechanical methods to process information, perform calculations, print or copy information or convert sound into electrical impulses for transmission, including devices listed in standard industrial classification numbers 3572, 3573, 3574, 3579, and 3661, and photocopy machines, a subcategory of standard industrial classification number 3861.

R 336.1103 Definitions; C.

Rule 103. As used in these rules:

(a) "Calendar day" means a 24-hour time period which normally is midnight to midnight, but which may, upon written notification to the department, cover a different, consecutive 24-hour time period for a specific process.

(b) "Capacity factor" means the ratio of the average load on a machine or equipment for the period of time considered to the capacity rating of the machine or equipment.

(c) "Carcinogen" means any of the following:

(i) Group A -- Any substance for which there is sufficient evidence from human epidemiological studies to support a causal association between exposure to the agent and cancer.

(ii) Group B -- Any substance for which the weight of evidence of human carcinogenicity based on epidemiological studies is limited evidence or for which the weight of evidence of carcinogenicity based on animal studies is sufficient evidence.

(iii) Group C -- Any substance for which there is limited evidence of carcinogenicity in animals in the absence of human data and which causes a significant increased incidence of benign or malignant tumors in a single, well-conducted animal bioassay.

(d) "Charging period," with respect to coke ovens utilizing larry car charging methodology, means the total time taken between the point at which the coal starts flowing into the oven and the point at which the leveling door and the charging holes are closed with their respective lids after the coal from the larry car hoppers is emptied into the oven being charged through the respective charging holes and the coal has been leveled in the oven. "Charging period," with respect to coke ovens utilizing pipeline charging methodology, means the total time taken from the time at which the coal starts flowing into an oven by opening the preheated coal inlet valve to the time at which the coal flow ends when the inlet valve is closed.

(e) "Class II hardboard paneling finish" means a finish that meets the specifications of voluntary product standard PS-59-73, as approved by the American national standards institute.

(f) "Clean air act" means chapter 360, 69 stat. 322, 42 U.S.C. §§ 7401 to 7431, 7470 to 7479, 7491 to 7492, 7501 to 7509a, 7511 to 7515, 7521 to 7525, 7541 to 7545, 7547 to 7550, 7552 to 7554, 7571 to 7574, 7581 to 7590, 7601 to 7612, 7614 to 7617, 7619 to 7622, 7624 to 7627, 7641 to 7642, 7651 to 7651o, 7661 to 7661f, and 7671 to 7671q and regulations promulgated under the clean air act.

(g) "Clean charge" means furnace charge materials, including molten metal; t-bar; sow; ingot; billet; pig; alloying elements; uncoated/unpainted thermally dried metal chips; metal scrap dried at 343 degrees Celsius (650 degrees Fahrenheit) or higher; metal scrap delacquered/decoated at 482 degrees Celsius (900 degrees Fahrenheit) or higher; other oil and lubricant-free unpainted/uncoated gates and risers; oil and lubricant-free unpainted/uncoated scrap, shapes, or products (for example, pistons) that have not undergone any process (for example, machining, coating, painting) that would cause contamination of the metal (with oils, lubricants, coatings, or paints) and on-site runaround.

(h) "Clear coating" means a coating which lacks color and opacity or is transparent and which uses the undercoat as a reflectant base or undertone color.

(i) "Clinical testing of pharmaceuticals" means human or animal health studies conducted consistent with applicable government regulations, guidelines, or directions for approval of a pharmaceutical product, such as those monitored by the United States food and drug administration for the purpose of determining any of the following with respect to a drug:

(i) Pharmacological action.

(ii) Preferred route of administration.

(iii) Safe dosage range.

(iv) Optimum dosage schedule.

(v) Safety and effectiveness.

(vi) Product label indications.

(j) "Coating category" means a type of surface coating for which there is a separate emission limit specified in these rules.

(k) "Coating line" means an operation which is a single series in a coating process and which is comprised of 1 or more coating applicators and any associated flash-off areas, drying areas, and ovens wherein 1 or more surface coatings are applied and subsequently dried or cured.

(l) "Coating of automobiles and light-duty trucks" means the application of prime, primer surfacer, topcoat, and final repair to sheet metal and metallic body components during assembly of a vehicle. Examples of these sheet metal and metallic body components include all of the following:

(i) Bodies.

(ii) Fenders.
(iii) Cargo boxes.
(iv) Doors.
(v) Grill openings.
(m) "Coating of cans" means exterior coating and interior spray coating in 2-piece can lines; interior and exterior coating in sheet coating lines for 3-piece cans; side seam spray coating and interior spray coating in can fabricating lines for 3-piece cans; and sealing compound application and sheet coating in end coating lines.
(n) "Coating of coils" means the coating of any flat metal sheet or strip that comes in rolls or coils.
(o) "Coating of fabric" means the application of any type of coating to flat sheets of a textile substrate, including the application of coatings by saturation or impregnation.
(p) "Coating of flat wood paneling" means the factory-finished coating of flat products which are constructed of wood and which are intended for use as interior paneling. This definition does not apply to the coating of flat wood products intended for use as exterior siding, tileboard, cabinets, or furniture components.
(q) "Coating of large appliances" means the coating of the component metal parts of residential and commercial washers, dryers, ranges, refrigerators, freezers, water heaters, dishwashers, trash compactors, air conditioners, and other associated products. Examples of these component metal parts include all of the following:
(i) Doors.
(ii) Cases.
(iii) Lids.
(iv) Panels.
(v) Interior support parts.
(r) "Coating of metal furniture" means the coating of any furniture made of metal and includes the coating of any metal part that is or shall be assembled with other metal, wood, fabric, plastic, or glass parts to form a furniture piece.
(s) "Coating of paper" means the application of any decorative, functional, or saturation coating applied across the entire width of any flat sheet or pressure-sensitive tape, regardless of substrate, or applied across a partial width of any flat sheet or pressure-sensitive tape, regardless of substrate, if this partial coverage is not considered to be an operation or series of operations that is included in the definition of graphic arts line in R 336.1107(e). These applications and substrates include paper, fabric, or plastic film; related wet-coating processes on plastic film, including typewriter ribbons, photographic film, and magnetic tape; and decorative coatings on metal foil, including gift wrapping and packaging.
(t) "Coating of plastic parts of automobiles and trucks" means the coating of any plastic part that is or ~~shall~~**that** be assembled with other parts to form an automobile or truck.
(u) "Coating of plastic parts of business machines" means the coating of any plastic part that is or ~~shall~~**that** be assembled with other parts to form a business machine.
(v) "Coating of vinyl" means any printing, decorative coating, or protective topcoat applied over vinyl-coated fabric or vinyl rolls or sheets. Coating of vinyl does not include the application or plastisols.
(w) "Coke battery" means a series of coke ovens arranged side by side with an integral heating system.
(x) "Coke oven" means a chamber in which coal is destructively distilled to yield coke.

(y) "Cokeside," with respect to a coke oven, means that side of the coke oven through which coke is discharged.

(z) "Coking cycle" means the time during which coal undergoes destructive distillation in a coke oven. ~~It~~**The coking cycle** commences at the end of the charging period and ends at the beginning of the pushing operation, but does not include any decarbonization periods.

(aa) "Cold cleaner" means a tank containing organic solvent **with a volatile organic compound content of 5 % or more, by weight, and** at a temperature below its boiling point ~~which~~**that** is used to spray, brush, flush, or immerse ~~a~~ metallic **and/or plastic** object**s** for the purpose of cleaning or degreasing.

(bb) "Commercial location" means a publicly or privately owned place where persons are engaged in the exchange or sale of goods or services and multiple housing units designed for 3 or more families, except for elementary and secondary schools and facilities owned and operated by the state government. A separate building or group of buildings used for the exchange or sale of goods or services and having a single owner and manager constitutes a separate commercial location.

(cc) "Completed organic resin" means organic resin solids, solvents, and additives as deliverable for sale or use, including a dry organic resin.

(dd) "Compliance plan" means a description of the compliance status of a source with respect to all applicable requirements for each process or process equipment as follows:

(i) For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with the requirements.

(ii) For applicable requirements that will become effective during the permit term, a statement that the source will meet the requirements on a timely basis.

(iii) For applicable requirements for which the stationary source is not in compliance at the time of permit issuance, a narrative description of how the stationary source will achieve compliance with the requirements.

(ee) "Component" means 1 of the following:

(i) As it pertains to the provisions of R 336.1622, "component" means any piece of equipment that has the potential to leak a volatile organic compound and includes all of the following:

(A) Pump seals.

(B) Compressor seals.

(C) Seal oil degassing vents.

(D) Pipeline valves.

(E) Flanges and other connections.

(F) Pressure-relief devices.

(G) Process drains.

(H) Open ended pipes.

(ii) As it pertains to the provisions of R 336.1628, "component" means all of the following:

(A) Compressor seals.

(B) Process valves in light liquid or gaseous volatile organic compound service.

(C) Pressure-relief valves in gaseous volatile organic compound service.

(D) Seals of pumps in light liquid service.

(iii) As it pertains to the provisions of R 336.1629, "component" means all of the following:

(A) Compressor seals.

(B) Process valves.

(C) Pressure-relief valves.

(D) Pump seals.

This definition does not include a valve that is not externally regulated, that is, a valve ~~which~~**that** has no external controls and thus does not have the potential to leak a volatile organic compound.

(ff) "Component in field gas service" means a component that processes, transfers, or contains field gas.

(gg) "Component in gaseous volatile organic compound service" means a component that processes, transfers, or contains a volatile organic compound in the gaseous phase under actual conditions.

(hh) "Component in heavy liquid service" means a component that processes, transfers, or contains heavy liquid.

(ii) "Component in light liquid service" means a component that contacts a light liquid containing more than 10% volatile organic compound by weight.

(jj) "Component in liquid volatile organic compound service" means a component that processes, transfers, or contains a volatile organic compound in the liquid phase under actual conditions.

(kk) "Condenser" means a device that effects the removal of an air contaminant from an exhaust stream by a physical change of state from a vapor to a liquid or solid form.

(ll) "Control equipment" means air pollution control equipment.

(mm) "Conventional air-atomizing spray equipment" means a device ~~which~~**that** is designed to atomize and direct fluid material solely through the use of compressed air and ~~which~~**that** is capable of operating at air pressures of more than 10 pounds per square inch.

(nn) "Conveyorized cold cleaner" means any continuous system that transports metallic objects through a bath containing organic solvent at a temperature below its boiling point for the purpose of cleaning or degreasing.

(oo) "Conveyorized vapor degreaser" means any continuous system that transports metallic objects through or over, or through and over, a bath containing organic solvent that is heated to its boiling point for the purpose of cleaning or degreasing.

(pp) "Cutback paving asphalt" means asphalt cement ~~which~~**that** has been liquefied by blending with a volatile organic compound and ~~which~~**that** is used for the purpose of paving or repairing, or paving and repairing, a road surface.

(qq) "Cycle of operation," with respect to continuous emission monitoring systems, means the total time a monitoring system requires to sample, analyze, and record an emission measurement.

R 336.1106 Definitions; F.

Rule 106. As used in these rules:

(a) "Federally enforceable" means that a limitation or condition is enforceable by the United States environmental protection agency. Limitations and conditions which are enforceable by the United States environmental protection agency include requirements developed pursuant to 40 C.F.R. parts 60, 61, and 63; requirements within the state implementation plan; any renewable operating permit requirement designated as federally enforceable pursuant to R 336.1213(1)(a); and any permit requirement established pursuant to ~~40 C.F.R. §52.21, R 336.1220, R 336.1208, or~~ R 336.1201(1)(a)**, part 18, or part 19 of these rules**.

(b) "Field gas" means a feedstock gas entering a natural gas processing plant.

(c) "Field testing" means the limited use or distribution of a product to determine the quality of the product, including its suitability for its intended end use.

(d) "Fixed roof stationary vessel" means a stationary vessel with a roof connected in a rigid fashion to the side walls of the vessel, a spherically-shaped vessel, or a pressure vessel designed to maintain a specific working pressure.

(e) "Flexible coating" means any coating that is required to comply with engineering specifications for impact resistance, mandrel bend, or elongation as defined by the original equipment manufacturer.

(f) "Flexographic printing" means the application of words, designs, or pictures to a substrate by means of a roll printing technique in which the pattern to be applied is raised above the printing roll and the image carrier is made of rubber or other elastomeric materials.

(g) "Fog coat" means a coating that is applied to a plastic part for the purpose of color matching without masking a molded-in texture. A fog coat shall not be applied at a thickness of more than 0.5 mils of coating solids.

(h) "Fossil fuel-fired steam generator" means a furnace or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer.

(i) "Fuel-burning equipment" means a device, contrivance, or equipment used principally, but not exclusively, for the burning of fuel, and all appurtenances thereto, including ducts, breechings, control equipment, fuel-feeding equipment, ash removal equipment, combustion controls, and stacks and chimneys, which equipment is used for indirect heating in which the material being heated is not contacted by, and does not add substance to, the products of combustion. This equipment typically includes that used for all of the following:

(i) Heating water to boiling.

(ii) Raising steam or superheating steam.

(iii) Heating air as in a warm-air furnace.

(iv) Furnishing process heat that is conducted through vessel walls.

(v) Furnishing process heat indirectly through its transfer by fluids.

(j) "Fuel gas system" means any system in which gas generated by a petroleum refinery process unit is combusted, including any gaseous mixture of natural gas with such gas, and is not commercially sold.

(k) "Fugitive dust" means particulate matter ~~which~~**that** is generated from indoor processes, activities, or operations and ~~which~~**that** is emitted into the outer air through building openings and general exhaust ventilation, except stacks. The term also means particulate matter ~~which~~**that** is emitted into the outer air from outdoor processes, activities, or operations due to the forces of the wind or human activity.

(l) "Fugitive emissions" means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

R 336.1107 Definitions; G.

Rule 107. As used in these rules:

(a) "Gasoline" means any petroleum distillate which has a Reid vapor pressure equal to or greater than 4.0 psia and which is used for automotive fuel.

(b) "Geographical site" means contiguous land ownership by 1 landowner. A public right of way, such as a road, railroad, and watercourse, through part of the site, is not considered to break the continuity. Where transmission and fuel delivery rights-of-way or a strip of land that serves no other purpose than as a transportation or materials handling link connects 2 or more otherwise separate geographical sites, the connected sites shall be considered separate geographical sites.

(c) "Good engineering practice design" means, with respect to stack heights, the height necessary to ensure that emissions from the stack result in acceptable concentrations of air contaminants in the immediate vicinity of the stationary source as a result of atmospheric downwash, eddies, and wakes which may be created by the stationary source itself, nearby structures, or nearby terrain obstacles and ~~shall~~**will** not exceed the greatest of the following limits:

(i) Two hundred and thirteen feet (65 meters).

(ii) Two and one-half times the height of the structure or nearby structure for those stacks for which construction or modification commenced on or before January 12, 1979, if the owner or operator produces evidence that this relationship was actually relied upon in designing the stack to ensure protection against downwash.

(iii) The sum of the height of the structure or nearby structure plus 1.5 times the lesser of the height or width of the structure or nearby structure for those stacks for which construction or modification commenced after January 12, 1979.

(iv) Such height as an owner or operator of a stationary source ~~demon-strates~~ **demonstrates**, to the satisfaction of the department, is necessary through the use of field studies or fluid models after notice and opportunity for public hearing.

(d) "Gloss reducer" means a coating that is applied to a plastic part solely to reduce the shine of the part. A gloss reducer shall not be applied at a thickness of more than 0.5 mils of coating solids.

(e) "Graphic arts line" means an operation or series of operations in which printing (the formation of words), designs, or pictures on a substrate by means of partial coverage of the substrate are employed. A graphic arts line may also employ 1 or more coating operations in which a uniform layer of coating is applied either across the entire width of the substrate or across only certain portions of the substrate.

R 336.1108 Definitions; H.

Rule 108. As used in these rules:

(a) "Hardboard" means a panel manufactured primarily from interfelted ligno-cellulosic fibers which are consolidated under heat and pressure in a hot press.

(b) "Hardwood plywood" means plywood whose surface layer is a veneer of hardwood.

(c) "Heavy liquid" means a liquid ~~which~~**that** is less than 10% evaporated at 150 degrees Centigrade as determined by ASTM method ~~d-86~~**D86, adopted by reference in R 336.1902.** ~~ASTM d-86 is herein adopted by reference in these rules. A copy may be inspected at the Lansing office of the air quality division of the department of environmental quality. A copy may be obtained from the Department of Environmental Quality, P.O. Box 30260, Lansing, Michigan 48909-7760, at a cost of $40.00. A copy may also be obtained from the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428, at a cost of $40.00.~~

(d) "High bake coating" means a coating ~~which~~**that** is designed to cure only at temperatures of more than 90 degrees Celsius (194 degrees Fahrenheit).

(e) "High-speed dispersion mill" means a mixer that has 1 or more blades which rotate at high speed to disperse coating solids.

R 336.1109 Definitions; I.

Rule 109. As used in these rules:

(a) "Incinerator" means a device specifically designed for the destruction, by burning, of garbage or other combustible refuse or waste material, or both, in which the products of combustion are emitted into the outer air by passing through a stack or chimney.

(b) "Inhalation reference concentration" or "RfC" means a conservative estimate of the daily exposure to the human population, including sensitive subgroups, that is likely to be without appreciable risk of deleterious **noncancerous** effect during a lifetime. The inhalation reference concentration is for continuous inhalation exposures and is expressed in units of milligrams per cubic meter (mg/m^3).

(c) "Initial risk screening level" or "IRSL" means the concentration of a possible, probable, or known human carcinogen in ambient air which has been calculated for regulatory purposes, according to the risk assessment procedures in R 336.1229(1), to produce an estimated upper-bound lifetime cancer risk of 1 in 1,000,000.

(d) "Initial threshold screening level" or "ITSL" means a concentration of toxic air contaminant in the ambient air ~~which~~**that** is used to evaluate noncarcinogenic health effects from a proposed new or modified process and ~~which~~**that** is calculated, for regulatory purposes, according to the procedures in R 336.1229(2).

(e) "Insulation of magnet wire" means the process of coating aluminum or copper electrical wire by application of a nonconductive material, such as varnish or enamel.

R 336.1112 Definitions; L.

Rule 112. As used in these rules:

(a) "Light-duty truck" means any motor vehicle ~~which~~**that** is rated at not more than 8,500 pounds gross vehicle weight and ~~which~~**that** is designed primarily for the transportation of property, including pickups, vans, and window vans.

(b) "Light liquid," as it pertains to R 336.1628, means a liquid that contains 1 or more volatile organic compounds which have vapor pressures of more than 0.04 psia at 20 degrees Centigrade if the total concentration of the pure volatile organic compounds which have vapor pressures of more than 0.04 psia at 20 degrees Centigrade is equal to or greater than 20%, by weight, of the liquid and if the fluid is a liquid at operating conditions.

(c) "Limited evidence," a term of art, means either of the following:

(i) In human epidemiological studies, the data indicate that a causal relationship between the agent and human cancer is credible, but that alternative explanations, such as chance, bias, or confounding variables, could not be adequately excluded.

(ii) In animal studies, data suggest a carcinogenic effect, but are limited because of any of the following:

(A) The studies involve a single species, strain, or experiment and do not meet criteria for sufficient evidence.

(B) The experiments are restricted by any of the following:

(1) Inadequate dosage levels.

(2) Inadequate duration or exposure to the agent.

(3) Inadequate period of follow-up.

(4) Poor survival.

(5) Too few animals.

(6) Inadequate reporting.

(C) The data show an increase in the incidence of benign tumors only.

~~(d) "Linearized multistage computer model" means a dose-response model which assumes that there are a number of distinct biological stages or changes that must occur for a normal cell to be transformed into a tumor and which assumes the dose-response relationship to be linear at low doses.~~

(~~e~~**d**) "Loading facility" means a location where volatile organic compounds are received from sources of supply and are stored for later delivery to another facility.

R 336.1113 Definitions; M.

Rule 113. As used in these rules:

(a) "Malfunction" means any sudden, infrequent and not reasonably preventable failure of a source, process, process equipment, or air pollution control equipment to operate in a normal or usual manner. Failures that are caused in part by poor maintenance or careless operation are not malfunctions.

(b) "Market testing and market development" means the limited or general distribution of a product to the consumer to gather information concerning the demand for the product.

(c) "Material handling equipment," as referenced in table 31, means a device, contrivance, or equipment used to bag, blend, convey, crush, grind, load, mill, mix, shed, store, transfer, or unload a physical substance.

(d) "Material recovery equipment" means any equipment utilized in the transport and recovery of styrene monomer and other impurities from other products and by-products in the manufacture of polystyrene resin by continuous process, including the styrene devolatilizer unit and styrene recovery unit.

(e) "Modify" means making a physical change in, or change in the method of operation of, existing process or process equipment which increases the amount of any air contaminant emitted into the outer air which is not already allowed to be emitted under the conditions of a permit or order or which results in the emission of any toxic air contaminant into the outer air not previously emitted. An increase in the hours of operation or an increase in the production rate up to the maximum capacity of the process or process equipment shall not be considered to be a change in the method of operation unless the process or process equipment is subject to ~~enforce-able~~ **enforceable** permit conditions or enforceable orders which limit the production rate or the hours of operation, or both, to a level below the proposed increase.

(f) "Motor vehicle" means any self-propelled vehicle registered for, or requiring registration for, use on the highway.

R 336.1114 Definitions; N.

Rule 114. As used in these rules:

(a) "Natural finish hardwood plywood panel" means a panel that has its original grain pattern enhanced by essentially transparent finishes frequently supplemented by fillers and toners.

(b) "Natural gas processing plant" means a stationary source where the extraction of natural gas liquids from field gas or the fractionation of the liquids into natural gas products, such as ethane, propane, butane, and natural gasoline, takes place.

(c) "Natural gas process unit" means process equipment assembled for the extraction of natural gas liquids from field gas, the fractionation of the liquids into natural gas products, or other operations associated with the processing of natural gas products. A natural gas process unit

may operate independently if supplied with sufficient feed or raw materials and sufficient storage facilities for the products.

(d) "Nearby" means, with respect to good engineering practice design stack heights, a distance of up to 5 times the lesser of the height or the width dimension of a structure, but not more than 0.8 kilometers (0.5 miles). The height of the structure is measured from the ground level elevation at the base of the stack.

(e) "Nonattainment area" means an area designated as not having attained full compliance with any national ambient air quality standard pursuant to section 107(~~D~~**d**) of the clean air act. Such designation shall be air contaminant specific and shall not mean that an area is a nonattainment area for any other air contaminant unless so specified. The department shall maintain a list of designated nonattainment areas and shall update the list when air quality monitoring or modeling data warrant. For certain air contaminants, nonattainment areas are classified for the purposes of applying an attainment date, or for other purposes, in accordance with procedures established pursuant to the clean air act~~, as amended, 42 U.S.C. §7401 et seq~~. For ozone nonattainment areas, classifications ~~have been~~**are** established as follows:

(i) Nonclassifiable.
(ii) Marginal.
(iii) Moderate.
(iv) Serious.
(v) Severe.
(vi) Extreme.

R 336.1115 Definitions; O.

Rule 115. As used in these rules:

(a) "Opacity" means the degree to which an emission reduces the transmission of light or obscures an observer's view.

(b) "Open burning" means a fire from which the products of combustion are emitted directly into the outer air without passing through a stack or chimney.

(c) "Open top vapor degreaser" means a tank that contains organic solvent ~~which~~**that** is heated to its boiling point for the purpose of cleaning or degreasing metallic objects through the condensation of the hot solvent vapor on the colder object.

(d) "Oral reference dose" or "RfD" means a conservative estimate of the daily exposure to the human population, including sensitive subgroups, that is likely to be without appreciable risk of deleterious **noncancerous** effect during a lifetime. The reference dose is expressed in units of milligrams per kilogram of body weight per day.

(e) "Organic compound" means any compound of carbon or mixture of such compounds, excluding all of the following:

(i) Carbon monoxide.
(ii) Carbon dioxide.
(iii) Carbonic acid.
(iv) Metallic carbides or carbonates.
(v) Boron carbide.
(vi) Silicon carbide.
(vii) Ammonium carbonate.
(viii) Ammonium bicarbonate.
(ix) Methane.

(x) Ethane.

(f) "Organic compound-water separator" means any vessel, device, or piece of equipment ~~which~~**that** is operated for the recovery of organic compounds from waste water and which, in any 1 day, recovers more than 200 gallons of organic compounds from any equipment that processes, refines, stores, or handles such compounds with a Reid vapor pressure of more than 0.5 psia.

(g) "Organic resin" means a solid or semisolid, water insoluble, organic material as listed in standard industrial classification code 2821. The resin has little or no tendency to crystallize and is used as the basic component of plastics or as a component of surface coating formulations.

(h) "Organic solvent" means any volatile organic compound that is used as a diluent, thinner, dissolver, viscosity reducer, or cleaning agent or for other similar uses.

(i) "Outer air" means air in all space outside of buildings, stacks, or exterior ducts.

R 336.1116 Definitions; P.

Rule 116. As used in these rules:

(a) "Packaging rotogravure printing" means rotogravure printing upon a substrate that, in subsequent operations, is formed into a packaging product or label, or both.

(b) "Paint manufacturing" means the grinding or mixing of a combination of pigments, resins, and liquids to produce a surface coating as listed in standard industrial classification code 2851.

(c) "Particulate matter" means any air contaminant existing as a finely divided liquid or solid, other than uncombined water, as measured by a reference test specified in R 336.2004(5) or by an equivalent or alternative method.

(d) "Perchloroethylene dry cleaning equipment" means equipment utilized in the cleaning of fabrics for which perchloroethylene (tetrachloroethylene) is the predominant cleaning medium.

(e) "Performance test" means the taking of a source sample at a stationary source, employing department-approved methods, to determine either of the following:

(i) Compliance with the department's rules, orders, or emission limitations.

(ii) Compliance with the conditions of a permit to install or **renewable operating** permit ~~to operate~~.

(f) "Permit to install" means a permit issued by the department authorizing the construction, installation, relocation, or alteration of any process, fuel-burning, refuse-burning, or control equipment in accordance with approved plans and specifications.

(g) "Permit to operate" means a permit issued by the department authorizing the use of any process, fuel-burning, refuse-burning, or control equipment for the period indicated after it has been demonstrated that it can be operated in compliance with these rules. The requirement to obtain a permit to operate was removed from these rules effective July 26, 1995. Permits to operate issued before that date remain in effect and legally enforceable unless they are voided pursuant to R 336.1201(6).

(h) "Person" means any of the following:

(i) An individual person.

(ii) Trustee.

(iii) Court-appointed representative.

(iv) Syndicate.

(v) Association.

(vi) Partnership.

(vii) Firm.

(viii) Club.
(ix) Company.
(x) Corporation.
(xi) Business trust.
(xii) Institution.
(xiii) Agency.
(xiv) Government corporation.
(xv) Municipal corporation.
(xvi) City.
(xvii) County.
(xviii) Municipality.
(xix) District.
(xx) Other political subdivision, department, bureau, agency, or instrumentality of federal, state, or local government.
(xxi) Other entity recognized by law as the subject of rights and duties.
(i) "Petroleum" means the crude oil removed from the earth and the oils derived from tar sands, shale, and coal gasification or liquefaction.
(j) "Petroleum refinery" means any facility engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, lubricants, or other products through distillation of petroleum or through redistillation, cracking, or the reforming of unfinished petroleum derivatives.
(k) "PM-10" means particulate matter that has an aerodynamic diameter less than or equal to a nominal 10 micrometers, as measured by a reference test specified in 40 C.F.R. part 51, appendix M**, adopted by reference in R 336.1902.** PM-10 emissions shall include gaseous emissions from a source or activity which condense to form particulate matter at ambient temperatures. Such condensable particulate matter shall be accounted for in applicability determinations and in establishing emissions limitations for PM-10.
~~(i) Title 40 C.F.R., part 51, appendix M, "Recommended Test Methods for State Implementation Plans." (2012) is adopted by reference in these rules. A copy is available for inspection and purchase at the Air Quality Division, Department of Environmental Quality, 525 West Allegan Street, P. O. Box 30260, Lansing, MI 48909-7760, at a cost as of the time of adoption of these rules of $61.00. A copy may be obtained from the Superintendent of Documents, government Printing Office, P. O. Box 371954, Pittsburgh, Pennsylvania 15250-7954, at a cost as of the time of adoption of these rules of $51.00, or on the United States government printing office internet website at http://www.acess.gpo.gov.~~
(l) "PM 2.5" means particulate matter that has an aerodynamic diameter less than or equal to a nominal 2.5 micrometers, as measured by a reference test specified in 40 C.F.R. part 51, appendix M**, adopted by reference in R 336.1902**. PM 2.5 emissions shall include gaseous emissions from a source or activity ~~which~~**that** condense to form particulate matter at ambient temperatures. Such condensable particulate matter shall be accounted for in applicability determinations and in establishing emissions limitations for PM 2.5. ~~The provisions of 40 C.F.R., part 51, appendix M are adopted by reference in R 336.1116 (k).~~
(m) "Potential emissions" means those emissions expected to occur without control equipment, unless this control equipment is, aside from air pollution control requirements, vital to production of the normal product of the source or to its normal operation. Annual potential emissions shall be based on the maximum annual-rated capacity of the source, unless the source is subject to enforceable permit conditions or enforceable orders that limit the operating rate or the hours of operation, or both. Enforceable agreements or permit conditions on the type or

amount of materials combusted or processed shall be used in determining the potential emission rate of a source.

(n) "Potential to emit" means the maximum capacity of a stationary source to emit an air contaminant under its physical and operational design. Any physical or operational limit on the capacity of the stationary source to emit an air contaminant, including air pollution control equipment and restrictions on the hours of operation or the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limit, or the effect it would have on emissions, is legally enforceable. Secondary emissions shall not count in determining the "potential to emit" of a stationary source. For hazardous air pollutants that have been listed pursuant to ~~s~~**S**ection 112(b) of the clean air act, quantifiable fugitive emissions shall be included in determining the potential to emit of any stationary source. For all other air contaminants, quantifiable fugitive emissions shall be included in determining the "potential to emit" of a stationary source only if the stationary source belongs to 1 of the following categories:

(i) Coal cleaning plants that have thermal dryers.

(ii) Kraft pulp mills.

(iii) Portland cement plants.

(iv) Primary zinc smelters.

(v) Iron and steel mills.

(vi) Primary aluminum ore reduction plants.

(vii) Primary copper smelters.

(viii) Municipal incinerators capable of charging more than 50 tons of refuse per day.

(ix) Hydrofluoric, sulfuric, or nitric acid plants.

(x) Petroleum refineries.

(xi) Lime plants.

(xii) Phosphate rock processing plants.

(xiii) Coke oven batteries.

(xiv) Sulfur recovery plants.

(xv) Carbon black plants that have a furnace process.

(xvi) Primary lead smelters.

(xvii) Fuel conversion plants.

(xviii) Sintering plants.

(xix) Secondary metal production plants.

(xx) Chemical process plants. The term chemical process plant ~~shall~~**does** not include ethanol production facilities that produce ethanol by natural fermentation included in North American industrial classification system codes 325193 or 312140.

(xxi) Fossil fuel boilers (or combination thereof) totaling more than 250,000,000 Btu per hour heat input.

(xxii) Petroleum storage and transfer units that have a total storage capacity of more than 300,000 barrels or petroleum storage vessels that have a capacity of more than 40,000 gallons.

(xxiii) Taconite ore processing plants.

(xxiv) Glass-fiber processing plants.

(xxv) Charcoal production plants.

(xxvi) Fossil fuel-fired steam electric plants of more than 250,000,000 Btu per hour heat input.

(xxvii) Asphalt concrete plants.

(xxviii) Secondary lead smelters and refineries.

(xxix) Sewage treatment plants.

(xxx) Phosphate fertilizer plants.

(xxxi) Ferroalloy production plants.
(xxxii) Grain elevators.
(xxxiii) Stationary gas turbines.
(xxxiv) Stationary sources that are subject to the federal national emission standards for hazardous air pollutants for the following materials:
(A) Asbestos.
(B) Beryllium.
(C) Mercury.
(D) Vinyl chloride.
(o) "PPM" means parts per million, by volume.
(p) "Printed interior panel" means a panel ~~which~~**that** has its grain or natural surface obscured by fillers and basecoats and upon which a simulated grain or decorative pattern is printed.
(q) "Process" means an action, operation, or a series of actions or operations at a source that emits or has the potential to emit an air contaminant. Examples of a "process" include any of the following:
(i) A physical change of a material.
(ii) A chemical change of a material.
(iii) The combustion of fuel, refuse, or waste material.
(iv) The storage of a material.
(v) The handling of a material.
(r) "Process equipment" means all equipment, devices, and auxiliary components, including air pollution control equipment, stacks, and other emission points, used in a process.
(s) "Process unit turnaround" means the scheduled shutdown of a refinery process unit for the purpose of inspection or maintenance of the unit.
(t) "Production equipment exhaust system" means a device for collecting and removing, from the immediate area, fugitive air contaminants from any process equipment.
(u) "Psia" means pounds per square inch absolute.
(v) "Publication rotogravure printing" means rotogravure printing upon a substrate that is subsequently formed into any of the following:
(i) Book.
(ii) Magazine.
(iii) Catalogue.
(iv) Brochure.
(v) Directory.
(vi) Newspaper.
(vii) Supplement.
(viii) Other type of printed material.
(w) "Pushing operation," with respect to coke ovens, means the movement of the coke from a coke oven into the coke-receiving car.
(x) "Pushside," with respect to a coke oven, means that side of the coke oven that is adjacent to the pushing machine.

R 336.1118 Definitions; R.
Rule 118. As used in these rules:
(a) "Reactor" means a vessel which may be jacketed to permit temperature control and which is designed to contain materials during chemical reaction.

(b) "Reconstruction" means the replacement of components of an existing facility so that the fixed capital cost of the new components is more than 50% of the fixed capital cost that would be required to construct a comparable entirely new emission unit and so that it is technologically and economically feasible to meet the applicable requirement. "Fixed capital cost," as used in this subdivision, means the capital needed to provide all of the depreciable components.

(c) "Red coating" means a coating ~~which~~**that** meets all of the following criteria:

(i) Yellow limit: the hue of hostaperm scarlet.

(ii) Blue limit: the hue of monastral red-violet.

(iii) Lightness limit for metallics: 35% aluminum flake.

(iv) Lightness limit for solids: 50% titanium dioxide white.

(v) Solid reds: hue angle of -11 to 38 degrees and maximum lightness of 23 to 45 units.

(vi) Metallic reds: hue angle of -16 to 35 degrees and maximum lightness of 28 to 45 units. These criteria are based on Cielab color space, 0/45 geometry. For spherical geometry, specular included, the upper limit is 49 units. The maximum lightness varies as the hue moves from violet to orange. This is a natural consequence of the strength of the colorants, and real colors show this effect.

(d) "Reference test method," with respect to source sampling, means a method or set of procedures, as described in appendix A to these rules, for obtaining source samples.

(e) "Refinery unit" means a set of components and other equipment ~~which~~**that** are a part of a basic process operation, such as distillation, hydrotreating, cracking, or reforming of hydrocarbons.

(f) "Reid vapor pressure" means the absolute vapor pressure of an organic compound at 100 degrees Fahrenheit as measured by the standard test method set forth in ASTM D323**, adopted by reference in R 336.1902,** or approved equivalent. ~~ASTM D-323 is adopted by reference in these rules. A copy may be inspected at the Lansing office of the air quality division of the department of environmental quality. A copy may be obtained from the Department of Environmental Quality, P.0. Box 30260, Lansing, Michigan 48909-7760, at a cost as of the time of adoption of these rules of $30.00. A copy may also be obtained from the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959, at a cost as of the time of adoption of these rules of $30.00.~~

(g) "Repetitive production of a product" means production, for purposes other than clinical testing of pharmaceuticals, ~~which~~**that** meets the following criteria:

(i) Batch processes or process equipment producing 10 or more batches of product.

(ii) Continuous processes or process equipment running for a period of more than 10 times the length of time for the raw materials to become finished product or 24 hours, whichever is longer.

(h) "Research and development activities" means activities conducted for the primary purpose of developing new production processes and products, testing more efficient production processes, or testing methods for preventing or reducing adverse environmental impacts, if the activities are in compliance with both of the following provisions:

(i) The activities do not include the production of an intermediate or final product for sale or exchange for commercial profit, except in a de minimis manner.

(ii) The activities are conducted at a research or laboratory facility that is operated under the close supervision of technically trained personnel.

(i) "Resist coat" means a coating that is applied to a plastic part before metallic plating to prevent deposits of metal on portions of the plastic part.

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

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

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

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

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

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

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

(k) "Rotogravure printing" means the application of words, designs, pictures, or surface coating to a substrate by means of a roll printing technique that involves intaglio or recessed image areas in the form of cells.

R 336.1119 Definitions; S.

Rule 119. As used in these rules:

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

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

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

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

(b) "Secondary emissions" means emissions which occur as a result of the construction or operation of a stationary source, but which do not come from the stationary source itself. Secondary emissions include only emissions that are specific, well-defined, quantifiable, and impact the same general area as the stationary source which causes the secondary emissions. Secondary emissions also include emissions from any off-site support facility which would not otherwise be constructed or increase its emissions except as a result of the construction or operation of the stationary source. Examples of secondary emissions include the following:

(i) Emissions from ships or trains coming to or going from a stationary source.

(ii) Emissions from any off-site support facility that would not otherwise be constructed or increase its emissions except as a result of the construction or operation of the stationary source.

(c) "Secondary risk screening level" means the concentration of a possible, probable, or known human carcinogen in ambient air which has been calculated, for regulatory purposes, according to the risk assessment procedures in R 336.1229(1), to produce an estimated upper-bound lifetime cancer risk of 1 in 100,000.

(d) "Shutdown" means the cessation of operation of a source for any purpose.

(e) "Significant" means a rate of emissions for the following air contaminants which would equal or exceed any of the following:

(i) Carbon monoxide - 100 tons per year.

(ii) ~~Nitrogen o~~**O**xides **of nitrogen** - 40 tons per year.

(iii) Sulfur dioxide - 40 tons per year.

(iv) Particulate matter - 25 tons per year.

(v) PM-10 - 15 tons per year.

(vi) PM 2.5 - 10 tons per year**, 40 tons per year of sulfur dioxide, or 40 tons per year of oxides of nitrogen**.

(vii) Volatile organic compounds - 40 tons per year.

(viii) Lead - 0.6 tons per year.

(ix) Fluorides - 3 tons per year.

(x) Sulfuric acid mist - 7 tons per year.

(xi) Hydrogen sulfide - 10 tons per year.

(xii) Total reduced sulfur, including hydrogen sulfide - 10 tons per year.

(xiii) Reduced sulfur compounds, including hydrogen sulfide - 10 tons per year.

(xiv) Municipal waste combustor organics, measured as total tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzofurans - 3.2×10^{-6} megagrams per year or 3.2×10^{-6} tons per year.

(xv) Municipal waste combustor metals, measured as particulate matter - 14 megagrams per year or 15 tons per year.

(xvi) Municipal waste combustor acid gases, measured as sulfur dioxide and hydrogen chloride - 36 megagrams per year or 40 tons per year.

(xvii) Municipal solid waste landfill emissions, measured as nonmethane organic compounds - 45 megagrams per year or 50 tons per year.

(f) "Smoke" means small gas and airborne particles consisting essentially of carbonaceous material in sufficient numbers to be observable.

(g) "Sour condensate" means a condensate that emits sour gas at atmospheric pressure.

(h) "Sour crude" means a crude oil that emits sour gas at atmospheric pressure.

(i) "Sour gas" means any gas containing more than 1 grain of hydrogen sulfide or more than 10 grains of total sulfur per 100 standard cubic feet.

(j) "Source sample" means any raw material, fuel, product, by-product, waste material, exhaust gas, air contaminant, flora, soil, or other such material existing as a gas, liquid, or solid, which is captured, retained, or collected from a stationary source.

(k) "Specific plate collection area" means the ratio of the total collection area to the total gas volume flow rate in square feet per 1,000 actual cubic feet per minute.

(l) "Stack" or "chimney" means a flue, conduit, or duct arranged to conduct a gas stream to the outer air.

(m) "Standard conditions" means a gas temperature of 70 degrees Fahrenheit and a gas pressure of 29.92 inches of mercury absolute.

(n) "Standpipe assembly," with respect to coke ovens, means the riser, standpipe lid, and the gooseneck.

(o) "Standpipe assembly emission point," with respect to a coke oven battery equipped with a single collector main or a double collector main, means the flexible connection between the battery top and the base of the riser, the seating surface of the standpipe lid, and the second flexible connection wherever located, or another agreed upon connection that is located between the collector main and the gooseneck. With respect to a battery equipped with a charging main and a gas-offtake main in tandem, "standpipe assembly emission point" means the upper flange, the lower flange, the top lid, the bottom lid, the upper sand seal, the middle sand seal, and the lower base sand seal. With respect to a battery equipped with a jumper pipe ministandpipe, "standpipe assembly emission point" means the flexible connection between the battery top and the base of the riser, the seating surface of the standpipe lid, the flexible connection between the collector main and the gooseneck, the ministandpipe lid, and the flexible connection between the battery top and the jumper pipe ministandpipe.

(p) "Start-up" means the setting in operation of a process or process equipment for any purpose.

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

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

(s) "Stationary vessel" means any tank, reservoir, or container used for the storage of any volatile organic compound which is not used to transport such volatile organic compound and in which no manufacturing process or part thereof takes place.

(t) "Stencil coat" means a coating that is applied over a stencil to a plastic part at a thickness of 1 mil or less of coating solids. Stencil coats are most frequently letters, numbers, or decorative designs.

(u) "Styrene devolatilizer unit" means equipment performing the function of separating unreacted styrene monomer and other volatile components from polystyrene in a vacuum devolatilizer.

(v) "Styrene recovery unit" means equipment performing the function of separating styrene monomer from other less volatile components of the styrene devolatilizer unit's output. The separated styrene monomer may be reused as raw material in the manufacturing of polystyrene resin.

(w) "Submerged fill pipe" means any fill pipe that has its discharge opening entirely submerged when the liquid level is 6 inches above the bottom of the vessel or, when applied to a vessel that is loaded from the side, means either of the following:

(i) Any fill pipe that has its discharge opening entirely submerged when the liquid level is 18 inches above the bottom of the vessel.

(ii) Any fill pipe that has its discharge opening entirely submerged when the liquid level is twice the diameter of the fill pipe above the bottom of the vessel, but in no case shall the top of such submerged fill pipe be more than 36 inches above the bottom of the vessel.

(x) "Sufficient evidence," a term of art, means either of the following:

(i) In human epidemiological studies, that the data indicate that there is a causal relationship between the agent and human cancer.

(ii) In animal studies, the data suggest that there is an increased incidence of malignant tumors or combined malignant and benign tumors in any of the following:

(A) Multiple species or strains.

(B) Multiple experiments.

(C) To an unusual degree in a single experiment with regard to high incidence, unusual site or type of tumor, or early age at onset.

(y) "Sulfuric acid plant" means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, or acid sludge, but does not include facilities where conversion to sulfuric acid is utilized primarily as a means of preventing emissions to the atmosphere of sulfur dioxide or other sulfur compounds.

(z) "Surface coating" means any paint, lacquer, varnish, ink, adhesive, or other coating material applied on a surface.

(aa) "Sweet condensate" means any condensate that is not a sour condensate.

(bb) "Sweet crude" means any crude oil that is not a sour crude.

(cc) "Sweetening facility" means a facility or process that removes hydrogen sulfide or sulfur-containing compounds, or both, from a sour gas, sour crude oil, or sour condensate stream and converts it to sweet gas, sweet crude, or sweet condensate. The term "sweetening facility" does not include a facility or process that operates in an enclosed system and does not emit hydrogen sulfide to the outer air.

(dd) "Sweet gas" means any gas that is not a sour gas.

(ee) "Synthetic natural gas" means any manufactured fuel gas of approximately the same composition and BTU value as that obtained naturally from oil fields.

(~~ee~~**ff**) "Synthetic organic chemical and polymer manufacturing plant" means a stationary source where the production, as intermediates or final products, of 1 or more of the following chemicals takes place:

(i) Methyl tert-butyl ether.

(ii) Polyethylene.
(iii) Polypropylene.
(iv) Polystyrene.
(v) Synthetic organic chemicals listed in **"Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry,"** ~~section 489 of~~ 40 C.F.R. part 60, subpart VV, ~~entitled "Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry," which is~~ adopted by reference in R 336.~~1628(1)~~**1902**.

(~~ff~~**gg**) "Synthetic organic chemical and polymer manufacturing process unit" means all process equipment assembled to manufacture, as intermediates or final products, 1 or more of the chemicals listed in the definition of synthetic organic chemical and polymer manufacturing plant. A synthetic organic chemical and polymer manufacturing process unit can operate independently if supplied with sufficient feed or raw materials and sufficient storage facilities for the product.

R 336.1120 Definitions; T.

Rule 120. As used in these rules:

(a) "Temporary source" means a stationary source, process, or process equipment that commences operation and is located at a geographic site for not more than 12 consecutive months.

(b) "Texture coat" means a coating that is applied to a plastic part which, in its finished form, consists of discrete raised spots of the coating.

(c) "Thin particleboard" means a manufactured board ~~which~~**that** is 1/4 of an inch or less in thickness and which is made of individual wood particles that have been coated with a binder and formed into flat sheets by pressure.

(d) "Thinning tank," as it pertains to R 336.1631, means any vessel ~~which~~**that** receives resin from a reactor and to which solvents or other materials are added to thin the resin.

(e) "Tileboard" means paneling that has a colored, waterproof surface coating.

(f) "Toxic air contaminant" or "TAC" means any air contaminant for which there is no national ambient air quality standard and which is ~~or may become harmful to public health or the environment when present in the outdoor atmosphere in sufficient quantities and duration. For the purpose of this definition, all of the following substances shall not be considered to be toxic air contaminants~~ **known or reasonably anticipated to be emitted from a process or process unit within the state and which meets any of the following conditions based upon the best available information**:

(i) ~~Acetylene.~~ **It is a carcinogen.**

(ii) ~~Aluminum metal dust.~~ **An ITSL derived pursuant to R 336.1229(2) would be at or below any of the following values:**

(A) 100 ug/m^3 with an annual averaging time.
(B) 522 ug/m^3 with a 24 hour averaging time.
(C) 2330 ug/m^3 with an 8 hour averaging time.
(D) 300 ug/m^3 with a 1 hour averaging time.

(iii) ~~Aluminum oxide (nonfibrous forms).~~ **The following are not considered to be a toxic air contaminant:**

(A) Acetylene.
(B) Aluminum metal dust.
(C) Aluminum oxide (nonfibrous forms).

(~~iv~~**D**) Ammonium sulfate.

(E) Animal or plant materials, including extracts and concentrates thereof, used as ingredients in food products or dietary supplements in accordance with applicable regulations of the United States food and drug administration.

(~~v~~**F**) Argon.

(~~vi~~**G**) Calcium carbonate.

(~~vii~~**H**) Calcium hydroxide.

(~~viii~~**I**) Calcium oxide.

(~~ix~~**J**) Calcium silicate.

(~~x~~**K**) Calcium sulfate.

(~~xi~~**L**) Carbon dioxide.

(~~xii~~**M**) Carbon monoxide.

(~~xiii~~**N**) Cellulose.

(~~xiv~~**O**) Coal dust.

(~~xv~~**P**) Crystalline silica emissions from any of the following processes:

(~~A~~**1**) Extraction and processing of all metallic or non-metallic minerals.

(~~B~~**2**) Sand production, processing, and drying.

(~~C~~**3**) Asphalt production.

(~~D~~**4**) Concrete production.

(~~E~~**5**) Glass and fiberglass manufacturing.

(~~F~~**6**) Foundries.

(~~G~~**7**) Foundry residual recovery activities.

(~~H~~**8**) Any other process if the crystalline silica emissions are less than 10% of the total PM-10 emissions.

(~~xvi~~**Q**) Emery.

(~~xvii~~**R**) Ethane.

(~~xviii~~**S**) Graphite (synthetic).

(~~xix~~**T**) Grain dust.

(~~xx~~**U**) Helium.

(~~xxi~~**V**) Hydrogen.

(~~xxii~~**W**) Iron oxide.

(~~xxiii~~**X**) Lead.

(~~xxiv~~**Y**) Liquefied petroleum gas (l.p.g.).

(~~xxv~~**Z**) Methane.

(~~xxvi~~**AA**) Neon.

(~~xxvii~~**BB**) Nitrogen.

(~~xxviii~~**CC**) Nitrogen oxides.

(~~xxix~~**DD**) Nuisance particulates.

(~~xxx~~**EE**) Oxygen.

(~~xxxi~~**FF**) Ozone.

(~~xxxii~~**GG**) Perlite.

(~~xxxiii~~**HH**) Portland cement.

(~~xxxiv~~**II**) Propane.

(~~xxxv~~**JJ**) Silicon.

(~~xxxvi~~**KK**) Starch.

(~~xxxvii~~**LL**) Sucrose.

(~~xxxviii~~**MM**) Sulfur dioxide.

(~~xxxix~~**NN**) Vegetable oil mist.
(~~xl~~**OO**) Water vapor.
(~~xli~~**PP**) Zinc metal dust.
(g) "Toxicological interaction" means the simultaneous exposure to 2 or more hazardous substances which will produce a toxicological response that is greater or less than their individual responses.
(h) "Transfer efficiency" means the percentage of coating solids material that leaves the coating applicator and remains on the surface of the product.
(i) "True vapor pressure" means the equilibrium partial pressure exerted by a liquid or the sum of partial pressures exerted by a mixture of liquids. For refined petroleum stock (gasolines and naphthas) and crude oil, the "true vapor pressure" may be determined in accordance with methods described in American petroleum institute ~~bulletin~~ MPMS C19 S2, "Manual of Petroleum Measurement Standards, Chapter 19, Evaporative Loss Measurements, Section 2, Evaporative Loss From Floating-Roof Tanks," ~~1997~~**adopted by reference in R 336.1902**. ~~American petroleum institute bulletin MPMS C19 S2 is adopted in these rules by reference. A copy may be inspected at the Lansing office of the air quality division of the department of environmental quality. A copy may be obtained from the Department of Environmental Quality, Air Quality Division, P.0. Box 30260, Lansing, Michigan 48909-7760, at a cost as of the time of adoption of these rules of $116.00. A copy may also be obtained from the Global Engineering Documents, HIS Company, 15 Inverness Way East, Englewood, Colorado 80112, at a cost as of the time of adoption of these rules of $116.00.~~

R 336.1121 Definitions; U.
Rule 121. As used in these rules:
(a) "Uncontrolled emissions" means those emissions expected to occur without control equipment, unless such control equipment is, aside from air pollution control requirements, vital to production of the normal product of the process or to its normal operation. Annual uncontrolled emissions shall be based upon the maximum annually rated capacity of the process or process equipment, unless the process or process equipment is subject to legally enforceable permit conditions or orders which limit the operating rate or the hours of operation, or both. Legally enforceable permit conditions or orders on the type or amount of materials combusted or processed shall be used in determining the uncontrolled emissions rate of a process or process equipment.
(b) "Unsafe-to-monitor component" means a component which, if monitored, would expose monitoring personnel to immediate danger. This definition includes, during the period of November 1 through March 31, a component which is located outside a building and which can only be monitored by elevating the monitoring personnel more than 6 feet above ground level.
(c) "Used oil" means any oil that has been refined from crude oil, or any synthetic oil, that has been used and that, as a result of the use, is contaminated by physical or chemical impurities.

R 336.1122 Definitions; V.
Rule 122. As used in these rules:
(a) "Vacuum-metalizing coatings" means topcoats and basecoats that are used in the vacuum-metalizing process.

(b) "Vacuum-producing system" means any device that creates a pressure below atmospheric, such as a pump or steam ejector with condenser, including hot wells and accumulators.

(c) "Vapor collection system," as it pertains to R 336.1627, means all piping, seals, hoses, connections, pressure-vacuum vents, and any other equipment between and including the delivery vessel and a stationary vessel, vapor processing unit, or vapor holder.

(d) **[Reserved]** ~~"Very large precipitator" means an electrostatic precipitator that has a specific plate collection area of 600 square feet or more per 1,000 actual cubic feet per minute gas flow.~~

(e) "Visible emission" means any emissions that are visually detectable without the aid of instruments.

(f) "Volatile organic compound" means any compound of carbon or mixture of compounds of carbon that participates in photochemical reactions, excluding the following materials, all of which have been determined by the United States environmental protection agency to have negligible photochemical reactivity:

(i) Carbon monoxide.

(ii) Carbon dioxide.

(iii) Carbonic acid.

(iv) Metallic carbides or carbonates.

(v) Boron carbide.

(vi) Silicon carbide.

(vii) Ammonium carbonate.

(viii) Ammonium bicarbonate.

(ix) Methane.

(x) Ethane.

(xi) The methyl chloroform portion of commercial grades of methyl chloroform, if all of the following provisions are complied with:

(A) The commercial grade of methyl chloroform is used only in a surface coating or coating line that is subject to the requirements part 6 or 7 of these rules.

(B) The commercial grade of methyl chloroform contains no stabilizers other than those listed in table 11.

(C) Compliance with the applicable limits specified in part**s** 6 or 7 of these rules is otherwise not technically or economically reasonable.

(D) All measures to reduce the levels of all organic solvents, including the commercial grade of methyl chloroform, from the surface coating or coating line to the lowest reasonable level will be implemented.

(E) The emissions of the commercial grade of methyl chloroform do not result in a maximum ambient air concentration exceeding any of the allowable ambient air concentrations listed in table 11.

(F) The use of the commercial grade of methyl chloroform is specifically identified and allowed by a permit to install, permit to operate, or order of the department.

(G) Table 11 reads as follows:

Table 11.

Commercial Grade of Methyl Chloroform -- Allowable Ambient Air Concentrations

Compound	**Ppm[1]**	**Time[2]**
Methyl chloroform	3.5	1 hour
Tertiary butyl alcohol[3]	1.0	1 hour
Secondary butyl alcohol[3]	1.0	1 hour

Methylal[3]	10.0	1 hour
1,2-butylene oxide[3]	0.028 and 0.00041	1 hour annual

1. Parts per million, by volume
2. Averaging time period
3. This compound is a stabilizer

(xii) The methyl chloroform portion of commercial grades of methyl chloroform that contain any other stabilizer not listed in table 11 of this rule, if all of the following provisions are complied with:

(A) The commercial grade of methyl chloroform is used only in a surface coating or coating line that is subject to the requirements of parts 6 or 7 of these rules.

(B) Compliance with the applicable limits specified in parts 6 or 7 of these rules is otherwise not technically or economically reasonable.

(C) All measures to reduce the levels of all organic solvents, including the commercial grade of methyl chloroform, from the surface coating or coating line to the lowest reasonable level will be implemented.

(D) The emissions of any compound in the commercial grade of methyl chloroform that is listed in table 11 of this rule do not result in a maximum ambient air concentration exceeding any of the allowable ambient air concentrations listed in table 11.

(E) The emission of all compounds in the commercial grade of methyl chloroform that are not listed in table 11 is demonstrated to comply with R 336.1901.

(F) The use of the commercial grade of methyl chloroform is specifically identified and allowed by a permit to install, permit to operate, or order of the department.

(xiii) Acetone.

(xiv) Cyclic, branched, or linear completely methylated siloxanes.

(xv) Parachlorobenzotrifluoride.

(xvi) Perchloroethylene.

(xvii) Trichlorofluoromethane (CFC-11).

(xviii) Dichlorodifluoromethane (CFC-12).

(xix) 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113).

(xx) 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114).

(xxi) Chloropentafluoroethane (CFC-115).

(xxii) 1,1-dichloro 1-fluoroethane (HCFC-141b).

(xxiii) 1,chloro 1,1-difluoroethane (HCFC-142b).

(xxiv) Chlorodifluoromethane (HCFC-22).

(xxv) 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123).

(xxvi) 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124).

(xxvii) Trifluoromethane (HFC-23).

(xxviii) Pentafluoroethane (HFC-125).

(xxix) 1,1,2,2-tetrafluoroethane (HFC-134).

(xxx) 1,1,1,2-tetrafluoroethane (HFC-134a).

(xxxi) 1,1,1-trifluoroethane (HFC-143a).

(xxxii) 1,1-difluoroethane (HFC-152a).

(xxxiii) 3,3-dichloro-1, 1,1,2,2-pentafluoropropane (HCFC-225ca).

(xxxiv) 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb).

(xxxv) 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee).

(xxxvi) Difluoromethane (HFC-32).
(xxxvii) Ethyl fluoride (HFC-161).
(xxxviii) 1,1,1,3,3,3-hexafluoropropane (HFC-236fa).
(xxxix) 1,1,2,2,3-pentafluoropropane (HFC-245ca).
(xl) 1,1,2,3,3- pentafluoropropane (HFC-245ea).
(xli) 1,1,1,2,3- pentafluoropropane (HFC-245eb).
(xlii) 1,1,1,3,3- pentafluoropropane (HFC-245fa).
(xliii) 1,1,1,2,3,3-hexafluoropropane (HFC-236ea).
(xliv) 1,1,1,3,3-pentafluorobutane (HFC365mfc).
(xlv) Chlorofluoromethane (HCFC-31).
(xlvi) 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a).
(xlvii) 1-chlor-1-fluoroethane (HCFC-151a).
(xlviii) 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane ($C_4F_9OCH_3$ or HFE-7100).
(xlix) 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane.
(l) 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane ($C_4F_9OC_2H_5$ or HFE-7200).
(li) 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane.
(lii) Methyl acetate.
(liii) Perfluorocarbon compounds that fall into the following classes:
(A) Cyclic, branched, or linear, completely fluorinated alkanes.
(B) Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations.
(C) Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations.
(D) Sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.
(liv) Methylene chloride.
(lv) 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-$C_3F_7OCH_3$, HFE-7000).
(lvi) 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (HFE 7500).
(lvii) 1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea)
(lviii) Methyl formate (HCOOCH3).
(lix) T-butyl acetate ~~is not a volatile organic compound for purposes of volatile organic compound emissions limitations or volatile organic compound content requirements but is a volatile organic compound for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling and inventory requirements, which apply to volatile organic compounds and shall be uniquely identified in emission reports~~.
(lx) 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE-7300)
(lxi) Dimethyl carbonate
(lxii) Propylene carbonate
(lxiii) 2,3,3,3-tetrafluoropropene (HFO–1234yf)
(lxiv) Trans-1,3,3,3-tetrafluoropropene (HFO–1234ze)
(lxv) HCF2OCF2H (HFE-134).
(lxvi) HCF2OCF2OCF2H (HFE-236cal2).
(lxvii) HCF2OCF2CF2OCF2H (HFE-338pcc13).
(lxviii) HCF2OCF2OCF2CF2OCF2H (H-Galden 1040X or H-Galden ZT 130 (or 150 or 180)).
(lxix) Trans 1-chloro-3,3,3-trifluoroprop-1-ene (Solstice™ 1233zd(E)).
(lxx) 2-amino-2-methyl-1-propanol (AMP).
The methods described in R 336.2004 and R 336.2040 shall be used for measuring volatile organic compounds for purposes of determining compliance with emission limits. Where such a

method also measures compounds with negligible photochemical reactivity, these negligibly-photochemical reactive compounds may be excluded as volatile organic compounds if the amount of such compounds is accurately quantified and such exclusion is approved by the department.

R 336.1123 Definitions; W.

Rule 123. As used in these rules:

(a) "Waxy, heavy pour crude oil" means any of the following:

(i) A crude oil with a pour point of 30 degrees Fahrenheit or higher as determined by the standard test method set forth in ASTM-D97-~~66~~, entitled "Test Method for Pour Point of Petroleum Oils**,**~~.~~" **adopted by reference in R 336.1902.**

(ii) A crude oil containing more than 2.5% N-paraffin content (C-17 to C-40).

(iii) A crude oil with a viscosity of more than 500 seconds universal sayboldt (SUS) at 20 degrees Fahrenheit.

(b) "Wayne county permit" means a permit or a certificate of operation issued pursuant to the Wayne county air pollution control ordinance adopted pursuant to the home rule charter for Wayne county, resolution no. 85-305, as amended by resolution no. 89-213.

(c) "Weight of evidence," a term of art, means a description of the likelihood that a chemical is a human carcinogen based on evaluation of tumor data from human or animal studies and examination of relevant supporting information, including any of the following information:

(i) Structure-activity relationships.

(ii) Short-term test findings.

(iii) Results of appropriate physiological, biological, and toxicological observations.

(iv) Comparative metabolism and pharmacokinetic studies.

R 336.1127 Terms defined in the act.

Rule 127. Terms defined in the act have the same meaning when used in these rules.

NOTICE OF PUBLIC HEARING

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY
Air Quality Division

NOTICE OF PUBLIC HEARING

The Michigan Department of Environmental Quality (MDEQ), Air Quality Division (AQD), will conduct a comment period until December 18, 2015, and a public hearing on December 7, 2015, on proposed administrative rules promulgated pursuant to Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA). The rules being amended are identified as R 336.1101-1103, R 336.1106-1109, R 336.1112-1116, R 336.1118-1123, R 336.1201-1203, R 336.1205-1207, R 336.1209-1219, R 336.1224-1232, R 336.1240, R 336.1241, R 336.1277-1278a, and R 336.1280-1290. R 336.1233 and R 336.1291 are being added and R 336.1208a and R 336.1299 are being rescinded. The purpose of these rule revisions is to address rule recommendations made by the Office of Regulatory Reinvention's Environmental Advisory Rules Committee. The revisions also reflect the removal of obsolete dates, corrected citations, updated provisions to be consistent with federal requirements, changes to regulation of toxic air contaminants, clarification of permit exemptions, and moving adoption by reference to another rule section. The comment period and hearing will address requirements contained in the state administrative rules and revisions to Michigan's State Implementation Plan under the federal Clean Air Act.

The public hearing will be held on Monday, December 7, 2015, in the Con Con Rooms, Constitution Hall, Atrium Level, 525 West Allegan Street, Lansing, Michigan 48909. We will be holding two sessions with the first question and answer starting at 2:00 p.m. and the hearing from 3:00 p.m. until 5:00 p.m. The second session question and answer will begin at 6:00 p.m. with the hearing starting at 7:00 p.m.

Copies of the proposed rules (ORR 2014-153 EQ and ORR 2014-154 EQ) can be downloaded from the Internet through the Office of Regulatory Reinvention at http://www.michigan.gov/orr. Click on "Latest Rules Activity" and then "Pending Rule Changes." Under "Rules by Department," click on "Environmental Quality." Scroll to ORR 2014-153 EQ or ORR 2014-154 EQ and click on "Revision Text." Copies of the rules may also be obtained by contacting:

Michigan Department of Environmental Quality
Air Quality Division
P.O. Box 30260
Lansing, Michigan 48909-7760
Phone: 517-284-6740
Fax: 517-241-7499
E-Mail: debrulerc@michigan.gov

All interested persons are invited to attend and present his or her views. It is requested that all statements be submitted in writing for the hearing record. Anyone unable to attend may submit

comments in writing to the address above. Written comments must be received by December 18, 2015.

Persons needing accommodations for effective participation in the meeting should contact the AQD at 517-284-6740 one week in advance to request mobility, visual, hearing, or other assistance.

This notice of public hearing is given in accordance with Sections 41 and 42 of Michigan's Administrative Procedures Act, 1969 PA 306, Michigan Compiled Laws (MCL) 24.241 and 24.242. Promulgation of the rules is by authority conferred on the Director of the MDEQ by Section 5512 of the NREPA, MCL 324.5512. These rules will become effective immediately after filing with the Secretary of State.

Lynn Fiedler, Chief
Air Quality Division

ADMINISTRATIVE RULES

DEPARTMENT OF ENVIRONMENTAL QUALITY

AIR QUALITY DIVISION

~~PART 2. AIR USE APPROVAL~~ **AIR POLLUTION CONTROL**

Filed with the Secretary of State on

This rule becomes effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45(a) of the 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of environmental quality by ~~Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.101 to 324.90106)~~ **sections 5503 and 5512 of 1994 PA 451, MCL 324.5503 and 324.5512, and Executive Reorganization Order Nos. 1995-16, 2009-31, and 2011-1, MCL 324.99903, 324.99919, and 324.99921)**

R 336.1201, R 336.1201a, R 336.1202, R 336.1203, R 336.1205, R336.1206, R 336.1207, R 336.1209, R 336.1210, R 336.1211, R 336.1212, R 336.1213, R 336.1214, R 336.1214a, R 336.1215, R 336.1216, R 336.1217, R 336.1218, R 336.1219, R 336.1224, R 336.1225, R 336.1226, R 336.1227, R 336.1228, R 336.1229, R 336.1230, R 336.1231, R 336.1232, R 336.1240, R 336.1241, R 336.1277, R 336.1278,
R 336.1278a, R 336.1280, R 336.1281, R 336.1282, R 336.1283, R 336.1284,
R 336.1285, R 336.1286, R 336.1287, R 336.1288, R 336.1289, and R 336.1290 of the Michigan Administrative Code are amended, and R 336.1233 and R 336.1291 are added to the Code, and R 336.1208a and R 336.1299 of the Code are rescinded, as follows:

PART 2. AIR USE APPROVAL

R 336.1201 Permits to install.

Rule 201. (1) Except as allowed in R 336.1202, R 336.1277 to R 336.~~1290~~**1291**, or R 336.2823(15) a person shall not install, construct, reconstruct, relocate, or modify any process or process equipment, including control equipment pertaining thereto, which may emit any of the following, unless a permit to install ~~which~~**that** authorizes such action is issued by the department~~:~~**.**

(a) Any air pollutant regulated by title I of the clean air act and its associated rules, including 40 C.F.R. §51.165 and §51.166, adopted by reference in R 336.~~1299~~**1902**.

(b) Any air contaminant.

A person who plans to install, construct, reconstruct, relocate, or modify any such process or process equipment shall apply to the department for a permit to install on an application form approved by the department and shall provide the information required in R 336.1203.

(2) The department may issue a permit to install for any of the following reasons:

(a) To authorize a person to install, construct, reconstruct, relocate, or modify a process or process equipment pursuant to subrule (1)(a) of this rule.

(b) To establish limits on potential to emit. The limits shall comply with the provisions of R 336.1205(1)(a).

(c) To consolidate terms and conditions from existing permits to install within a renewable operating permit pursuant to R 336.1214a.

(d) To authorize a person to install, construct, reconstruct, relocate, or modify process or process equipment solely pursuant to subrule (1)(b) of this rule or to consolidate state-only enforceable conditions within a renewable operating permit when the renewable operating permit is issued pursuant to R 336.1214**a**. This permit may establish terms and conditions that are legally enforceable solely pursuant to R 336.1224 to R 336.123~~2~~**3**, R 336.1901, or other regulations that are not federally enforceable. Each condition in a permit issued pursuant to this subrule shall be identified as state-only enforceable.

(3) A permit to install may be approved subject to any condition, specified in writing, that is reasonably necessary to assure compliance with all applicable requirements.

(4) If a person decides not to install, construct, reconstruct, relocate, or modify the process or process equipment as authorized by a permit to install, then the person, or the authorized agent pursuant to R 336.1204, shall notify the department, in writing, and upon receipt of the notification by the department, the permit to install shall become void. If the installation, reconstruction, or relocation of the equipment, for which a permit has been issued, has not commenced within, or has been interrupted for, 18 months, then the permit to install shall become void, unless either of the following occurs:

(a) **The permit to install specifies a termination date of more than 18 months.** ~~Otherwise authorized by the department as a condition of the permit to install~~.

(b) The ~~installation permit~~ **permit to install** is the subject of a formal appeal by a party other than the owner or operator of the process or process equipment that is the subject of the ~~installation~~ permit, in which case the date of termination ~~of the permit~~ is not later than 18 months after the effective date of the permit plus the number of days between the date on which the permit was appealed and the date on which all appeals concerning the permit have been resolved.

(5) Upon issuance of a permit to install, the emissions from the process or process equipment allowed by the permit to install shall be included in the potential to emit of the stationary source. Upon the physical removal of the process or process equipment, or upon a determination by the department that the process or process equipment has been permanently shut down, the permit to install shall become void and the emissions allowed by the permit to install shall no longer be included in the potential to emit of the stationary source.

(6) Except as provided in subrule (8) of this rule and R 336.1216, operation of the process or process equipment is allowed by the permit to install. The department may void a permit to install upon any of the following actions:

(a) A new permit to install authorizing the action is approved by the department in accordance with subrule (2)(a), (b), or (d) of this rule, and the new permit to install renders all portions of the old permit obsolete.

(b) All terms and conditions of the permit to install are incorporated into a renewable operating permit, in accordance with the provisions of R 336.1212(5) and R 336.1213, and a source-wide permit to install is issued pursuant to R 336.1214a.

(c) All of the emission units, processes, or process equipment covered by the permit to install are physically removed from the stationary source or the department makes a determination that

the emission units, processes, or process equipment covered by the permit to install have been permanently shut down.

(7) The department may require ~~1~~**either** or both of the following notification requirements as a condition of a permit to install:

(a) Not more than 30 days after completion of the installation, construction, reconstruction, relocation, or modification authorized by the permit to install, unless a different period is specified in the permit~~ to install~~, the person to whom the permit to install was issued, or the authorized agent pursuant to R 336.1204, shall notify the department, in writing, of the completion of the activity. Completion of the installation, construction, reconstruction, relocation, or modification is considered to occur not later than commencement of trial operation of the process or process equipment.

(b) Within 12 months after completion of the installation, construction, reconstruction, relocation, or modification authorized by the permit to install, or 18 months after the effective date of this rule, whichever is later, unless a different period is specified in the permit to install, the person to whom the permit to install was issued, or the authorized agent pursuant to R 336.1204, shall notify the department, in writing, of the status of compliance of the process or process equipment with the terms and conditions of the permit to install. The notification shall include all of the following:

(i) The results of all testing, monitoring, and recordkeeping performed by the stationary source to determine the actual emissions from the process or process equipment and to demonstrate compliance with the terms and conditions of the permit to install.

(ii) A schedule of compliance for the process or process equipment.

(iii) A statement, signed by the ~~person~~ own~~ing~~**er** or operat~~ing~~**or** ~~the process or process equipment~~, that, based on information and belief formed after reasonable inquiry, the statements and information in the notification are true, accurate, and complete.

(8) If evidence indicates that the process or process equipment is not performing in accordance with the terms and conditions of the permit to install, the department, after notice and opportunity for a hearing, may revoke the permit to install consistent with section 5510 of the act. Upon revocation of the permit to install, operation of the process or process equipment shall be terminated. Revocation of a permit to install is without prejudice and a person may file a new application for a permit to install that addresses the reasons for the revocation.

R 336.1201a General permits to install.

Rule 201a. (1) The department may, after notice and opportunity for public participation pursuant to section 5511(3) of the act, issue a general permit to install covering numerous similar stationary sources or emission units. A general permit to install shall include terms and conditions which are necessary to assure that the stationary source or emission unit will comply with all applicable requirements and shall be consistent with the permit content requirements of R 336.1205(1)(a). The general permit to install shall also identify criteria by which a stationary source or emission unit may qualify for the general permit to install. The department shall grant the terms and conditions of the general permit to install to stationary sources or emission units that qualify within 30 days of receipt by the department of a complete application. An applicant shall be subject to enforcement action if the department later determines that the stationary source or emission unit does not qualify for the general permit to install.

(2) A**n** ~~person who~~ own**er**~~s~~ or operat**or**~~es~~ **of** a stationary source or emission unit that would qualify for a general permit to install issued by the department pursuant to subrule (1) of this rule

shall **either** apply ~~to the department~~ for coverage under the terms of the general permit to install or ~~may~~ apply for a permit to install consistent with R 336.1201. The department may require the use of application forms designed for use with a specific general permit to install issued by the department. The application forms shall include all information necessary to determine qualification for, and to assure compliance with, the general permit to install. Without repeating the public participation process pursuant to subrule (1) of this rule, the department may grant a request by a person for authorization to install and operate a stationary source or emission unit pursuant to a general permit to install.

(3) The department shall maintain, and make available to the public upon request, a list of the persons that have been authorized to install and operate a stationary source or emission unit pursuant to each general permit to install issued by the department.

R 336.1202 Waivers of approval.

Rule 202. (1) If the requirement for approval of a permit to install before construction will create an undue hardship to the applicant, the applicant may request a waiver to proceed with construction from the department. The application for a waiver shall be in writing, shall explain the circumstances that will cause the undue hardship, and shall be signed by the owner or his or her authorized agent. The application shall be acted upon by the department within 30 days. If a waiver is granted, the applicant shall submit pertinent plans and specifications for approval as soon as is reasonably practical. The applicant, after a waiver is granted, shall proceed with the construction at his or her own risk; however, operation of the equipment shall not be authorized until the application for a permit to install has been approved by the department. After construction, modification, relocation, or installation has begun or been completed, if the plans, specifications, and completed installations do not meet department approval, then the application for a permit to install shall be denied, unless the alterations required to effect approval are made within a reasonable time as specified by the department.

(2) The provisions of subrule (1) of this rule ~~shall~~**do** not apply to any of the following:

(a) Any activity that is subject to R 336.2802, prevention of significant deterioration regulations, or R 336.2902, nonattainment new source review regulations. **For the purpose of this subrule, "activity" means the concurrent and related installation, construction, reconstruction, relocation, or modification of any process or process equipment.**

(b) Construction or reconstruction of a major source of hazardous air pollutants ~~as defined in and~~ subject to~~,~~ **40 C.F.R. part 63,** national emission standards for hazardous air pollutants for source categories**, adopted by reference in R 336.1902**.

(c) Construction or modification ~~as defined in and~~ subject to 40 C.F.R. part 61, national emission standards for hazardous air pollutants, adopted by reference in R 336.~~1299~~**1902**. ~~For the purpose of this subrule, "activity" means the concurrent and related installation, construction, reconstruction, relocation, or modification of any process or process equipment.~~

R 336.1203 Information required.

Rule 203. (1) An application for a permit to install shall include information required by the department on the application form or by written notice. This information may include, as necessary, any of the following:

(a) A complete description, in appropriate detail, of each emission unit or process covered by the application. The description shall include the size and type along with the make and model,

if known, of the proposed process equipment, including any air pollution control equipment. The description shall also specify the proposed operating schedule of the equipment, provide details of the type and feed rate of material used in the process, and provide the capture and removal efficiency of any air pollution control devices. Applications for complex or multiple processes shall also include a block diagram showing the flow of materials and intermediate and final products.

(b) A description of any federal, state, or local air pollution control regulations which the applicant believes are applicable to the proposed process equipment, including a proposed method of complying with the regulations.

(c) A description in appropriate detail of the nature, concentration, particle size, pressure, temperature, and the uncontrolled and controlled quantity of all air contaminants that are reasonably anticipated due to the operation of the proposed process equipment.

(d) A description of how the air contaminant emissions from the proposed process equipment will be controlled or otherwise minimized.

(e) A description of each stack or vent related to the proposed process equipment, including the minimum anticipated height above ground, maximum anticipated internal dimensions, discharge orientation, exhaust volume flow rate, exhaust gas temperature, and rain protection device, if any.

(f) Scale drawings showing a plan view of the owner's property to the property lines and the location of the proposed equipment. The drawings shall include the height and outline of all structures within 150 feet of the proposed equipment and show any fence lines. All stacks or other emission points related to the proposed equipment shall also be shown on the drawings.

(g) Information, in a form prescribed by the department, that is necessary for the preparation of an environmental impact statement if, in the judgment of the department, the equipment for which a permit is sought may have a significant effect on the environment.

(h) Data demonstrating that the emissions from the process will not have an unacceptable air quality impact in relation to all federal, state, and local air quality standards.

(2) The department may require additional information necessary to evaluate or take action on the application. The applicant shall furnish all additional information, within 30 days of a written request by the department, except as provided by the following provisions:

(a) The applicant may request a longer period of time, in writing, specifying the reason why 30 days was not reasonable for submitting the information.

(b) The department may provide written notice to the applicant of an alternate time period for the submittal, either as part of the original request or upon the granting of an extension requested by the applicant.

(3) An applicant may reference a **previously submitted** permit application ~~previously submitted to the department~~ for the purpose of supplying a portion of the information required by this rule. Any reference to a previously submitted permit application shall clearly identify the permit application number assigned to the previous application by the department. If acceptable to the department, an applicant may also reference other previously submitted information for the purpose of supplying a portion of the information required by this rule.

R 336.1205 Permit to install; approval.

Rule 205. (1) The department shall not approve a permit to install for a stationary source, process, or process equipment that meets the definition of a major stationary source or major modification under any part of these rules unless the requirements specified in subdivisions (a)

and (b) of this subrule have been met. In addition, except as provided in subrule (3) of this rule, the department shall not approve a permit to install that includes limitations which restrict the potential to emit from a stationary source, process, or process equipment to a quantity below that which would constitute a major source or major modification under any part of these rules unless both of the following requirements have been met:

(a) The permit to install contains emission limits that are enforceable as a practical matter. An emission limit restricts the amount of an air contaminant that may be emitted over some time period. The time period shall be set in accordance with the applicable requirements and, unless a different time period is provided by the applicable requirement, should generally not be more than 1 month, unless a longer time period is approved by the department. A longer time period may be used if it is a rolling time period, but shall not be more than an annual time period rolled on a monthly basis. If the emission limit does not reflect the maximum emissions of the process or process equipment operating at full design capacity without air pollution control equipment, then the permit shall contain 1of the following:

(i) A production limit ~~which~~**that** restricts the amount of final product that may be produced over the same time period used in the emission limit and ~~which~~**that** comports with the true design and intended operation of the process or process equipment.

(ii) An operational limit ~~which~~**that** restricts the way the process or process equipment is operated and ~~which~~**that** comports with the true design and intended operation of the process or process equipment. An operational limit may include conditions specifying any of the following:

(A) The installation, operation, and maintenance of air pollution control equipment.

(B) The hours of operation of the stationary source, process, or process equipment, if the hours are less than continuous.

(C) The amount or type of raw materials used by the stationary source, process, or process equipment.

(D) The amount or type of fuel combusted by the stationary source, process, or process equipment.

(E) The installation, operation, and maintenance of a continuous gas flow meter and a continuous emission monitor for the air contaminant for which an enforceable emission limit is required.

(iii) For volatile organic compound surface coating operations where an add-on control is not employed, an emission or usage limit coupled with a requirement to calculate or demonstrate daily compliance.

(b) A draft permit has been subjected to the public participation process specified in section 5511(3) of the act. The department shall provide a copy of the draft permit to the United States environmental protection agency for review and comment at or before the start of the public comment period. The department shall also provide a copy of each final permit to install issued pursuant to this rule to the United States environmental protection agency.

(2) The department shall not approve a permit to install to construct a major source or reconstruct a major source under any applicable requirement of section 112 of the clean air act unless the requirements of subrule (1)(a) and (b) of this rule have been met. In addition, except as provided in subrule (3) of this rule, the department shall not approve a permit to install that includes limitations which restrict the potential to emit of a stationary source, process, or process equipment to a quantity below that which would constitute a major source or modification under any applicable requirement of section 112 of the clean air act unless the requirements of subrule (1)(a) and (b) of this rule have been met.

(3) The department may approve a permit to install that includes limitations ~~which~~**that** restrict the potential to emit of a stationary source, process, or process equipment to a quantity below that which would constitute a major source or major modification under any part of these rules without meeting the requirement of subrule (1)(b) of this rule if the emission limitations restrict the potential to emit of the stationary source, process, or process equipment to less than 90% of the quantity referenced in the applicable requirement.

R 336.1206 Processing of applications for permits to install.

Rule 206. (1) The department shall review an application for a permit to install for administrative completeness pursuant to R 336.1203(1) within 10 days of its receipt by the department. The department shall notify the applicant in writing regarding the receipt and completeness of the application.

(2) The department shall take final action to approve or deny a permit within 180 days of receipt of an application for a permit to install. The department shall take final action to approve or deny a permit to install subject to a public comment period pursuant to R 336.1205(1)(b) or section 5511(3) of the act within 240 days of receipt. If requested by the permit applicant, the department may extend the processing period beyond the applicable 180 or 240-day time limit. A processing period extension is effective after a formal agreement is signed by both the applicant and the department. However, a processing period shall not be extended under this subrule to a date later than 1 year after all information required pursuant to R 336.1203(1) and (2) has been received. Permit processing period extensions shall be reported as a separate category under section 5522(~~9~~**8**)(b) of the act. The failure of the department to act on an application that includes all the information required pursuant to R 336.1203(1) and (2) within the time frames specified in this subrule may be considered a final permit action solely for the purpose of obtaining judicial review in a court of competent jurisdiction to require that action be taken by the department without additional delay.

R 336.1207 Denial of permits to install.

Rule 207. (1) The department shall deny an application for a permit to install if, in the judgment of the department, any of the following conditions exist:

(a) The equipment for which the permit is sought will not operate in compliance with the rules of the department or state law.

(b) Operation of the equipment for which the permit is sought will interfere with the attainment or maintenance of the air quality standard for any air contaminant.

(c) The equipment for which the permit is sought will violate ~~the~~**an** applicable requirement~~s~~ of the clean air act, ~~as amended, 42 U.S.C. §7401 et seq.,~~ including any of the following:

(i) ~~The~~ Standards of performance for stationary sources, 40 C.F.R. part 60, adopted by reference in R 336.~~1299~~**1902**.

(ii) ~~The~~ **N**ational emission standards for hazardous air pollutants, 40 C.F.R. part 61, adopted by reference in R 336.~~1299~~**1902**.

(iii) The requirements of prevention of significant deterioration of air quality, R 336.2801 to R 336.2819 and R 336.2823.

(iv) The requirements of nonattainment new source review, R 336.2901 to R 336.2903, R 336.2907, and R 336.2908.

(v) The requirements for control technology determinations for major sources in accordance with 40 C.F.R. §**§§**63.40 to 63.44 and §**§§**63.50 to 63.56, adopted by reference in R 336.~~1299~~**1902**.

(d) Sufficient information has not been submitted by the applicant to enable the department to make reasonable judgments as required by subdivisions (a) to (c) of this subrule.

(2) When an application is denied, the applicant shall be notified in writing of the reasons ~~therefor~~**for the denial**. A denial shall be without prejudice to the applicant's right to a hearing pursuant to section 5505(8) of the act or for filing a further application after revisions are made to meet objections specified as reasons for the denial.

R 336.1208 Rescinded.

R 336.1208a **Rescinded.** ~~Limiting potential to emit by registration.~~

~~Rule 208a. (1) A major source may limit potential to emit through a registration process if actual emission threshold levels established in this rule are not exceeded. The actual emissions shall be maintained below the threshold levels during every consecutive 12-month period, beginning with the 12-month period immediately preceding the stationary source's registration pursuant to this rule. The stationary source shall maintain actual emissions less than or equal to all of the following emission threshold levels:~~

~~(a) Consistent with the criteria in R 336.1211(1)(a)(i) as follows:~~

~~(i) Five tons for each consecutive 12-month period of any hazardous air pollutant that has been listed pursuant to section 112(b) of the clean air act.~~

~~(ii) Twelve and one-half tons for each consecutive 12-month period of any combination of hazardous air pollutants that have been listed pursuant to section 112(b) of the clean air act.~~

~~(iii) Fifty percent of a lesser quantity as the administrator of the United States environmental protection agency may establish by rule for any hazardous air pollutant listed pursuant to section 112(b) of the clean air act. The department shall maintain, and make available upon request, a list of the hazardous air pollutants for which a lesser quantity criteria has been established.~~

~~(b) Consistent with the criteria in R 336.1211(1)(a)(ii), 50 tons for each consecutive 12-month period of each of the following:~~

~~(i) Lead.~~

~~(ii) Sulfur dioxide.~~

~~(iii) Nitrogen oxides.~~

~~(iv) Carbon monoxide.~~

~~(v) PM-10.~~

~~(vi) PM 2.5.~~

~~(vii) Ozone.~~

~~(viii) Volatile organic compounds.~~

~~(ix) An air contaminant regulated pursuant to section 111 of title I of the clean air act.~~

~~(x) Class I and class II substances pursuant to title VI of the clean air act.~~

~~(2) The owner or operator shall certify that the emission threshold levels listed in subrule (1) of this rule are accepted as legally enforceable limits, that the stationary source was operated in compliance with the limits for the previous 12-month period and will continue to be operated in compliance during each rolling 12-month period in the future, and that the recordkeeping and reporting requirements specified in subrules (5) and (6) of this rule are being met and will~~

~~continue to be met. The owner or operator of a stationary source may take into account the operation of air pollution control equipment on the potential to emit of the stationary source if the equipment is registered pursuant to this subrule. By registering under this rule, the owner or operator accepts as a legally enforceable requirement that the control equipment shall be maintained and operated in a manner consistent with good air pollution control practices for minimizing emissions in accordance with R 336.1910 and in compliance with any malfunction abatement plan required under R 336.1911. Acceptance of the legally enforceable limits restricts the stationary source's potential to emit to the levels specified in the registration and supersedes any greater emission limits specified in permit terms and conditions. However, acceptance of the legally enforceable limits does not supersede or affect any other requirements of rules, regulations, permit terms and conditions, or any requirements to obtain a permit to install pursuant to R 336.1201.~~

~~(3) The owner or operator shall notify the department of the owner's or operator's acceptance of the provisions of this rule as legally enforceable requirements by submitting a registration form required by the department. Within 30 days of receipt, the department shall notify the owner or operator of the stationary source that the department has received a complete registration form. The owner or operator of a stationary source shall be subject to enforcement action if the department later determines that the stationary source did not meet the criteria for limiting its potential to emit pursuant to this rule at the time the registration was submitted. The information specified in all of the following provisions shall be included in a complete registration form for initial certification:~~

~~(a) A description of the process or process equipment, including any control equipment pertaining to the process or process equipment and a list of all associated permits issued by the department or Wayne county.~~

~~(b) Documentation sufficient to demonstrate that the emissions from the stationary source are in compliance with the criteria in subrule (1) of this rule.~~

~~(c) A statement signed by the person owning or operating the process or process equipment certifying to all of the following:~~

~~(i) That, 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.~~

~~(4) The certification shall be renewed annually by submittal of a registration form in conjunction with the annual report of emissions required under R 336.202. The registration form shall include a statement certifying compliance during each of the 12-month rolling average periods that ended during that calendar year.~~

~~(5) Both of the following recordkeeping requirements shall be met:~~

~~(a) The owner or operator of the stationary source shall maintain sufficient records to demonstrate that, after considering the effectiveness of registered control equipment, the actual emissions for the entire stationary source are maintained below each emission threshold level. The records shall include, at a minimum, all of the following:~~

~~(i) Information on the process and process equipment, including all of the following information:~~
~~(A) The equipment type.~~
~~(B) A description.~~
~~(C) The make and model.~~
~~(D) The maximum design process rate or throughput.~~
~~(E) The control device type and a description, if any.~~
~~(ii) A monthly log of operating hours, each raw material used and its amount, and each product produced and its production rate.~~
~~(iii) Purchase orders, invoices, and other documents to support information in the monthly log.~~
~~(iv) Calculations of the actual emission levels on a monthly basis for each pollutant or group of pollutants specified in subrule (1) of this rule. The calculations shall include any processes and emissions at the stationary source that must be included in determining the stationary source's potential to emit pursuant to R 336.1116(m). In the absence of valid continuous emission monitoring data or source test data, actual emissions shall be calculated using methods acceptable to the department, including methods specified in part 10 of these rules.~~
~~(b) The records shall be kept on file for the most recent 5-year period and shall be readily available to the department upon request.~~
~~(6) Both of the following reporting requirements shall be met:~~
~~(a) The owner or operator of the stationary source shall report the actual annual emissions for the 12-month period that is the calendar year, pursuant to R 336.202.~~
~~Any emissions data that cannot be provided through the annual report on emissions pursuant to R 336.202 shall be kept on file and shall be readily available to the department upon request.~~
~~(b) The owner or operator of the stationary source shall, within 30 days of a written request by the department, provide any additional records necessary to demonstrate that the emissions from the stationary source are not more than the applicable quantities set forth in subrule (1) of this rule. The department shall use the records and the data associated with actual emissions that are provided through the annual report on emissions required pursuant to R 336.202 to evaluate the compliance of the stationary source with the emission threshold limitations established in subrule (1) of this rule.~~
~~(7) Failure to comply with any provisions of this rule is a violation of this rule. The registration does not serve as a legally enforceable restriction on potential to emit if a violation of this rule occurs.~~
~~(8) A stationary source that has registered pursuant to this rule becomes subject to applicable renewable operating permit requirements for a major source pursuant to R 336.1210 if both of the following conditions are met:~~
~~(a) The actual emissions from the stationary source exceed the emission thresholds listed in subrule (1) of this rule that are accepted as emission limitations pursuant to subrule (2) of this rule.~~
~~(b) The potential to emit of the stationary source exceeds 100% of a major source emission threshold, pursuant to R 336.1211(1).~~
~~(9) Within 30 days of exceeding any emission threshold accepted as a limitation pursuant to subrule (2) of this rule, the person owning or operating the stationary source shall notify the department that he or she will take 1 of the following actions:~~
~~(a) Submit an application for a renewable operating permit pursuant to R 336.1210.~~
~~(b) Submit an application for a permit to install to otherwise obtain legally enforceable permit limits pursuant to R 336.1201.~~

~~(c) Demonstrate to the satisfaction of the department that the potential to emit of the stationary source does not exceed any major source emission threshold specified in R 336.1211(1)(a).~~

~~(10) A complete renewable operating permit application shall be received by the department or the permit action to otherwise obtain legally enforceable limits shall be completed within 12 months of the date of exceedance. However, the stationary source may be immediately subject to applicable federal requirements, including a standard promulgated under section 112 of the clean air act.~~

~~(11) Nothing in this rule shall prevent any stationary source that has had a renewable operating permit from qualifying to comply with this rule in the future instead of maintaining a renewable operating permit.~~

~~(12) Except for being a major source as defined in R 336.1211(1)(a), this rule shall not relieve any stationary source from the requirement of obtaining a renewable operating permit pursuant to R 336.1210. Additional reasons that a stationary source may be required to obtain a renewable operating permit include being defined as an "affected source" pursuant to R 336.1211(1)(b) or being defined as a "solid waste incineration unit" pursuant to R 336.1211(1)(c).~~

~~(13) The department shall maintain, and make available to the public upon request, a list of stationary sources registered pursuant to this rule.~~

R 336.1209 Use of old permits to limit potential to emit.

Rule 209. (1) A person may use a permit to install or a permit to operate issued before May 6, 1980, or a Wayne county permit issued before a delegation of authority to Wayne county pursuant to section ~~14f~~ **5523** of the act, to limit the potential to emit of a stationary source to a quantity less than the amount which would cause the stationary source to be subject to the requirements of R 336.1210 by complying with the requirements of subrule (2) of this rule, if the permit meets both of the following requirements:

(a) The permit contains emission limits that are less than the maximum emissions of the process or process equipment operating at full design capacity without air pollution control equipment, and the permit contains a production or operational limit consistent with the requirements of R 336.1205(1)(a).

(b) The potential to emit of the stationary source, including the emissions authorized by the permit, is less than the quantity of emissions that would cause the stationary source to be considered a major source pursuant to R 336.1211(1)(a).

(2) Except as provided by subrule (3) of this rule, a person shall meet both of the following requirements to use a permit to install or permit to operate issued before May 6, 1980, or a Wayne county permit issued before a delegation of authority to Wayne county pursuant to section ~~14f~~ **5523** of the act, to limit the potential to emit of a stationary source:

(a) Submit a written notice to the department, on a form provided by the department, of the intent that the terms and conditions of the permit to install, permit to operate, or the Wayne county permit be used to limit the potential to emit of the stationary source under the provisions of this rule. The written notice shall include a certification signed by the person that the stationary source, process, or process equipment is in full compliance with the permit to install, permit to operate, or the Wayne county permit.

(b) Maintain records, conduct monitoring, and submit reports as required by the permit and as required pursuant to any applicable requirement to show that the stationary source, process, or

process equipment is operating in compliance with the terms and conditions of the permit and any applicable requirements.

(3) A person need not notify the department pursuant to subrule (2)(a) of this rule if the potential to emit of the stationary source, including the emissions authorized by the permit to install or permit to operate issued before May 6, 1980, or the Wayne county permit issued before a delegation of authority to Wayne county pursuant to section ~~14f~~ **5523** of the act, is less than 50% of the quantity that would cause the stationary source to be considered a major source pursuant to R 336.1211(1)(a).

R 336.1210 Renewable operating permits.

Rule 210. (1) A person shall not operate any emission units located at a stationary source required to obtain a renewable operating permit under R 336.1211, except in compliance with all applicable terms and conditions of a renewable operating permit, unless a timely and administratively complete application for a renewable operating permit has been received by the department in accordance with the ~~following~~ provisions of this rule. The ability to operate the emission units at a stationary source while a timely and administratively complete application is being reviewed and acted upon by the department shall be referred to as the "application shield." The application shield provided by this subrule shall not apply if an application submittal is not timely under the applicable provision of subrules (4) to ~~(9)~~ **(10)** of this rule**,** ~~or~~ administratively complete under subrule (2) of this rule**,** or an additional information submittal is not timely or complete under subrule (3) of this rule. The loss of the application shield after the applicable time specified in this rule for a person to have filed a timely and administratively complete application for a renewable operating permit is grounds for enforcement action under the act. Any enforcement action pursuant to loss of the application shield shall consider the time period between the applicable deadline and when a person actually submits the required administratively complete application or additional information.

(2) An application submittal, including an application submittal for renewal or modification of a renewable operating permit, shall be considered an administratively complete application if it contains reasonable responses to all requests for information in the permit application form required by the department and a certification by a responsible official which states that, based on information and belief formed after reasonable inquiry, the statements and information in the application are true, accurate, and complete. The application form required by the department shall be consistent with the requirements of section 5507 of the act, except as provided for ~~general renewable operating permits~~ under R 336.1218. The application form shall also require a certification of compliance with all applicable requirements, a statement of methods used for determining compliance, including a description of monitoring, recordkeeping and reporting requirements, and test methods, and a statement indicating the stationary source's compliance status with any applicable enhanced monitoring and compliance certification requirements of the clean air act. All of the following provisions apply to the administrative completeness of an application for a renewable operating permit:

(a) ~~On and after November 1, 1995, t~~**T**he department shall notify the person who submitted the application for a renewable operating permit and the responsible official, in writing, regarding the administrative completeness of the application submittal. If the application submittal is considered not to be an administratively complete application by the department, then the notification shall specify the deficiency and all supplemental materials required for an administratively complete application. A person's response to a notification by the department of

the incompleteness of an application shall include all of the supplemental materials requested by the department in the notification and a certification by the responsible official which states that, based on information and belief formed after reasonable inquiry, the statements and information in the response are true, accurate, and complete. All of the following provisions apply to department notification:

(i) If the department fails to notify a person that an application submittal, including the submittal of any supplemental materials requested by the department under this subdivision, is not administratively complete by the following deadlines, then the submittal shall be considered an administratively complete application as of the date the department received the submittal or the supplemental materials, whichever is later:

(A) ~~By January 5, 1996, or~~ ~~w~~ **W**ithin 60 days of the date the department receives the submittal, ~~whichever is later,~~ if the submittal is received on the paper forms specified by the department.

(B) ~~By November 15, 1995, or~~ ~~w~~ **W**ithin 15 days of the date the department receives the submittal, ~~whichever is later,~~ if the submittal is received in an electronic format specified by the department.

(ii) If a person submits all of the supplemental materials identified in a notification from the department under this subrule, then the application shall be considered administratively complete.

(iii) Except as provided in paragraph (i) of this subdivision, the date the department receives all information required for an administratively complete application, including all supplemental materials requested by the department under this subdivision, shall be the date of receipt of the administratively complete application.

(b) Any person who fails to submit any relevant facts or who has submitted incorrect information in an application for a renewable operating permit, including an application for renewal or modification of a renewable operating permit, shall, upon becoming aware of the failure or incorrect submittal, promptly submit all supplementary facts or corrected information. Each submittal of any relevant facts or corrected information shall include a certification by a responsible official which states that, based on information and belief formed after reasonable inquiry, the statements and information in the submittal are true, accurate, and complete.

(c) A person shall promptly provide any additional information necessary for an administratively complete application for any applicable requirements to which the stationary source becomes subject after the date that the person submitted the administratively complete application, but before release of a draft renewable operating permit for public participation under R 336.1214(3). **Each submittal of any additional information shall include a certification by the responsible official which states that, based on information and belief formed after reasonable inquiry, the statements and information in the submittal are true, accurate, and complete.** ~~For administratively complete applications submitted under subrule (4)(e) or (f) of this rule, the information required by this subrule may be maintained by the person and submitted to the department in accordance with the following schedule, unless the department specifically requests that information by an earlier date under subrule (3) of this rule:~~

~~(i) By January 1, 1998, for all applications for a renewable operating permit required to be submitted under subrule (4)(e) of this rule and for all applications submitted under an alternate schedule under subrule (4)(g) of this rule with a submittal date from October 16, 1996, to December 15, 1996.~~

~~(ii) By January 1, 1999, for all applications for a renewable operating permit required to be submitted under subrule (4)(f) of this rule and for all applications submitted under an alternate~~

~~schedule under subrule (4)(g) of this rule with a submittal date from December 16, 1996, to February 28, 1997.~~

~~Each submittal of any additional information shall include a certification by the responsible official which states that, based on information and belief formed after reasonable inquiry, the statements and information in the submittal are true, accurate, and complete.~~

(3) After an application for a renewable operating permit has been determined by the department to be administratively complete, the department may require additional information, including information that was not requested on the application form. For the purpose of this subrule, additional information means information necessary to evaluate or take final action on the application, information needed to determine the applicability of any lawful requirement, information needed to enforce any lawful requirement, information needed to address any applicable requirements to which the stationary source becomes subject after the date that the person submitted the administratively complete application, but before release of a draft renewable operating permit for public participation under R 336.1214(3), or information needed to evaluate the amount of the annual air quality fee for the stationary source. A person's response to a request for additional information by the department shall include all of the information requested by the department in the request and a certification by a responsible official which states that, based on information and belief formed after reasonable inquiry, the statements and information in the response are true, accurate, and complete. The person who submitted the application for a renewable operating permit for a stationary source shall furnish, within 30 days of the date of the request, any additional information requested, in writing, by the department, except as follows:

(a) A 30-day extension for a response shall be granted if the person requests that extension, in writing, during the initial 30-day time period.

(b) The person may request a longer ~~period of~~ time **period**, in writing, specifying the reasons why 60 days was not reasonable for submitting the requested information.

(c) The department shall provide written notice to the person of the date of expiration of any time period for submittal of all requested additional information as a part of any request for additional information or upon granting a request for an extension.

Failure to submit additional information that has been requested in writing by the department by the expiration of the time period specified for response results in the loss of the application shield specified in subrule (1) of this rule.

~~(4) For a stationary source that is defined as a major source under R 336.1211(1)(a)(i) to (iii) on or before July 26, 1995, an administratively complete application for a renewable operating permit shall be considered timely if it is received by the department on or before the following deadlines:~~

~~(a) By February 29, 1996, for a major source, as defined by R 336.1211(1)(a)(i) to (iii), with a standard industrial classification (sic) code of 0600-0999 (agricultural services), 1500-1799 (construction), 1800-1999, 2000-2039 (food), 2100-2399 (tobacco and textiles), 2400-2499 (lumber and wood), 2950-2999 (asphalt), 3270-3289 (concrete, lime and gypsum products), 5000-5499 (services), or 5600-7499 (services). For a major source that operates under multiple sic codes, the sic code that resulted in the most actual emissions of air contaminants from the major source during calendar year 1994 shall be the sic code used for the purposes of this subrule.~~

~~(b) By May 15, 1996, for a major source, as defined by R 336.1211(1)(a)(i) to (iii), with a standard industrial classification (sic) code of 3000-3099 (rubber and miscellaneous plastic), 5500-5599 (auto dealers and gas service), or 7500-7599 (auto repair). For a major source that~~

~~operates under multiple sic codes, the sic code that resulted in the most actual emissions of air contaminants from the major source during calendar year 1994 shall be the sic code used for the purposes of this subrule.~~

~~(c) By July 30, 1996, for a major source, as defined by R 336.1211(1)(a)(i) to (iii), with a standard industrial classification (sic) code of 3400-3599 (fabricated metal). For a major source that operates under multiple sic codes, the sic code that resulted in the most actual emissions of air contaminants from the major source during calendar year 1994 shall be the sic code used for the purposes of this subrule.~~

~~(d) By October 15, 1996, for a major source, as defined by R 336.1211(1)(a)(i) to (iii), with a standard industrial classification (sic) code of 1300-1399 (oil and gas), 2051-2099 (bakeries and food), 2500-2599 (furniture), 2650-2699 (paper products), 3600-3699 (electronic), 4000-4899 (transportation), 7600-7999 (services), 8100-9999 (services). For a major source that operates under multiple sic codes, the sic code that resulted in the most actual emissions of air contaminants from the major source during calendar year 1994 shall be the sic code used for the purposes of this subrule.~~

~~(e) By December 15, 1996, for a major source, as defined by R 336.1211(1)(a)(i) to (iii), with a standard industrial classification (sic) code of 1000-1299 (mining), 1400-1499 (nonmetallic mineral mining), 2040-2050 (grain mills and cereal), 2700-2799 (printing), 3100-3199 (leather), 3200-3269 (stone, clay, and glass), 3290-3299 (nonmetallic mineral products), 3700-3710 (transportation equipment), 3714-3799 (transportation equipment), 3800-3999 (miscellaneous manufacturing), 4900-4999 (gas, electric and sanitary services), 8000-8099 (medical). For a major source that operates under multiple sic codes, the sic code that resulted in the most actual emissions of air contaminants from the major source during calendar year 1994 shall be the sic code used for the purposes of this subrule.~~

~~(f) By February 28, 1997, for a major source, as defined by R 336.1211(1)(a)(i) to (iii), with a standard industrial classification (sic) code of 2600-2649 (paper mills), 2800-2899 (chemicals), 2900-2949 (petroleum refining), 3300-3399 (primary metal), 3711-3713 (automobile and truck assembly). For a major source that operates under multiple sic codes, the sic code that resulted in the most actual emissions of air contaminants from the major source during calendar year 1994 shall be the sic code used for the purposes of this subrule.~~

~~(g) Notwithstanding the deadlines specified in subdivisions (a) to (f) of this subrule, a person who owns or operates 2 or more stationary sources that are subject to the provisions of this rule may request, in writing, an alternate schedule for submittal of timely and administratively complete applications for renewable operating permits for those stationary sources. The proposed schedule shall provide that administratively complete applications for the stationary sources shall be submitted between the dates specified in subdivisions (a) to (f) of this subrule. If agreed to in writing by the department, the alternate schedule shall be the basis for determining whether an administratively complete application is timely pursuant to this rule.~~

~~(5) For a stationary source that is defined on July 1, 2011 as a major source solely due to greenhouse gas emissions under R 336.1211(1)(a)(iv), an administratively complete application for a renewable operating permit shall be considered timely if it is received by the department on or before July 1, 2012.~~

(4) ~~(6)~~For a stationary source that **is or** becomes a major source, as defined by R 336.1211(1)(a)(i) to (iii), ~~after July 26, 1995~~**,** an administratively complete application shall be considered timely if it is received by the department not more than 12 months after the stationary source commences operation as a major source **or otherwise becomes subject to the requirements to obtain a renewable operating permit as a major source**. ~~For a stationary~~

~~source that becomes a major source, as defined by R 336.1211(1)(a)(iv) for greenhouse gas emissions, after July 1, 2011, an administratively complete application shall be considered timely if it is received by the department not more than 12 months after the stationary source commences operation as a major source.~~ For the purposes of this subrule, commencing operation as a major source occurs upon commencement of trial operation of the new or modified emission unit that increased the potential to emit of the stationary source to more than or equal to the applicable major source definition specified in R 336.1211(1)(a).

~~(7) For a stationary source that is an affected source under title IV of the clean air act, a complete permit application for an initial phase II acid rain permit shall be considered timely if it is submitted by January 1, 1996, for sulfur dioxide and January 1, 1998, for nitrogen oxides.~~

~~(8) For renewal of a renewable operating permit, an administratively complete application shall be considered timely if it is received by the department not more than 18 months, but not less than 6 months, before the expiration date of the current renewable operating permit.~~

(5)~~(9)~~ For a stationary source that is not a major source under R 336.1211(1)(a), but is otherwise subject to the requirements of this rule under R 336.1211(1)**(b), (c)**, **(f), or (g),** ~~a~~ **an administratively** complete application **for a renewable operating permit** is considered timely if it is received by the department **within 12 months of that stationary source becoming subject, pursuant to any federal regulations, including the following, to the requirement to obtain a renewable operating permit:**~~in accordance with the following provisions, as applicable~~:

(a) 40 C.F.R. §70.3(a)(4) and §72.6(a).

(b) 40 C.F.R. §70.5(a)(1)(ii) as it pertains to part C or D of title 1 of the clean air act.

(c) A source category designated by the administrator under 40 C.F.R. §70.3(a)(5).

(d) Specified source categories in 40 C.F.R. part 63, adopted by reference under R 336.1902.

~~(a) For an affected source under R 336.1211(1)(b), on or before October 1, 1997.~~

~~(b) For a solid waste incineration unit under R 336.1211(1)(c), within 12 months of the date of the promulgation of an applicable requirement under section 129(a) of the clean air act.~~

~~(c) For a municipal solid waste landfill under R 336.1211(1)(d), by whichever is the later of the following dates:~~

~~(i) November 1, 1998.~~

~~(ii) Within 21 months of the effective date of R 336.1931 for implementing the provisions of 40 C.F.R. part 60, subpart Cc.~~

~~(iii) Within 15 months of the date the landfill becomes subject to any of the provisions of 40 C.F.R. part 60, subpart WWW.~~

(6) For a stationary source that is not a major source under R 336.1211(1)(a), but is otherwise subject to the requirements of this rule under R 336.1211(1)(d), an administratively complete application for a renewable operating permit is considered timely if it is received by the department by the following applicable deadline:

(a) Thirty-six months after the promulgation of a performance standard under sections 129(a) and 111 of the clean air act applicable to a category of solid waste incineration units.

(b) Twelve months after becoming subject to the requirement to obtain a renewable operating permit pursuant to the federal regulations promulgated pursuant to section 129(a) of the clean air act or the timelines set by applicable federal or state plans required under section 129(b) of the clean air act.

(7) For a stationary source that is not a major source under R 336.1211(1)(a) or otherwise subject to 40 C.F.R. part 70, but is subject to the requirements of this rule under R 336.1211(1)(e), an administratively complete application for a renewable operating permit is considered timely if it is received by the department by the following:

(a) November 1, 1998 for sources subject to federal regulations under 40 C.F.R. part 62, subpart GGG.

(b) Within 12 months after the date the amended design capacity report is due, for sources subject to federal regulations under 40 C.F.R. part 62, subpart GGG that increase their design capacity to equal or exceed 2.5 million megagrams and 2.5 million cubic meters by a change that is not a modification or reconstruction, pursuant to 40 C.F.R. §62.14352(e) and §70.5(a)(1)(i).

(c) Within 15 months after commencing construction, modification, or reconstruction for sources subject to federal regulations under 40 C.F.R. part 60, subpart WWW with a design capacity greater than or equal to 2.5 million megagrams and 2.5 million cubic meters, pursuant to 40 C.F.R. §60.752(c) and §70.5(a)(1)(i), adopted by reference under R 336.1902.

(d) Reserved.

(8) For a stationary source that is an affected source under R 336.1211(1)(b) and title IV of the clean air act, an administratively complete application for an initial acid rain permit is considered timely if it is submitted in accordance with the timelines in 40 C.F.R. part 72, subpart C, acid rain permit applications, adopted by reference under R 336.1902.

(9) For renewal of a renewable operating permit, an administratively complete application is considered timely if it is received by the department not more than 18 months, but not less than 6 months, before the expiration date of the current renewable operating permit.

(10) For modifications to a renewable operating permit, an administratively complete application ~~shall be~~**is** considered timely if it is received by the department in accordance with the time frames specified in R 336.1216.

(11) Failure to operate in compliance with all terms and conditions of an operating permit is grounds for enforcement action under the act, permit revocation or revision, or denial of a permit renewal application.

(12) Failure to halt or reduce an activity when necessary to comply with an operating permit is grounds for enforcement action.

(13) Submittal of a complete application for a renewable operating permit does not supersede or affect any requirements to obtain a permit to install under R 336.1201.

(14) A person who submits information to the department as a part of an application for a renewable operating permit under a claim of confidentiality, consistent with the requirements of the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, shall submit a copy of the information directly to the United States environmental protection agency.

(15) ~~Except as provided in this subrule, t~~**T**he department shall take final action on each administratively complete application for a renewable operating permit, including an application for permit renewal, within 18 months after the date of receipt by the department of an administratively complete application. ~~The department shall take final action on each timely and administratively complete application for first time issuance of a renewable operating permit for major sources, submitted under subrule (4)(a) to (f) of this rule, in accordance with the following schedule:~~

~~(a) By February 28, 1997, for all applications for a renewable operating permit required to be submitted under subrule (4)(a) and (b) of this rule and on all applications submitted under an alternate schedule under subrule (4)(g) of this rule with a submittal date on or before May 15, 1996.~~

~~(b) By February 28, 1998, for all applications for a renewable operating permit required to be submitted under subrule (4)(c) and (d) of this rule and on all applications submitted under an alternate schedule under subrule (4)(g) of this rule with a submittal date from May 16, 1996, to October 15, 1996.~~

~~(c) By February 28, 1999, for all applications for a renewable operating permit required to be submitted under subrule (4)(e) of this rule and on all applications submitted under an alternate schedule under subrule (4)(g) of this rule with a submittal date from October 16, 1996, to December 15, 1996.~~

~~(d) By February 28, 2000, for all applications for a renewable operating permit required to be submitted under subrule (4)(f) of this rule and on all applications submitted under an alternate schedule under subrule (4)(g) of this rule with a submittal date from December 16, 1996, to February 28, 1997.~~

R 336.1211 Renewable operating permit applicability.

Rule 211. (1) All of the following stationary sources are subject to the requirements of R 336.1210 to obtain, and only operate in compliance with, a renewable operating permit:

(a) Major sources as defined by any of the following criteria:

(i) A major source under section 112 of the clean air act, which is defined as any stationary source or group of stationary sources located within a contiguous area and under common control that emits, or has the potential to emit, in the aggregate, any of the following:

(A) Ten tons per year of any hazardous air pollutant that has been listed under section 112(b) of the clean air act.

(B) Twenty-five tons per year of any combination of hazardous air pollutants that have been listed under section 112(b) of the clean air act.

(C) A lesser quantity as the administrator of the United States environmental protection agency may establish by rule for any hazardous air pollutant listed under section 112(b) of the clean air act. The department shall maintain, and make available upon request, a list of the hazardous air pollutants for which a lesser quantity criteria has been established. Emissions from any oil or gas exploration or production well, with its associated equipment, and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not the units are in a contiguous area or under common control, to determine whether the units or stations are major sources under this paragraph. For the purpose of this paragraph, the potential to emit of a stationary source for hazardous air pollutants includes fugitive emissions, regardless of the category of the stationary source.

(ii) A stationary source that directly emits, or has the potential to emit, 100 tons per year or more of any of the following:

(A) Lead.

(B) Sulfur dioxide.

(C) Nitrogen oxides.

(D) Carbon monoxide.

(E) PM 10.

(F) PM 2.5.

(G) Ozone.

(H) Volatile organic compounds.

(I) Any air contaminant regulated under section 111 ~~of title I~~ of the clean air act.

(J) Any class I and class II substances under title VI of the clean air act.

For the purpose of this paragraph, the fugitive emissions of a stationary source shall not be considered in determining whether the stationary source is a major source, unless the stationary source belongs to 1 of the categories listed in the definition of potential to emit in R 336.1116.

(iii) A major stationary source, as defined in part ~~d~~**D** of title I of the clean air act**,** and R 336.2901(t), including, for ozone nonattainment areas, stationary sources that have the potential to emit 100 tons per year or more of volatile organic compounds or oxides of nitrogen in areas classified as marginal or moderate.

~~(iv) A stationary source that directly emits, or has the potential to emit, greenhouse gas (GHG) emissions that equal or exceed both of the following~~

~~(A) 100,000 tons per year carbon dioxide equivalent (CO2e) emissions on a global warming potential basis.~~

~~(B) 100 tons per year greenhouse gases on a mass basis. For the purpose of this paragraph, the following definitions apply:~~

~~(1) GHG is the air pollutant defined as the aggregate group of 6 greenhouse gases: carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.~~

~~(2) CO2e shall represent an amount of GHGs emitted, and shall be computed by multiplying the mass amount of emissions in tons per year, for each of the 6 greenhouse gases in the pollutant GHGs, by the gas's associated global warming potential published at 40 C.F.R. part 98, Table A-1 to subpart A -~~ **,**~~Global Warming Potentials, adopted by reference in R 336.1299, and summing the resultant value for each to compute a tons per year CO2e. For purposes of this paragraph, prior to July 21, 2014, the mass of the greenhouse gas carbon dioxide shall not include carbon dioxide emissions resulting from the combustion or decomposition of non-fossilized and biodegradable organic material originating from plants, animals, or micro-organisms (including products, by-products, residues and waste from agriculture, forestry, and related industries, as well as the non-fossilized and biodegradable organic fractions of industrial and municipal wastes, including gases and liquids recovered from the decomposition of non-fossilized and biodegradable organic material).~~

~~For the purpose of this paragraph, the fugitive emissions of a stationary source shall not be considered in determining whether the stationary source is a major source, unless the stationary source belongs to 1 of the categories listed in the definition of potential to emit in R 336.1116.~~

(b) Any affected source as defined in **40 C.F.R. §72.6 and** section 402 of the clean air act.

(c) Any stationary source required to have a permit under part C or D of title I of the clean air act.

(~~c~~**d**) Any solid waste incineration unit, as defined in section 129(g) of the clean air act, that is required to obtain a renewable operating permit under section 129(e) of the clean air act.

(~~d~~**e**) Any municipal solid waste landfill that has a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters.

~~(e) Any Portland cement plant subject to 40 C.F.R. part 63, subpart LLL, national emission standards for hazardous air pollutants from the Portland cement manufacturing industry, adopted by reference in R 336.1299, including both of the following:~~

~~(i) Each kiln and each in-line kiln/raw mill at any Portland cement plant, including alkali bypasses, except for kilns and in-line kiln/raw mills that burn hazardous waste and are subject to and regulated under 40 C.F.R. part 63, subpart EEE, national emission standards for hazardous air pollutants from hazardous waste combustors, adopted by reference in R 336.1299.~~

~~(ii) Each Greenfield raw material dryer.~~

(f) Any stationary source in a source category designated by the administrator of the United States environmental protection agency under 40 C.F.R. §70.3**(a)(5).**~~, adopted by reference in R 336.1299.~~

(g) Any stationary source required to operate subject to a renewable operating permit under 40 C.F.R. part 63, area source requirements, including the following:

(i) Any secondary lead smelter subject to national emission standards for hazardous air pollutants from secondary lead smelting, 40 C.F.R. part 63, subpart X, adopted by reference in R 336.1902.

(ii) Any hazardous waste combustor subject to national emission standards for hazardous air pollutants from hazardous waste combustors, 40 C.F. R. part 63, subpart EEE, adopted by reference in R 336.1902.

(iii) Any Portland cement plant subject to national emissions standards for hazardous air pollutants from the Portland cement manufacturing industry, 40 C.F.R. part 63, subpart LLL, adopted by reference in R 336.1902.

(iv) Any steelmaking facility subject to national emission standards for hazardous air pollutants for area sources: electric arc furnace steelmaking facilities, 40 C.F.R. part 63, subpart YYYYY, adopted by reference in R 336.1902.

(v) Any primary copper smelter subject to national emission standards for hazardous air pollutants for primary copper smelting area sources, 40 C.F.R. part 63, subpart EEEEEE, adopted by reference in R 336.1902.

(vi) Any secondary copper smelter subject to national emission standards for hazardous air pollutants for secondary copper smelting area sources, 40 C.F.R. part 63, subpart FFFFFF, adopted by reference in R 336.1902.

(vii) Any primary nonferrous metal area sources subject to national emission standards for hazardous air pollutants for primary nonferrous metals area sources-zinc, cadmium, and beryllium, 40 C.F.R. part 63, subpart GGGGGG, adopted by reference in R 336.1902.

(viii) Any chemical manufacturing chromium compound area sources subject to national emission standards for hazardous air pollutants for chemical manufacturing area sources: chromium compounds, 40 C.F.R. part 63, subpart NNNNNN, adopted by reference in R 336.1902.

(ix) Any glass manufacturing area sources subject to national emission standards for hazardous air pollutants for glass manufacturing area sources, 40 C.F.R. part 63, subpart SSSSSS, adopted by reference in R 336.1902.

(x) Any chemical manufacturing area sources subject to national emission standards for hazardous air pollutants for chemical manufacturing area sources, 40 C.F.R. part 63, subpart VVVVVV, adopted by reference in R 336.1902, that installed a control device on a chemical manufacturing process unit (CMPU), if the control device on the affected CMPU is necessary to maintain the source's emissions at area source levels.

(2) For the purposes of determining the applicability of R 336.1210, the potential to emit of a stationary source shall be the sum of the potential to emit of all process and process equipment located at the stationary source.

(3) The following stationary sources are exempted from the obligation to obtain a renewable operating permit under R 336.1210:

(a) All stationary sources and source categories for which the person owning or operating the stationary source would be required to obtain a permit solely because the stationary source is

subject to 40 C.F.R. Part 60, subpart AAA, standards of performance for new residential wood heaters~~, adopted by reference in R 336.1299~~.

(b) All stationary sources and source categories for which the person owning or operating the stationary source would be required to obtain a permit solely because the stationary source is subject to 40 C.F.R. Part 61, subpart M, national emission standards for hazardous air pollutants for asbestos**.** ~~and 61.145, standard for demolition and renovation, adopted by reference in R 336.1299.~~

R 336.1212 Administratively complete applications; insignificant activities; streamlining applicable requirements; emissions reporting and fee calculations.

Rule 212. (1) A timely and administratively complete application for a stationary source subject to the requirements of R 336.1210 shall meet the requirements of R 336.1210(2) and shall contain all information that is necessary to implement and enforce all applicable requirements that include a process-specific emission limitation or standard or to determine the applicability of those requirements.

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

(a) Repair and maintenance of grounds and structures.

(b) All activities and changes pursuant to R 336.1285**(2)**(a) to (f); however, if any compliance monitoring requirements in the renewable operating permit would be affected by the change, then application shall be made to revise the permit pursuant to R 336.1216.

(c) All activities and changes pursuant to R 336.1287**(2)**(f) to (h); however, if any compliance monitoring requirements in the renewable operating permit would be affected by the change, then application shall be made to revise the permit pursuant to R 336.1216.

(d) Use of office supplies.

(e) Use of housekeeping and janitorial supplies.

(f) Sanitary plumbing and associated stacks or vents.

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

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

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

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

(k) Construction, repair, and maintenance of roads or other paved or unpaved areas, except where the activities are subject to an applicable requirement. The applicable requirement or the emissions of the air contaminants addressed by the applicable requirement shall be included in a

timely and administratively complete application pursuant to R 336.1210. Examples of applicable requirements include an applicable requirement for a fugitive dust control or operating program or an applicable requirement to include fugitive emissions pursuant to R 336.1211(1)(a)(ii).

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

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

(a) ~~All c~~**C**ooling and ventilation equipment listed in R 336.1280**(2)(b) to (e)**.

(b) Cleaning, washing, and drying equipment listed in R 336.1281**(2)**(a) to (f) and (i) **to (k).**

(c) Electrically heated furnaces, ovens, and heaters listed in R 336.1282**(2)**(a)**, not excluded in R 336.1283(3), and equipment listed in R 336.1282(2)(c) to (f).**

(d) ~~All~~**Process and process equipment and** other equipment listed in R 336.1283 **not excluded in R 336.1283(3)**.

(e) Containers listed in R 336.1284**(2)**(a), (c), (d), (h), and (~~j~~**k**) to (m).

(f) Miscellaneous equipment listed in R 336.1285**(2)**(h)**, (i),** ~~to~~ **(k)** ~~(p), (r)~~ to (t), (v) to (ii), (kk), and (ll) except for ~~externally vented~~ equipment listed in R 336.1285**(2)**(l)(vi)**(C), (r)(iv), and (dd)(iii)**.

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

(h) Surface coating equipment listed in R 336.1287**(2)**(b), (d), (e), (i), (j), and (k).

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

(j) Asphalt and concrete production equipment listed in R 336.1289**(2)**(a) to (c).

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

(a) **Cooling and ventilation equipment listed in R 336.1280(2)(a).**

(~~a~~**b**) Cleaning, washing, and drying equipment listed in R 336.1281**(2)**(g)~~,~~ and (h)**.**~~, and (j).~~

(~~b~~**c**) Fuel-burning furnaces, ovens, and heaters listed in R 336.1282**(2)(a), (b), and (g)**.

(~~c~~**d**) Containers listed in R 336.1284**(2)**(b), (e), (f), (g), ~~and~~ (i)**, (j), and (n).**

(~~d~~**e**) Miscellaneous process or process equipment listed in R 336.1285**(2)**(g), **(j), (1)(vi)(C), (r)(iv),** ~~(q),~~ (u), **(w), (dd)(iii),** (jj) and **(mm).**~~externally vented process equipment listed in R 336.1285(l)(vi).~~

(~~e~~**f**) Surface-coating equipment listed in R 336.1287**(2)**(a) and (c).

(~~f~~**g**) Concrete batch production equipment listed in R 336.1289**(2)**(d).

(~~g~~**h**) ~~Process or process equipment~~ **Emission units** ~~which~~**that** ha~~s~~**ve** limited emissions and ~~which is listed~~ **meet the criteria** in R 336.1290.

(i) Emission units that have limited emissions and meet the criteria in R 336.1291.

(5) As a part of an application for a renewable operating permit, a person may seek to establish that certain terms or conditions of a permit to install, permit to operate, or order entered pursuant to the act are not appropriate to be incorporated into the renewable operating permit or should be modified to provide for consolidation or clarification of the applicable requirements. An

application for a renewable operating permit may include information necessary to demonstrate any of the following:

(a) That a term or condition of a permit to install, permit to operate, or order entered pursuant to the act is no longer an applicable requirement.

(b) That a term or condition of a permit to install, permit to operate, or order entered pursuant to the act should be modified to provide for consolidation or clarification of the applicable requirement. A person shall demonstrate that the modification results in enforceable applicable requirements ~~which~~**that** are equivalent to the applicable requirements contained in the original permit or order and that the equivalent requirements do not violate any other applicable requirement.

(c) That the equipment should be combined into emission units different from the emission units contained in a permit to install, permit to operate, or order entered pursuant to the act to provide for consolidation or clarification of the applicable requirement. A person shall demonstrate that the realignment of the emission units results in enforceable applicable requirements which are equivalent to the applicable requirements contained in the original permit or order and that the equivalent requirements do not violate any other applicable requirement.

(6) Beginning with the annual report of emissions required pursuant to R 336.202 and section 5503(k) of the act for ~~calendar year 1995, or~~ the first calendar year after a stationary source becomes a major source as defined by R 336.1211(1)(a), ~~whichever is later,~~ each stationary source subject to the requirements of this rule shall report the emissions, or the information necessary to determine the emissions, of each regulated air pollutant. The information shall be submitted utilizing the emissions inventory forms provided by the department. For the purpose of this subrule, "regulated air pollutant" means all of the following:

(a) Nitrogen oxides or any volatile organic compound.

(b) A pollutant for which a national ambient air quality standard has been promulgated under the clean air act.

(c) A pollutant that is subject to any standard promulgated under section 111 of the clean air act.

(d) A class I or II substance that is subject to a standard promulgated under or established by title VI of the clean air act.

(e) A pollutant that is subject to a standard promulgated under section 112 or other requirements established under section 112 of the clean air act, except for pollutants regulated solely pursuant to section 112(r) of the clean air act. Pollutants subject to a standard promulgated or other requirements established under section 112 of the clean air act include both of the following:

(i) A pollutant that is subject to requirements under section 112(j) of the clean air act. If the administrator of the United States environmental protection agency fails to promulgate a standard by the date established pursuant to section 112(e) of the clean air act, any pollutant for which a stationary source would be major shall be considered to be regulated on the date 18 months after the applicable date established pursuant to section 112(e) of the clean air act.

(ii) A pollutant for which the requirements of section 112(g)(2) of the clean air act have been met, but only with respect to the specific stationary source that is subject to the section 112(g)(2) requirement.

(7) For the purpose of calculating the annual air quality fee pursuant to section 5522 of the act, the actual emissions of a fee-subject air pollutant from all process or process equipment shall be determined. However, the actual emissions of a fee-subject air pollutant from process or process

equipment listed pursuant to subrules (2) to (4) of this rule need not be calculated unless either of the following provisions ~~is~~**are** met:

(a) The process or process equipment is subject to a process-specific emission limitation or standard for the specific fee-subject air pollutant.

(b) The actual emissions from the process or process equipment exceed 10% of significant, as defined in R 336.1119(e), for that air pollutant.

R 336.1213 Content of renewable operating permit.

Rule 213. (1) Each renewable operating permit shall include all of the following general provisions:

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

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

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

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

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

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

(iii) Inspect, at reasonable times, any of the following:

(A) Any stationary source.

(B) Any emission unit.

(C) Any equipment, including monitoring and air pollution control equipment.

(D) Any work practices or operations regulated or required under the renewable operating permit.

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

(e) A person shall furnish to the department, within a reasonable time, any information that the department may request, in writing, to determine whether cause exists for modifying, revising, or revoking the permit or to determine compliance with the permit. Upon request, a person shall also furnish to the department copies of any records that are required to be kept as a term or condition of the renewable operating permit. For information ~~which~~**that** is claimed by the

person to be confidential, consistent with the requirements of **the freedom of information act** 1976**,** PA 442, MCL 15.231 to 15.246, ~~and known as the freedom of information act,~~ the person may also be required to furnish the records directly to the United States environmental protection agency together with a claim of confidentiality.

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

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

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

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

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

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

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

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

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

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

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

(i) The use of all emissions monitoring and analysis procedures or test methods required by the applicable requirements, including 40 C.F.R. Part 64, and any other procedures and methods promulgated pursuant to section~~s~~ 504(b) or 114(a)(3) of the clean air act. ~~Title 40 C.F.R. part 64 is adopted by reference in R 336.1299.~~ If more than 1 monitoring or testing requirement applies,

the permit may specify a streamlined set of monitoring or testing requirements, provided the specified monitoring or testing is adequate to assure compliance at least to the same extent as the monitoring or testing applicable requirements that were not included in the permit as a result of such streamlining.

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

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

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

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

(A) The date, location, time, and method of sampling or measurements.

(B) The dates analyses of the samples were performed.

(C) The company or entity that performed the analyses of the samples.

(D) The analytical techniques or methods used.

(E) The results of the analyses.

(F) The related operating conditions or parameters that existed at the time of sampling or measurement.

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

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

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

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

(A) For deviations that exceed the emissions allowed under the renewable operating permit, prompt reporting means reporting consistent with the requirements of R 336.1912. All reports submitted pursuant to this paragraph shall be promptly certified as specified in paragraph (iii) of this subdivision.

(B) For deviations which exceed the emissions allowed under the renewable operation permit and which are not reported pursuant to R 336.1912 due to the duration of the deviation, prompt reporting means the reporting of all deviations in the reports required by paragraph (i) of this subdivision. The report shall describe reasons for each deviation and the actions taken to minimize or correct each deviation.

(C) For deviations that do not exceed the emissions allowed under the renewable operating permit, prompt reporting means the reporting of all deviations in the reports required by paragraph (i) of this subdivision. The report shall describe the reasons for each deviation and the actions taken to minimize or correct each deviation.

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

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

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

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

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

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

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

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

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

belief formed after reasonable inquiry, the statements and information in the certification are true, accurate, and complete. Each certification of compliance shall include all of the following information:

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

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

(iii) Whether compliance was continuous or intermittent.

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

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

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

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

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

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

(a) Except as provided in subdivision (b) of this subrule, each renewable operating permit shall include a permit shield provision stating that compliance with the conditions of the permit shall be considered compliance with any applicable requirements as of the date of permit issuance, if either of the following provisions is satisfied:

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

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

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

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

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

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

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

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

(8) A renewable operating permit shall include terms and conditions that allow a stationary source to switch its operation between reasonably anticipated operating scenarios if the scenarios

have been identified by the stationary source in its application and found to be approvable by the department. The terms and conditions shall provide for all of the following:

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

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

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

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

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

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

(10) In addition to the other requirements of this rule, each renewable operating permit for an affected source under title ~~iv~~**IV** of the clean air act shall include a permit condition prohibiting emissions exceeding any allowances that an affected source lawfully holds as of the allowance transfer deadline pursuant to the federal acid rain program, adopted by reference in R 336.~~1299~~**1902**. All of the following apply to allowances:

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

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

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

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

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

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

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

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

R 336.1214 Approval of ~~a~~ renewable operating permit.

Rule 214. (1) After the department has received an administratively complete application and all additional information requested by the department pursuant to R 336.1210(3) for a renewable operating permit, significant modification to a renewable operating permit, or the renewal of a renewable operating permit, the department shall prepare a draft permit and a report that sets forth the applicable requirements and factual basis for the draft permit terms and conditions. The report shall include citations of the applicable requirements, an explanation of any equivalent requirements or other changes included in the draft permit pursuant to R 336.1213(2), and any determination made pursuant to R 336.1213(6)(a)(ii) regarding requirements that are not applicable to the stationary source where the draft permit contains only a summary of the determination.

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

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

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

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

(i) The name of the stationary source.

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

(iii) The mailing address of the department.

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

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

(vi) The name, address, and telephone number of a representative of the department from whom interested persons may obtain additional information, including copies of the draft permit, the report required under subrule (1) of this rule, and, to the extent provided by the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, the application and any other materials available to the department that are relevant to the permit decision.

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

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

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

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

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

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

(6) Except as provided in 40 C.F.R. ~~70.8(a)(1)~~**§70.8(a)(1)** and (2), adopted by reference in R 336.~~1299~~**1902**, and as provided in R 336.1210(14), the department shall transmit a copy of each administratively complete application for a renewable operating permit, including any application for a significant modification to a renewable operating permit or for renewal of a renewable operating permit, all additional information submitted pursuant to R 336.1210(3), the report prepared pursuant to subrule (1) of this rule, and the proposed renewable operating permit to the United States environmental protection agency. The department shall not take a final action to issue a renewable operating permit until 45 days after the United States environmental protection agency has received all the information specified in this subrule and subrule (4) of this rule. If the administrator of the United States environmental protection agency objects, in writing, to the renewable operating permit before the end of the 45-day review period specified

in this subrule, the department shall not issue the renewable operating permit until the administrator's objection has been resolved. The department shall follow the procedure specified in 40 C.F.R. ~~70.8(c)~~**§70.8(c)**, adopted by reference in R 336.~~1299~~**1902**, to resolve the objection. The application shield provided by R 336.1210(1) shall continue to apply to the stationary source, consistent with the provisions of R 336.1210, until the department takes final action on the renewable operating permit.

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

(8) Any person may petition the administrator of the United States environmental protection agency to make an objection regarding a renewable operating permit pursuant to 40 C.F.R. ~~70.8(d)~~**§70.8(d)**, adopted by reference in R 336.~~1299~~**1902**. The petition shall be filed within 60 days after the expiration of the administrator's 45-day review period specified in subrule (6) of this rule and 40 C.F.R. ~~70.8(c)~~**§70.8(c)**, adopted by reference in R 336.~~1299~~**1902**. The petition shall be based only on an objection to the renewable operating permit that was raised with reasonable specificity during the public comment period provided for in subrule (3)(c) of this rule, unless the petitioner demonstrates that it was impracticable to raise the objection during the public comment period or unless the grounds for the objection arose after the public comment period. A petition for review does not stay the effectiveness of a renewable operating permit or its requirements if the renewable operating permit was issued after the end of the 45-day review period and before the department received an objection by the administrator. If the administrator of the United States environmental protection agency objects to the renewable operating permit as a result of a petition filed pursuant to 40 C.F.R. ~~70.8(d)~~**§70.8(d)**, adopted by reference in R 336.~~1299~~**1902**, before the department has issued the renewable operating permit, the department shall not issue the renewable operating permit until the administrator's objection has been resolved. The application shield provided by R 336.1210(1) shall continue to apply to the stationary source, consistent with the provisions of R 336.1210, until the department takes final action on the renewable operating permit. If the administrator of the United States environmental protection agency objects to the renewable operating permit as a result of a petition filed pursuant to 40 C.F.R. ~~70.8(d)~~**§70.8(d)** after the department has issued the renewable operating permit, the department shall follow the procedure specified in 40 C.F.R. ~~70.7(g)~~**§70.7(g)**, adopted by reference in R 336.~~1299~~**1902**, to resolve the objection.

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

Rule 214a. (1) The department shall issue a source-wide permit to install concurrent with each issuance and renewal of a renewable operating permit pursuant to R 336.1214 and each

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

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

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

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

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

(i) R 336.1201, R 336.1201a.

(ii) Title 40 C.F.R. §§63.40 to 63.44 and §§63.50 to 63.56, adopted by reference in R 336.~~1299~~**1902**.

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

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

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

(vi) R 336.2415.

(vii) Title 40 C.F.R. §52.21, adopted by reference in R 336.~~1299~~**1902**.

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

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

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

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

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

R 336.1215 Operational flexibility~~,~~**;** emissions trading activities between stationary sources, off-permit changes, ~~and~~ insignificant changes**, and responsible official changes** for ~~a~~ renewable operating permit.

Rule 215. (1) The following provisions apply to operational flexibility within a stationary source. As provided in 40 C.F.R. §70.4(~~B~~**b**)(12)**, adopted by reference in R 336.1902,** a person may make either of the following changes to process or process equipment within a stationary source covered by a renewable operating permit without a revision to that permit, if the changes are not a modification under any applicable provision of title I of the clean air act and the changes do not exceed the emissions allowable under the renewable operating permit, whether expressed therein as a rate of emissions or in the terms of total emissions, if the person provides written notification to the department and the United States environmental protection agency at least 7 days prior to the change. The permittee and the department shall attach each such notice to their copy of the relevant permit:

(a) As provided in 40 C.F.R. §70.2 ~~nd~~**and** ~~40 C.F.R.~~ §70.4(~~B~~**b**)(12)(i)**, adopted by reference in R 336.1902,** a person may make changes that contravene a specific permit condition, if the changes are not modifications under any provision of title I of the clean air act and the changes do not exceed the emissions allowable under the renewable operating permit, whether expressed therein as a rate of emissions or in terms of total emissions. Such changes do not include changes that would violate applicable requirements or contravene federally enforceable permit terms and conditions that are monitoring, including test methods, recordkeeping, reporting, or compliance certification requirements. For each such change, the written notification required in this subrule shall include all of the following information:

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

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

(iii) Any change in emissions.

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

(b) As provided in 40 C.F.R. §70.4(~~B~~**b**)(12)(ii), **adopted by reference in R 336.1902,** a person may trade increases and decreases in emissions within the stationary source according to procedures specified by an applicable emissions trading program that has been approved by the administrator of the United States environmental protection agency as a part of Michigan's state implementation plan, if the person has provided written notification to the department and the United States environmental protection agency of the changes at least 7 days prior to the activity taking place.

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

(A) When the proposed change will occur.

(B) A description of each such change.

(C) Any change in emissions.

(D) The permit requirements with which the stationary source will comply using the emissions trading provisions of the approved state implementation plan for trading within a stationary source.

(E) The pollutants emitted subject to the emissions trade.

(F) The provisions of the approved state implementation plan~~.~~ with which the stationary source will comply and which provide for the emissions trade within the stationary source.

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

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

(2) The following provisions apply to emission reduction credits trading between stationary sources. As provided in 40 C.F.R. §70.6(~~A~~**a**)(8), **adopted by reference in R 336.1902,** a person may make any changes without revision to the renewable operating permit where provided for in the renewable operating permit and allowed by an applicable interstate or regional emissions trading program that has been approved by the administrator of the United States environmental protection agency.

(3) The following provisions apply to off-permit changes. ~~as~~**As** provided in 40 C.F.R. §70.4(~~B~~**b**)(14) and (15), **adopted by reference in R 336.1902,** a person may make a change at a stationary source covered by a renewable operating permit that is not addressed or prohibited by the renewable operating permit without a revision to the renewable operating permit, if all of the following provisions are met:

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

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

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

(i) The date of the change.

(ii) Any change in emissions.

(iii) Any pollutants emitted.

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

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

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

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

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

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

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

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

(iii) A visibility or increment analysis.

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

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

(5) Contemporaneous written notification shall be made to the department upon a change of address, name, or phone number of the responsible official or other contact person identified in the application for the renewable operating permit.

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

R 336.1216 Modifications to renewable operating permits.

Rule 216. (1) All of the following provisions apply to administrative permit amendments:

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

(i) A change that corrects typographical errors.

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

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

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

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

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

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

(1) The results of all testing, monitoring, and recordkeeping performed by the person to determine the actual emissions from the process or process equipment and to demonstrate compliance with the terms and conditions of the permit to install.

(2) A schedule of compliance for the process or process equipment.

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

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

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

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

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

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

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

(i) Within 60 days after receipt by the department of all the information required pursuant to subdivision (a)(v)(B) of this subrule, the department shall determine whether the information provides an acceptable demonstration of compliance with the terms and conditions of the permit to install and shall transmit a copy of the information together with ~~the~~**that** determination and a proposed amended renewable operating permit to the United States environmental protection agency for a 45-day review period pursuant to 40 C.F.R. §70.8(c)**, adopted by reference in R 336.1902**.

(ii) The department shall not take ~~a~~ final action to approve the administrative permit amendment if the administrator of the United States environmental protection agency objects to its approval, in writing, within 45 days of receipt by the United States environmental protection agency, of the information required in paragraph (i) of this subdivision. The department shall follow the procedure specified in 40 C.F.R. §70.8(c)**, adopted by reference in R 336.1902,** in response to an objection by the administrator of the United States environmental protection agency.

(iii) A person may make the change authorized by the permit to install immediately after the permit to install has been approved by the department. After the change has been made, and

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

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

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

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

(i) The change would violate any applicable requirement.

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

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

(A) A case-by-case determination of a federally enforceable emission limitation or other standard.

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

(C) A visibility or increment analysis.

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

(A) An emissions cap assumed to avoid classification as a modification under any applicable provision of title I of the clean air act.

(B) An alternative emissions limit adopted by the stationary source as part of an early reduction program pursuant to section 112(i)(5) of the clean air act.

(v) The change is defined as a major offset modification or a modification under any applicable requirement of section**s** 111~~, section~~**or** 112, or part C of title I of the clean air act. A minor permit modification includes a change authorized by a permit to install issued pursuant to R 336.1201, if the permit to install includes terms and conditions that comply with the permit content requirement of R 336.1213 and none of the provisions of this subrule apply.

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

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

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

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

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

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

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

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

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

(A) Approve the permit modification as proposed.

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

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

(D) Deny the permit modification application for cause. The notification by the department shall specify the reasons for the denial. ~~The~~**Any** appeal of a denial by the department of a minor permit modification shall be pursuant to ~~section 631, of 1961 PA 236, MCL 600.631631~~**section 631 of the revised judicature act of 1961, 1961, PA 236, MCL 600.631**.

(d) A person may make the change proposed in the application for a minor permit modification, at the person's own risk, immediately after the department has received the application. After the change has been made, and until the department takes final action as

specified in subdivision (c)(iii)(A) to (C) of this subrule, a person shall comply with both of the applicable requirements governing the change and the permit terms and conditions proposed in the application for the minor permit modification. During this time period, a person may choose to not comply with the existing permit terms and conditions that the application for a minor permit modification seeks to modify. However, if the person fails to comply with the permit terms and conditions proposed in the application for the minor permit modification during this time period, the terms and conditions contained in the renewable operating permit are enforceable.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(iv) Deny the state-only modification application for cause. The notification by the department shall specify the reasons for the denial. ~~The~~**Any** appeal of a denial by the department of a state-only modification shall be pursuant to ~~section 631, of 1961 PA 236, MCL 600.631631~~**section 631 of the revised judicature act of 1961, 1961, PA 236, MCL 600.631**.

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

during this time period, or if the state-only modification is denied by the department, the terms and conditions contained in the renewable operating permit are enforceable.

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

R 336.1217 Renewals and reopenings of renewable operating permits.

Rule 217. (1) All of the following provisions apply to renewals of renewable operating permits:

(a) If a timely and administratively complete application for the renewal of a renewable operating permit is submitted, consistent with R 336.1210(~~8~~**9**), and timely and complete additional information is submitted, consistent with R 336.1210(3), but the department has failed to take final action to issue or deny the renewal permit before the end of the term of the previous permit, then the existing renewable operating permit shall not expire until the renewal permit has been issued or denied and any permit shield that may be granted pursuant to R 336.1213(6) shall extend beyond the original permit term until the department takes final action on the renewal permit.

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

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

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

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

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

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

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

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

(b) Proceedings to reopen and issue a revised renewable operating permit shall follow the same procedures, including the procedures for public participation and for review by affected states and the United States environmental protection agency, and the same provisions for appeal that apply to the initial issuance of a renewable operating permit pursuant to R 336.1214. Any

proceeding to reopen and issue a revised renewable operating permit shall affect only those parts of the permit for which cause to reopen exists. The department shall reopen a renewable operating permit as expeditiously as possible after it discovers that cause exists to reopen.

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

R 336.1218 General renewable operating permits.

Rule 218. (1) The department may, after notice and opportunity for public participation and review by affected states and the United States environmental protection agency consistent with R 336.1214(3), (4), and (6), issue a general renewable operating permit covering numerous similar stationary sources. Any general renewable operating permit shall comply with all requirements applicable to other renewable operating permits and shall identify criteria by which stationary sources may qualify for the general renewable operating permit. The department shall grant the terms and conditions of the general renewable operating permit to stationary sources that qualify. Notwithstanding the permit shield provisions of R 336.1213(6), ~~a person who owns or operates~~ **the owner or operator of** a stationary source shall be subject to enforcement action for operation without a renewable operating permit if the department later determines that the stationary source does not qualify for the general renewable operating permit. The department shall not authorize general renewable operating permits for affected sources under the acid rain program, unless otherwise provided in regulations promulgated under title IV of the clean air act.

(2) ~~A person who owns or operates~~**The owner or operator of** a stationary source that meets the criteria specified in R 336.1211 and who would qualify for a general renewable operating permit issued by the department pursuant to subrule (1) of this rule, shall **either** apply to the department for coverage under the terms of the general renewable operating permit or ~~shall~~ apply for a renewable operating permit consistent with R 336.1210. The department may, in the general renewable operating permit, provide for applications that deviate from the administrative completeness requirements of section~~5d~~ **5507** of the act, if the applications meet the requirements of title V of the clean air act and include all information necessary to determine qualification for, and to assure compliance with, the general renewable operating permit. Without repeating the public participation and review by affected states and the United States environmental protection agency required under R 336.1214(3), (4), and (6), the department may grant a request by a person for authorization to operate under a general renewable operating permit, but the granting shall not be a final permit action for purposes of judicial review.

R 336.1219 Amendments for change of ownership or operational control.

Rule 219. (1) A person may notify the department, in writing, of a change in ownership or operational control of a stationary source or emission unit authorized by a permit to install or a permit to operate. The notification shall include all of the following information:

(a) A description of the stationary source or emission unit affected by the change and a listing of the permits involved in the request.

(b) An identification of the new owner or operator and a specific date for the transfer of responsibility, coverage, and liability.

(c) A written statement by the new ~~person owning or operating~~ **owner or operator of** the stationary source or emission unit that the terms and conditions of the permit to install or permit to operate are understood and accepted. Acceptance of the terms and conditions of a permit does not affect the person's ability to subsequently request a modification to the permit to install or permit to operate pursuant to R 336.1201. The new ~~person owning or operating the stationary source~~ **owner or operator** shall also notify the department of any change in the contact person regarding the permit.

(2) A change in ownership or operational control of a stationary source or emission unit covered by a renewable operating permit shall be made pursuant to R 336.1216(1).

R 336.1220 Rescinded.

R 336.1221 Rescinded.

R 336.1224 **Best available control technology for toxics (**T-BACT**);** requirement**s** for new and modified source**s** of air toxics; exemptions.

Rule 224. (1) A person who is responsible for any proposed new or modified emission unit or units for which an application for a permit to install is required by ~~part 2 of these rules~~**R 336.1201** and which emits a toxic air contaminant shall not cause or allow the emission of the toxic air contaminant from the proposed new or modified emission unit or units in excess of the maximum allowable emission rate based on the application of best available control technology for toxics (T-BACT), except as provided in subrule (2) of this rule.

(2) The requirement for T-BACT in subrule (1) of this rule ~~shall~~**does** not apply to any of the following:

(a) An emission unit or units for which standards have been promulgated under section 112(d) of the clean air act or for which a control technology determination has been made under section~~s~~ 112(g) or 112(j)~~ of the clean air act~~ for any of the following:

(i) The hazardous pollutants listed in section 112(b) of the clean air act.

(ii) Other toxic air contaminants that are volatile organic compounds, if the standard promulgated under section 112(d) of the clean air act or the determination made under section~~s~~ 112(g) or 112(j)~~ of the clean air act~~ controls similar compounds that are also volatile organic compounds.

(iii) Other toxic air contaminants that are particulate matter, if the standard promulgated under section 112(d) of the clean air act or the determination made under section~~s~~ 112(g) or 112(j)~~ of the clean air act~~ controls similar compounds that are also particulate matter.

(b) An emission unit or units that is in compliance with all of the following:

(i) The maximum allowable emissions of each toxic air contaminant from the proposed new or modified emission unit or units is 0.1 pound per hour or less for a carcinogen or 1.0 pound per hour or less for any other toxic air contaminant.

(ii) The applicable initial threshold screening level for the toxic air contaminant is more than 200 micrograms per cubic meter.

(iii) The applicable initial risk screening level is more than 0.1 micrograms per cubic meter.

(c) An emission unit or units which only emits toxic air contaminants that are particulates or ~~VOCs~~**volatile organic compounds** and which is in compliance with ~~BACT~~**best available**

control technology requirements, **including R 336.1702,** or ~~LAER~~**lowest achievable emission rate** requirements for particulates and ~~VOCs~~**volatile organic compounds**.

(d) Engines, turbines, boilers and process heaters burning solely natural gas, diesel fuel (No. 2 fuel oil), or biodiesel, of up to 100 MMBTU per hour, provided that the effective stack is vertical and unobstructed and is at least 1.5 times the building height, and the building setback is at least 100 feet from the property line.

R 336.1225 Health-based screening level requirement**s** for new or modified sources of air toxics.

Rule 225. (1) A person who is responsible for any proposed new or modified emission unit or units for which an application for a permit to install is required by ~~part 2 of these rules~~**R 336.1201** and which emits a toxic air contaminant ~~(TAC)~~ shall not cause or allow the emission of the toxic air contaminant from the proposed new or modified emission unit or units in excess of the maximum allowable emission rate which results in a predicted maximum ambient impact that is more than the initial threshold screening level or the initial risk screening level, or both, except as provided in subrules (2) and (3) of this rule and in R 336.1226.

(2) As an alternative to complying with the initial risk screening level in subrule (1) of this rule, a person may instead demonstrate compliance with the secondary risk screening level. For the purpose of complying with the secondary risk screening level, the total allowable emissions of the carcinogen from the proposed new or modified emission unit or units and all existing emission units at the stationary source shall not result in a maximum ambient impact that is more than the secondary risk screening level.

(3) If the ambient impacts of a carcinogen occur on industrial property or public roadways, as an alternative to complying with ~~the initial risk screening level or secondary risk screening level in~~ subrule**s** (1) or (2) of this rule, a person may instead demonstrate compliance with either of the following provisions:

(a) The maximum allowable emission rate of the carcinogen from the proposed new or modified emission unit or units results in ambient impacts that meet both of the following requirements:

(i) The maximum ambient impact on industrial property or public roadways is less than or equal to the initial risk screening level multiplied by a factor of 10.

(ii) The maximum ambient impact on all property that is not industrial or a public roadway is less than or equal to the initial risk screening level.

(b) The total allowable emissions of the carcinogen from the proposed new or modified emission unit or units and all existing emission units at the stationary source result in ambient impacts that meet both of the following requirements:

(i) The maximum ambient impact on industrial property or public roadways is less than or equal to the secondary risk screening level multiplied by a factor of 10.

(ii) The maximum ambient impact on all property that is not industrial or a public roadway is less than or equal to the secondary risk screening level.

(4) Any owner or operator who utilizes the alternative criteria provided in subrule (3) of this rule shall notify the department if a change in land use occurs for property determined to be industrial or a public roadway. The notification shall be submitted to the department within 30 days of the actual land use change. Within 60 days of the land use change, the owner or operator shall submit to the department a plan for complying with the requirements of subrule (1) of this

rule. The plan shall require compliance with subrule (1) of this rule not later than 1 year after the due date of the plan submittal.

(5) For the purposes of this rule, industrial property includes only property where the activities are industrial in nature, for example, manufacturing, utilities, industrial research and development, or petroleum bulk storage. The term industrial property does not include farms or commercial establishments.

(6) For the purpose of subrules (1), (2), and (3) of this rule, both of the following provisions apply:

(a) All polychlorinated dibenzodioxins and dibenzofurans shall be considered as 1 toxic air contaminant, expressed as an equivalent concentration of 2,3,7,8-tetrachlorodibenzo-p-dioxin, based upon the relative potency of the isomers emitted from the emission unit-or units.

(b) If 2 or more toxic air contaminants are present and known to result in toxicological interaction, then the interactive effects shall be considered in establishing initial threshold screening levels, initial risk screening levels, and secondary risk screening levels.

R 336.1226 Exemptions from ~~the~~ health-based screening level requirement.

Rule 226. The health-based screening level requirement provided in R 336.1225(1) ~~shall~~**does** not apply to any of the following:

(a) Emissions of a toxic air contaminant that meet both of the following requirements:

(i) The emission rate is less than 10 pounds per month and 0.14 pound per hour.

(ii) The toxic air contaminant is not a carcinogen or a high concern toxic air contaminant listed in ~~t~~**T**able 20.

Table 20. List of High Concern Toxic Air Contaminants

CHEMICAL NAME	CAS NUMBER
2,4,6-trinitrotoluene (TNT)	118-96-7
2-diethylaminoethanol	100-37-8
Acrolein	107-02-8
allyl chloride	107-05-1
alpha chloroacetophenone	532-27-4
alpha-amylase	9000-90-2
antimony compounds[1]	
Arsine	7784-42-1
barium compounds[1]	
Biphenyl	92-52-4
Bromine	7726-95-6
chlorine dioxide	10049-04-4
chlormadinone acetate	302-22-7
chlorpyrifos	2921-88-2
cobalt compounds[1]	
Colophony	8050-09-7
dibromochloropropane	96-12-8
dibutyltin oxide	818-08-6
Dichlorvos	62-73-7
diisocyanate compounds[1,2]	

CHEMICAL NAME	CAS NUMBER
dimethyl sulfate	77-78-1
glutaraldehyde	111-30-8
halogenated dimethylhydantoin compounds[3]	
isocyanate compounds[1,4]	
maleic anhydride	108-31-6
manganese compounds[1]	
melengesterol acetate	2919-66-6
mercury compounds[1]	
octachlorostyrene	29082-74-7
osmium tetroxide	20816-12-0
pentachlorobenzene	608-93-5
platinum soluble salt	7440-06-4
selenium compounds[1]	
Subtilisins (proteolytic enzymes)[5]	
sulfuric acid (including sulfur trioxide and oleum)	7664-93-9
tetrachlorobenzene compounds[6]	
thallium compounds[1]	
Vanadium pentaoxide	1314-62-1

[1]These listings include any unique chemical substance that contains the named chemical (for example, antimony, barium, cobalt, diisocyanate, isocyanate, manganese, mercury, selenium, and thallium) as part of the chemical structure.
[2] Diisocyanate compounds include compounds with 2 of the isocyanate functional groups (-CNCO).
[3] Halogenated dimethylhydantoin compounds includes those compounds with a hydantoin infrastructure (NHCONHCOCH2) substituted by 2 methyl groups at the 5 position on the ringed structure and halogens at the 1 or 3 position or the 1 and 3 position.
[4] Isocyanate compounds includes compounds with 1 or more of the isocyanate functional groups (-CNCO).
[5] Subtilisins (proteolytic enzymes) includes any members of the group of proteolytic enzymes derived from *Bacillus subtilis* or closely related organisms.
[6] Tetrachlorobenzenes includes compounds that consist of a benzene ring substituted with 4 chlorine atoms.

(b) An emission unit or units for which standards have been promulgated under section 112(f) of the clean air act for hazardous air pollutants listed under section 112(b) of the clean air act.
(c) Air contaminants and emission units that are regulated by the following national emission standards for hazardous air pollutants, **40 C.F.R. part 61** ~~promulgated on or before November 14, 1990, under section 112 of the clean air act, as amended, 42 U.S.C. §7401 et seq~~:
(i) Subpart B**, –**National emission standard for radon~~-222~~ emissions from underground uranium mines.
(ii) Subpart C**–,** National emission standards for beryllium.
(iii) Subpart D**, –**National emission standard for beryllium rocket motor firing.
(iv) Subpart E**–,** National emission standard for mercury.
(v) Subpart F**–,** National emission standard for vinyl chloride.

(vi) Subpart H~~–~~**,** National emission standard for **emissions of** radionuclide~~ emissions~~ from department of energy facilities.
(vii) Subpart I~~–~~**,** National emission standard for radionuclide emissions from **federal** facilities ~~licensed by the~~ **other than** nuclear regulatory commission **licensees** and ~~federal facilities~~ not covered by subpart H.
(viii) Subpart J~~–~~**,** National emission standard for equipment leaks (fugitive emission sources) of benzene.
(ix) Subpart K~~—~~**,** National emission standard for radionuclide emissions from elemental phosphorus plants.
(x) Subpart L~~—~~**,** National emission standard for benzene emissions from coke by-product recovery plants.
(xi) Subpart M~~–~~**,** National emission standard for asbestos.
(xii) Subpart N~~—~~**,** National emission standard for inorganic arsenic emissions from glass manufacturing plants.
(xiii) Subpart O~~–~~**,** National emission standard for inorganic arsenic emissions from primary copper smelters.
(xiv) Subpart P~~—~~**,** National emission standard for inorganic arsenic emissions from arsenic trioxide and metallic arsenic production facilities.
(xv) Subpart V~~–~~**,** National emission standard for equipment leaks (fugitive emission sources).
(xvi) Subpart W~~–~~**,** National emission standard for radon~~-222~~ emissions from licensed uranium mill tailings.
(xvii) Subpart Y~~–~~**,** National emission standard for benzene emissions from benzene storage vessels.
(xviii) Subpart BB~~–~~**,** National emission standards for benzene emissions from benzene transfer operations.
(xix) Subpart FF~~–~~**,** National emission standards for benzene waste operations.
(d) Emissions of a toxic air contaminant if it is demonstrated, on a case-by-case basis, to the satisfaction of the department, that the proposed new or modified emission unit or units will not cause or contribute to a violation of the provisions of R 336.1901. The demonstration shall include all relevant scientific information such as the following:
(i) All available information on the health effects of the toxic air contaminant.
(ii) The levels at which adverse health or environmental effects have occurred.
(iii) Net air quality benefits that would occur as a result of replacing an existing facility.
(iv) Actual exposure levels and duration of exposure.
(v) The uncertainty in data or analysis.
(vi) Other supporting information requested by the department.
(e) Engines, turbines, boilers, and process heaters burning solely natural gas, diesel fuel (No. 2 fuel oil), or biodiesel, of up to 100 MMBTU per hour, provided that the effective stack is vertical and unobstructed and is at least 1.5 times the building height, and the building setback is at least 100 feet from the property line.

R 336.1227 Demonstration of compliance with health-based screening level.
Rule 227. (1) Compliance with the health-based screening level provisions of R 336.1225 shall be determined by any of the following:

(a) The emission rate of each toxic air contaminant is not greater than the rates determined from the algorithms in table 21. If table 21 provides 2 allowable emission rates for a screening level specific averaging time, then compliance with both emission rates is required.

Table 21. Algorithms for determining allowable emission rates (AER)

Screening Level (SL) Averaging Time	**Monthly Emission Rate (pounds per month)[1,2]**	**24 Hour Emission Rate (pounds per 24 hours)[1,3]**	**8 Hour Emission Rate (pounds per 8 hours)[1,4]**	**1 Hour Maximum Emission Rate (pounds per hour)[1,5]**
Annual	SL X 40 = AER			SL X 0.54 = AER
24 hours		SL X 0.12 = AER		SL X 0.05 = AER
8 hours			SL X 0.02 = AER	SL X 0.02 = AER
1 hour				SL X 0.001 = AER

[1] All screening levels (SL) are in units of μg / m^3.

[2] The constant value of 40 is in units of $\frac{lbs / month}{\mu g / m^3}$.

[3] The constant value of 0.12 is in units of $\frac{lbs / 24 hours}{\mu g / m^3}$.

[4] The constant value of 0.02 is in units of $\frac{lbs / 8 hours}{\mu g / m^3}$.

[5]The constant values of 0.54, 0.05, 0.02, and 0.001 are in units of $\frac{lbs / hour}{\mu g / m^3}$.

(b) The emission rate of each toxic air contaminant is not greater than the rate determined from the AIR matrix screening methodology in table 22 or determined by any other screening method approved by the department.

(c) The maximum ambient impact of each toxic air contaminant is less than the applicable screening level (initial threshold screening level, initial risk screening level, or secondary risk screening level) determined using the maximum hourly emission rate in accordance with the provisions of R 336.1240 or R 336.1241, or both.

(2) For intermittent emissions, the average emission rate may be used to determine the allowable emission rate in subrule (1)(b) of this rule or the maximum ambient impact in subrule (1)(c) of this rule, if the average rate is not less than 10% of the maximum hourly rate. An average rate that is less than 10% of the maximum rate may only be used if the applicant can demonstrate, to the satisfaction of the department, that the proposed new or modified emission unit or units will not cause or contribute to peak exposures that may result in a violation of the provisions of R 336.1901. Intermittent emissions are emissions that are not allowed to be emitted continuously for the entire length of the time specified in the averaging time for the appropriate screening level.

(3) Table 22 ~~reads as follows~~**description**:

~~Table 22~~

~~Ambient Impact Ratio (AIR) Matrix~~

~~Description~~

(a) The ambient impact ratio (AIR) matrix enables the determination of an emission rate of a toxic air contaminant ~~(TAC)~~ that would cause a maximum predicted ambient air impact equal to a screening level. This emission rate is derived by multiplying the screening level by the appropriate AIR value. Emission rates ~~which~~**that** do not exceed that rate are determined to be in compliance with the health-based screening level under R 336.1225.

(b) Use of the AIR matrix requires information pertinent to the dispersion characteristics of the emission source, namely, the distance to the nearest secured property line and the height of the stack and the influential building. The AIR matrix shall not be used if any of the following provisions apply:

(~~a~~**i**) ~~t~~**T**he stack height is less than 10 feet.

(~~b~~**ii**) ~~if t~~**T**he influential building height is more than 100 feet.

(~~c~~**iii**) ~~if t~~**T**here are terrain elevations that are more than 25% of the discharging stack height within a distance of 500 feet from the stack.

(~~d~~**iv**) ~~for t~~**T**he analysis of elevated receptors, for example, hospital air intakes.

(c) Instructions for the use of the AIR matrix are as follows:

~~Instructions~~

~~1.~~ **(i)** Determine the height of the discharging stack from ground level in feet (H_s).

~~2.~~ **(ii)** Determine the height of the influential building in feet (H_b)~~. This is done~~ by first identifying all buildings, including buildings on-site and off-site, located within a distance of 5 times their height from the discharging stack. ~~Then~~**Next**, determine which building is the highest. This is the influential building, with height (H_b) in feet. If the stack is not attached to a building, ~~then~~ **assume** a building height 2.5 times lower than the stack height ~~must be assumed~~.

~~3.~~ **(iii)** Determine the ratio of the stack height to the influential building height by dividing the stack height, in feet, by the influential building height, in feet, ~~for example,~~ H_s/H_b.

~~4.~~ **(iv)** Determine the minimum distance, in feet, from the discharging stack to the secured property line. If there is no secured property line, then a distance of 25 feet is used.

~~5.~~ **(v)** Determine the appropriate value from the AIR matrix~~. This is done~~ by selecting the column with the appropriate influential building height and H_s/H_b ratio, and selecting the row with the appropriate minimum distance to the secured property line. If the influential building height is between values in the column headings, then use the lower value or interpolate between values in the column headings. If H_s is less than H_b, then set the influential building height equal to the stack height and use the 1.25 H_s/H_b column. If H_s/H_b is between 1 and 1.25, then select the 1.25 column. If H_s/H_b is between 1.25 and 1.75, then use the 1.25 column or interpolate between the 1.25 and 1.75 columns. If H_s/H_b is between 1.75 and 2.5, then use the 1.75 column or interpolate between the 1.75 and 2.5 columns. If H_s/H_b is greater than or equal to 2.5, then use the 2.5 column. If the minimum distance to the secured property line is between 2 distances in the row headings, then use the lower value, for example, if the distance is 250 feet, then use the 200 foot distance row in the matrix.

(d) The value ~~thus~~ derived from the body of the matrix is the ratio of the annual averaged hourly emission rate divided by the maximum annual ambient impact, in units of (lbs/hr)/(ug/m^3). This value is ~~referred to as~~ the annual AIR.

~~6.~~ **(e)** The ~~annual averaged hourly emission rate ratio (~~annual AIR~~)~~ is adjusted as necessary for shorter averaging times, consistent with the averaging times for the screening levels. This adjustment is done as follows:

24-hr AIR (lbs/hr)/(ug/m^3) = annual AIR x 0.091.

8-hr AIR (lbs/hr)/(ug/m^3) = annual AIR x 0.046.

1-hr AIR (lbs/hr)/(ug/m^3) = annual AIR x 0.02.

~~7.~~ **(f)** Determine the maximum emission rate that would comply with the health-based screening level and averaging time~~. This is done~~ by multiplying the screening level, in ug/m^3, by the AIR value for the appropriate averaging time. The result is the highest emission rate, averaged over the averaging time period, that would be in compliance with the screening level. If a source's maximum hourly emission rate does not exceed this, then the screening level would not be exceeded. If the emission is intermittent, then the emission rate can be averaged over the applicable averaging time as long as the averaged emission rate is not less than 10% of the maximum hourly emission rate, as specified in R 336.1227(2).

~~8.~~ **(g)** In the special case of ~~TAC~~**toxic air contaminant** emissions from multiple stacks, determine the AIR value for each stack and select the lowest value among them. Then proceed as in ~~step~~ **subdivision (f) of this subrule**~~number 7~~.

Table 22. Ambient Impact Ratio (AIR) Matrix
Annual Averaged Hourly Emission Rate Ambient Impact Ratios ~~(AIRs)~~ in Units of
(lbs/hr)/(μg/m^3)
for Toxic Air Contaminants ~~(TACs)~~ with Annual Averaged Screening Levels

	BLDG HT (ft)	10			20			30			40			50		
	H_s / H_b	1.25	1.75	2.50	1.25	1.75	2.50	1.25	1.75	2.50	1.25	1.75	2.50	1.25	1.75	2.50
	Stack Height->	12.5	17.5	25.0	25.0	35.0	50.0	37.5	52.5	75.0	50.0	70.0	100.0	62.5	87.5	125.0
DISTANCE FT	25	0.0085	0.022	0.159	0.032	0.084	0.679	0.075	0.220	1.603	0.152	0.421	2.941	0.263	0.736	4.630
	50	0.0087	0.022	0.159	0.032	0.084	0.679	0.075	0.220	1.603	0.152	0.421	2.941	0.263	0.736	4.630
	75	0.0096	0.022	0.159	0.032	0.084	0.679	0.075	0.220	1.603	0.152	0.421	2.941	0.263	0.736	4.630
	100	0.011	0.023	0.159	0.033	0.084	0.679	0.075	0.220	1.603	0.152	0.421	2.941	0.263	0.736	4.630
	200	0.020	0.040	0.159	0.042	0.084	0.679	0.082	0.220	1.603	0.157	0.421	2.941	0.266	0.736	4.630
	300	0.030	0.053	0.178	0.059	0.113	0.679	0.099	0.221	1.603	0.174	0.421	2.941	0.282	0.736	4.630
	400	0.040	0.065	0.171	0.077	0.140	0.679	0.126	0.268	1.603	0.200	0.421	2.941	0.312	0.736	4.630
	500	0.051	0.077	0.189	0.094	0.164	0.679	0.153	0.318	1.603	0.243	0.505	2.941	0.351	0.743	4.630
	600	0.063	0.091	0.222	0.112	0.188	0.746	0.181	0.368	1.603	0.287	0.588	2.941	0.409	0.838	4.630
	700	0.075	0.104	0.241	0.130	0.211	0.812	0.208	0.413	1.603	0.328	0.664	2.941	0.468	0.951	4.717
	800	0.089	0.119	0.257	0.148	0.235	0.768	0.235	0.459	1.608	0.370	0.740	2.941	0.528	1.064	4.803
	900	0.103	0.134	0.264	0.167	0.258	0.770	0.261	0.502	1.672	0.411	0.812	2.941	0.585	1.168	4.854
	1000	0.119	0.151	0.272	0.187	0.282	0.800	0.289	0.545	1.786	0.452	0.883	2.959	0.644	1.276	4.950
	1500	0.209	0.245	0.318	0.290	0.406	1.080	0.428	0.756	1.953	0.654	1.214	3.521	0.924	1.761	5.376
	2000	0.311	0.350	0.383	0.408	0.539	1.256	0.573	0.965	2.304	0.861	1.534	3.731	1.205	2.222	5.882

	BLDG HT (ft)	60			70			80			90			100		
	H_s / H_b	1.25	1.75	2.50	1.25	1.75	2.50	1.25	1.75	2.50	1.25	1.75	2.50	1.25	1.75	2.50
	Stack Height->	75.0	105.0	150.0	87.5	122.5	175.0	100.0	140.0	200.0	112.5	157.5	225.0	125.0	175.0	250.0
DISTANCE FT	25	0.412	1.114	6.098	0.606	1.656	8.621	0.839	2.242	8.333	1.126	3.049	13.514	1.458	3.876	14.286
	50	0.412	1.114	6.098	0.606	1.656	8.621	0.839	2.242	8.333	1.126	3.049	13.514	1.458	3.876	14.286
	75	0.412	1.114	6.098	0.606	1.656	8.621	0.839	2.242	8.333	1.126	3.049	13.514	1.458	3.876	14.286
	100	0.412	1.114	6.098	0.606	1.656	8.621	0.839	2.242	8.333	1.126	3.049	13.514	1.458	3.876	14.286
	200	0.413	1.114	6.098	0.606	1.656	8.621	0.839	2.242	8.333	1.126	3.049	13.514	1.458	3.876	14.286
	300	0.426	1.114	6.098	0.614	1.656	8.621	0.845	2.242	8.333	1.129	3.049	13.514	1.458	3.876	14.286
	400	0.455	1.114	6.098	0.641	1.656	8.621	0.868	2.242	8.333	1.147	3.049	13.514	1.475	3.876	14.286
	500	0.498	1.114	6.098	0.683	1.656	8.621	0.909	2.242	8.333	1.185	3.049	13.514	1.506	3.876	14.286
	600	0.545	1.114	6.098	0.741	1.656	8.621	0.967	2.242	8.333	1.244	3.049	13.514	1.563	3.876	14.286
	700	0.625	1.269	6.250	0.808	1.672	8.621	1.040	2.242	8.333	1.316	3.049	13.514	1.634	3.876	14.286
	800	0.705	1.429	6.410	0.901	1.825	8.621	1.111	2.242	8.333	1.404	3.049	13.514	1.730	3.876	14.286
	900	0.781	1.572	6.579	1.000	2.016	8.621	1.235	2.488	9.091	1.502	3.086	13.514	1.832	3.876	14.286
	1000	0.861	1.724	6.849	1.101	2.203	9.091	1.359	2.732	10.000	1.634	3.289	13.514	1.931	3.876	14.286
	1500	1.232	2.404	7.042	1.577	3.106	9.615	1.953	3.846	11.905	2.358	4.505	15.152	2.778	5.208	16.129
	2000	1.603	3.049	7.353	2.041	3.968	9.615	2.525	4.808	12.821	3.049	5.618	16.129	3.597	6.494	18.519

R 336.1228 Requirement for lower emission rate than required by **best available control technology for toxics (**T-BACT**)** and health-based screening levels.

Rule 228**. (1)** The department may determine, on a case-by-case basis, that the maximum allowable emission rate determined in R **3**36.1224(1)~~,~~ **or** R 336.1225(1)~~, R 336.1225(2), or R 336.1225~~ **to** (3) ~~may~~ **does** not provide adequate protection of human health or the environment. In this case, the department shall establish a maximum allowable emission rate considering ~~all~~ relevant scientific information, such as exposure from routes ~~of exposure~~ other than direct inhalation, synergistic or additive effects from other toxic air contaminants, and effects on the environment. **In performing these evaluations and determinations, the department shall utilize relevant environmental data, land use, and exposure scenarios, and reasonably anticipated environmental impacts and exposures from the proposed new or modified emission unit or units.**

(2) The director may determine on a case-by-case basis that an emission rate limitation is needed for a non-toxic air contaminant for which there is no national ambient air quality standard in order to ensure that air emissions do not cause injurious effects to human health. The director shall make this case-by-case determination subsequent to a presentation by the air quality division and the permit applicant that utilizes relevant environmental data, land use, and exposure scenarios, and reasonably anticipated environmental impacts and exposures from the proposed new or modified emission unit or units. The department shall establish this emission rate consistent with the provisions of R 336.1225, R 336.1227, and R 336.1229 or any other methodology determined by the department to be more appropriate after an evaluation conducted under R 336.1228(1).

R 336.1229 Methodology for determining health-based screening levels.

Rule 229. (1) The initial and secondary risk screening levels for a carcinogen shall be determined by any of the following:

(a) The cancer risk assessment screening methodology contained in R 336.1231.

(b) The United States environmental protection agency guidelines for carcinogen risk assessment, ~~United States environmental protection agency, 1986, as~~ adopted by reference in ~~R 336.1299~~ **R 336.1902**.

(c) Any alternative cancer risk assessment methodology ~~which~~**that** can be demonstrated to the department to be more appropriate based on biological grounds and ~~which~~**that** is supported by the scientific data.

(2) The initial threshold screening level shall be determined by either of the following:

(a) The methodology for determining the initial threshold screening level contained in R 336.1232 **or R 336.1233**.

(b) Any alternative methodology to assess noncarcinogenic health effects that can be demonstrated to the department to be more appropriate based on toxicological grounds and that is supported by the scientific data.

R 336.1230 ~~Informational~~ ~~l~~**L**ist**s** for **toxic air contaminants, toxic air contaminants emission rate reviews,** health-based screening levels**,** and T-BACT determinations.

Rule 230**. (1)** ~~For information purposes,~~ **T**~~t~~he department ~~will~~**shall** maintain ~~up-to-date lists of~~ the following information and ~~will provide the information upon request~~ **make it available on the department's website**:

(a) **Toxic air contaminant names and c**~~C~~hemical abstract service numbers and the basis for determining each of the following screening levels:

(i) Initial threshold screening levels reviewed by the department.

(ii) Initial and secondary risk-based screening levels reviewed by the department.

(iii) For paragraphs (i) and (ii) of this subdivision, the date of the screening level derivation, the algorithm used, the uncertainty factors used, a brief description of the best available information for the screening level, and citations for the key studies and information sources.

(b) Ambient concentrations for toxic air contaminants reviewed by the department under R 336.1226(d) and R 336.1228, the applicable chemical abstract service number, and the basis for any alternative concentration approved under these rules.

(c) T-BACT determinations reviewed by the department.

(2) The department shall establish the initial list of toxic air contaminants as follows:

(a) Within 30 days of the effective date of this rule, the department shall provide notice of an initial list of each air contaminant which it intends to regulate as a toxic air contaminant and any associated health-based screening levels for each air contaminant and accept comments on the list and the screening levels for a period of 60 days.

(b) Within 180 days following the receipt of comments and full consideration thereof, the department shall finalize and publish the list and the associated health-based screening levels together with a response to substantive comments received.

(3) After the initial list of toxic air contaminants is established as requested by subrule (2) of the rule, the department may add or delete from the list by providing public notice of the proposed action and accepting comments for 30 days and thereafter posting on the department website the final decision and a response to substantive comments received.

(4) After the initial list of toxic air contaminants and health-based screening levels is established as requested by subrule (2) of this rule, the department may make changes to the health-based screening levels by providing public notice of the proposed action and accepting comments for 30 days and thereafter posting on the department website the final decision and a response to substantive comments received. Notwithstanding any proposed changes to health-based screening levels, established health-based screening levels shall remain applicable until the public review process described in this subrule is completed.

(5) The department shall maintain on the department website a list of air contaminants that it has determined not to regulate as a toxic air contaminant based on a screening level review.

R 336.1231 Cancer risk assessment screening methodology.

Rule 231. (1) The initial risk screening level (IRSL) and the secondary risk screening level (SRSL) shall be determined as follows:

$$IRSL = \frac{1 \times 10^{-6}}{inhalation\ unit\ risk}$$

$$SRSL = \frac{1 \times 10^{-5}}{inhalation\ unit\ risk}$$

Where:

Inhalation ~~U~~**u**nit risk = Additional lifetime cancer risk occurring in a population in which all individuals are exposed continuously for life to a concentration of 1 microgram per cubic meter of the chemical in the air they breathe. ~~The unit risk value shall be determined according to the methodology in subrule (2) of this rule.~~

1×10^{-6} = An upper bound lifetime cancer risk of 1 in 1,000,000.
1×10^{-5} =An upper bound lifetime cancer risk of 1 in 100,000.

(2) ~~Both of t~~**T**he following provisions apply to derivation of **the inhalation** unit risk:

(a) The **inhalation** unit risk value determined by the United States environmental protection agency ~~according to the guidelines for carcinogen risk assessment, United States environmental protection agency, 1986, shall be used to estimate risk. This standard is adopted by reference in R 336.1299~~.

(b) If ~~a~~ **the inhalation** unit risk value has not been determined by the United States environmental protection agency, then the **inhalation** unit risk value shall be determined **by the department according to the United States environmental protection agency guidelines for carcinogen risk assessment, adopted by reference in R 336.1902.**~~as follows:~~

~~Unit risk = q_1*~~

~~Where:~~

~~q_1* = Linear function or slope of the multistage model as derived in subrule (3) of this rule. This parameter is expressed in units of (microgram per cubic meter)$^{-1}$.~~

~~(3) All of the following provisions apply to the derivation of q_1*:~~

~~(a) This methodology, based upon animal bioassay data, shall be used when human epidemiology data are not available to estimate increased cancer risk.~~

~~(b) Carcinogenesis bioassay data are fit to the multistage model using a linearized multistage computer model. The upper 95% confidence limit on risk at the 1 in 1,000,000 risk level is divided by the maximum likelihood dose at the same level of risk that determines the slope, q_1*. This is taken as an upper bound of the potency of the chemical in inducing cancer at low doses. When the multistage model does not fit the data sufficiently, then data at the highest dose shall be deleted and the model refitted to the rest of the data. This procedure shall be continued until an acceptable fit to the data is obtained. To determine whether a fit is acceptable, the chi-square statistic:~~

$$\cancel{X^2 = \sum_{i=1}^{h} \frac{(X_i - N_i P_i)^2}{N_i P_i (1 - P_i)}}$$

~~is calculated, where N_i is the number of animals in the ith dose group, X_i is the number of animals in the ith dose group with a tumor response, P_i is the probability of a response in the ith dose group estimated by fitting the multistage model to the data, and h is the number of remaining groups. The fit is determined to be unacceptable when chi-square is larger than the cumulative 99% point of the chi-square distribution with f degrees of freedom, where f equals the number of dose groups minus the number of nonzero multistate coefficients. If a single study in which a chemical induces more than 1 type of tumor is available, then the response for the tumor type predicting the highest estimate of q_1* is used for the risk assessment. If 2 or more studies of equal quality are available, but vary in species, strain, sex, or tumor type, then the data set giving the highest estimate of q_1* is used for the risk assessment. If 2 or more studies exist which are identical regarding species, strain, sex, and tumor type and are of equal quality, then the geometric mean of the q_1* values from these data sets is used. However, where 2 or more significantly elevated tumor sites or types are observed in the same study, extrapolations may be conducted on selected sites or types. These selections shall be made on biological grounds. To obtain a total estimate of carcinogenic risk, animals with 1 or more tumor sites or types that show significantly elevated tumor incidence may be pooled and used for extrapolation. The pooled estimates shall generally be used in preference to risk estimates based on single sites or types. Quantitative risk extrapolations shall generally not be done on the basis of totals that include tumor sites without statistically significant elevations.~~

~~(c) To determine the equivalent human dose from animal data, it is assumed that milligram/surface area/day is an equivalent dose between species. To make this adjustment, the parameter q_1*, in units of (milligram/kilogram/day)$^{-1}$, is multiplied by factor (T), where:~~

$$\cancel{T = (W_H / W_A)^{1/3}}$$

~~W_H =Average weight of an adult human and assumed to be 70 kilogram.~~

~~W_A =Body weight of the animal test species in kilogram.~~

~~(d) All dose levels input to the model are adjusted to give a lifetime average daily dose. If dosing was only for a fraction of a lifetime, then the total dose is averaged over the entire lifespan.~~

~~(e) If the duration of the experiment (Le) is less than the natural lifespan of the test animal (L), then the parameter q_1*, is multiplied by the factor $(L/Le)^3$.~~

~~(f) If the experimental route of exposure was by oral administration and inadequate pharmacokinetic and metabolism data are available to determine equivalent exposure levels via inhalation, then the following methodology is used:~~

~~(i) Oral bioassay data are used to estimate q_1* as in subdivisions (a) to (e) of this subrule. The parameter q_1* will be in units of (milligram/kilogram/day)$^{-1}$.~~

~~(ii) To convert the parameter q_1* based upon oral exposure in units of (milligram/kilogram/day)$^{-1}$ to q_1* based upon inhalation exposure in units of (micrograms per cubic meter)$^{-1}$, it is assumed that a 70-kilogram person inhales 20 cubic meters of air per day. Thus:~~

$$\cancel{q_1^* \ (ug / m^3)^{-1} = q_1^* \ (milligram / kilogram / day)^{-1} \ \frac{20 \ m^3}{70 \ kg} \ x \ \frac{1 \ mg}{1000ug} \ x \ \frac{a}{b}}$$

~~a =Absorption efficiency by the inhalation route of exposure.~~

~~b =Absorption efficiency by the oral route of exposure.~~

~~In the absence of data on absorption efficiencies it is assumed that a = b.~~

~~(g) If exposure was by inhalation and the carcinogenic agent is an aerosol, then it is assumed the aerosol is deposited proportionally to the volume of air inspired. In the absence of specific deposition data, the daily dose (d**D**) to be used for modeling is determined as follows:~~

$$\cancel{D = EEC \times \frac{I_A}{W_A}}$$

~~Where:~~

~~EEC = Experimental exposure concentration in milligrams per cubic meter (mg/m³).~~
~~I_A =Daily inhalation rate of the experimental animal in cubic meters per day (m³/day).~~
~~W_A =Body weight of the experimental animal in kilograms (kg).~~

~~(h) If exposure was by inhalation and the carcinogenic agent is a gas, then the available data shall be evaluated to determine dose equivalency between humans and experimental animals. In the absence of adequate data, if the carcinogenic agent is a poorly water soluble gas that reaches equilibrium between air breathed and body compartments, then it is assumed that a certain concentration in parts per million (ppm) or micrograms per cubic meter (ug/m³) in experimental animals is equivalent to the same concentration in humans.~~

(c) Equivalence between tissue doses in animals and humans, yielding equal lifetime risks, shall be based on dosimetric adjustment factors to determine toxicokinetic or toxicodynamic equivalence.

(~~4~~**3**) An annual average time period shall be used for the IRSL and SRSL.

R 336.1232 Methodology for determining initial threshold screening level.

Rule 232. (1) The initial threshold screening level (ITSL) for each toxic air contaminant shall be determined as follows:

(a) If an inhalation reference concentration (RfC) can be determined from best available information sources, then the ~~initial threshold screening level~~ **ITSL** equals the inhalation RfC.

(b) If an ~~initial threshold screening level~~ **ITSL** cannot be determined under the provisions of subdivision (a) of this subrule and an oral reference dose (RfD) can be determined through best available information and data are not available to indicate that oral route to inhalation route extrapolation is inappropriate, then the ~~initial threshold screening level~~ **ITSL** is determined as follows:

$$ITSL = Oral\ RfD \times \frac{70\ kg}{20\ m^3}$$

(c) If an ~~initial threshold screening level~~ **ITSL** cannot be determined under the provisions of subdivision (a) or (b) of this subrule and an occupational exposure level (OEL) exists for the toxic air contaminant, then the ~~initial threshold screening level~~ **ITSL** is determined as follows:

ITSL = OEL divided by 100

Where ~~occupational exposure level~~ **the OEL** is the lowest value of either the national institute of occupational safety and health (NIOSH) recommended exposure level listed in the NIOSH pocket guide to chemical hazards~~ (June 1994)~~ or the time-weighted average or ceiling ~~TLV~~**threshold limit value** listed in the ~~1996~~ American conference of governmental and

industrial hygienists threshold limit value ~~(TLV)~~ booklet~~. These standards are~~**,** adopted by reference in R 336.~~1299~~**1902**.

(d) If an ~~initial threshold screening level~~ **ITSL** cannot be determined under the provisions of subdivision (a), (b), or (c) of this subrule, then the ~~initial threshold screening level~~ **ITSL** may be determined from a 7-day, inhalation, no observed adverse effect level (NOAEL) or lowest observable adverse effect level (LOAEL) as follows:

$$ITSL = \frac{NOAEL}{35\,x\,100}\,x\,\frac{hours\,exposed\,per\,day}{24\,hours\,per\,day}$$

$$ITSL = \frac{LOAEL}{35\,x\,100\,x\,UF}\,x\,\frac{hours\,exposed\,per\,day}{24\,hours\,per\,day}$$

Where:

UF = A value from 1 to 10 determined on a case-by-case basis, considering type and severity of effect.

The ITSL may be determined on a case-by-case basis using NOAELs or LOAELs from repeated dose studies other than 7-day studies.

(e) If an ~~initial threshold screening level~~ **ITSL** cannot be determined under the provisions of subdivision (a), (b), (c), or (d) of this subrule, then the ~~initial threshold screening level~~ **ITSL** may be determined from a 7-day, oral, ~~no observed adverse effect level~~ **NOAEL** or ~~lowest observable effect level (~~LOAEL~~)~~ as follows:

$$ITSL = \frac{NOAEL\ (mg\ /\ kg\ /\ day)}{35\ x\ 100}\ x\ \frac{W_A}{I_A}\ x\ \frac{b}{a}$$

$$ITSL = \frac{LOAEL}{35\ x\ 100\ x UF}\ x\ \frac{W_A}{I_A}\ x\ \frac{b}{a}$$

Where:

W_A = Body weight of experimental animal in kilograms (kg).
I_A = Daily inhalation rate of experimental animal in cubic meters/day.
b = Absorption efficiency by the oral route of exposure.
a = Absorption efficiency by the inhalation route of exposure.
UF = A value from 1 to 10 determined on a case-by-case basis, considering type and severity of effect.

The ITSL may be determined on a case-by-case basis using NOAELs or LOAELs from repeated dose studies other than 7-day studies.

(f) If an ~~initial threshold screening level~~ **ITSL** cannot be determined under the provisions of subdivision (a), (b), (c), (d), or (e) of this subrule, then the ~~initial threshold screening level~~ **ITSL** may be determined from an inhalation LC50 that is 4 or more hours in duration as follows:

$$ITSL = \frac{LC50}{500\,x\,100}$$

Where:

LC50 = A calculated concentration of a chemical in air to which exposure for a specific length of time is expected to cause death in 50% of a defined experimental animal population.

(g) If an ~~initial threshold screening level~~ **ITSL** cannot be determined under the provisions of subdivision (a), (b), (c), (d), (e), or (f) of this subrule, then the ~~initial threshold screening level~~ **ITSL** may be determined from a 1-hour inhalation LC50 as follows:

$$ITSL = \frac{LC50}{500 x 100 x 40}$$

(h) If an ~~initial threshold screening level~~ **ITSL** cannot be determined under the provisions of subdivision (a), (b), (c), (d), (e), (f), or (g) of this subrule, then the ~~initial threshold screening level~~ **ITSL** may be determined from an animal oral LD50 as follows:

$$ITSL = \frac{1}{500} x \frac{1}{40} x \frac{1}{100} x \frac{LD50\ (mg / kg)\ x\ W_A}{0.167\ x\ I_A}$$

Where:

LD50 = The dose of a chemical that has been calculated to cause death in 50% of a defined animal population.

W_A = Body weight of experimental animal in kilograms (kg).
I_A = Daily inhalation rate of experimental animal in cubic meters/day.

~~(i) If an initial threshold screening level cannot be determined under the provisions of subdivision (a), (b), (c), (d), (e), (f), (g), or (h) of this subrule, then the initial threshold screening level = 0.1 ug/m³.~~

(2) The averaging times to be used for ~~initial threshold screening levels~~ **ITSLs** are as follows:

(a) If the ~~initial threshold screening level~~ **ITSL** is derived from an ~~occupational exposure level~~ **OEL** as in subrule (1)(c) of this rule, then the averaging time is 8 hours for ~~initial threshold screening levels~~ **ITSLs** based on time-weighted average threshold limit values or recommended exposure levels and 1 hour for ~~initial threshold screening levels~~ **ITSLs** based on ceiling threshold limit values or recommended exposure levels.

(b) If the ~~initial threshold screening level~~ **ITSL** is derived as in subrule**s** (1)(a) **or**~~and~~ (b) of this rule, then the averaging time is ~~24 hours~~ **annual**.

(c) If the ~~initial threshold screening level~~ **ITSL** is derived as in subrule**s** (1)(d), (e), (f), (g) **or** (h), ~~or (i)~~ of this rule, then the averaging time is annual.

(d) The ~~commission~~ **department** may require shorter averaging times if necessary to provide adequate protection from the acute effects of a toxic air contaminant.

R 336.1233 Methodology for determining initial threshold screening levels based on acute data.

Rule 233. (1) An ITSL based on acute data shall be determined by either of the following:

(a) From short-term studies, as follows:

ITSL = $\frac{POD}{UF_H \times UF_A \times UF_L} \times \frac{\text{hours exposed}}{AT}$

Where:

POD = Point of Departure
UF_H = a value from 1 to 10 for average human to sensitive human extrapolation
UF_A = a value from 1 to 10 for animal to human extrapolation
UF_L = a value from 1 to 10 for LOAEL to NOAEL extrapolation
AT = Averaging time of 1, 8 or 24 hours

The POD is defined as the human equivalent concentration of any of the following:
NOAEL = no observed adverse effect level
LOAEL = lowest observed adverse effect level
BMDL = 95% lower confidence limit on the benchmark dose (BMD)
BMCL = 95% lower confidence limit on the benchmark concentration (BMC)

The BMD or BMC value is derived according to the benchmark dose technical guidance, adopted by reference in R 336.1902. "Human equivalent concentration" is defined as an exposure concentration for humans that has been adjusted for dosimetric differences between experimental animal species and humans to be equivalent to the exposure concentration associated with observed effects in the experimental animal species. If occupational human exposures are used for extrapolation, the human equivalent concentration represents the equivalent human exposure concentration adjusted to a continuous basis.

(b) The ITSL may be determined on a case-by-case basis using a POD from repeated dose studies using any alternative methodology to assess acute health effects that can be demonstrated to the department to be more appropriate based on toxicological grounds and that is supported by the scientific data.

(2) The averaging times to be used for an acute ITSL will be 1, 8, or 24 hours, as appropriate based on the data.

R 336.1240 Required air quality models.

Rule 240. All air quality modeling demonstrations required by 40 C.F.R. §52.21, **adopted by reference in R 336.1902, or** ~~R 336.1220~~ **part 18 or 19 of these rules**, or used to support or amend the state implementation plan shall be made in accordance with the models and procedures in 40 C.F.R. §51.160(f) and appendix W ~~(2002)~~ **to 40 C.F.R. part 51, adopted by reference in R 336.1902**. ~~The department adopts by reference in these rules the provisions of 40 C.F.R. §51.160(f) and appendix W (2002). A copy of 40 C.F.R. §51.160(f) and appendix W (2002) may be inspected at the Lansing office of the air quality division of the department of environmental quality. Copies of 40 C.F.R. §51.160(f) and appendix W (2002) may be obtained from the Department of Environmental Quality, Air Quality Division, 525 West Allegan Street, P.O. Box 30260, Lansing, Michigan 48909?7760, at a cost as of the time of adoption of these rules of $40.00; from the Superintendent of Documents, P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954, at a cost as of the time of adoption of these rules of $40.00; or on the United States government printing office internet web site at http://www.gpo.gov.~~

R 336.1241 Air quality modeling demonstration requirements.

Rule 241. ~~(1)~~ All air quality modeling demonstrations required by the department ~~which~~**that** are not subject to R 336.1240 shall follow the procedures and methods referenced in R 336.1240, except ~~for~~ the demonstration may be based on the maximum ambient predicted concentration using the most recent calendar year of meteorological data from a representative national weather service, federal aviation administration station, or site specific measurement station.

R 336.1277 New emission unit~~s~~ at facilit~~ies~~**y** with plantwide applicability limit~~s~~; exemption.

Rule 277. The owner or operator of a facility complying with an actuals ~~PAL~~**plantwide applicability limit**, established pursuant to R 336.2823 or R 336.2907, may install a new emission~~s~~ unit without first obtaining a permit to install under R 336.1201, if all of the following requirements are met:

(a) The new emission~~s~~ unit will not cause a meaningful change in the nature or quantity of toxic air contaminants emitted from the stationary source unless the new emission unit is otherwise exempt under R 336.1278 to R 336.~~1290~~**1291**. In determining whether the new emission~~s~~ unit will cause a meaningful change in the nature or quantity of toxic air contaminants, the following shall apply:

(i) The owner or operator shall demonstrate to the department that a meaningful change in the nature or quantity of toxic air contaminants has not occurred. The owner or operator may devise its own method to perform this demonstration subject to approval by the department. However, if the applicant demonstrates that all toxic air contaminants from a new emission~~s~~ unit are within the levels specified in R 336.1226 or R 336.1227, then a meaningful change in air contaminants has not occurred.

(ii) If, using the methods described in paragraph (a) of this subdivision, the owner or operator determines that the installation of **a** new emission unit~~s~~ will cause a meaningful change in the nature or quantity of toxic air contaminant emissions, then the owner or operator shall obtain a state-only enforceable permit to install under R 336.1201(1)(b).

(iii) A copy of the demonstration required by sub~~paragraph~~ **division** (a) of this ~~paragraph~~ **subrule** shall be kept on site for the life of the new emission~~s~~ unit and made available to the department upon request.

(b) The new emission~~s~~ unit will only emit regulated new source review pollutants, as defined in R 336.2801(nn) and R 336.2901(ee), that are subject to a ~~PAL~~**plantwide applicability limit**, unless the new emission unit is otherwise exempt under R 336.1278 to R 336.~~1290~~**1291**.

(c) The new emission~~s~~ unit will not be a newly constructed or reconstructed major source of hazardous air pollutants as defined in ~~and subject to~~ 40 C.F.R. §63.2 and **subject to** §63.5(b)(3), national emission standard for hazardous air pollutants, adopted by reference in R 336.~~1299~~**1902**.

(d) The installation of the new emission~~s~~ unit will not cause the violation of any other applicable requirement.

(e) The owner or operator shall notify the department of the installation of a new emission~~s~~ unit using the procedure in R 336.1215(3)(c).

R 336.1278 Exclusion from exemption.

Rule 278. (1) The exemptions specified in R 336.1280 to R 336.~~1290~~**1291** do not apply to either of the following:

(a) Any activity that is subject to prevention of significant deterioration of air quality regulations or new source review for major sources in nonattainment areas regulations.

(b) Any activity that results in an increase in actual emissions greater than the significance levels defined in R 336.1119. For the purpose of this rule, "activity" means the concurrent and related installation, construction, reconstruction, relocation, or modification of any process or process equipment.

(2) The exemptions specified in R 336.1280 to R 336.~~1290~~**1291** do not apply to the construction of a new major source of hazardous air pollutants or reconstruction of a major source of hazardous air pollutants, as defined in 40 C.F.R. **§63.2** and subject to ~~40 C.F.R. §63.2 and~~ §63.5(b)(3), national emission standards for hazardous air pollutants, adopted by reference in ~~R 336.1299~~ R **336.1902**.

(3) The exemptions specified in R 336.1280 to R 336.~~1290~~**1291** do not apply to a construction or modification as defined in and subject to 40 C.F.R. **part** 61, national emission standards for hazardous air pollutants, adopted by reference in R 336.~~1299~~**1902**.

(4) The exemptions in R 336.1280 to R 336.~~1290~~**1291** apply to the requirement to obtain a permit to install only and do not exempt any source from complying with any other applicable requirement or existing permit limitation.

R 336.1278a Scope of permit exemptions.

Rule 278a. (1) To be eligible for a specific exemption listed in R 336.1280 ~~through~~**to** R 336.~~1290~~**1291**, any ~~person owning or operating~~ **owner or operator of** an exempt process or exempt process equipment ~~shall~~**must** be able to provide information demonstrating the applicability of the exemption. ~~The demonstration shall be provided within 30 days of a written request from the department.~~ The demonstration may include the following information:

(a) A description of the exempt process or process equipment, including the date of installation.

(b) The specific exemption being used by the process or process equipment.

(c) An analysis demonstrating that R 336.1278 does not apply to the process or process equipment.

(2) The ~~records~~ **demonstration** required by this rule shall be provided **within 30 days of a written request from the department**. ~~in addition to a~~**A**ny other records required within a specific exemption **shall be provided within timeframes established within that specific exemption.**

R 336.1279 Rescinded.

R 336.1280 Permit to install exemptions; cooling and ventilating equipment.

Rule 280. **(1) This rule does not apply if prohibited by R 336.1278 and unless the requirements of R 336.1278a have been met.**

(2) The requirement of R 336.1201(1) to obtain a permit to install does not apply to any of the following:

(a) Cold storage refrigeration equipment **and storage of the refrigerant, including cold storage equipment using anhydrous ammonia that has storage capacity of less than 500 gallons**.

(b) Comfort air conditioning or comfort ventilating systems not designed or used to remove air contaminants generated by, or released from, specific units of equipment.
(c) Natural draft hoods or natural draft ventilation not designed or used to remove air contaminants generated by, or released from, specific units of equipment.
(d) Water-cooling towers and water-cooling ponds not used for evaporative cooling of process water or not used for evaporative cooling of water from barometric jets or from barometric condensers.
(e) Funeral home embalming processes and associated ventilation systems.

R 336.1281 Permit to install exemptions; cleaning, washing, and drying equipment.
Rule 281. **(1) This rule does not apply if prohibited by R 336.1278 and unless the requirements of R 336.1278a have been met.**
(2) The requirement of R 336.1201(1) to obtain a permit to install does not apply to any of the following:
(a) Vacuum-cleaning systems used exclusively for industrial, commercial, or residential housekeeping purposes.
(b) Equipment used for portable steam cleaning.
(c) Blast-cleaning equipment using a suspension of abrasive in water and any exhaust system or collector serving them exclusively.
(d) Portable blast-cleaning equipment equipped with appropriately designed and operated enclosure and control equipment.
(e) Equipment used for washing or drying materials, where the material itself cannot become an air contaminant, if no volatile organic compounds that have a vapor pressure greater than 0.1 millimeter of mercury at standard conditions are used in the process and no oil or solid fuel is burned.
(f) Laundry dryers, extractors, or tumblers for fabrics cleaned with only water solutions of bleach**,** ~~or~~ detergents, **or laundry products that do not contain volatile organic compounds**.
(g) Dry-cleaning equipment that has a capacity of 100 or less pounds of clothes.
(h) Cold cleaners that have an air/vapor interface of not more than 10 square feet.
(i) Sterilization equipment **processing mercury-free materials** at medical and pharmaceutical facilities using steam, hydrogen peroxide, peracetic acid, or a combination thereof.
(j) Portable blast-cleaning equipment used during construction to clean ~~new~~ water tanks or other ~~new~~ structures **that have not been previously coated, if both of the following apply:** ~~if the tank or structure is not located closer than the lesser of 750 feet or 5 times the height of the structure to the nearest residential, commercial, or public facility and the abrasive media is a low dusting material that does not contain more than 5% crystalline silica.~~
(i) The tank or structure is not located closer than the lesser of 750 feet or 5 times the height of the structure to the nearest residential, commercial, or public facility.
(ii) The abrasive media is a low dusting material that does not contain more than 5% crystalline silica.
(k) Aqueous based parts washers.

R 336.1282 Permit to install exemptions; furnaces, ovens, and heaters.
Rule 282. **(1) This rule does not apply if prohibited by R 336.1278 and unless the requirements of R 336.1278a have been met.**

(2) The requirement of R 336.1201(1) to obtain a permit to install does not apply to any of the following:

(a) Any of the following processes or process equipment which are electrically heated or which fire sweet gas fuel or no. 1 or no. 2 fuel oil at a maximum total heat input rate of not more than 10,000,000 Btu per hour:

(i) Furnaces for heat treating **or forging** glass or metals, the use of ~~which~~**that** does not involve **ammonia,** molten materials, oil-coated parts, or oil quenching.

(ii) Porcelain enameling furnaces or porcelain enameling drying ovens.

(iii) Kilns for firing ceramic ware.

(iv) Crucible furnaces, pot furnaces, or induction melting and holding furnaces that have a capacity of 1,000 pounds or less each, in which sweating or distilling is not conducted and in which fluxing is not conducted utilizing free chlorine, chloride or fluoride derivatives, or ammonium compounds.

(v) Bakery ovens and confection cookers where the products are edible and intended for human consumption.

(vi) Electric resistance melting and holding furnaces that have a capacity of not more than 6,000 pounds per batch and 16,000 pounds per day, which melt only clean charge. Fluxing that results in the emission of any hazardous air pollutant shall not occur in the furnace.

(b) Fuel-burning equipment which is used for space heating, service water heating, electric power generation, oil and gas production or processing, or indirect heating and which burns only the following fuels:

(i) Sweet natural gas, synthetic **natural** gas, liquefied petroleum gas, or a combination thereof and the equipment has a rated heat input capacity of not more than 50,000,000 Btu per hour.

(ii) ~~Number~~**No.** 1 **and** ~~fuel oil,~~ ~~number~~**no.** 2 fuel oil**s**, distillate oil, the gaseous fuels specified in paragraph (i) of this subdivision, or a combination thereof ~~which~~**that** contains not more than 0.40% sulfur by weight and the equipment has a rated heat input capacity of not more than 20,000,000 Btu per hour.

(iii) Wood, wood residue, or wood waste ~~which~~**that** is not painted or treated with wood preservatives, which does not contain more than 25% plywood, chipboard, particleboard, and other types of manufactured wood boards, ~~which~~**that** is not contaminated with other waste materials, and the equipment has a rated heat input capacity of not more than 6,000,000 Btu per hour.

(iv) Waste oil or used oil fuels ~~which~~**that** are generated on the geographical site and the equipment has a rated heat input capacity of not more than 500,000 Btu per hour.

(c) Fuel-burning and refuse-burning equipment used in connection with a structure that is designed and used exclusively as a dwelling for not more than 3 families.

(d) All residential cooking equipment.

(e) Equipment, including smokehouses, at restaurants and other retail or institutional establishments that is used for preparing food for human consumption.

(f) Blacksmith forges.

(g) Sour gas-burning equipment, if the actual emission of sulfur dioxide does not exceed 1 pound per hour.

R 336.1283 Permit to install exemptions; testing and inspection equipment.

Rule 283. **(1) This rule does not apply if prohibited by R 336.1278 and unless the requirements of R 336.1278a have been met.**

(~~1~~**2**) The requirement of R 336.1201(1) to obtain a permit to install does not apply to any of the following:

(a) Pilot processes or **pilot** process equipment utilizing T-BACT used for any of the following:

(i) Chemical analysis.

(ii) Physical analysis.

(iii) Empirical research.

(iv) Theoretical research.

(v) The development of process or process equipment design and operating parameters.

(vi) The production of a product for field testing.

(vii) The production of a product for clinical testing of pharmaceuticals.

(viii) The production of a product for use as a raw material in the research and development of a different product.

(b) Laboratory equipment.

(c) Equipment used for hydraulic or hydrostatic testing.

(d) Equipment for the inspection of metal, wood, or plastic products.

(e) Vacuum pumps for the leak-testing of metal products using helium or nitrogen gas.

(f) Process sample valves used to collect material exclusively for testing and inspection.

(~~2~~**3**) The pilot processes and **pilot** process equipment excluded from the requirement of R 336.1201(1) pursuant to the provisions of subrule (~~1~~**2**)(a) of this rule do not include pilot processes or **pilot** process equipment used for any of the following:

(a) The production of a product for sale, unless such sale is only incidental to the use of the pilot process or **pilot** process equipment.

(b) The repetitive production of a product using the same process or process equipment design and operating parameters.

(c) The production of a product for market testing or market development.

(d) The treatment or disposal of waste which is designated, by listing or specified characteristic, as hazardous under federal regulations or state rules.

R 336.1284 Permit to install exemptions; containers.

Rule 284. **(1) This rule does not apply if prohibited by R 336.1278 and unless the requirements of R 336.1278a have been met.**

(2) ~~Except as specified in R 336.1278, t~~**T**he requirement of R 336.1201(1) to obtain a permit to install does not apply to containers, reservoirs, or tanks used exclusively for any of the following:

(a) Dipping or storage operations for coating objects with oils, waxes, greases, or natural or synthetic resins containing no organic solvents.

(b) Storage of butane, propane, or liquefied petroleum gas in a vessel that has a capacity of less than 40,000 gallons.

(c) Storage and surge capacity of lubricating, hydraulic, and thermal oils and indirect heat transfer fluids.

(d) Storage of no. 1 to no. 6 fuel oil**s** as specified in ASTM D396, gas turbine fuel oils ~~n~~**N**o~~s~~. 2-GT to 4-GT as specified in ASTM D2880, **aviation gas as specified in ASTM D910, jet fuels as specified in ASTM D1655,** ~~or~~ diesel fuel oils no~~s~~. 2-D and 4-D as specified in ASTM D975**, or biodiesel fuel oil and blends as specified in ASTM D6751 and ASTM D7467**. The ASTM methods are adopted by reference in R 336.~~1299~~**1902**.

(e) Storage of sweet crude or sweet condensate in a vessel that has a capacity of less than 40,000 gallons.

(f) Storage of sour crude or sour condensate in a vessel that has a capacity of less than 40,000 gallons if vapor recovery or its equivalent is used to prevent the emission of vapors to the atmosphere.

(g) **Storage and handling equipment for** ~~G~~**g**asoline, **gasoline blends including ethanol, diesel fuel, or natural gas** ~~storage and handling equipment,~~ as follows:

(i) ~~Gasoline storage and handling equipment at~~ ~~l~~**L**oading facilities handling less than 20,000 gallons per day ~~or at dispensing facilities~~ **for storage, mixing, blending, and handling of gasoline, and/or gasoline/ethanol blends, or for diesel fuel storage and handling**.

(ii) ~~Natural gas storage and handling equipment at~~ **D**~~d~~ispensing facilities **for storage, mixing, blending and handling of gasoline and/or gasoline/ethanol blends, for natural gas storage and handling, or for diesel fuel storage and handling.**

(iii) **Equipment exclusively serving dynamometer facilities for gasoline and/or gasoline/ethanol blends storage and handling, for natural gas storage and handling, or for diesel fuel storage and handling.**

(h) Storage **and** ~~of~~ water **dilution of aqueous** solutions of inorganic salts, ~~and~~ bases**,** and ~~of water solutions of~~ the following acids:

(i) Sulfuric acid that is not more than 99% by weight.

(ii) Phosphoric acid that is not more than 99% by weight.

(iii) Nitric acid that is not more than 20% by weight.

(iv) Hydrochloric acid that is not more than 11% by weight.

(i) Storage, **mixing, blending,** or transfer operations of volatile organic compounds or noncarcinogenic liquids in a vessel that has a capacity of not more than 40,000 gallons where the contents have a true vapor pressure of not more than 1.5 psia at the actual storage conditions.

(j) Pressurized storage of acetylene, hydrogen, oxygen, nitrogen, helium, and other substances, excluding chlorine and anhydrous ammonia in a quantity of more than 500 gallons, that have a boiling point of 0 degrees Celsius or lower.

(k) Storage containers **and transfer operations** of noncarcinogenic solid material, including silos, ~~which~~**that** only emit particulate matter and ~~which~~**that** are controlled with an appropriately designed and operated fabric filter collector system or an equivalent control system.

(l) Filling of noncarcinogenic liquids in shipping or storage containers that have emissions ~~which~~**that** are released only into the general in-plant environment.

(m) Storage of wood and wood residues.

(n) Storage of methanol in a vessel that has a capacity of not more than 30,000 gallons.

R 336.1285 Permit to install exemptions; miscellaneous.

Rule 285. **(1) This rule does not apply if prohibited by R 336.1278 and unless the requirements of R 336.1278a have been met.**

(2) The requirement of R 336.1201(1) to obtain a permit to install does not apply to any of the following:

(a) Routine maintenance, parts replacement, or other repairs that are considered by the department to be minor, or relocation of process equipment within the same geographical site not involving any appreciable change in the quality, nature, quantity, or impact of the emission of an air contaminant therefrom. Examples of parts replacement or repairs considered by the department to be minor include the following:

(i) Replacing bags in a baghouse.

(ii) Replacing wires, plates, rappers, controls, or electric circuitry in an electrostatic precipitator ~~which~~**that** does not measurably decrease the design efficiency of the unit.

(iii) Replacement of fans, pumps, or motors ~~which~~**that** does not alter the operation of a source or performance of air pollution control equipment.

(iv) Boiler tubes.

(v) Piping, hoods, and ductwork.

(vi) Replacement of engines, compressors, or turbines as part of a normal maintenance program.

(b) Changes in a process or process equipment which do not involve installing, constructing, or reconstructing an emission unit and which do not involve any meaningful change in the quality and nature or any meaningful increase in the quantity of the emission of an air contaminant therefrom.

(i) Examples of such changes in a process or process equipment include**, but are not limited to,** the following:

(~~i~~**A**) Change in the supplier or formulation of similar raw materials, fuels, or paints and other coatings.

(~~ii~~**B**) Change in the sequence of the process.

(~~iii~~**C**) Change in the method of raw material addition.

(~~iv~~**D**) Change in the method of product packaging.

(~~v~~**E**) Change in ~~process operating parameters~~ **temperature, pressure, or other similar operating parameters that do not affect air cleaning device performance**.

(~~vi~~**F**) Installation of a floating roof on an open top petroleum storage tank.

(~~vii~~**G**) Replacement of a fuel burner in a boiler with an equally or more thermally efficient burner.

(~~viii~~**H**) Lengthening a paint drying oven to provide additional curing time.

(c) Changes in a process or process equipment ~~which~~**that** do not involve installing, constructing, or reconstructing an emission unit and ~~which~~**that** involve a meaningful change in the quality and nature~~,~~ or a meaningful increase in the quantity~~,~~ of the emission of an air contaminant resulting from any of the following:

(i) Changes in the supplier or supply of the same type of virgin fuel, such as coal, no. 2 fuel oil, no. 6 fuel oil, or natural gas.

(ii) Changes in the location, within the storage area, or configuration of a material storage pile or material handling equipment.

(iii) Changes in a process or process equipment to the extent that such changes do not alter the quality and nature, or increase the quantity, of the emission of the air contaminant beyond the level which has been described in and allowed by an approved permit to install, permit to operate, or order of the department.

(d) Reconstruction or replacement of air pollution control equipment with equivalent or more efficient equipment.

(e) Installation, construction, or replacement of air pollution control equipment for an existing process or process equipment for the purpose of complying with the national emission standards of hazardous air pollutants regulated under section 112 of ~~part A of title I of~~ the clean air act~~, 84 Statutes 1685, 42 U.S.C. §7412~~.

(f) Installation or construction of air pollution control equipment for an existing process or process equipment if the control equipment itself does not actually generate a significant amount of criteria air contaminants as defined in R 336.1119(e) or a meaningful **increase in the** quantity

of **the emissions of toxic air contaminants or a meaningful change in the quality and nature** of toxic air contaminants.

(g) Internal combustion engines that have less than 10,000,000 Btu/hour maximum heat input.

(h) Vacuum pumps in laboratory or pilot plant operations.

(i) Brazing, soldering, welding, or plasma coating equipment.

(j) Portable **torch** cutting ~~torches~~ **equipment that does not cause a nuisance or adversely impact surrounding areas and is used for either of the following:**

(i) Activities performed on a non-production basis, such as maintenance, repair, and dismantling.

(ii) Scrap metal recycling and/or demolition activities that have emissions that are released only into the general in-plant environment and/or that have externally vented emissions equipped with an appropriately designed and operated enclosure and fabric filter.

(k) Grain, metal, or mineral extrusion presses.

(l) The following equipment and any exhaust system or collector exclusively serving the equipment:

(i) Equipment used exclusively for bending, forming, expanding, rolling, forging, pressing, drawing, stamping, spinning, or extruding either hot or cold metals.

(ii) Die casting machines.

(iii) Equipment for surface preparation of metals by use of aqueous solutions, except for acid solutions.

(iv) Atmosphere generators used in connection with metal heat treating processes.

(v) Equipment used exclusively for sintering of glass or metals, but not exempting equipment used for sintering metal-bearing ores, metal scale, clay, flyash, or metal compounds.

(vi) Equipment for carving, cutting, routing, turning, drilling, machining, sawing, surface grinding, sanding, planing, buffing, sand blast cleaning, shot blasting, shot peening, or polishing ceramic artwork, leather, metals, graphite, plastics, concrete, rubber, paper ~~stock~~ **board**, wood, ~~or~~ wood products**, stone, glass, fiberglass, or fabric** which meets any of the following:

(A) Equipment used on a nonproduction basis.

(B) Equipment **that** has emissions that are released only into the general in-plant environment.

(C) Equipment **that** has externally vented emissions controlled by an appropriately designed and operated fabric filter collector that, for all specified operations with metal, is preceded by a mechanical precleaner.

(vii) Photographic process equipment by which an image is reproduced upon material sensitized to radiant energy, including any of the following:

(A) Blueprint machines.

(B) Photocopiers.

(C) Mimeograph machines.

(D) Photographic developing processes.

(E) Microfiche copiers.

(viii) Battery charging operations.

(ix) Pad printers.

(m) Lagoons, process water treatment equipment, wastewater treatment equipment, and sewage treatment equipment, except for any of the following:

(i) Lagoons and equipment primarily designed to treat volatile organic compounds in process water, wastewater, or groundwater, unless the emissions from the lagoons and equipment are only released into the general in-plant environment.

(ii) Sludge incinerators and dryers.
(iii) Heat treatment processes.
~~(iv) Odor control equipment.~~
(n) Livestock and livestock handling systems from which the only potential air contaminant emission is odorous gas.
(o) Equipment for handling and drying grain on a farm.
(p) Commercial equipment used for grain unloading, handling, cleaning, storing, loading, or drying in a column dryer that has a column plate perforation of not more than 0.094 inch or a rack dryer in which exhaust gases pass through a screen filter no coarser than 50 mesh.
(q) Portable steam deicers that have a heat input of less than 1,000,000 Btu's per hour.
(r) Equipment used for any of the following metal treatment processes if the process emissions are only released into the general in-plant environment:
(i) Surface treatment.
(ii) Pickling.
(iii) Acid dipping.
(iv) Cleaning.
(v) Etching.
(vi) Electropolishing.
(vii) Electrolytic stripping or electrolytic plating.
(s) Emissions or airborne radioactive materials specifically authorized pursuant to a United States nuclear regulatory commission license.
(t) Equipment for the mining, **loading, unloading,** and screening of uncrushed sand, gravel, soil**,** and other inorganic soil-like materials.
(u) Solvent distillation **and antifreeze reclamation** equipment that has a rated batch capacity of not more than 55 gallons.
(v) Any vapor vacuum extraction soil remediation process where vapor is treated in a control device and all of the vapor is reinjected into the soil such that there are no emissions to the atmosphere during normal operation.
(w) Air strippers controlled by an appropriately designed and operated **dual stage** carbon adsorption or incineration system that is used exclusively for the cleanup of gasoline, fuel oil, natural gas condensate, and crude oil spills~~.~~**, provided the following conditions are met:**
(A) For dual stage carbon adsorption, the first canister of the dual stage carbon adsorption is monitored for breakthrough at least once every 2 weeks and replaced if breakthrough is detected.
(B) For incineration, a thermal oxidizer (incinerator) is operated at a minimum temperature of 1,400 degrees Fahrenheit in the combustion chamber and a catalytic oxidizer is operated at a minimum temperature of 600 degrees Fahrenheit at the inlet of the catalyst bed. A temperature indication device which continually displays the operating temperature of the oxidizer that must be installed, maintained, and operated in accordance with the manufacturer's specifications.
(x) Any asbestos removal or stripping process or process equipment.
(y) Ozonization process or process equipment.
(z) Combustion of boiler cleaning solutions that were solely used for or intended for cleaning internal surfaces of boiler tubes and related steam and water cycle components if the solution burned is not designated, by listing or specified characteristic, as hazardous pursuant to federal regulations or state rules.
(aa) Landfills and associated flares and leachate collection and handling equipment.

(bb) A residential, municipal, commercial, or agricultural composting process or process equipment.

(cc) Gun shooting ranges controlled by appropriately designed and operated high-efficiency particulate filters.

(dd) Equipment for handling, conveying, cleaning, milling, mixing, cooking, drying, coating, and packaging grain-based food products and ingredients which meet any of the following:

(i) Equipment **is** used on a nonproduction basis.

(ii) Equipment has emissions that are released only into the general in-plant environment.

(iii) Equipment has externally vented emissions controlled by a~~n appropriately designed and operated particulate control system.~~ **baghouse, cyclone, rotoclone, or scrubber which is installed, maintained, and operated in accordance with the manufacturer's specifications. The air cleaning device shall be equipped with a device to monitor appropriate indicators of performance, for example, static pressure drop, water pressure, and water flow rate.**

(ee) Open burning **as specified in R 336.1310.**

(ff) Fire extinguisher filling, testing, spraying, and repairing.

(gg) Equipment used for chipping, flaking, or hogging wood or wood residues that are not demolition waste materials.

(hh) A process that uses only hand-held aerosol spray cans, including the puncturing and disposing of the spray cans.

(ii) Fuel cells that use phosphoric acid, molten carbonate, proton exchange membrane, or solid oxide or equivalent technologies.

(jj) Any vacuum truck used at a remediation site as a remedial action method**, such as non-emergency response, used in a manner described by any of the following:**

(i) ~~if i~~**I**t is not used more than ~~once per month at a site and the usage is not more than~~ 2 ~~consecutive~~ days **in a month without organic compound emission control.**

(ii) It is not used more than 6 days in a month with 90% efficient organic compound emission control.

(iii) The composition of the material being removed is greater than 90% water.

(kk) Air sparging systems where the sparged air is emitted back to the atmosphere only by natural diffusion through the contaminated medium and covering soil or other covering medium.

(ll) Air separation or fractionation equipment used to produce nitrogen, oxygen, or other atmospheric gases.

(mm) Routine and emergency venting of natural gas from transmission and distribution systems or field gas from gathering lines which meet any of the following:

(i) Routine or emergency venting of natural gas or field gas in amounts less than or equal to 1,000,000 standard cubic feet per event. For purposes of this rule, an emergency is considered an unforeseen event that disrupts normal operating conditions and poses a threat to human life, health, property or the environment if not controlled immediately.

(ii) Venting of natural gas in amounts greater than 1,000,000 standard cubic feet for routine maintenance or relocation of transmission and distribution systems provided that both of the following requirements are met:

(A) The owner or operator notifies the department prior to a scheduled pipeline venting.

(B) The venting includes, at a minimum, measures to assure safety of employees and the public, minimize impacts to the environment, and provide necessary notification in accordance with the Michigan gas safety standards, the federal pipeline and hazardous materials safety administration standards, and the federal energy regulatory commission standards, as applicable.

(iii) Venting of field gas in amounts greater than 1,000,000 standard cubic feet for routine maintenance or relocation of gathering pipelines provided that both of the following are met:

(A) The owner or operator notifies the department prior to a scheduled pipeline venting.

(B) The venting includes, at a minimum, measures to assure safety of employees and the public, minimize impacts to the environment, and provide necessary notification in accordance with the Michigan department of environmental quality, ~~Office of Geological Survey~~ **office of oil, gas and minerals**, and the Michigan public service commission standards, as applicable.

(iv) Emergency venting of natural gas or field gas in amounts greater than 1,000,000 standard cubic feet per event, provided that the owner or operator notifies the pollution emergency alert system ~~or PEAS~~ within 24 hours of an emergency pipeline venting. For purposes of this rule, an emergency is considered an unforeseen event that disrupts normal operating conditions and poses a threat to human life, health, property or the environment if not controlled immediately.

(3) For the purposes of this rule, "meaningful" with respect to toxic air contaminant emissions is defined as follows:

(i) "Meaningful change in the quality and nature" means a change in the toxic air contaminants emitted that results in an increase in the cancer or non-cancer hazard potential that is 10% or greater, or which causes an exceedance of a permit limit. The hazard potential is the value calculated for each toxic air contaminant involved in the proposed change, before and after the proposed change, and it is the potential to emit (hourly averaging time) divided by the initial risk screening level or the adjusted annual initial threshold screening level (ITSL), for each toxic air contaminant and screening level involved in the proposed change. The adjusted annual ITSL is the ITSL that has been adjusted as needed to an annual averaging time utilizing averaging time conversion factors in accordance with the models and procedures in 40 C.F.R §51.160(f) and Appendix W, adopted by reference in R 336.1902. The percent increase in the hazard potential is determined from the highest cancer and non-cancer hazard potential before and after the proposed change. The potential to emit before the proposed change is the baseline potential to emit established in an approved permit to install application on or after April 17, 1992, that has not been voided or revoked, unless it has been voided due to incorporation into a renewable operating permit.

(ii) "Meaningful increase in the quantity of the emission" means an increase in the potential to emit (hourly averaging time) of a toxic air contaminant that is 10% or greater compared to a baseline potential to emit, or which results in an increase in the cancer or non-cancer hazard potential that is 10% or greater, or which causes an exceedance of a permit limit. The baseline is the potential to emit established in an approved permit to install application on or after April 17, 1992 that has not been voided or revoked, unless it has been voided due to incorporation into a renewable operating permit.

R 336.1286 Permit to install exemptions; plastic processing equipment.

Rule 286. **(1) This rule does not apply if prohibited by R 336.1278 and unless the requirements of R 336.1278a have been met.**

(2) The requirement of R 336.1201(1) to obtain a permit to install does not apply to any of the following:

(a) Plastic extrusion, rotocasting, and pultrusion equipment and associated plastic resin handling, storage, and drying equipment.

(b) Plastic injection, compression, and transfer molding equipment and associated plastic resin handling, storage, and drying equipment.

(c) Plastic blow molding equipment and associated plastic resin handling, storage, and drying equipment if the blowing gas is 1 or more of the following gasses:

(i) Air.

(ii) Nitrogen.

(iii) Oxygen.

(iv) Carbon dioxide.

(v) Helium.

(vi) Neon.

(vii) Argon.

(viii) Krypton.

(ix) Xenon.

(d) Plastic thermoforming equipment.

(e) Reaction injection molding (open or closed mold) and slabstock/casting equipment.

(f) Plastic welding.

R 336.1287 Permit to install exemptions; surface coating equipment.

Rule 287. **(1) This rule does not apply if prohibited by R 336.1278 and unless the requirements of R 336.1278a have been met.**

(2) The requirement of R 336.1201(1) to obtain a permit to install does not apply to any of the following:

(a) An adhesive coating line which has an application rate of less than 2 gallons per day and which has emissions that are released only into the general in-plant environment.

(b) A surface coating process that uses only hand-held aerosol spray cans, including the puncturing and disposing of the spray cans**, or other coatings that are manually applied from containers not to exceed 8 ounces in size.**

(c) A surface coating line if all of the following conditions are met:

(i) The coating use rate is not more than 200 gallons, as applied, minus water, per month.

(ii) Any exhaust system that serves only coating spray equipment is supplied with a ~~properly installed and operating particulate control system.~~ **dry filter control or water wash control which is installed, maintained, and operated in accordance with the manufacturer's specifications, or the owner or operator develops a maintenance plan which provides to the extent practicable for the maintenance and operation of the equipment in a manner consistent with good air pollution control practices for minimizing emissions.**

(iii) Monthly coating use records are maintained on file for the most recent 2-year period and are made available to the ~~air quality division~~**department** upon request.

(d) A powder coating booth **and associated ovens, where the booth is equipped with fabric filter control.** ~~that has an appropriately designed and operated particulate control system and associated ovens.~~ **The fabric filter control shall be installed, maintained, and operated in accordance with the manufacturer's specifications or the owner or operator shall develop a maintenance plan that provides to the extent practicable for the maintenance and operation of the equipment in a manner consistent with good air pollution control practices for minimizing emissions.**

(e) A silkscreen process.

(f) Replacement of waterwash control in a paint spray booth with dry filter control.

(g) Adding dry filters to paint spray booths.
(h) Replacement of a coating applicator system with a coating applicator system that has an equivalent or higher design transfer efficiency, unless the change is specifically prohibited by a permit condition.
(i) Equipment that is used for the application of a hot melt adhesive.
(j) Portable equipment that is used for on-site nonproduction painting.
(k) Mixing, blending, or metering operations associated with a surface coating line.

R 336.1288 Permit to install exemptions; oil and gas processing equipment.
Rule 288. **(1) This rule does not apply if prohibited by R 336.1278 and unless the requirements of R 336.1278a have been met.**
(2) The requirement of R 336.1201(1) to obtain a permit to install does not apply to any of the following:
(a) Gas odorizing equipment.
(b) A glycol dehydrator that meets either of the following conditions:
(i) It is located at an oil well site and is controlled by a condenser or by other control equipment of equivalent or better efficiency than the condenser.
(ii) It is located at a site or facility that only processes natural gas from the Antrim zone.
(c) A sweet gas flare.
(d) Equipment for the separation or fractionation of sweet natural gas, but not including natural gas sweetening equipment.
(e) Equipment that is used for oil and gas well drilling, testing, completion, rework, and plugging activities.

R 336.1289 Permit to install exemptions; asphalt and concrete production equipment.
Rule 289. **(1) This rule does not apply if prohibited by R 336.1278 and unless the requirements of R 336.1278a have been met.**
(2) The requirement of R 336.1201(1) to obtain a permit to install does not apply to any of the following:
(a) A cold feed aggregate bin for asphalt and concrete production equipment.
(b) A liquid asphalt storage tank that is controlled by an appropriately designed and operated vapor condensation and recovery system or an equivalent control system.
(c) An asphalt concrete storage silo that has all its emissions vented back into the burning zone of the kiln or that has an equivalent control system.
(d) A concrete batch plant that meets all of the following requirements:
(i) The plant shall produce not more than 200,000 cubic yards per year.
(ii) The plant shall use ~~either~~ a fabric filter dust collector, a slurry mixer system, a drop chute, a mixer flap gate, or an enclosure for truck loading operations.
(iii) All cement handling operations, such as silo loading and cement weighing hoppers, shall either be enclosed by a building or equipped with a fabric filter dust control.
(iv) The owner or operator shall keep monthly records of the cubic yards of concrete produced.
(v) Before commencing operations, the owner or operator shall notify the appropriate ~~air quality division~~ district supervisor of the location where the concrete batch plant will be operating under this exemption.

(vi) The concrete batch plant shall be located not less than 250 feet from any residential or commercial establishment or place of public assembly unless all of the cement handling operations, excluding the cement silo storage and loading operations, are enclosed within at least a 3-sided structure.

(vii) The owner or operator shall implement the following fugitive dust plan:

(A) The drop distance at each transfer point shall be reduced to the minimum the equipment can achieve.

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

(C) All of the following provisions apply for site roadways and the plant yard:

(1) The dust on the site roadways and the plant yard shall be controlled by applications of water, calcium chloride, or other acceptable and approved fugitive dust control compounds. Applications of dust suppressants shall be done as often as necessary to meet an opacity limit of 5%.

(2) All paved roadways and plant yards shall be swept as needed between applications.

(3) Any material spillage on roads shall be cleaned up immediately.

(4) A record of all applications of dust suppressants and roadway and plant yard sweepings shall be kept for the most recent 5-year period and be made available to the department upon request.

(D) All of the following provisions apply for storage piles:

(1) Stockpiling of all nonmetallic minerals shall be performed to minimize drop distance and control potential dust problems.

(2) Stockpiles shall be watered on an as-needed basis in order to meet an opacity limit of 5%. Equipment to apply water or dust suppressant shall be available at the site or on call for use at the site within a given operating day.

(3) A record of all watering shall be kept on file for the most recent 5-year period and be made available to the department upon request.

(E) The provisions and procedures of this fugitive dust plan are subject to adjustment by written notification from the department if, following an inspection, the department determines the fugitive dust requirements or permitted opacity limits are not being met.

R 336.1290 Permit to install exemptions; emission units with limited emissions.

Rule 290. **(1) This rule does not apply if prohibited by R 336.1278 and unless the requirements of R 336.1278a have been met.**

(2) The requirement of R 336.1201(1) to obtain a permit to install does not apply to any of the emission units listed in **subdivision** (a) **of this subrule,** if the conditions listed in **subdivisions** (b), (c), ~~and~~ (d)**, and (e) of this subrule** are met. Notwithstanding the definition in R 336.1121(a), for the purpose of this rule, uncontrolled emissions are the emissions from an emission unit based on actual operation, not taking into account any emission control equipment. Controlled emissions are the emissions from an emission unit based on actual operation, taking into account the control equipment.

(a) An emission unit which meets any of the following criteria:

(i) Any emission unit that emits only noncarcinogenic volatile organic compounds or noncarcinogenic materials ~~which~~**that** are listed in R 336.1122(f) as not contributing appreciably

to the formation of ozone, if the uncontrolled or controlled emissions of air contaminants are not more than 1,000 or 500 pounds per month, respectively.

(ii) Any emission unit that the total uncontrolled or controlled emissions of air contaminants are not more than 1,000 or 500 pounds per month, respectively, and all of the following criteria are met:

(A) For noncarcinogenic air contaminants, excluding noncarcinogenic volatile organic compounds and noncarcinogenic materials ~~which~~**that** are listed in R 336.1122(f) as not contributing appreciably to the formation of ozone, with initial threshold screening levels greater than or equal to 2.0 micrograms per cubic meter, the uncontrolled or controlled emissions shall not exceed 1,000 or 500 pounds per month, respectively.

(B) For noncarcinogenic air contaminants, excluding noncarcinogenic volatile organic compounds and noncarcinogenic materials ~~which~~**that** are listed in R 336.1122(f) as not contributing appreciably to the formation of ozone, with initial threshold screening levels greater than or equal to 0.04 micrograms per cubic meter and less than 2.0 micrograms per cubic meter, the uncontrolled or controlled emissions shall not exceed 20 or 10 pounds per month, respectively.

(C) For carcinogenic air contaminants with initial risk screening levels greater than or equal to 0.04 micrograms per cubic meter, the uncontrolled or controlled emissions shall not exceed 20 or 10 pounds per month, respectively.

(D) The emission unit shall not emit any air contaminants, excluding noncarcinogenic volatile organic compounds and noncarcinogenic materials ~~which~~**that** are listed in R 336.1122(f) as not contributing appreciably to the formation of ozone, with an initial threshold screening level or initial risk screening level less than 0.04 micrograms per cubic meter.

(E) For total mercury, the uncontrolled or controlled emissions shall not exceed 0.01 pounds per month.

(iii) Any emission unit that emits only noncarcinogenic particulate air contaminants and other air contaminants that are exempted under paragraph~~s~~ (i) or (ii) of this subdivision if all of the following provisions are met:

(A) The particulate emissions are controlled by an appropriately designed and operated fabric filter collector or an equivalent control system ~~which~~**that** is designed to control particulate matter to a concentration of less than or equal to 0.01 pounds of particulate per 1,000 pounds of exhaust gases and ~~which~~**that** do not have an exhaust gas flow rate more than 30,000 actual cubic feet per minute.

(B) The visible emissions from the emission unit are not more than 5% opacity in accordance with the methods contained in R 336.1303.

(C) The initial threshold screening level for each particulate air contaminant, excluding nuisance particulate, is more than 2.0 micrograms per cubic meter.

(b) The following requirements apply to emission units utilizing control equipment:

(i) An air cleaning device for volatile organic compounds shall be installed, maintained, and operated in accordance with the manufacturer's specifications. Examples include the following:

(A) Oxidizers and condensers equipped with a continuously displayed temperature indication device.

(B) Wet scrubbers equipped with a liquid flow rate monitor.

(C) Dual stage carbon absorption where the first canister is monitored for breakthrough and replaced if breakthrough is detected.

(ii) An air cleaning device for particulate matter shall be installed, maintained, and operated in accordance with the manufacturer's specifications and equipped to monitor appropriate indicators of performance, for example, static pressure drop, water pressure, and water flow rate.

(~~b~~**c**) A description of the emission unit is maintained throughout the life of the unit.

(~~c~~**d**) Records of material use and calculations identifying the quality, nature, and quantity of the air contaminant emissions are maintained in sufficient detail to demonstrate that the emissions meet the emission limits outlined in this rule. **Volatile organic compound emissions shall be calculated using mass balance, generally accepted engineering calculations, or another method acceptable to the department.**

(~~d~~**e**) The records are maintained on file for the most recent 2-year period and are made available to the ~~air quality division~~ **department** upon request.

R 336.1291 Permit to install exemptions; emission units with "de minimis" emissions.

Rule 291. (1) This rule does not apply if prohibited by R 336.1278 and unless the requirements of R 336.1278a have been met.

(2) The requirement of R 336.1201(1) to obtain a permit to install does not apply to any emission unit in which potential emissions meet the conditions listed in subdivisions (a) to (d) of this subrule and table 23 for all air contaminants listed. In addition, records shall be maintained in accordance with subdivisions (e) and (f) of this subrule.

(a) The combined potential emissions of all toxic air contaminants with screening levels greater than or equal to 0.04 micrograms per cubic meter and less than 2 micrograms per cubic meter shall not exceed 0.12 tons per year.

(b) The combined potential emissions of all toxic air contaminants with screening levels greater than or equal to 0.005 micrograms per cubic meter and less than 0.04 micrograms per cubic meter shall not exceed 0.06 tons per year.

(c) The combined potential emissions of all toxic contaminants with screening levels less than 0.005 micrograms per cubic meter shall not exceed 0.006 tons per year.

(d) The emission unit has no potential emissions of asbestos and/or subtilisin proteolytic enzymes.

(e) A description of the emission unit shall be maintained throughout the life of the unit.

(f) Documentation and/or calculations identifying the quality, nature, and quantity of the air contaminant emissions are maintained in sufficient detail to demonstrate that the potential emissions are less than those listed in subdivisions (a) to (d) of this subrule and Table 23. Such documentation shall include the toxic air contaminant screening level applicable at the time of installation and/or modification of the emission unit.

Table 23. Potential Emissions from Air Contaminants

Air Contaminant	Potential Emissions Not to be Exceeded
CO_2 equivalent	75,000 tons per year
CO	10 tons per year
NO_x	10 tons per year
SO_2	10 tons per year

VOC (as defined in R 336.1122)	**5 tons per year**
PM	**10 tons per year**
PM-10	**5 tons per year**
PM-2.5	**3 tons per year**
Lead	**0.1 tons per year**
Fluorides	**1 ton per year**
Sulfuric acid mist	**0.12 tons per year**
Hydrogen sulfide	**2 tons per year**
Total reduced sulfur	**2 tons per year**
Reduced sulfur compounds	**2 tons per year**
Total mercury	**0.12 pounds per year**
Total toxic air contaminants not listed in table 23 with any screening level	**5 tons per year**
Total air contaminants not listed in table 23 that are non-carcinogenic and do not have a screening level	**6 tons per year**

R 336.1299 **Rescinded.** ~~Adoption of standards by reference.~~

~~Rule 299. (1) The following standards are adopted in these rules by reference and are available as noted:~~

~~(a) "2011 TLVs and BEIs. Threshold Limit Values for Chemical Substances and Physical Agents. Biological Exposure Indices," American conference of governmental industrial hygienists. For the purposes of R 336.1232, the chemical names and threshold limit values are adopted by reference. A copy may be inspected at the Lansing office of the air quality division of the department of environmental quality. A copy may be obtained from the Department of Environmental Quality, Air Quality Division, P.O. Box 30260, Lansing, Michigan 48909-7760, at a cost as of the time of adoption of these rules of $59.95, or from the American Conference of Governmental Industrial Hygienists, 1330 Kemper Meadow Drive, Cincinnati, Ohio 45240, at a cost as of the time of adoption of these rules of $49.95. The American Conference of Governmental Industrial Hygienists can also be contacted on the internet at www.acgih.org, by telephone at 513-742-2020, or by email at mail@acgih.org.~~

~~(b) "NIOSH Pocket Guide to Chemical Hazards," national institute for occupational safety and health, 2005 edition – 3rd printing. For the purposes of R 336.1232, the chemical names and NIOSH-recommended exposure levels are adopted by reference. A copy may be inspected at the Lansing office of the air quality division of the department of environmental quality. A copy may be obtained from the Department of Environmental Quality, Air Quality Division, P.O. Box 30260, Lansing, Michigan 48909-7760, at a cost as of the time of adoption of these rules of $40.00, or from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, NTIS document PB2009103456, at a cost as of the time of adoption of these rules of $30.00. The National Technical Information Service can also be contacted on the internet at www.ntis.gov or by telephone at 1-800-553-6847.~~

~~(c) "Guidelines for Carcinogen Risk Assessment," EPA/630/P-03/001F, March 2005. Copies may be obtained from the Department of Environmental Quality, Air Quality Division, P.O. Box 30260, Lansing, Michigan 48909-7760, at no cost, or from the Integrated Risk Information System (IRIS) Hotline, c/o EPA Docket Center, Mail Code 28221T, EPA-West Building, 1301~~

~~Constitution Avenue NW, Washington, DC 20005; at no cost. The IRIS Hotline can also be contacted via email at hotline.iris@epa.gov or by telephone at 202-566-1676.~~

~~(2) The following standards are adopted in these rules by reference and are available as noted. Copies are available for inspection and purchase at the Air Quality Division, Department of Environmental Quality, 525 West Allegan Street, P.O. Box 30260, Lansing, Michigan 48909-7760, at a cost as of the time of adoption of these rules (AQD price). Copies may be obtained from the Superintendent of Documents, U.S. Government Printing Office, 732 North Capitol Street, NW, Washington, DC 20401, by calling 1-866-512-1800 or by accessing their online bookstore at http://bookstore.gpo.gov at a cost as of the time of adoption of these rules (GPO price). The standards can be viewed and/or printed free of charge at http://ecfr.gpoaccess.gov.~~

~~(a) The federal acid rain program, 40 C.F.R. 72.1 to 72.96 (2011), 40 C.F.R. 74.1 to 74.61 (2011), and 40 C.F.R. 76.1 to 76.15 (2011); AQD price $78.00/$68.00 GPO price for parts 72-80. When used in these federal regulations, the term "permitting authority" shall mean the department and the term "administrator" shall mean the administrator of the U.S. environmental protection agency. If the provisions or requirements of 40 C.F.R. 72.1 to 72.96, 40 C.F.R. 74.1 to 74.61, or 40 C.F.R. 76.1 to 76.15 conflict with, or are not included in,~~
~~R 336.1210 to R 336.1218, then the 40 C.F.R. 72.1 to 72.96 and 40 C.F.R. 76.1 to 76.15 provisions and requirements shall apply and take precedence.~~

~~(b) The federal hazardous air pollutant regulations governing constructed or reconstructed major sources, 40 C.F.R. 63.40 to 63.44 (2011) and 63.50 to 63.56 (2011); AQD price $74.00/$64.00 GPO price for part 63 (63.1-63.599). When used in these federal regulations, the term "permitting authority" shall mean the department and the term "administrator" shall mean the administrator of the U.S. environmental protection agency.~~

~~(c) The federal compliance assurance monitoring regulations, 40 C.F.R. 64.1 to 64.10 (2011); AQD price $44.00/$34.00 GPO price for parts 64-71. When used in these federal regulations, the term "permitting authority" shall mean the department, and the term "administrator" shall mean the administrator of the U.S. environmental protection agency.~~

~~(d) Title 40 C.F.R. 51.160(f), "Legally enforceable procedures," and appendix W, "Guideline on Air Quality Models" (2011); AQD price $61.00/$51.00 GPO price for parts 50-51.~~

~~(3) For the purpose of clarifying the definitions in these rules, the following documents are adopted by reference in these rules. Copies are available for inspection and purchase at the Air Quality Division, Department of Environmental Quality, 525 West Allegan Street, P.O. Box 30260, Lansing, Michigan 48909-7760, at a cost as of the time of adoption of these rules (AQD price). Copies of the documents may be obtained from the Superintendent of Documents, U.S. Government Printing Office, 732 North Capitol Street, NW, Washington, DC 20401, by calling 1-866-512-1800 or by accessing their online bookstore at http://bookstore.gpo.gov at a cost as of the time of adoption of these rules (GPO price). The documents can be viewed and/or printed free of charge at http://ecfr.gpoaccess.gov.~~

~~(a) Title 40 C.F.R. 51.165, "Permit requirements," and 51.166, "Prevention of significant deterioration of air quality" (2011); AQD price $61.00/$51.00 GPO price for parts 50-51.~~

~~(b) Title 40 C.F.R. 52.21, "Prevention of Significant Deterioration of Air Quality" (2011); AQD price $74.00/$64.00 GPO price for part 52 (52.1-52.1018).~~

~~(c) Title 40 C.F.R., part 60, "Standards of Performance for New Stationary Sources," (2011); AQD price $74.00/$64.00 GPO price for part 60 (60.1-end) and AQD price $73.00/$63.00 GPO price for the appendices (2011).~~

~~(d) Title 40 C.F.R., part 61, "National Emission Standards for Hazardous Air Pollutants" (2011); AQD price $61.00/$51.00 GPO price for parts 61-62.~~

~~(e) Title 40 C.F.R. 63.2, "Definitions," and 63.5(b)(3), "Requirements for existing, newly constructed, and reconstructed sources" (2011); AQD price $74.00/$64.00 GPO price for part 63 (63.1-63.599).~~

~~(f) Title 40 C.F.R. part 63, subpart EEE, "National Emission Standards for Hazardous Air Pollutants From Hazardous Waste Combustors" (2011); AQD price $66.00/$56.00 GPO price for part 63 (63.1200-63.1439).~~

~~(g) Title 40 C.F.R. part 63, subpart LLL, "National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry" (2011); AQD price $66.00/$56.00 GPO price for part 63 (63.1200-63.1439).~~

~~(h) Title 40 C.F.R. 70.3, "Applicability" (2011); AQD price $44.00/$34.00 GPO price for parts 64-71.~~

~~(i) Title 40 C.F.R. 70.7(g), "Re-openings for cause by EPA" (2011); AQD price $44.00/$34.00 GPO price for parts 64-71.~~

~~(j) Title 40 C.F.R. 70.8(a)(1) and (2), "Transmission of information to the Administrator" (2010); AQD price $44.00/$34.00 GPO price for parts 64-71.~~

~~(k) Title 40 C.F.R. 70.8(c), "EPA objection" (2010); AQD price $44.00/$34.00 GPO price for parts 64-71.~~

~~(l) Title 40 C.F.R. 70.8(d), "Public petitions to the Administrator" (2011); AQD price $44.00/$34.00 GPO price for parts 64-71.~~

~~(m) Title 40 C.F.R., part 98, subpart A, "Table A-1 – Global Warming Potentials" (2011); AQD Price $76.00/$66.00 GPO price for part 98 (96 – 99).~~

~~(4) The American Society for Testing and Materials (ASTM) methods are adopted in these rules by reference. Copies are available for inspection and purchase at the Air Quality Division, Department of Environmental Quality, 525 West Allegan Street, P.O. Box 30260, Lansing, Michigan 48909-7760, at the cost at the time of adoption of these rules (AQD price). Copies may also be obtained from ASTM International, P.O. Box C700, West Conshohocken, Pennsylvania 19428-2959; the ASTM website at www.astm.org; or ASTM customer service at (610) 832-9585 or service@astm.org; at a cost as of the time of adoption of these rules (ASTM price) as follows:~~

~~(a) ASTM D396-010, "Standard Specification for Fuel Oils," AQD price $49.00/$39.00 ASTM price.~~

~~(b) ASTM D2880-03 (2010), "Standard Specification for Gas Turbine Fuel Oils," AQD price $49.00/$39.00 ASTM price.~~

~~(c) ASTM D975-11, "Standard Specification for Diesel Fuel Oils," AQD price $65.00/$55.00 ASTM price.~~

NOTICE OF PUBLIC HEARING

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY
Air Quality Division

NOTICE OF PUBLIC HEARING

The Michigan Department of Environmental Quality (MDEQ), Air Quality Division (AQD), will conduct a comment period until December 18, 2015, and a public hearing on December 7, 2015, on proposed administrative rules promulgated pursuant to Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA). The rules being amended are identified as R 336.1101-1103, R 336.1106-1109, R 336.1112-1116, R 336.1118-1123, R 336.1201-1203, R 336.1205-1207, R 336.1209-1219, R 336.1224-1232, R 336.1240, R 336.1241, R 336.1277-1278a, and R 336.1280-1290. R 336.1233 and R 336.1291 are being added and R 336.1208a and R 336.1299 are being rescinded. The purpose of these rule revisions is to address rule recommendations made by the Office of Regulatory Reinvention's Environmental Advisory Rules Committee. The revisions also reflect the removal of obsolete dates, corrected citations, updated provisions to be consistent with federal requirements, changes to regulation of toxic air contaminants, clarification of permit exemptions, and moving adoption by reference to another rule section. The comment period and hearing will address requirements contained in the state administrative rules and revisions to Michigan's State Implementation Plan under the federal Clean Air Act.

The public hearing will be held on Monday, December 7, 2015, in the Con Con Rooms, Constitution Hall, Atrium Level, 525 West Allegan Street, Lansing, Michigan 48909. We will be holding two sessions with the first question and answer starting at 2:00 p.m. and the hearing from 3:00 p.m. until 5:00 p.m. The second session question and answer will begin at 6:00 p.m. with the hearing starting at 7:00 p.m.

Copies of the proposed rules (ORR 2014-153 EQ and ORR 2014-154 EQ) can be downloaded from the Internet through the Office of Regulatory Reinvention at http://www.michigan.gov/orr. Click on "Latest Rules Activity" and then "Pending Rule Changes." Under "Rules by Department," click on "Environmental Quality." Scroll to ORR 2014-153 EQ or ORR 2014-154 EQ and click on "Revision Text." Copies of the rules may also be obtained by contacting:

Michigan Department of Environmental Quality
Air Quality Division
P.O. Box 30260
Lansing, Michigan 48909-7760
Phone: 517-284-6740
Fax: 517-241-7499
E-Mail: debrulerc@michigan.gov

All interested persons are invited to attend and present his or her views. It is requested that all statements be submitted in writing for the hearing record. Anyone unable to attend may submit

comments in writing to the address above. Written comments must be received by December 18, 2015.

Persons needing accommodations for effective participation in the meeting should contact the AQD at 517-284-6740 one week in advance to request mobility, visual, hearing, or other assistance.

This notice of public hearing is given in accordance with Sections 41 and 42 of Michigan's Administrative Procedures Act, 1969 PA 306, Michigan Compiled Laws (MCL) 24.241 and 24.242. Promulgation of the rules is by authority conferred on the Director of the MDEQ by Section 5512 of the NREPA, MCL 324.5512. These rules will become effective immediately after filing with the Secretary of State.

Lynn Fiedler, Chief
Air Quality Division

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

LAND CORNER RECORDATION

GENERAL RULES

Filed with the Secretary of State on

These rules take effect immediately after filed with the Secretary of State

(By authority conferred on the department of licensing and regulatory affairs by section 5 of 1970 PA 74, MCL 54.205, and Executive Reorganization Order Nos. 1996-2, 1997-12, 2003-1, 2008-4, 2011-4, being MCL 445.2001, 445.2002, 445.2011, 445.2025, and 445.2030)

R 54.251, R 54.252, and R 54.253 are added to the Michigan Administrative Code as follows:

R 54.251 Definitions.
Rule 51. (1) As used in these rules:
(a) "Act" means the corner recordation act, 1970 PA 74, MCL 54.201 to 54.210d.
(b) "Corner code" means the individual alphanumeric designation given a corner based on its location within the survey township under the act and these rules.
(c) "Survey township" means a standard 6-mile square or fractional public land survey township that is designated by a township number and direction north or south of the Michigan baseline and a range number and direction east or west of the Michigan meridian.
(2) Terms defined in the act have the same meanings when used in these rules.

R 54.252 Land corner recordation certificate; content.
Rule 52. The land corner recordation certificate shall comply with all of the following:
(a) Meet the filing requirements for recording documents with the register of deeds under the recording requirements of 1937 PA 103, MCL 565.201 to 565.203.
(b) Be filed on a form titled land corner recordation certificate.
(c) Identify the legal authority requiring the form and the content.
(d) Include the printed name of the surveyor responsible for the work.
(e) Specify the date that the corner was or corners were used or monumented.
(f) Include not more than 2 original public land survey corners or protracted public land survey corners, or a combination of both, each in the same survey township.
(g) Identify the county in which the corner or corners lie. For a corner that is common to 2 or more counties, identify each county on the same form and file a copy of the land corner recordation certificate with the register of deeds in each county.
(h) Include a graphical representation of the survey township.
(i) Identify the corner or corners that are not accessories based on their definitions in the act.
(j) Identify the survey township in which the corner lies. For a corner that is common to 2 or more survey townships, identify each survey township on the same form.

(k) Identify the corner or corners based on their corner codes. For a corner that has 2 or more corner codes, identify each corner code on the same form.
(l) Identify the section or sections, and as applicable, the claim, reserve, tract, or other alternatively defined original federal area in which the corner lies.
(m) Report all of the following on each page:
(i) Page number.
(ii) Total number of pages.
(iii) Survey township.
(iv) Corner code.
(n) Include a section labeled part A and titled corner history that shall contain all of the following:
(i) The description of the corner as it was monumented, which shall include all of the following:
(A) The date the corner was monumented.
(B) The description of the monument placed.
(C) The name of surveyor responsible for monumenting the corner and the surveyor's license number, if applicable.
(D) The description of the document recording the monumenting of the corner and the document's recording data, if applicable.
(ii) The description of subsequent perpetuations or uses of the corner or references to the corner and each entry shall include all of the following:
(A) The date the corner was perpetuated, used, or referenced.
(B) The description of the monument perpetuated, used, or referenced.
(C) The name of the surveyor responsible for perpetuating, using or referencing the corner and the surveyor's license number, if applicable.
(D) The description of the document recording the perpetuation or use of the corner or references to the corner and the document's recording data, if applicable.
(iii) If the land corner recordation certificate is being filed for a corner that is being monumented under section 3a or 4 of the act, MCL 54.203a or 54.204, the surveyor shall indicate under part A that the land corner recordation certificate is being filed for a corner that is being monumented.
(iv) The entire content of a record referenced in part A is considered part of the land corner recordation certificate being filed.
(o) Include a section labeled part B and titled surveyor's report on perpetuation, restoration, reestablishment, or monumentation of corner. In this part, the surveyor shall do both of the following:
(i) Report in detail on the evidence gathered, work performed, and decisions made.
(ii) Provide his or her opinion regarding how the evidence relates to the corner history and how it guided his or her decisions to perpetuate, restore, reestablish, or monument the corner.
(p) Include a section labeled part C and titled field evidence for perpetuation of corner that reports how the surveyor left the corner for future use. This part shall include both of the following:
(i) A detailed description of the monument that shall include all of the following:
(A) The material used to make the monument, including the component that generates the magnetic field required under section 2(f) of the act, MCL 54.202(f).
(B) The monument's dimensions when set, including the length and cross-section measurements.
(C) The monument's cross-section measurements when the monument is found in place.

(D) If capped, a detailed description of the cap, including the material used to make the cap, the surveyor's license number marked on the cap, and other distinguishing features of or markings on the cap.

(ii) Accessories for each monument shall be listed with a detailed description for each accessory that shall include both of the following:

(A) Type of object or objects making up the accessory and the point to which the measurement is made.

(B) The accessory's location as it relates to the monument location by reporting both of the following:

(1) Direction, as it is related to north, from the monument to the accessory and identification by definition of the basis for north being reported.

(2) Distance from the monument to the accessory and identification of the unit of measurement being reported.

(q) License number of the surveyor responsible for the work.

(r) Date that the surveyor signed the form.

R 54.253 Land corner recordation certificate; form.

Rule 53. The purpose of this rule is to prescribe the form of the land corner recordation certificate as required by the act.

Land Corner Recordation Certificate
Authority: 1970 PA 74

Surveyor's Name: _____ Field Survey Date: _____

For corner(s) in: _____ County

Original
Public Land Survey Corner — Corner Code

S _____ T _____ R _____ _____
S _____ T _____ R _____ _____
S _____ T _____ R _____ _____
S _____ T _____ R _____ _____

Property Controlling Corner — Corner Code

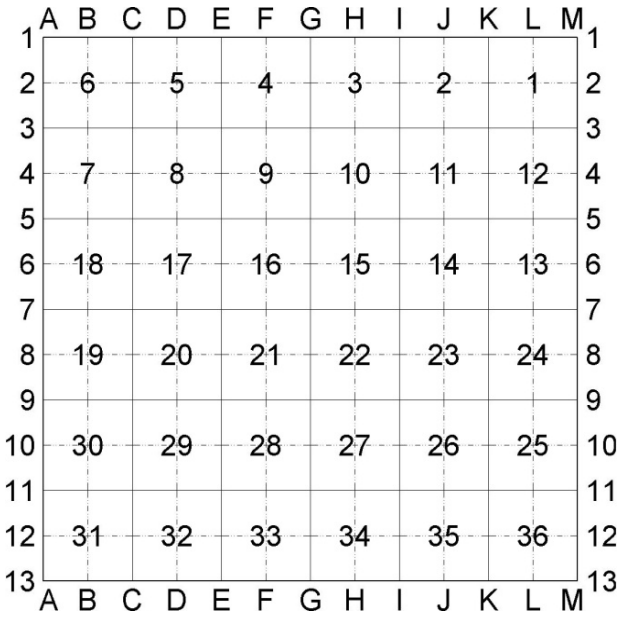
S _____ T _____ R _____ _____
S _____ T _____ R _____ _____
S _____ T _____ R _____ _____
S _____ T _____ R _____ _____

Property Corner — Corner Code

S _____ T _____ R _____ _____
S _____ T _____ R _____ _____
S _____ T _____ R _____ _____
S _____ T _____ R _____ _____

Protracted
Public Land Survey Corner — Corner Code

S _____ T _____ R _____ _____
S _____ T _____ R _____ _____
S _____ T _____ R _____ _____



S _____ T _____ R _____ _____

Part A: Corner History

Part B: Surveyor's Report on Perpetuation, Restoration, Reestablishment, or Monumentation of Corner

Part C: Field Evidence for Perpetuation of Corner

Surveyor's Signature _____ *Date* _____

Surveyor's Seal/Stamp

Professional Surveyor's License No.: _____
Prepared By: *Name, Address, City, State, Mail Code*

Land Corner Recordation Certificate
T_____ R_____ Code_____
Page # of #

NOTICE OF PUBLIC HEARING

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF CONSTRUCTION CODES
NOTICE OF PUBLIC HEARING

Land Corner Recordation General Rules (ORR# 2015-011 LR)

The Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, will hold a public hearing on Wednesday, January 13, 2016, at 9:00 a.m. in Ottawa Building, Upper Level, Conference Room 3, 611 W. Ottawa Street, Lansing, MI 48933. Please come early and bring your driver's license, as you will need to check in with the security desk and be escorted to the conference room. The Land Corner Recordation General Rules are proposed to take immediate effect after filing with the Secretary of State.

The public hearing is being held to receive public comments on the proposed amendments to the administrative rules noted above. Individuals who are not present during testimony will be provided an opportunity to submit written comments on the Land Corner Recordation General Rules.

The Corner Recordation Act went into effect in July of 1970 and the form was originally created in January of 1971. As of 1985 the rules for this act and the form prescribed therein were published under R 339.17403(8) as part of the General Rules for Professional Surveyors. On October 16, 2014, this rule was rescinded because it was determined that it should not have been under the General Rules for Professional Surveyors but under a unique set of rules for the Corner Recordation Act. The Act was amended on December 30, 2014 requiring the Department prescribe a form and rules. The hearing is being conducted by the Department under the authority of section 5 of 1970 PA 74, MCL 54.205, and Executive Reorganization Order Nos. 1996-2, 1997-12, 2003-1, 2008-4, 2011-4, being MCL 445.2001, 445.2002, 445.2011, 445.2025, and 445.2030.

The proposed rules will be published in the November 15, 2015, *Michigan Register.* Copies of the proposed amendments to the Land Corner Recordation General Rules may be obtained for a fee of $3.00 by submitting a check or money order made payable to the State of Michigan, to the Bureau at the address below. You may download a free copy of the proposed amendments by visiting the Bureau's website at www.michigan.gov/bcc. The amendments are located under "What's New" on the front page of the website.

Oral or written comments may be presented in person at the hearing on January 13, 2016, or submitted in writing by mail, email, or facsimile no later than 5:00 p.m., January 13, 2016, to the address stated below. If your presentation at the public hearing is in written form, please provide a copy to the Rules Specialist, at the conclusion of your testimony at the hearing.

Department of Licensing and Regulatory Affairs
Bureau of Construction Codes
Office of Management & Administrative Services

P.O. Box 30254
Lansing, MI 48909
Telephone (517) 241-6312
Facsimile (517) 241-9570
matsumotos@michigan.gov

The meeting site and parking are accessible. Individuals attending the meeting are requested to refrain from using heavily scented personal care products, in order to enhance accessibility for everyone. People with disabilities requiring additional services (such as materials in alternative format) in order to participate in the meeting should call Hillary Cushman at (517) 335-2972 (voice) at least 14 days prior to the hearing. LARA is an equal opportunity employer/program.

OPINIONS OF THE ATTORNEY GENERAL

MCL 14.32 states in part:

"It shall be the duty of the attorney general, when required, to give his opinion upon all questions of law submitted to him by the legislature, or by either branch thereof, or by the governor, auditor general, treasurer or any other state officer"

MCL 24.208 states in part:

"Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(j) Attorney general opinions. "

OPINIONS OF THE ATTORNEY GENERAL

STATE OF MICHIGAN

BILL SCHUETTE, ATTORNEY GENERAL

CONST 1963, ART. 9, § 6: Levy of property taxes in excess of constitutional limitations.

CONST 1963, ART. 9, § 31:

Without a vote of the county's electorate, a general law county may not levy pre-Headlee taxes as authorized by Const 1963, art 9, § 31 in excess of (1) the 15-mill limitation as allocated annually by the county tax allocation board under Const 1963, art 9, § 6, or (2) its specific share of the 18-mill limitation as fixed by the county voters under art 9, § 6.

Opinion No. 7287 October 21, 2015

The Honorable Joe Hune
State Senator
The Capitol
Lansing, MI 48909

You ask whether, without a vote of the people, a general law county may levy pre-Headlee authorized taxes in excess of the 15- or 18-mill limitations set forth in art 9, § 6 of the Michigan Constitution.[1]

Article 9, § 6 of the Constitution imposes limitations on property taxation in the so-called "15-18-50 mill/20-year limitation" provision.[2] The first paragraph of

§ 6 creates the taxing limitations and provides, in part:

[1] In this Opinion, "pre-Headlee authorized taxes" refers to taxes authorized by state law before December 23, 1978, the effective date of the Headlee Amendment.

[2] The tax rate, or millage, is the number of tax dollars a taxpayer must pay for each $1,000 of taxable value. A mill equals one one-thousandth of a dollar or $1 of tax for each $1,000 of taxable value. For example, if a local millage is 15 mills and the taxable value of the property is $100,000, the formula would be $15 x 100, for a property tax of $1,500.

> Except as otherwise provided in this constitution, the total amount of general ad valorem taxes . . . in any one year *shall not exceed 15 mills* . . . . Under procedures provided by law[3] . . . separate tax limitations for any county and for the townships and for school districts therein, *the aggregate of which shall not exceed 18 mills* . . . may be adopted and thereafter altered by the vote of a majority of the qualified electors of such county . . . . These limitations may be increased to *an aggregate of not to exceed 50 mills* . . . for a period of *not to exceed 20 years at any one time*, if approved by a majority of the electors . . . . [Const 1963, art 9, § 6; emphasis added.][4]

The second paragraph of § 6 creates two exceptions from the tax limitations, and provides:

> The foregoing limitations shall not apply [1] to taxes imposed for the payment of principal and interest on bonds approved by the electors or other evidences of indebtedness approved by the electors or for the payment of assessments or contract obligations in anticipation of which bonds are issued approved by the electors, which taxes may be imposed without limitation as to rate or amount; or [2], subject to the provisions of Section 25 through 34 of this article, to taxes imposed for any other purpose by any city, village, charter county, charter township, charter authority or other authority, the tax limitations of which are provided by charter or by general law. [Const 1963, art 9, § 6.]

This "nonapplication provision," as it is sometimes called, excludes taxes levied to pay for voter-approved public debts or, subject to certain conditions, taxes imposed by cities, villages, charter counties, charter townships, charter authorities or other authorities, from the 15-18-50 mill/20-year limitation. *Butcher v Grosse Ile Twp*, 387 Mich 42, 65; 194 NW2d 845 (1972).

Section 6 thus prohibits a general law county from levying millage in excess of (1) the 15-mill limitation as allocated annually by the county tax allocation board under art 9, § 6, or (2) its specific share of the 18-mill limitation as fixed by the county voters under art 9, § 6. Section 6 also authorizes a county to place before voters an initiative to exceed this annual or fixed

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[3] The taxing limitations and procedures for adopting separate tax limitations are incorporated and set forth in the Property Tax Limitation Act, MCL 211.201 through 211.217a.

[4] A 15-mill limitation first appeared in Michigan's 1908 Constitution. See Const 1908, art 10, § 21.

allocation for the county, general law townships, school districts, and other taxing units within the county to a maximum of 50 mills for not more than 20 years.

Here, the County in question is not a charter county,[5] and thus is not one of the local units of government excluded from the 15-18-50 mill/20-year limitation. See, e.g. OAG, 1985-1986, No 6285, p 46 (April 17, 1985) (noting distinction in treatment between townships and charter townships for purposes of art 9, § 6).[6] The County did, however, avail itself of the option in § 6 to adopt separate tax limitations through a vote of the people. In November 1964, County voters approved a fixed allocation of 5.50 mills for the County.

This vote fixed the property tax allocation for the County until electors vote to approve a different allocation. Of course, the County and other taxing units within the County subject to the tax limitations of § 6 could still seek to approve additional millage up to 50 mills, but only with voter approval and for a period not to exceed 20 years.

Fourteen years later, in November 1978, Michigan voters approved a series of amendments to the state Constitution, commonly referred to as the Headlee Amendment. See OAG, 1977-1978, No 5417, p 740 (December 20, 1978). These provisions, Const 1963, art 9, §§ 25-34, took effect December 23, 1978. The Headlee Amendment was "part of a nationwide 'taxpayers revolt' . . . to limit legislative expansion of requirements placed on local government, to put a freeze on what they perceived was excessive government spending, and to lower their taxes both at the local and the state level." *Bolt v City of Lansing*, 459 Mich 152, 161; 587 NW2d 264 (1998), quoting *Airlines Parking, Inc v Wayne County*, 452 Mich 527, 532; 550

[5] There are only two charter counties in Michigan – Wayne (1983) and Macomb (2011). Oakland and Bay Counties are organized under the Optional Unified Form of County Government Act, MCL 45.551 et seq. The remaining Michigan counties operate under MCL 45.1 et seq., as general law counties.
[6] The County would benefit from the public debt exception, but that provision is not applicable here.

NW2d 490 (1996); *Waterford School Dist v State Bd of Education*, 98 Mich App 658, 663; 296 NW2d 328 (1980) (The Headlee Amendment's "ultimate purpose was to place public spending under direct popular control.").

Relevant to your question, art 9, § 31 provides, in part:

> Units of Local Government are hereby prohibited from levying any tax not authorized by law or charter when this section is ratified or from increasing the rate of an existing tax above that rate authorized by law or charter when this section is ratified, without the approval of a majority of the qualified electors of that unit of Local Government voting thereon. . . .

This provision "invalidates the levying of any new tax not already authorized by law at the time of the ratification of the Headlee Amendment unless voter approval of that tax is secured." *Wheeler v Charter Twp of Shelby*, 265 Mich App 657, 664; 697 NW2d 180 (2005), citing Const 1963, art 9, § 31. The Headlee Amendment also amended art 9, § 6 to include the "subject to the provisions of Section 25 through 34 of this article" language in the second paragraph, as well as to include other references to "voter approval." See OAG No 5417, pp 740-743 (discussing Headlee Amendment and history of art 9, § 6).

" 'In interpreting the constitution, [the Michigan Supreme] Court has developed two rules of construction.' " *Makowski v Governor*, 495 Mich 465, 472; 852 NW2d 61 (2014), quoting *Soap & Detergent Ass'n v Natural Resources Comm*, 415 Mich 728, 745; 330 NW2d 346 (1982). "First, the interpretation should be 'the sense most obvious to the common understanding; the one which reasonable minds, the great mass of people themselves, would give it.' " *Id.* (citations and quotation marks omitted); *Nat'l Pride at Work, Inc v Governor,* 481 Mich 56, 67; 748 NW2d 524 (2008). "Second, in previous cases [the Court has] considered 'the circumstances surrounding the adoption of the constitutional provision and the purpose sought to be accomplished[.]' " *Makowski* at 472. (internal citations and quotation marks omitted); *Dep't*

of Transportation v Tomkins, 481 Mich 184, 191; 749 NW2d 716 (2008); *House Speaker v Governor*, 443 Mich 560; 575 NW2d 190 (1993).

Against this background, you ask whether, without a vote of the people, the County Board of Commissioners could levy millage in excess of the 15- or 18-mill limitations set forth in art 9, § 6 of the Michigan Constitution.

According to information reviewed in conjunction with your request, the County Board of Commissioners approved by resolution the levying of three millages in December 2014. The first was for 1/27th of a mill to be levied under the Veterans' Relief Fund Act, 1899 PA 214, MCL 35.21 *et seq*., for the County's Veterans' Relief Fund. The second was for .07 of a mill to be levied under the Advertisement of Agricultural Advantages Act, 1913 PA 88, MCL 46.161, for the promotion of agricultural and economic development in the County. The third was for .5 of a mill to be levied under the Public Highways and Private Roads Act, 1909 PA 283, MCL 224.20, for use in maintaining public roads and streets.

State law authorized each of these millages well before the Headlee Amendment's passage in 1978. Moreover, the millage rates approved by the County Board of Commissioners did not exceed the rates authorized by law for each of these millages. See MCL 35.21 (1/10th of a mill for Veterans' Relief Fund); MCL 46.161 (0.50 of a mill for agricultural and industrial advertising); MCL 224.20 (1 mill in counties where total assessed valuation is more than $300 million). Because these millages were authorized by law before the Headlee Amendment became effective and the approved rates did not exceed the rates authorized by law, the County Board of Commissioners' decision to levy these millages without the approval of county voters did not violate art 9, § 31. *American Axle & Mfg, Inc v City of Hamtramck*, 461 Mich 352, 357; 604 NW2d 330 (2000) ("[W]e agree . . . that the Headlee exemption of taxes authorized by law

when the section was ratified permits the levying of previously authorized taxes even where they were not being levied at the time Headlee was ratified[.]"); *Bailey d/b/a The Pines Motel v Muskegon County Bd of Comm'rs*, 122 Mich App 808, 821; 333 NW2d 144 (1983).

But this analysis does not completely answer whether the approval of these millages violated the taxing limitations set forth in art 9, § 6. According to your request, it is the County's position that because art 9, § 31 permitted the three millages, as pre-Headlee authorized millages, to be levied, the levies are not subject to the tax limitations of art 9, § 6.

The Michigan Court of Appeals addressed a similar argument in *Grosse Ile Committee for Legal Taxation v Grosse Ile*, 129 Mich App 477, 494; 342 NW2d 582 (1983), leave denied, 419 Mich 870 (1984). In *Grosse Ile*, the plaintiff filed claims in both the circuit court and the Michigan Tax Tribunal, arguing that the local taxes exceeded the aggregate cap of 50 mills set forth in art 9, § 6. The defendants argued that the 50-mill limitation was modified or otherwise eliminated with the passage of the Headlee Amendment. The Court of Appeals disagreed:

> After careful consideration, we find that *the Headlee amendment left the former 15-mill, 18-mill, and 50-mill limitations of § 6 intact, and merely added an additional restriction to § 6.* Nowhere in the language of the Headlee amendment is there any indication that the already existing limitations contained in § 6 were to be abolished. [*Id*. at 494; emphasis added]

The Court of Appeals observed that before the Headlee Amendment, the 15-18-50-mill limitations "applied to all units of government with two major exceptions." *Id*. at 494. The first exception was "for any of those units of government when taxes were imposed 'for the payment of principal and interest on bonds or other evidences of indebtedness.' " *Id*. The second exception "was for taxes imposed for any other purpose by any city, village, charter county, charter township, charter authority, or other authority, the tax limitations of which are provided by charter or by general law." *Id*.

But after the Headlee Amendment was ratified, there were new limitations:

> [T]he "charter" exceptions were limited for the first time by the necessity of gaining electorate approval for new or increased taxes. Thus, it appears that the only effect the Headlee amendment had upon § 6 was to impose the additional requirement of electorate approval before the exceptions to the 50-mill limitation would be operative." [*Id*. at 495 (citation omitted); see also *American Axle*, 461 Mich at 355-356 (reviewing art 9, § 6 and describing art 9, § 31 as adding the "requirement of voter approval of new taxes.").]

The Court further observed that § 6's "subject to the provisions of Section 25 through 34 of this article" language applies only to the second exception and not to the taxing limitation provision in § 6:

> [B]ecause the amendment of § 6 was made at the time other provisions of the Headlee amendment were added the specific reference to the other provisions of the Headlee amendment applied only to the "charter" exception to the limitations contained in § 6, and the language in § 6 which sets forth the limitations was not also amended, we are unpersuaded by the defendants' argument that the Headlee amendment abolished the 50-mill limitation contained in § 6. It is clear to us that the framers of the Headlee amendment were well aware of the existing language of § 6; and, because no amendment concerning the limitations contained in § 6 was proposed, we find that the Headlee amendment did not abolish the 50-mill limitation. [*Id*.]

Accordingly, the Court of Appeals held that it was "unconstitutional for the Township of Grosse Ile to impose aggregate taxes that exceed the 50-mill limitation set forth in § 6." *Id.* The Court, however, remanded to the Michigan Tax Tribunal for a determination as to whether Grosse Ile Township's taxes actually exceeded the 50-mill limitation.[7]

The *Grosse Ile* Court's analysis of the 50-mill limitation applies equally well to the 15- or 18-mill limitations. Indeed, if the Headlee Amendment did not modify or remove the 50-mill limitation from art 9, § 6, the 15- or 18-mill limitations remain as well. This conclusion is consistent with the language of art 9, § 6 and the Headlee Amendment. As noted in the *Grosse*

[7] For a discussion of the application of the 50-mill limit to a specific voted millage, see OAG, 1981-1982, No 5866, p 87 (April 7, 1981).

Ile decision, the phrase "subject to the provisions of Section 25 through 34 of this article" appears in the second exception of the nonapplication provision. It does not appear in the first paragraph of art 9, § 6, which places limits on a county's taxing authority. The plain reading indicates that the Headlee Amendment did not change the 15-mill and 18-mill limitation. The same reasoning governs the initial phrase of the first paragraph of art 9, § 6, "Except as otherwise provided in this constitution." Nothing in §§ 25 through 34 of art 9 expressly address the limitations imposed by § 6 and consequently the Headlee Amendment does not set aside the constraints that § 6 imposes on the taxing authority of local units of government.

This conclusion is also consistent with the intent of the voters. The Headlee Amendment's purpose of limiting taxes and allowing more direct popular control would be thwarted if the 15- and 18-mill limitations did not apply because the Headlee Amendment was ratified to provide greater, rather than fewer, protections from tax increases. Without the 15- or 18-mill limitations in place, it is conceivable that a local populace would have less control over public spending than it did before the Headlee Amendment—a result contrary to the Amendment's very purpose.

Here, it is not just the 18-mill limitation that applies; the specific limitations approved by voters within the 18-mill limitations adopted under art 9, § 6 also apply. As noted above, County voters approved a 5.5 mill allocation to the County in 1964. However, the 5.5 mill allocation was rolled back to 4.5493 mills under the Headlee Amendment. Const 1963, art 9, § 31; MCL 211.34d. Accordingly, the maximum millage the County could levy in 2014, without a vote of the people, was 4.5493 mills. If the three millages were levied within the County's available 4.5493 mills there was no violation of art 9, § 6. Conversely, if the three millages were

levied in excess of the County's 4.5493 mill allocation, the levy violated the tax limitations adopted by County voters under art 9, § 6.

In summary, although the County Board of Commissioners' approval by resolution of the levying of three millages did not violate art 9, § 31, the levy violated art 9, § 6 if the levy caused the County to exceed its allocated mills as approved by voters. It is the County Board of Commissioners' responsibility to ensure that the limitations of art 9, § 6 are met. OAG, 1989-1990, No 6654, p 363 (August 16, 1990). If the County wishes to levy a millage in excess of its constitutional and voter-approved limitation, it may do so through a vote of the people under the 50-mill/20-year provision of art 9, § 6.

It is my opinion, therefore, that, without a vote of the county's electorate, a general law county may not levy pre-Headlee taxes as authorized by Const 1963, art 9, § 31 in excess of (1) the 15-mill limitation as allocated annually by the county tax allocation board under Const 1963, art 9, § 6, or (2) its specific share of the 18-mill limitation as fixed by the county voters under art 9, § 6.

BILL SCHUETTE Attorney General

EXECUTIVE ORDERS
AND
EXECUTIVE REORGANIZATION ORDERS

MCL 24.208 states in part:

"Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

(a) Executive orders and executive reorganization orders."

EXECUTIVE ORDERS

EXECUTIVE ORDER
No. 2015 – 13

CREATION OF THE
STATE OF MICHIGAN RETIREMENT BOARD

STATE EMPLOYEES' RETIREMENT SYSTEM BOARD
JUDGES RETIREMENT BOARD
MILITARY RETIREMENT PROVISIONS

EXECUTIVE REORGANIZATION

WHEREAS, Article V, Section 1, of the Constitution of the state of Michigan of 1963 vests the executive power in the Governor; and

WHEREAS, Article V, Section 2, of the Constitution of the state of Michigan of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units which he considers necessary for efficient administration; and

WHEREAS, Article V, Section 8, of the Constitution of the state of Michigan of 1963 provides that each principal department shall be under the supervision of the Governor, unless otherwise provided in the Constitution; and

WHEREAS, there is a continued need to increase collaboration, optimize service delivery, and ensure efficient administration of the state of Michigan's several retirement systems, in accordance with applicable state and federal laws, rules, and regulations; and

WHEREAS, the state of Michigan intends that each of its retirement systems be administered as a qualified pension plan created in trust under section 401 of the Internal Revenue Code, 26 USC 401, that the respective trusts be exempt organizations under Section 501 of the Internal Revenue Code, 26 USC 501, and that they be administered in compliance with the provisions of Section 415 of the Internal Revenue Code, 26 USC 415, and other applicable regulations to fulfill this intent; and

WHEREAS, the State Employees' Retirement System and its board were created under the State Employees' Retirement Act, 1943 PA 240, as amended, MCL 38.1 to 38.69, and its existence and powers were continued under Sections 251 and 254 of 1965 PA 380, as amended, MCL 16.351 and 16.354, to provide a system of pension and retirement benefits for eligible state employees; and

WHEREAS, the Judges Retirement System and its board were established by the Judges Retirement Act of 1992, 1992 PA 234, as amended, MCL 38.2101 to 38.2670, to provide retirement benefits to judges, and also the Governor, Lieutenant Governor, Secretary of State, Attorney General, and Legislative Auditor General; and

WHEREAS, Chapter 7 of the Michigan Military Act, 1967 PA 150, as amended, MCL 32.801 to 32.851, along with the Military Establishment Act, 1909 PA 84, as amended, MCL 32.35 to 32.49d, provides retirement benefits to eligible military personnel; and

WHEREAS, the Department of Technology, Management, and Budget, through its Office of Retirement Services, supervises the state of Michigan's retirement systems and provides budgeting, procurement, and management functions relative to the administration of retirement allowances, pensions, and other retirement benefits payable under the State Employees' Retirement Act, 1943 PA 240, as amended, MCL 38.1 to 38.69, the Judges Retirement Act, 1992 PA 234, as amended MCL 38.2101 to 38.2670, the Michigan Military Act, 1967 PA 150, as amended, MCL 32.501 to 32.851, and the Military Establishment Act, 1909 PA 84, as amended, MCL 32.35 to 32.49d; and

WHEREAS, effective October 1, 2012, the Department of Military and Veterans Affairs transitioned all aspects of management of the Military Retirement Provisions, from initial eligibility and retirement applications to processing pension payments to each retiree and subsequent retirement beneficiaries to the Office of Retirement Services within the Department of Technology, Management, and Budget; and

WHEREAS, the functions, duties and responsibilities of the State Employees' Retirement System, the Judges Retirement System, and the Military Retirement Provisions, respectively, can be carried out more effectively by a new State of Michigan Retirement Board, under the supervision of the Department of Technology, Management, and Budget, through its Office of Retirement Services, which has the expertise to ensure that these functions are accomplished in a coordinated, cost-efficient, and effective manner in accordance with all applicable state and federal regulations;

NOW, THEREFORE, I, Richard D. Snyder, Governor of the state of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. DEFINITIONS

As used in this Order:

A. "Board" means the State of Michigan Retirement Board created in Section II of this Order.

B. "Department" means the principal department of state government created as the Department of Management and Budget by Section 121 of the Management and Budget Act, 1984 PA 431, MCL 18.1121 and renamed as the "Department of Technology, Management, and Budget" pursuant to Executive Order 2009-9, MCL 18.441.

C. "Department of Military and Veterans Affairs" means the principal department of state government created as the Department of Military Affairs by Section 125 of 1965 PA 380, MCL 16.225, and renamed the "Department of Military and Veterans Affairs" pursuant to Executive Order 1997-7, MCL 32.91.

D. "Health insurance coverage" means the hospitalization and medical insurance, dental coverage, vision coverage, and any other health care insurance provided in Section 20d of the State Employees' Retirement Act, 1943 PA 240, MCL 38.20d.

E. "Military member" means a current or former officer or enlisted person, or an adjutant general or assistant adjutant general, who is eligible to be paid a retirement allowance, pension, or other retirement benefit provided under the Michigan Military Act, 1967 PA 150, as amended, MCL 32.501 to 32.851.

F. "Military Retirement Provisions" means the retirement allowance, pension, or other retirement benefits provided under the Michigan Military Act, 1967 PA 150, as amended, MCL 32.501 to 32.851.

G. "Retirement Acts" means, collectively, the State Employees' Retirement Act, 1943 PA 240, as amended, MCL 38.1 to 38.69, the Judges Retirement Act of 1992, 1992 PA 234, as amended, MCL 38.2101 to 38.2670, and the Michigan Military Act, 1967 PA 150, as amended, MCL 32.501 to 32.851 or the Military Establishment Act, 1909 PA 84, as amended, MCL 32.35 to 32.49d, as applicable.

H. "Retirement systems" means the State Employees' Retirement System, created by Section 2 of State Employees' Retirement Act, 1943 PA 240, MCL 38.2, the Judges Retirement System, created by Section 201 of 1992 PA 234, MCL 38.2201, and the Military Retirement Provisions.

I. "Qualified pension plan" means a pension plan created in trust under Section 401 of the Internal Revenue Code, 26 USC 401.

J. "State Budget Director" means the individual appointed by the Governor pursuant to Section 321 of the Management and Budget Act, 1984 PA 431, MCL 18.1321.

II. CREATION OF THE STATE OF MICHIGAN RETIREMENT BOARD

A. The State of Michigan Retirement Board is created within the Department.

B. The Board shall exercise its powers, duties, and functions independently of the Department, in accordance with the Retirement Acts, the Public Employee Retirement System Investment Act, 1965 PA 314, as amended, MCL 38.1122 to 38.1141, and all other applicable state or federal laws, rules, and regulations. The budgeting, procurement, and related management functions of the Board shall be performed under the direction and supervision of

the Department. The Board shall be assisted by personnel of the Department under the direction and supervision of the Director of the Department.

C. The powers, duties, and functions of the Board are vested in a board of trustees consisting of the following 9 members:

- The Attorney General who may designate one of his or her Assistant Attorneys General to serve as a voting member in the absence of the Attorney General.
- The State Treasurer who may designate a representative from within the Department to serve as a voting member in the absence of the State Treasurer.
- The Legislative Auditor General who may designate his or her Deputy to serve as a voting member in the absence of the Legislative Auditor General.
- The State Personnel Director who may designate an authorized representative to serve as a voting member in the absence of the State Personnel Director.
- One member or retirant of the State Employees' Retirement System, who shall be appointed by the Governor.
- One member or retirant of the Judges Retirement System, who shall be appointed by the Governor.
- One current or former officer or enlisted person in the Michigan Military Establishment who is a member or retirant under the Military Retirement Provisions, who shall be appointed by the Governor.
- One retirant member of the State Employees' Retirement System, who shall be appointed by the Governor.
- One member of the general public, who shall be appointed by the Governor.

D. The appointed members shall serve for a term of four years, except that of the members first appointed, the Governor shall appoint a state employee member for a term of one year, a member or retirant of the Judges Retirement System for a term of two years, and the member or retirant under the Military Retirement Provisions for a term of three years.

E. Any appointed Board member who fails to attend the scheduled meetings of the Board for two consecutive meetings without valid excuse, as determined by the Board chairperson, shall be considered as having resigned from the Board and the Board shall declare his or her office vacated by way of a resolution, and shall notify the Governor of the vacancy. During their designated term of office, appointed members of the Board serve at the pleasure of the Governor and may be removed by the Governor as provided in Article V, Section 10 of the State Constitution of 1963. If for any reason a vacancy occurs in the office of an appointed Board member, the Governor shall appoint a replacement who shall serve for the remainder of the unexpired term. Board members shall serve for the duration of their appointed term and shall continue to hold office after the expiration of their term until a successor is appointed.

F. A majority of the members serving on the Board shall constitute a quorum for the transaction of business at a meeting of the Board.

G. The Board shall conduct its business at public meetings in compliance with the Open Meetings Act, 1976 PA 267, MCL 15.261 to 15.275. However, members of the Board may attend and participate in a meeting of the commission by the use of telecommunication or

other electronic equipment if their attendance and participation by the use of telecommunication or other electronic equipment is authorized by the bylaws of the Board and that meeting is otherwise conducted in compliance with the Open Meetings Act, 1976 PA 267, MCL 15.261 to 15.275.

H. A writing prepared, owned, used, in the possession of, or retained by the Board in the performance of an official function is subject to the Freedom of Information Act, 1976 PA 442, as amended, MCL 15.231 to 15.246.

I. The members of the Board shall serve without compensation, but may receive reasonable reimbursement for all actual necessary travel and expenses incurred in the performance of their official duties.

J. The Board shall annually elect from its membership a chairperson and a vice-chairperson. A chair or vice-chairperson may be reelected to consecutive terms for those positions without limitation, subject to the expiration of their term of service on the Board. The Department, in consultation with the Board, shall designate an executive secretary, and shall also designate any actuarial, medical, clerical, technical, and administrative personnel as may be necessary for the proper operation of the Retirement Systems.

K. The Board shall act in the best interests of the active and retirant members of the Retirement Systems and shall act in accordance with all applicable laws, rules, and regulations, including all provisions of the Retirement Acts except as modified by this Order.

III. TRANSFER OF FUNCTIONS

A. The administrative statutory powers, duties, functions, and responsibilities concerning retirement allowances, pensions, or other retirement benefits under the Michigan Military Act are transferred to the Board created in Section II of this Order.

B. The authority, powers, duties, functions, responsibilities, and rule-making authority of the State Employees' Retirement System Board are transferred to the Board created in Section II of this Order. The State Employees' Retirement System Board created by Section 2 of the State Employees' Retirement Act, 1943 PA 240, MCL 38.2, is abolished.

C. The authority, powers, duties, functions, responsibilities, and rule-making authority of the Judges Retirement Board are transferred to the Board created in Section II of this Order. The Judges Retirement Board, created by Section 202 of the Judges Retirement Act of 1992, 1992 PA 234, MCL 38.2202, is abolished.

IV. IMPLEMENTATION

A. The Director of the Department, in consultation with the State Treasurer, shall provide executive direction and supervision for the implementation of all transfers of functions under this Order and shall make internal organizational changes as necessary to complete the transfers under this Order.

B. The Department of Military and Veterans Affairs shall provide the Board and the Department with the records, data, and other information as requested by the Office of Retirement Services to ensure that these functions are accomplished in a coordinated, cost-efficient and effective manner.

C. The Board shall administer the Military Retirement Provisions as part of a qualified pension plan created in trust under Section 401 of the Internal Revenue Code, 26 USC 401, in accordance with State Employees' Retirement Act and all plan documents relating to the governance of the same.

D. The Department may establish any fund it deems necessary for the funding and payment of benefits provided to military members under the Michigan Military Act, in accordance with state and federal regulations applicable to qualified governmental plans, including but not limited to the following:

1. A military accumulation fund in which may be accumulated any reserves derived from the money provided for the payment of retirement allowances, pensions, and other retirement benefits payable to military members under the Michigan Military Act and the Military Establishment Act; and

2. A military pension reserve fund from which may be paid all retirement allowances, pensions, and other retirement benefits provided to military members under the Michigan Military Act and the Military Establishment Act.

E. Beginning with the state fiscal year 2016-2017, the Department shall determine a separate contribution rate to be contributed by the state for retirement allowances, pensions, and other retirement benefits payable to military members under the Michigan Military Act and the Military Establishment Act. The amount of the unfunded accrued liability on which the separate contribution rate is determined shall be that amount which the state is legally responsible for and is to be calculated by an actuarial analysis.

F. Beginning with the state fiscal year 2016-2017, the Department shall determine a separate contribution rate for health insurance coverage for eligible military members using an individual projected benefit entry age normal cost method of valuation. The unfunded actuarial accrued liability shall be equal to the actuarial present value of benefits reduced by the actuarial present value of future normal cost contributions and the actuarial value of assets on the valuation date. Except as otherwise provided in the State Employees' Retirement Act, the unfunded actuarial accrued liability shall be amortized in accordance with generally accepted governmental accounting standards over a period equal to or less than 40 years, with a payment schedule determined by the Department.

G. All funding that is currently being held in a "work project" account, or any similar account, for the payment of retirement allowances, pensions, or other retirement benefits provided to military members under the Michigan Military Act, shall be transferred to an appropriate pension trust account, in accordance with applicable state and federal regulations.

H. The State Budget Director shall determine and authorize the most efficient

manner possible for the handling of financial transactions and records in the state's financial management system for the remainder of the current state fiscal year for transfers made under this Order.

V. MISCELLANEOUS

A. All rules, orders, contracts, declaratory rulings, agreements, and other actions relating to the assigned functions lawfully adopted prior to the effective date of the transfers provided herein shall continue to be effective until revised, amended, repealed, or rescinded.

B. Nothing in this Order shall be construed to diminish or impair the accrued financial benefits of a member eligible to receive a pension benefit pursuant to the Retirement Acts.

C. This Order shall not abate any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected under this Order. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected under this Order.

D. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion.

E. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

In fulfillment of the requirements under Section 2 of Article V of the Michigan Constitution of 1963, this Order shall be effective January 1, 2016.

Given under my hand and the Great Seal of the state of Michigan this _____ day of _____, in the Year of our Lord, Two Thousand Fifteen

_____

RICHARD D. SNYDER
GOVERNOR

_____

SECRETARY OF STATE

OTHER OFFICIAL INFORMATION

MCL 24.208 states in part:

Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(i) Other official information considered necessary or appropriate by the office of regulatory reinvention.

OTHER OFFICIAL INFORMATION

November 6, 2015

Deidre O'Berry
Office of Regulatory Reinvention
611 W. Ottawa – 2nd Floor
Lansing, MI 48909

Subject: Mich Admin Code R 325.6101 through R 325.6960-Rescission Request

Dear Ms. O'Berry:

This is a request to rescind Mich Admin Rules R 325.6101 through R 325.6960 from the Michigan Administrative Code. 368 PA 1978, "Health Maintenance Organizations", MCL 333.21001 through MCL 333.21099 was repealed effective June 29, 2000 by 252 PA 2000. Pursuant to the Administrative Procedures Act, Section 31(2), MCL 24.231 and, Section 56(1), MCL 24.256, the Department of Health and Human Services is requesting a rescission of the following rules associated with the repealed statutes, effective immediately:

- Health Maintenance Organizations: R 325.6101 through R 325.6960.

If you have any questions, please contact me at 335-6819.

Sincerely,

/S/

Mary E. Brennan
Regulatory Affairs Officer
Department of Health and Human Services

OTHER OFFICIAL INFORMATION

November 2, 2015

Deidre O'Berry
Office of Regulatory Reinvention
611 W. Ottawa – 2nd Floor
Lansing, MI 48909

Subject: Mich Admin Code R 325.2301 through R 325.2369-Rescission Request

Dear Ms. O'Berry:

This is a request to rescind Mich Admin Rules R 325.2301 through 325.2369 from the Michigan Administrative Code. 235 PA 1968, "Licensing of Clinical Laboratories", MCL 325.81 through 325.92 was repealed effective September 30, 1978 by 368 PA 1978. Pursuant to the Administrative Procedures Act, Section 31(2), MCL 24.231 and, Section 56(1), MCL 24.256, the Department of Health and Human Services is requesting a rescission of the following rules associated with the repealed statutes, effective immediately:

- Clinical Laboratories: R 325.2301 through R 325.2369.

If you have any questions, please contact me at 335-6819.

Sincerely,

/S/

Mary E. Brennan
Regulatory Affairs Officer
Department of Health and Human Services

(2015 SESSION)

MCL 24.208 states in part:

"Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(i) Other official information considered necessary or appropriate by the Office of Regulatory Reform."

The following table cites administrative rules promulgated during the year 2000, and indicates the effect of these rules on the Michigan Administrative Code (1979 ed.).

MICHIGAN ADMINISTRATIVE CODE TABLE
(2015 RULE FILINGS)

R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue
18.351	*	20	38.1386	R	1	205.2007	A	9
18.365	*	20	38.1671	R	1	205.2008	A	9
30.58	*	9	38.1672	R	1	205.2009	A	9
38.22	R	1	38.1673	R	1	205.2010	A	9
38.23	R	1	38.1674	R	1	205.2011	A	9
38.24	R	1	38.1675	R	1	225.1	R	1
38.25	R	1	38.1676	R	1	225.2	R	1
38.28	R	1	38.1677	R	1	225.3	R	1
38.71	R	1	38.1678	R	1	225.4	R	1
38.72	R	1	38.1679	R	1	225.5	R	1
38.73	R	1	38.1680	R	1	225.6	R	1
38.74	R	1	38.1681	R	1	225.7	R	1
38.75	R	1	38.1682	R	1	225.8	R	1
38.76	R	1	38.1683	R	1	225.9	R	1
38.77	R	1	38.1684	R	1	225.10	R	1
38.78	R	1	38.1685	R	1	247.351	R	1
38.79	R	1	38.1686	R	1	247.403	R	1
38.80	R	1	38.2171	R	1	247.404	R	1
38.81	R	1	38.2172	R	1	247.405	R	1
38.82	R	1	38.2173	R	1	247.406	R	1
38.83	R	1	38.2174	R	1	247.741	R	1
38.84	R	1	38.2175	R	1	247.742	R	1
38.85	R	1	38.2176	R	1	247.748	R	1
38.86	R	1	38.2177	R	1	281.423	*	12
38.1371	R	1	38.2178	R	1	281.511	*	17
38.1372	R	1	38.2179	R	1	281.514	*	17
38.1373	R	1	38.2180	R	1	281.515	*	17
38.1374	R	1	38.2181	R	1	281.519	*	17
38.1375	R	1	38.2182	R	1	281.520	A	17
38.1376	R	1	38.2183	R	1	281.521	A	17
38.1377	R	1	38.2184	R	1	281.522	A	17
38.1378	R	1	38.2185	R	1	281.523	A	17
38.1379	R	1	38.2186	R	1	281.524	A	17
38.1380	R	1	205.2001	A	9	281.811	*	5
38.1381	R	1	205.2002	A	9	285.635.15	R	13
38.1382	R	1	205.2003	A	9	285.635.16	R	13
38.1383	R	1	205.2004	A	9	285.635.17	R	13
38.1384	R	1	205.2005	A	9	285.900.1	R	3
38.1385	R	1	205.2006	A	9	299.4101	*	5

(***** Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue
299.4102	*	5	299.5059	R	14	324.201	*	5
299.4103	*	5	299.5060	R	14	324.202	*	5
299.4104	*	5	299.5061	R	14	324.203	*	5
299.4105	*	5	324.1	R	1	324.206	*	5
299.4106a	*	5	324.2	R	1	324.210	*	5
299.4110	*	5	324.3	R	1	324.301	*	5
299.4111	*	5	324.21	R	1	324.302	*	5
299.4117	*	5	324.23	R	1	324.303	*	5
299.4121	*	5	324.24	R	1	324.407	*	5
299.4128	*	5	324.31	R	1	324.411	*	5
299.4201	*	5	324.32	R	1	324.102	*	5
299.4203	*	5	324.33	R	1	324.130	*	5
299.4302	*	5	324.41	R	1	324.201	*	5
299.4307	*	5	324.42	R	1	324.202	*	5
299.4318	*	5	324.43	R	1	324.203	*	5
299.4420	*	5	324.51	R	1	324.206	*	5
299.4428	*	5	324.52	R	1	324.210	*	5
299.4430	*	5	324.53	R	1	324.301	*	5
299.4440	*	5	324.54	R	1	324.302	*	5
299.4701	*	5	324.55	R	1	324.303	*	5
299.4702	*	5	324.56	R	1	324.407	*	5
299.4703	*	5	324.57	R	1	324.411	*	5
299.4706	*	5	324.58	R	1	324.413	*	5
299.4707	*	5	324.59	R	1	324.418	*	5
299.4708	*	5	324.59a	R	1	324.503	*	5
299.4709	*	5	324.59b	R	1	324.511	*	5
299.4710	*	5	324.59c	R	1	324.613	*	5
299.4711	*	5	324.59d	R	1	324.705	*	5
299.4712	*	5	324.59e	R	1	324.801	*	5
299.4806	*	5	324.61	R	1	324.1015	*	5
299.4118a	A	5	324.62	R	1	324.1103	*	5
299.5051	R	14	324.63	R	1	324.1202	*	5
299.5052	R	14	324.64	R	1	324.1204	*	5
299.5053	R	14	324.65	R	1	324.1206	*	5
299.5054	R	14	324.71	R	1	324.1401	A	5
299.5055	R	14	324.72	R	1	324.1402	A	5
299.5056	R	14	324.75	R	1	324.1403	A	5
299.5057	R	14	324.102	*	5	324.1404	A	5
299.5058	R	14	324.130	*	5	324.1405	A	5

(***** Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue
324.1406	A	5	325.9577	R	1	325.10722	*	20
325.151	R	16	325.9578	R	1	325.10739	*	20
325.152	R	16	325.9579	R	1	325.11203	*	20
325.153	R	16	325.9580	R	1	325.11401	*	20
325.154	R	16	325.9581	R	1	325.11405	*	20
325.155	R	16	325.9582	R	1	325.11509	*	20
325.156	R	16	325.10102	*	20	325.11606	*	20
325.971	R	15	325.10103	*	20	325.11705	*	20
325.1011	R	21	325.10105	*	20	325.11906a	*	20
325.1012	R	21	325.10108	*	20	325.11910	*	20
325.1013	R	21	325.10112	*	20	325.11915	*	20
325.1015	R	21	325.10113	*	20	325.12102	*	20
325.1016	R	21	325.10116	*	20	325.12302	*	20
325.1060	R	21	325.10303	*	20	325.10704a	A	20
325.9041	R	21	325.10304	*	20	325.10704b	A	20
325.2301	R	21	325.10306	*	20	325.10705c	*	20
325.2302	R	21	325.10313	*	20	325.10704d	*	20
325.2311	R	21	325.10401a	*	20	325.10704e	*	20
325.2315	R	21	325.10402	*	20	325.10704f	*	20
325.2319	R	21	325.10403	*	20	325.10704g	*	20
325.1306	R	21	325.10404	*	20	325.10704h	*	20
325.1306	R	21	325.10405	*	20	325.10704i	*	20
325.1307	R	21	325.10413	*	20	325.10704j	*	20
325.1307	R	21	325.10420	*	20	325.10704k	*	20
325.1307	R	21	325.10602	*	20	325.11510	*	20
325.9041	R	21	325.10605	*	20	325.10416	R	20
325.9087	R	9	325.10610	*	20	325.10417	R	20
325.9081	*	9	325.10610b	*	20	325.10418	R	20
325.9082	*	9	325.10610d	*	20	325.10419	R	20
325.9083	*	9	325.10702	*	20	325.10719g	R	20
325.9084	*	9	325.10704	*	20	325.10719m	R	20
350.9085	*	9	325.10708	*	20	325.12604	R	20
325.9086	*	9	325.10710a	*	20	325.13051	R	21
325.9571	R	1	325.10719e	*	20	325.13053	R	21
325.9572	R	1	325.10719f	*	20	325.13055	R	21
325.9573	R	1	325.10719h	*	20	325.13057	R	21
325.9574	R	1	325.10719i	*	20	325.13059	R	21
325.9575	R	1	325.10720	*	20	325.13061	R	21
325.9576	R	1	325.10720d	*	20	325.13063	R	21

(***** Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue
325.13065	R	21	325.47417	A	4	325.50060b	A	7
325.13069	R	21	325.47418	A	4	325.50061a	A	7
325.13071	R	21	325.47419	A	4	325.50061b	A	7
325.21513	R	21	325.47420	A	4	325.50061c	A	7
325.21801	R	21	325.47424	A	4	325.50062a	A	7
325.21802	R	21	325.47425	A	4	325.50062b	A	7
325.21803	R	21	OHR 4201	R	4	325.50063a	A	7
325.21804	R	21	OHR 4202	R	4	325.50063b	A	7
325.21805	R	21	325.50051	*	7	325.50064a	A	7
325.21806	R	21	325.50052	*	7	325.50064b	A	7
325.21807	R	21	325.50054	*	7	325.50067a	A	7
325.22346	R	1	325.50055	*	7	325.50067b	A	7
325.22347	R	1	325.50056	*	7	325.50067c	A	7
325.22348	R	1	325.50057	*	7	325.50069a	A	7
325.22349	R	1	325.50058	*	7	325.50070a	A	7
325.22350	R	1	325.50059	*	7	325.50902	R	10
325.22351	R	1	325.50060	*	7	325.51004	R	10
325.22352	R	1	325.50061	*	7	325.51152	*	4
325.22353	R	1	325.50062	*	7	325.51156	*	4
325.22354	R	1	325.50063	*	7	325.51158	*	4
325.22355	R	1	325.50064	*	7	325.51162	*	4
325.22356	R	1	325.50065	*	7	325.51163	*	4
325.22357	R	1	325.50066	*	7	325.51164	*	4
325.22358	R	1	325.50067	*	7	325.51166	*	4
325.22359	R	1	325.50068	*	7	325.51167	*	4
325.22360	R	1	325.50069	*	7	325.51169	*	4
325.22361	R	1	325.50070	*	7	325.51172	*	4
325.22362	R	1	325.50071	*	7	325.51173	*	4
325.47401	A	4	325.50072	*	7	325.51174	*	4
325.47403	A	4	325.50051a	A	7	325.51175	*	4
325.47405	A	4	325.50053a	A	7	325.51151a	A	4
325.47407	A	4	325.50056a	A	7	325.51156a	A	4
325.47408	A	4	325.50056b	A	7	325.51168a	A	4
325.47409	A	4	325.50056c	A	7	325.51177	R	4
325.47410	A	4	325.50056d	A	7	325.51501	*	4
325.47411	A	4	325.50056e	A	7	325.51502	*	4
325.47414	A	4	325.50059a	A	7	325.51505	*	4
325.47415	A	4	325.50059b	A	7	325.51507	*	4
325.47416	A	4	325.50060a	A	7	325.51508	*	4

(***** Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue
325.51509	*	4	325.51926	*	4	333.105	*	1
325.51510	*	4	325.51928	*	4	333.109	*	1
325.51511	*	4	325.51929	*	4	333.111	*	1
325.51513	*	4	325.51930	*	4	333.113	*	1
325.51516	*	4	325.51931	*	4	333.117	*	1
325.51517	*	4	325.51931a	*	4	333.119	*	1
325.51519	*	4	325.51932	*	4	333.123	*	1
325.51520	*	4	325.51933	*	4	333.125	*	1
325.51521	*	4	325.51934	*	4	333.131	*	1
325.51522	*	4	325.51935	*	4	333.133	*	1
325.51523	*	4	325.51936	*	4	333.126	A	1
325.51524	*	4	325.51937	*	4	333.107	R	1
325.51525	*	4	325.51938	*	4	333.121	R	1
325.51526	*	4	325.51938a	*	4	333.127	R	1
325.51501a	A	4	325.51939	*	4	336.1901	*	10
325.51519a	A	4	325.51940	*	4	336.1902	*	10
325.51504	R	4	325.51941	*	4	336.1906	*	10
325.51527	R	4	325.51943	*	4	336.1911	*	10
325.51902	*	4	325.51944	*	4	336.1912	*	10
325.51903	*	4	325.51945	*	4	336.1930	*	10
325.51904	*	4	325.51946	*	4	336.1940	*	10
325.51905	*	4	325.51947	*	4	336.1941	*	10
325.51906	*	4	325.51948	*	4	336.1942	*	10
325.51907	*	4	325.51949	*	4	336.1943	*	10
325.51908	*	4	325.51950	*	4	336.1944	*	10
325.51909	*	4	325.51950a	*	4	336.1945	*	10
325.51910	*	4	325.51950b	*	4	336.1946	*	10
325.51912	*	4	325.51951	*	4	336.1947	*	10
325.51913	*	4	325.51952	*	4	336.1948	*	10
325.51914	*	4	325.51953	*	4	336.1949	*	10
325.51915	*	4	325.51955	*	4	336.1950	*	10
325.51916a	*	4	325.51956	*	4	336.1971	*	10
325.51916b	*	4	325.51957	*	4	336.1951	A	10
325.51917	*	4	325.51902a	A	4	336.1952	A	10
325.51918	*	4	325.51924a	A	4	336.1953	A	10
325.51922	*	4	325.51921	R	4	336.1954	A	10
325.51923	*	4	325.51958	R	4	336.1955	A	10
325.51924	*	4	333.101	*	1	336.1956	A	10
325.51925	*	4	333.103	*	1	336.1957	A	10

(***** Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue
336.1958	A	10	338.2510	R	17	338.7132	*	17
336.1959	A	10	338.2510a	R	17	338.7134	*	17
336.1960	A	10	338.2511	R	17	338.7135	*	17
336.1972	A	10	338.2511a	R	17	338.7136	*	17
336.1931	R	10	338.2513	R	17	338.7137	*	17
336.1932	R	10	338.2514	R	17	338.7139	*	17
336.1970	R	10	338.2515	R	17	338.7141	*	17
338.1601	R	1	338.2516	R	17	338.7142	*	17
338.1602	R	1	338.2521	A	17	338.7146	*	17
338.1610	R	1	338.2523	A	17	338.7147	*	17
338.1611	R	1	338.2527	A	17	338.7148	*	17
338.1614	R	1	338.2529	A	17	338.7149	*	17
338.1616	R	1	338.2541	A	17	338.7161	A	17
338.1617	R	1	338.2543	A	17	338.7163	A	17
338.1618	R	1	338.2545	A	17	338.7165	A	17
338.1619	R	1	338.2547	A	17	338.7123	R	17
338.1620	R	1	338.2549	A	17	338.7125	R	17
338.1621	R	1	338.2551	A	17	338.7143	R	17
338.1622	R	1	338.2553	A	17	338.7144	R	17
338.1623	R	1	338.2555	A	17	338.7150	R	17
338.1624	R	1	338.2561	A	17	338.11109	R	6
338.1625	R	1	338.2563	A	17	338.11115	R	6
338.1626	R	1	338.2565	A	17	338.30310	R	5
338.1627	R	1	338.2567	A	17	339.1701	R	1
338.1628	R	1	338.2569	A	17	339.1705	R	1
338.1629	R	1	338.2571	A	17	339.1709	R	1
338.1633	R	1	338.2573	A	17	339.1713	R	1
338.1634	R	1	338.2581	A	17	339.1721	R	1
338.1635	R	1	338.2583	A	17	339.1741	R	1
338.1636	R	1	338.3001	R	5	339.1743	R	1
338.1637	R	1	338.3002	R	5	339.1745	R	1
338.2501	R	17	338.3003	R	5	339.1747	R	1
338.2502	R	17	338.3004	R	5	339.1751	R	1
338.2504	R	17	338.3005	R	5	339.1755	R	1
338.2505	R	17	338.3006	R	5	339.1757	R	1
338.2505a	R	17	338.3007	R	5	339.1759	R	1
338.2506	R	17	338.3801	R	6	339.1761	R	1
338.2507	R	17	338.7121	*	17	339.1763	R	1
338.2507a	R	17	338.7131	*	17	339.1765	R	1

(***** Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue
339.1767	R	1	400.15	A	9	400.3169	*	6
339.1771	R	1	400.16	A	9	400.3170	*	6
339.23102	*	5	400.17	A	9	400.3171	*	6
339.23403	*	5	400.18	A	9	400.3173	*	6
340.1793a	*	18	400.901	R	1	400.3178	*	6
340.1883	R	1	400.902	R	1	400.3179	*	6
340.1884	R	1	400.903	R	1	400.3167	R	6
340.1885	R	1	400.905	R	1	400.3401	R	1
380.1	R	19	400.906	R	1	400.3403	R	1
380.2	R	19	400.907	R	1	400.3409	R	1
380.3	R	19	400.908	R	1	400.3410	R	1
380.4	R	19	400.909	R	1	400.3411	R	1
380.5	R	19	400.910	R	1	400.3412	R	1
380.6	R	19	400.911	R	1	400.3413	R	1
380.7	R	19	400.912	R	1	400.3414	R	1
380.8	R	19	400.913	R	1	400.3415	R	1
380.9	R	19	400.914	R	1	400.3416	R	1
380.10	R	19	400.915	R	1	400.3417	R	1
380.126	R	1	400.916	R	1	400.3418	R	1
380.127	R	1	400.917	R	1	400.3419	R	1
380.128	R	1	400.918	R	1	400.3420	R	1
380.129	R	1	400.919	R	1	400.3421	R	1
380.132	R	1	400.920	R	1	400.3422	R	1
380.133	R	1	400.921	R	1	400.3423	R	1
380.134	R	1	400.922	R	1	400.4101	*	9
390.1202	R	1	400.941	R	1	400.4104	*	9
390.1206	R	1	400.3151	*	6	400.4105	*	9
390.1207	R	1	400.3155	*	6	400.4106	*	9
390.1209	R	1	400.3156	*	6	400.4108	*	9
390.1210	R	1	400.3157	*	6	400.4109	*	9
390.1212	R	1	400.3158	*	6	400.4111	*	9
390.1213	R	1	400.3159	*	6	400.4112	*	9
390.1214	R	1	400.3160	*	6	400.4113	*	9
390.1251	R	1	400.3161	*	6	400.4114	*	9
400.10	A	9	400.3162	*	6	400.4116	*	9
400.11	A	9	400.3163	*	6	400.4117	*	9
400.12	A	9	400.3164	*	6	400.4118	*	9
400.13	A	9	400.3165	*	6	400.4119	*	9
400.14	A	9	400.3168	*	6	400.4120	*	9

(***** Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue
400.4121	*	9	400.4545	*	9	400.4149	A	9
400.4126	*	9	400.4546	*	9	400.4151	A	9
400.4127	*	9	400.4548	*	9	400.4153	A	9
400.4128	*	9	400.4552	*	9	400.4154	A	9
400.4131	*	9	400.4554	*	9	400.4155	A	9
400.4132	*	9	400.4555	*	9	400.4156	A	9
400.4134	*	9	400.4559	*	9	400.4157	A	9
400.4137	*	9	400.4560	*	9	400.4158	A	9
400.4138	*	9	400.4562	*	9	400.4159	A	9
400.4141	*	9	400.4563	*	9	400.4162	A	9
400.4142	*	9	400.4566	*	9	400.4164	A	9
400.4143	*	9	400.4568	*	9	400.4165	A	9
400.4144	*	9	400.4601	*	9	400.4166	A	9
400.4145	*	9	400.4602	*	9	400.4505	A	9
400.4146	*	9	400.4612	*	9	400.4604	A	9
400.4147	*	9	400.4618	*	9	400.4605	A	9
400.4148	*	9	400.4620	*	9	400.4621	A	9
400.4150	*	9	400.4623	*	9	400.4168	R	9
400.4152	*	9	400.4632	*	9	400.4169	R	9
400.4160	*	9	400.4635	*	9	400.4170	R	9
400.4161	*	9	400.4638	*	9	400.4172	R	9
400.4163	*	9	400.4640	*	9	400.4173	R	9
400.4167	*	9	400.4652	*	9	400.4175	R	9
400.4501	*	9	400.4657	*	9	400.4176	R	9
400.4502	*	9	400.4666	*	9	400.4177	R	9
400.4504	*	9	400.4102	A	9	400.4178	R	9
400.4510	*	9	400.4103	A	9	400.4181	R	9
400.4512	*	9	400.4107	A	9	400.4182	R	9
400.4515	*	9	400.4110	A	9	400.4183	R	9
400.4517	*	9	400.4115	A	9	400.4201	R	9
400.4520	*	9	400.4122	A	9	400.4231	R	9
400.4522	*	9	400.4123	A	9	400.4232	R	9
400.4523	*	9	400.4124	A	9	400.4234	R	9
400.4524	*	9	400.4125	A	9	400.4237	R	9
400.4527	*	9	400.4129	A	9	400.4238	R	9
400.4532	*	9	400.4135	A	9	400.4302	R	9
400.4535	*	9	400.4136	A	9	400.4331	R	9
400.4538	*	9	400.4139	A	9	400.4332	R	9
400.4540	*	9	400.4140	A	9	400.4334	R	9

(***** Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue
400.4335	R	9	408.43i	*	20	408.10627	A	8
400.4336	R	9	408.6203	R	5	408.10680	A	8
400.4337	R	9	408.6204	R	5	408.10637	R	8
400.4338	R	9	408.6206	R	5	408.10638	R	8
400.4513	R	9	408.6208	R	5	408.13301a	*	10
400.7025	R	9	408.6209	R	5	408.13385	*	10
400.7028	R	9	408.6301	R	5	408.13387	*	10
400.7001	*	9	408.10601	*	8	408.13387a	*	10
400.7002	*	9	408.10603	*	8	408.13388	A	10
400.7003	*	9	408.10604	*	8	408.13389	A	10
400.7004	*	9	408.10605	*	8	408.13901	*	9
400.7006	*	9	408.10606	*	8	408.13902	*	9
400.7007	*	9	408.10611	*	8	408.13905	A	9
400.7008	*	9	408.10612	*	8	408.14001	*	7
400.7009	*	9	408.10613	*	8	408.14002	*	7
400.7010	*	9	408.10621	*	8	408.14004	*	7
400.7011	*	9	408.10623	*	8	408.14005	*	7
400.7012	*	9	408.10624	*	8	408.14008	*	7
400.7013	*	9	408.10631	*	8	408.14009	*	7
400.7014	*	9	408.10632	*	8	408.14001a	A	7
400.7015	*	9	408.10633	*	8	408.14001b	A	7
400.7016	*	9	408.10634	*	8	408.14511	*	10
400.7017	*	9	408.10636	*	8	408.14522	*	10
400.7018	*	9	408.10639	*	8	408.14555	*	10
400.7019	*	9	408.10641	*	8	408.14502	A	10
400.7020	*	9	408.10643	*	8	408.14527	R	10
400.7021	*	9	408.10644	*	8	408.15001	*	8
400.7022	*	9	408.10645	*	8	408.15002	*	8
400.7024	*	9	408.10647	*	8	408.15003	*	8
400.7026	*	9	408.10661	*	8	408.15004	A	8
400.7027	*	9	408.10664	*	8	408.15501	*	8
400.7029	*	9	408.10671	*	8	408.15601	*	8
400.7030	*	9	408.10673	*	8	408.15915	*	7
400.7031	*	9	408.10675	*	8	408.15922	*	7
400.7032	*	9	408.10677	*	8	408.15923	*	7
400.7033	*	9	408.10685	*	8	408.15903	A	7
400.7034	*	9	408.10686	*	8	408.15911	R	7
400.12101	*	17	408.10695	*	8	408.16204	*	7
400.12413	*	17	408.10696	*	8	408.16223	*	7

(***** Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue
408.16227	*	7	408.22110b	A	10	408.30520	*	19
408.16234	*	7	408.22112a	A	10	408.30522	*	19
408.16237	*	7	408.22112b	A	10	408.30522a	*	19
408.16251	*	7	408.22112c	A	10	408.30527	*	19
408.16202	A	7	408.22112d	A	10	408.30528a	*	19
408.17310	*	10	408.22112e	A	10	408.30529	*	19
408.17312	*	10	408.22112f	A	10	408.30536	*	19
408.17314	*	10	408.22161	R	10	408.30536a	*	19
408.17315	*	10	408.22162	R	10	408.30537	*	19
408.17316	*	10	408.22951	R	1	408.30537a	*	19
408.17317	*	10	408.22952	R	1	408.30537b	*	19
408.17318	*	10	408.22953	R	1	408.30537c	*	19
408.17320	*	10	408.22954	R	1	408.30541	*	19
408.17302	A	10	408.22955	R	1	408.30542	*	19
408.17801	*	8	408.22956	R	1	408.30544	*	19
408.18602	*	9	408.22957	R	1	408.30545	*	19
408.18605	A	9	408.22958	R	1	408.30545a	*	19
408.22101	*	10	408.22959	R	1	408.30546	*	19
408.22102	*	10	408.22960	R	1	408.30500	A	19
408.22103	*	10	408.22961	R	1	408.30501a	A	19
408.22104	*	10	408.22962	R	1	408.30509a	A	19
408.22105	*	10	408.22963	R	1	408.30510a	A	19
408.22106	*	10	408.22964	R	1	408.30521a	A	19
408.22107	*	10	408.22965	R	1	408.30523	A	19
408.22109	*	10	408.22966	R	1	408.30523a	A	19
408.22110	*	10	408.22967	R	1	408.30525a	A	19
408.22112	*	10	408.22968	R	1	408.30533a	A	19
408.22113	*	10	408.22969	R	1	408.30533b	A	19
408.22115	*	10	408.22970	R	1	408.30537d	A	19
408.22117	*	10	408.22971	R	1	408.30547d	A	19
408.22119	*	10	408.30501	*	19	408.30547e	A	19
408.22129	*	10	408.30505	*	19	408.30547f	A	19
408.22130	*	10	408.30506	*	19	408.30547g	A	19
408.22138	*	10	408.30507	*	19	408.30526	R	19
408.22139	*	10	408.30510	*	19	408.30531	R	19
408.22151	*	10	408.30512	*	19	408.30543	R	19
408.22156	*	10	408.30513	*	19	408.30547	R	19
408.22102a	A	10	408.30514	*	19	408.30801	*	12
408.22110a	A	10	408.30518	*	19	408.30811	*	12

(***** Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue
408.30813	*	12	408.40623	*	6	408.41643	R	10
408.30818	*	12	408.40625	*	6	408.41644	R	10
408.30819	*	12	408.40631	*	6	408.41645	R	10
408.30834	*	12	408.40650	A	6	408.41646	R	10
408.30838	*	12	408.40655	A	6	408.41647	R	10
408.30869	*	12	408.40660	A	6	408.41648	R	10
408.30870	*	12	408.40705	*	20	408.41649	R	10
408.30871	*	12	408.40709	*	20	408.41650	R	10
408.30873	*	12	408.40713	*	20	408.41651	R	10
408.30865	R	12	408.40709	*	4	408.41652	R	10
408.31059	*	19	408.40713	*	4	408.41653	R	10
408.31060	*	19	408.40721	*	4	408.41654	R	10
408.31063	*	19	408.40722	*	4	408.41655	R	10
408.31063a	*	19	408.40723	*	4	408.41656	R	10
408.31065	*	19	408.40731	*	4	408.41657	R	10
408.31066	*	19	408.40751	*	4	408.41658	R	10
408.31069	*	19	408.40761	*	4	408.41802	*	7
408.31070	*	19	408.40762	*	4	408.41836	*	7
408.31071	R	19	408.41601	*	10	408.41837	*	7
408.31071a	R	19	408.41610	*	10	408.41838	*	7
408.40101	*	20	408.41605	A	10	408.41841	*	7
408.40102	*	20	408.41625	R	10	408.41851	*	7
408.40105	*	20	408.41626	R	10	408.41852	*	7
408.40114	*	20	408.41627	R	10	408.41853	*	7
408.40121	R	20	408.41628	R	10	408.41854	*	7
408.40115	*	4	408.41629	R	10	408.41855	*	7
408.40120	*	4	408.41630	R	10	408.41861	*	7
408.40121	*	4	408.41631	R	10	408.41862	*	7
408.40122	*	4	408.41632	R	10	408.41863	*	7
408.40123	*	4	408.41633	R	10	408.41864	*	7
408.40128	*	4	408.41634	R	10	408.41865	*	7
408.40130	*	4	408.41635	R	10	408.41866	*	7
408.40131	*	4	408.41636	R	10	408.41867	*	7
408.40132	*	4	408.41637	R	10	408.41868	*	7
408.40133	*	4	408.41638	R	10	408.41869	*	7
408.40105	A	4	408.41639	R	10	408.41874	*	7
408.40601	*	6	408.41640	R	10	408.41875	*	7
408.40603	*	6	408.41641	R	10	408.41877	*	7
408.40617a	*	6	408.41642	R	10	408.41884	*	7

(***** Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue
408.41861a	A	7	408.42761	R	7	421.1101	R	1
408.41861b	A	7	408.42762	R	7	421.1102	R	1
408.41861c	A	7	408.42763	R	7	421.1103	R	1
408.41861d	A	7	408.42799	R	7	421.1104	R	1
408.41877a	A	7	408.43501	A	20	421.1105	R	1
408.41871	R	7	408.43505	A	20	421.1106	R	1
408.41872	R	7	408.43510	A	20	421.1107	R	1
408.41876	R	7	408.44501	*	7	421.1108	R	1
408.41878	R	7	408.44502	*	7	421.1109	R	1
408.41879	R	7	409.2	*	18	421.1110	R	1
408.41881	R	7	409.3	*	18	421.1201	R	1
408.41882	R	7	409.4	*	18	421.1202	R	1
408.41883	R	7	409.5	*	18	421.1203	R	1
408.42701	*	7	418.1	R	1	421.1204	R	1
408.42705	A	7	418.2	R	1	421.1205	R	1
408.42710	R	7	418.3	R	1	421.1206	R	1
408.42724	R	7	418.4	R	1	421.1207	R	1
408.42725	R	7	418.5	R	1	421.1208	R	1
408.42726	R	7	418.6	R	1	421.1209	R	1
408.42727	R	7	418.7	R	1	421.1210	R	1
408.42728	R	7	418.8	R	1	421.1211	R	1
408.42731	R	7	418.51	R	1	421.1212	R	1
408.42732	R	7	418.52	R	1	421.1213	R	1
408.42733	R	7	418.53	R	1	421.1214	R	1
408.42734	R	7	418.54	R	1	421.1301	R	1
408.42735	R	7	418.55	R	1	421.1302	R	1
408.42737	R	7	418.56	R	1	421.1304	R	1
408.42741	R	7	418.57	R	1	421.1305	R	1
408.42742	R	7	418.58	R	1	421.1306	R	1
408.42743	R	7	418.10103	R	21	421.1307	R	1
408.42744	R	7	418.10110	R	21	421.1308	R	1
408.42751	R	7	418.10904	*	17	421.1309	R	1
408.42752	R	7	418.10915	*	17	421.1310	R	1
408.42753	R	7	418.10922	*	17	421.1311	R	1
408.42754	R	7	418.10923	*	17	421.1313	R	1
408.42755	R	7	418.101007	*	17	421.1314	R	1
408.42757	R	7	418.101008	*	17	421.1315	R	1
408.42758	R	7	418.101015	*	17	421.1316	R	1
408.42759	R	7	418.101208	*	17	421.1317	R	1

(***** Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue
456.101	R	19	456.1302	A	19	460.17329	R	1
456.111	R	19	456.1303	A	19	460.17331	R	1
456.121	R	19	456.1401	A	19	460.17333	R	1
456.123	R	19	456.1501	A	19	460.17335	R	1
456.124	R	19	456.1502	A	19	460.17337	R	1
456.125	R	19	456.1503	A	19	460.17339	R	1
456.126	R	19	456.1601	A	19	460.17341	R	1
456.131	R	19	456.1701	A	19	460.17401	R	1
456.132	R	19	456.1702	A	19	460.17403	R	1
456.133	R	19	456.1801	A	19	460.17405	R	1
456.134	R	19	456.1802	A	19	460.17501	R	1
456.136	R	19	456.1803	A	19	460.17503	R	1
456.137	R	19	460.17101	R	1	460.17505	R	1
456.138	R	19	460.17103	R	1	460.17507	R	1
456.139	R	19	460.17105	R	1	460.17509	R	1
456.144	R	19	460.17107	R	1	460.17511	R	1
456.145	R	19	460.17109	R	1	460.17513	R	1
456.146	R	19	460.17111	R	1	460.17515	R	1
456.151	R	19	460.17113	R	1	460.17601	R	1
456.152	R	19	460.17115	R	1	460.17701	R	1
456.153	R	19	460.17201	R	1	484.903	*	12
456.154	R	19	460.17203	R	1	500.101	A	12
456.161	R	19	460.17205	R	1	500.102	A	12
456.162	R	19	460.17207	R	1	500.103	A	12
456.163	R	19	460.17209	R	1	500.104	A	12
456.164	R	19	460.17301	R	1	500.105	A	12
456.165	R	19	460.17303	R	1	500.106	A	12
456.166	R	19	460.17305	R	1	500.107	A	12
456.167	R	19	460.17307	R	1	500.108	A	12
456.191	R	19	460.17309	R	1	500.109	A	12
456.192	R	19	460.17311	R	1	500.110	A	12
456.193	R	19	460.17313	R	1	500.111	A	12
456.194	R	19	460.17315	R	1	500.901	R	21
456.195	R	19	460.17317	R	1	500.902	R	21
456.196	R	19	460.17319	R	1	500.903	R	21
456.1101	A	19	460.17321	R	1	500.904	R	21
456.1201	A	19	460.17323	R	1	500.905	R	21
456.1202	A	19	460.17325	R	1	500.906	R	21
456.1301	A	19	460.17327	R	1	500.907	R	21

(***** Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue
500.908	R	21	554.21	R	5	792.10105	A	1
500.909	R	21	554.22	R	5	792.10106	A	1
500.2101	R	1	554.23	R	5	792.10107	A	1
500.2105	R	1	554.24	R	5	792.10108	A	1
500.2106	R	1	554.25	R	5	792.10109	A	1
500.2107	R	1	554.26	R	5	792.10110	A	1
500.2109	R	1	554.27	R	5	792.10111	A	1
500.2110	R	1	554.28	R	5	792.10112	A	1
500.2111	R	1	554.29	R	5	792.10113	A	1
500.2112	R	1	554.31	R	5	792.10114	A	1
500.2113	R	1	554.32	R	5	792.10115	A	1
500.2114	R	1	554.33	R	5	792.10116	A	1
500.2115	R	1	554.34	R	5	792.10117	A	1
500.2116	R	1	554.35	R	5	792.10118	A	1
500.2117	R	1	554.41	R	5	792.10119	A	1
500.2118	R	1	554.42	R	5	792.10120	A	1
500.2119	R	1	554.51	R	5	792.10121	A	1
500.2120	R	1	554.52	R	5	792.10122	A	1
500.2121	R	1	554.53	R	5	792.10123	A	1
500.2122	R	1	554.61	R	5	792.10124	A	1
500.2123	R	1	554.62	R	5	792.10125	A	1
500.2124	R	1	554.63	R	5	792.10126	A	1
500.2125	R	1	554.64	R	5	792.10128	A	1
500.2126	R	1	554.65	R	5	792.10129	A	1
500.2127	R	1	554.66	R	5	792.10130	A	1
500.2128	R	1	554.67	R	5	792.10131	A	1
500.2129	R	1	554.68	R	5	792.10132	A	1
500.2130	R	1	554.69	R	5	792.10133	A	1
500.2131	R	1	554.70	R	5	792.10134	A	1
500.2134	R	1	554.71	R	5	792.10135	A	1
500.2136	R	1	791.3301	R	1	792.10136	A	1
500.2137	R	1	791.3305	R	1	792.10137	A	1
500.2138	R	1	791.3310	R	1	792.10201	*	1
554.1	R	5	791.3315	R	1	792.10203	*	1
554.2	R	5	791.33100	A	17	792.10205	*	1
554.3	R	5	792.10101	A	1	792.10207	*	1
554.4	R	5	792.10102	A	1	792.10209	*	1
554.5	R	5	792.10103	A	1	792.10211	*	1
554.6	R	5	792.10104	A	1	792.10213	*	1

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792.10215	*	1	792.10403	A	1	792.10442	A	1
792.10219	*	1	792.10404	A	1	792.10443	A	1
792.10221	*	1	792.10405	A	1	792.10444	A	1
792.10223	*	1	792.10406	A	1	792.10445	A	1
792.10225	*	1	792.10407	A	1	792.10446	A	1
792.10227	*	1	792.10408	A	1	792.10447	A	1
792.10229	*	1	792.10409	A	1	792.10448	A	1
792.10231	*	1	792.10410	A	1	792.10501	A	1
792.10233	*	1	792.10411	A	1	792.10502	A	1
792.10237	*	1	792.10412	A	1	792.10503	A	1
792.10239	*	1	792.10413	A	1	792.10504	A	1
792.10241	*	1	792.10414	A	1	792.10505	A	1
792.10243	*	1	792.10415	A	1	792.10506	A	1
792.10247	*	1	792.10416	A	1	792.10507	A	1
792.10251	*	1	792.10417	A	1	792.10508	A	1
792.10253	*	1	792.10418	A	1	792.10509	A	1
792.10255	*	1	792.10419	A	1	792.10510	A	1
792.10257	*	1	792.10420	A	1	792.10511	A	1
792.10259	*	1	792.10421	A	1	792.10512	A	1
792.10261	*	1	792.10422	A	1	792.10601	A	1
792.10263	*	1	792.10423	A	1	792.10602	A	1
792.10265	*	1	792.10424	A	1	792.10603	A	1
792.10269	*	1	792.10425	A	1	792.10604	A	1
792.10271	*	1	792.10426	A	1	792.10605	A	1
792.10273	*	1	792.10427	A	1	792.10606	A	1
792.10275	*	1	792.10428	A	1	792.10607	A	1
792.10277	*	1	792.10429	A	1	792.10608	A	1
792.10279	*	1	792.10430	A	1	792.10609	A	1
792.10283	*	1	792.10431	A	1	792.10701	A	1
792.10287	*	1	792.10432	A	1	792.10702	A	1
792.10289	*	1	792.10433	A	1	792.10703	A	1
792.10301	A	1	792.10434	A	1	792.10704	A	1
792.10302	A	1	792.10435	A	1	792.10705	A	1
792.10303	A	1	792.10436	A	1	792.10706	A	1
792.10304	A	1	792.10437	A	1	792.10707	A	1
792.10305	A	1	792.10438	A	1	792.10708	A	1
792.10306	A	1	792.10439	A	1	792.10709	A	1
792.10401	A	1	792.10440	A	1	792.10710	A	1
792.10402	A	1	792.10441	A	1	792.10711	A	1

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792.10712	A	1	792.11015	A	1	792.11301	A	1
792.10713	A	1	792.11016	A	1	792.11302	A	1
792.10714	A	1	792.11017	A	1	792.11303	A	1
792.10715	A	1	792.11018	A	1	792.11304	A	1
792.10801	A	1	792.11019	A	1	792.11305	A	1
792.10802	A	1	792.11020	A	1	792.11306	A	1
792.10803	A	1	792.11021	A	1	792.11307	A	1
792.10804	A	1	792.11022	A	1	792.11309	A	1
792.10805	A	1	792.11023	A	1	792.11310	A	1
792.10806	A	1	792.11024	A	1	792.11311	A	1
792.10807	A	1	792.11025	A	1	792.11312	A	1
792.10808	A	1	792.11026	A	1	792.11313	A	1
792.10809	A	1	792.11027	A	1	792.11314	A	1
792.10901	A	1	792.11101	A	1	792.11315	A	1
792.10902	A	1	792.11102	A	1	792.11316	A	1
792.10903	A	1	792.11103	A	1	792.11317	A	1
792.10904	A	1	792.11104	A	1	792.11318	A	1
792.10905	A	1	792.11105	A	1	792.11319	A	1
792.10906	A	1	792.11106	A	1	792.11320	A	1
792.10907	A	1	792.11107	A	1	792.11321	A	1
792.10908	A	1	792.11108	A	1	792.11401	A	1
792.10909	A	1	792.11109	A	1	792.11402	A	1
792.10910	A	1	792.11110	A	1	792.11403	A	1
792.10911	A	1	792.11111	A	1	792.11404	A	1
792.10912	A	1	792.11112	A	1	792.11405	A	1
792.11001	A	1	792.11113	A	1	792.11406	A	1
792.11002	A	1	792.11114	A	1	792.11407	A	1
792.11003	A	1	792.11115	A	1	792.11408	A	1
792.11004	A	1	792.11116	A	1	792.11409	A	1
792.11005	A	1	792.11117	A	1	792.11410	A	1
792.11006	A	1	792.11118	A	1	792.11411	A	1
792.11007	A	1	792.11201	A	1	792.11412	A	1
792.11008	A	1	792.11202	A	1	792.11413	A	1
792.11009	A	1	792.11203	A	1	792.11414	A	1
792.11010	A	1	792.11204	A	1	792.11415	A	1
792.11011	A	1	792.11205	A	1	792.11416	A	1
792.11012	A	1	792.11206	A	1	792.11417	A	1
792.11013	A	1	792.11207	A	1	792.11418	A	1
792.11014	A	1	792.11208	A	1	792.11419	A	1

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792.11421	A	1	792.11610	A	1
792.11422	A	1	792.11611	A	1
792.11423	A	1	792.11701	A	1
792.11424	A	1	792.11702	A	1
792.11425	A	1	792.11703	A	1
792.11426	A	1	792.11704	A	1
792.11427	A	1	792.11705	A	1
792.11428	A	1	792.11706	A	1
792.11429	A	1	792.11707	A	1
792.11430	A	1	792.11708	A	1
792.11431	A	1	792.11709	A	1
792.11432	A	1	792.11801	A	1
792.11433	A	1	792.11802	A	1
792.11501	A	1	792.11803	A	1
792.11502	A	1	792.11901	A	1
792.11503	A	1	792.11902	A	1
792.11504	A	1	792.11903	A	1
792.11505	A	1			
792.11506	A	1			
792.11507	A	1			
792.11508	A	1			
792.11509	A	1			
792.11510	A	1			
792.11511	A	1			
792.11512	A	1			
792.11513	A	1			
792.11514	A	1			
792.11515	A	1			
792.11516	A	1			
792.11517	A	1			
792.11601	A	1			
792.11602	A	1			
792.11603	A	1			
792.11604	A	1			
792.11605	A	1			
792.11606	A	1			
792.11607	A	1			
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SIGNED INTO LAW OR VETOED
(2015 SESSION)

Mich. Const. Art. IV, §33 provides: "Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law . . . If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves . . . he shall return it within such 14-day period with his objections, to the house in which it originated."

Mich. Const. Art. IV, §27, further provides: "No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house."

MCL 24.208 states in part:

"Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.

(c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year."

2015 Michigan Public Acts Table

Legislative Service Bureau
Legal Division, Statutory Compiling and Law Publications Unit
124 W. Allegan, Lansing, MI 48909

November 10, 2015
Through PA 173 of 2015

PA No.	ENROLLED HB	ENROLLED SB	I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
1		0044	Yes	2/19	2/20	5/21/15 #	***Elections**; primary*; presidential primary election date; revise. ***(Sen. D. Robertson)***
2		0045	Yes	2/19	2/20	5/21/15 #	***Elections**; primary*; presidential primary election date; revise. ***(Sen. D. Robertson)***
3		0034	Yes	3/4	3/4	3/4/15	***Weapons**; licensing*; concealed pistol licensing boards; eliminate, and transfer duties to the department of state police and county clerks. ***(Sen. M. Green)***
4		0035	Yes	3/4	3/4	10/1/15 #	***Criminal procedure**; sentencing guidelines*; reference in sentencing guidelines; update. ***(Sen. M. Green)***
5	4110		Yes	3/10	3/10	3/10/15	***Appropriations**; supplemental*; omnibus school aid supplemental adjusting certain appropriations and fund sources; provide for. ***(Rep. A. Pscholka)***
6	4112		Yes	3/10	3/10	3/10/15	***Appropriations**; zero budget*; supplemental appropriations; provide for fiscal year 2014-2015. ***(Rep. A. Pscholka)***
7	4078		Yes	3/17	3/17	3/17/15	***Appropriations**; capital outlay*; Michigan natural resources trust fund; provide appropriations. ***(Rep. J. Bumstead)***

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PA No.	ENROLLED HB	ENROLLED SB	I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
8		0137	Yes	4/1	4/1	4/1/15	***Insurance**; health insurers*; amount of autism coverage fund revenues to be expended for university autism programs and autism family assistance services; increase. ***(Sen. D. Hildenbrand)***
9		0138	Yes	4/1	4/1	6/30/15	***Crime victims**; rights*; distribution of crime victim's rights funds; modify. ***(Sen. D. Hildenbrand)***
10	4051		Yes	4/9	4/9	4/9/15	***Taxation**; administration*; disclosure of certain tax-exempt property; provide for. ***(Rep. J. Farrington)***
11		0042	Yes	4/9	4/9	4/9/15	***Vehicles**; driver training*; certain requirements applicable to commercial learner's permit; amend to comply with federal regulations. ***(Sen. T. Casperson)***
12		0054	Yes	4/14	4/14	7/13/15	***Natural resources**; hunting*; use of unmanned vehicles or devices to interfere with or harass another individual who is hunting or fishing; prohibit. ***(Sen. T. Casperson)***
13		0055	Yes	4/14	4/14	7/13/15 #	***Natural resources**; hunting*; use of unmanned vehicles or device for taking game or fish; prohibit. ***(Sen. P. Pavlov)***
14	4119		Yes	4/14	4/14	4/14/15 #	***Civil procedure**; garnishment*; garnishment of periodic payments; revise procedure. ***(Rep. D. Garcia)***
15	4120		Yes	4/14	4/14	9/30/15 #	***Labor**; fair employment practices*; deductions from wages without written consent of employee; include certain reimbursements related to garnishment. ***(Rep. M. McCready)***
16		0053	Yes	4/14	4/14	7/13/15	***Weapons**; firearms*; exemption for retired federal law enforcement officers to carry a concealed pistol in pistol-free zones; provide for. ***(Sen. R. Jones)***

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17		0160	Yes	4/22	4/22	4/22/15	***Cities**; home rule*; provision regarding financial recovery bonds; modify. ***(Sen. D. Booher)***
18		0018	Yes	4/29	4/29	4/29/15 #	***Property**; conveyances*; certain land in Calhoun County; provide for conveyance after obtaining from United States. ***(Sen. M. Nofs)***
19		0019	Yes	4/29	4/29	4/29/15 #	***Property tax**; assessments*; definition of transfer of ownership; exclude certain transfers. ***(Sen. M. Nofs)***
20		0012	Yes	5/5	5/5	5/5/15	***Retirement**; state employees*; retired state employees to contract with department of attorney general in litigation matters involving this state; allow under certain circumstances without losing retirement allowance. ***(Sen. R. Jones)***
21	4151		Yes	5/12	5/12	5/12/15 #	***Weapons**; firearms*; 1959 PA 186; repeal. ***(Rep. P. Pettalia)***
22	4152		Yes	5/12	5/12	7/1/15 #	***Weapons**; firearms*; definition of firearm in MCL 8.3t; modify. ***(Rep. J. Sheppard)***
23	4153		Yes	5/12	5/12	7/1/15 #	***Weapons**; firearms*; definition of firearm in MCL 752.841; modify. ***(Rep. R. Franz)***
24	4154		Yes	5/12	5/12	7/1/15 #	***Weapons**; firearms*; definition of firearm in the natural resources and environmental protection act; modify. ***(Rep. B. Roberts)***
25	4156		Yes	5/12	5/12	7/1/15 #	***Weapons**; firearms*; definition of firearm in 1927 PA 372; modify. ***(Rep. T. Barrett)***

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26	4155		Yes	5/12	5/12	7/1/15 #	***Weapons**; firearms*; definition of firearm in the Michigan penal code; modify. ***(Rep. T. Cole)***
27	4160		Yes	5/12	5/12	8/10/15 #	***Weapons**; other*; brandishing a firearm; exempt certain actions. ***(Rep. J. Johnson)***
28	4161		Yes	5/12	5/12	8/10/15 #	***Weapons**; other*; definition of brandish; provide for. ***(Rep. H. Hughes)***
29		0085	Yes	5/12	5/12	8/10/15	***Weapons**; firearms*; definition of pneumatic guns; provide for, and prohibit certain regulations by local units of government. ***(Sen. D. Hildenbrand)***
30		0099	Yes	5/18	5/18	5/18/15	***Highways**; name*; portion of business loop I-94; designate as the "Detective LaVern S. Brann Memorial Highway". ***(Sen. M. Nofs)***
31	4069		Yes	5/20	5/20	8/18/15	***Criminal procedure**; youthful trainees*; eligibility criteria for youthful trainee program; modify. ***(Rep. H. Santana)***
32	4135		Yes	5/20	5/20	8/18/15	***Criminal procedure**; youthful trainees*; revocation of trainee status under Holmes youthful trainee act for committing certain subsequent crimes; provide for. ***(Rep. K. Heise)***
33	4169		Yes	5/20	5/20	8/18/15	***Criminal procedure**; sentencing*; option of placing individual in prison under the Holmes youthful trainee act; eliminate. ***(Rep. M. Hovey-Wright)***
34	4162		Yes	5/21	5/21	8/19/15 #	***Occupations**; individual licensing and regulation*; requirement for installation and repair of elevators by elevator journeymen; modify for installation and repair of residential lifts. ***(Rep. A. Nesbitt)***

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35	4163		Yes	5/21	5/21	8/19/15 #	***Occupations**; individual licensing and regulation*; licensing of residential lift contractors; create as class of elevator contractors. ***(Rep. A. Pscholka)***
36	4038		Yes	5/21	5/21	8/19/15	***Housing**; landlord and tenants*; demand for payment of rent or possession of premises; allow by electronic mail. ***(Rep. A. Forlini)***
37	4076		Yes	5/21	5/21	5/21/15	***Weapons**; firearms*; reference to certain repealed definition in the penal code; eliminate. ***(Rep. B. Rendon)***
38		0052	Yes	5/21	5/21	8/19/15	***Veterans**; other*; veterans welcome home act; replace reference to "department of labor and economic growth" with "Michigan veterans affairs agency". ***(Sen. J. Stamas)***
39	4075		Yes	6/1	6/1	6/1/15	***Records**; public*; transcripts and abstracts of records act; clarify fee for electronic copies. ***(Rep. B. Rendon)***
40	4054		Yes	6/3	6/3	9/1/15	***Mobile homes**; other*; health and safety violations; provide for remedies and require posting of financial assurance. ***(Rep. A. Schor)***
41	4017		Yes	6/3	6/3	6/3/15	***Food**; other*; persons donating food to nonprofit organizations or corporations that distribute donated food; provide immunity for. ***(Rep. J. Farrington)***
42		0139	Yes	6/3	6/3	9/1/15	***Education**; other*; certain fund-raising activities during school hours; allow. ***(Sen. P. Colbeck)***
43		0329	Yes	6/5	6/5	6/5/15	***Elections**; election officials*; modifying the nominating petition filing deadline for candidates for city offices; authorize under certain circumstances and add certain election accountability provisions. ***(Sen. J. Ananich)***

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44	4060		Yes	6/8	6/9	9/7/15	***Higher education**; state universities*; acceptance of an American council on education transcript; allow, and clarify transferable credits. ***(Rep. H. Hughes)***
45		0221	Yes	6/8	6/9	6/9/15	***Higher education**; education programs*; participation in interstate compacts or agreements concerning distance education; regulate. ***(Sen. T. Schuitmaker)***
46		0086	Yes	6/8	6/9	6/9/15	***State financing and management**; bonds*; issuance of certain types of bonds; extend sunset. ***(Sen. J. Brandenburg)***
47		0271	Yes	6/8	6/9	6/9/15	***Liquor**; licenses*; sale of unlimited quantity of alcoholic liquor at a specific price at a private function; allow, and regulate price of 2 or more drinks sold to an individual. ***(Sen. W. Schmidt)***
48		0196	Yes	6/8	6/9	9/7/15	***Vehicles**; other*; issuance of salvage or scrap certificate of title to insurance company; allow under certain circumstances and make other revisions. ***(Sen. T. Casperson)***
49	4467		Yes	6/9	6/9	6/9/15	***Corrections**; other*; use of certain privately owned correctional facility to house certain adult inmates; allow. ***(Rep. J. Bumstead)***
50	4071		Yes	6/8	6/9	9/7/15 #	***Family law**; child custody*; requirement to file motion for change of custody or parenting time order when parent is called to active military duty; modify. ***(Rep. T. Barrett)***
51	4482		Yes	6/8	6/9	9/7/15 #	***Family law**; child custody*; requirement to file motion for change of custody or parenting time order when parent is called to active military duty; modify. ***(Rep. K. Kesto)***
52		0009	Yes	6/8	6/9	9/7/15 #	***Family law**; child custody*; requirement to file motion for change of custody order when parent is called to active military duty; modify. ***(Sen. R. Jones)***

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53	4188		Yes	6/11	6/11	9/9/15 #	***Children**; adoption*; objection to placements by child placing agency based on religious or moral convictions; allow. ***(Rep. A. LaFontaine)***
54	4189		Yes	6/11	6/11	9/9/15 #	***Children**; adoption*; objection to placements by child placing agency based on religious or moral convictions; allow. ***(Rep. H. Santana)***
55	4190		Yes	6/11	6/11	9/9/15 #	***Children**; adoption*; licensure of child placing agency that objects to placements on religious or moral grounds; allow. ***(Rep. E. Leutheuser)***
56	4041		Yes	6/10	6/11	6/11/15	***Human services**; services or financial assistance*; family independence assistance program group's compliance with compulsory school attendance; require in order to receive assistance. ***(Rep. A. Pscholka)***
57	4404		Yes	6/10	6/11	10/1/15	***Employment security**; funds*; use of contingent funds for workforce training programs; allow. ***(Rep. L. Inman)***
58	4409		Yes	6/10	6/11	10/1/15	***Human services**; services or financial assistance*; families leaving family independence programs due to no longer meeting financial eligibility; eliminate monthly payment. ***(Rep. E. Poleski)***
59	4444		Yes	6/10	6/11	10/1/15	***Mental health**; code*; certain fees under the mental health code; modify, and provide other general amendments. ***(Rep. C. Afendoulis)***
60	4449		Yes	6/10	6/11	10/1/15	***Environmental protection**; air pollution*; air emission fees; modify. ***(Rep. R. Victory)***
61	4470		Yes	6/9	6/11	10/1/15	***Food**; other*; certain MDARD fees; increase. ***(Rep. J. Hoadley)***

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62	4363		Yes	6/10	6/11	10/1/15	***Occupations**; mechanical contractors*; certain fees under the Forbes mechanical contractors act; modify. ***(Rep. H. Santana)***
63	4382		Yes	6/10	6/11	10/1/15	***Occupations**; electricians*; certain fees under the electrical administrative act; modify. ***(Rep. C. Afendoulis)***
64	4383		Yes	6/10	6/11	10/1/15	***Occupations**; inspectors*; building officials, inspectors, and plan reviewers; modify fees. ***(Rep. C. Afendoulis)***
65	4384		Yes	6/10	6/11	10/1/15	***Businesses**; nonprofit corporations*; annual report fees under the nonprofit corporation act; modify. ***(Rep. C. Afendoulis)***
66	4397		Yes	6/10	6/11	10/1/15	***Businesses**; business corporations*; annual report fees under the business corporation act; modify. ***(Rep. G. Darany)***
67	4398		Yes	6/10	6/11	10/1/15	***Trade**; securities*; certain fees under the uniform securities act; modify. ***(Rep. R. Kosowski)***
68	4399		Yes	6/10	6/11	10/1/15	***Businesses**; limited liability companies*; annual statement fees under the Michigan limited liability company act; modify. ***(Rep. L. Love)***
69	4400		Yes	6/10	6/11	6/11/15	***Agriculture**; animals*; licensing fees related to livestock operators; extend sunset. ***(Rep. N. Jenkins)***
70	4439		Yes	6/10	6/11	10/1/15	***Vehicles**; title*; tire disposal surcharge; earmark to the solid waste management fund and extend sunset. ***(Rep. R. Victory)***

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71	4443		Yes	6/10	6/11	10/1/15	***Law enforcement****; fingerprinting*; fees charged for fingerprinting and criminal record check; modify sunset. ***(Rep. A. Miller)***
72	4445		Yes	6/10	6/11	10/1/15	***Traffic control****; other*; disposition of commercial look-up service fees; extend sunset. ***(Rep. A. Pscholka)***
73	4446		Yes	6/10	6/11	10/1/15	***Traffic control****; other*; disposition of commercial look-up service fees; extend sunset. ***(Rep. A. Pscholka)***
74	4364		Yes	6/10	6/11	10/1/15	***Occupations****; plumbers*; certain fees under the state plumbing act; modify. ***(Rep. H. Santana)***
75	4381		Yes	6/10	6/11	10/1/15	***Occupations****; licensing fees*; occupational code fees under state license fee act; modify. ***(Rep. C. Afendoulis)***
76	4448		Yes	6/10	6/11	10/1/15	***Natural resources****; inland lakes*; inland lakes and streams application fees; modify. ***(Rep. R. Victory)***
77	4568		Yes	6/10	6/11	10/1/15	***Traffic control****; other*; disposition of commercial look-up service fees; extend sunset. ***(Rep. A. Pscholka)***
78	4569		Yes	6/10	6/11	10/1/15	***Vehicles****; registration*; vehicle registration tax credited to transportation administration collection fund; extend sunset. ***(Rep. A. Pscholka)***
79		0100	No	6/16	6/16	**	***Taxation****; administration*; prepayment of tax, penalty, and interest requirement as a prerequisite to filing a case regarding the assessment of tax in the Michigan court of claims; eliminate. ***(Sen. J. Brandenburg)***

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80		0304	Yes	6/16	6/16	6/16/15	***Occupations**; junk and secondhand dealers*; payment requirements for certain scrap metal purchase transactions; modify. ***(Sen. M. Kowall)***
81	4434		Yes	6/16	6/16	10/1/15	***Human services**; county services*; sunset on certain administrative rate changes to foster care services; eliminate, and make subject to appropriation. ***(Rep. E. Poleski)***
82	4441		Yes	6/16	6/16	10/1/15	***Environmental protection**; other*; water pollution, solid waste, and recycling fees and sewerage expedited review process; extend sunset. ***(Rep. S. Roberts)***
83	4451		Yes	6/16	6/16	10/1/15	***Agriculture**; other*; feed law; provide general amendments. ***(Rep. N. Jenkins)***
84		0133	Yes	6/17	6/17	6/17/15 +	***Appropriations**; zero budget*; omnibus budget appropriations bill; provide for. ***(Sen. D. Hildenbrand)***
85	4115		Yes	6/17	6/17	6/17/15	***Appropriations**; zero budget*; fiscal year 2015-2016 omnibus appropriations for school aid, higher education, and community colleges; provide for. ***(Rep. A. Pscholka)***
86	4101		Yes	6/23	6/23	6/23/15	***Appropriations**; zero budget*; supplemental appropriations; provide for fiscal year 2014-2015. ***(Rep. A. Pscholka)***
87	4175		Yes	6/23	6/23	9/21/15	***Torts**; liability*; liability of persons under equine activity liability act; limit to willful or wanton acts under certain circumstances. ***(Rep. J. Johnson)***
88	4245		Yes	6/23	6/23	9/21/15	***Occupations**; inspectors*; registration as a building official, plan reviewer, or inspector; eliminate employment with governmental subdivision as a requirement for and change renewal dates. ***(Rep. A. Forlini)***

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89	4203		Yes	6/25	6/25	6/25/15 #	***Businesses**; nonprofit corporations*; reference to "crippled children" in trustee corporation law; revise to "children and youth with special health care needs". ***(Rep. M. Callton)***
90	4204		Yes	6/25	6/25	6/25/15 #	***Human services**; children's services*; reference to "crippled children"; revise to "children and youth with special health care needs". ***(Rep. J. Graves)***
91	4205		Yes	6/25	6/25	6/25/15	***Health**; children*; reference to "crippled children"; revise to "children and youth with special health care needs" and change the date on licensing pharmacy technicians. ***(Rep. A. Schor)***
92		0112	Yes	6/25	6/25	6/25/15 #	***Records**; health*; reference to "crippled children"; revise to "children and youth with special health care needs". ***(Sen. C. Hertel)***
93		0113	Yes	6/25	6/25	6/25/15 #	***Human services**; children's services*; reference to "crippled children"; revise to "children and youth with special health care needs". ***(Sen. J. Marleau)***
94		0114	Yes	6/25	6/25	6/25/15 #	***Children**; child care*; reference to "crippled children"; revise to "children and youth with special health care needs". ***(Sen. M. O'Brien)***
95	4468		Yes	6/30	6/30	6/30/15	***Aeronautics**; airport authority*; regional airport authority; allow to be created. ***(Rep. R. VerHeulen)***
96	4496		Yes	6/29	6/30	6/30/15	***State financing and management**; bonds*; qualifying refunding bonds; provide for a school district to recalculate its millage levy. ***(Rep. R. Victory)***
97	4497		Yes	6/29	6/30	6/30/15	***State financing and management**; bonds*; qualification of refunding bonds; revise for schools that will not meet their final mandatory repayment date. ***(Rep. R. Victory)***

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98	4271		Yes	6/29	6/30	9/28/15 #	***Elections**; scheduling*; February regular election date; eliminate. ***(Rep. L. Lyons)***
99	4276		Yes	6/29	6/30	9/28/15 #	***Elections**; scheduling*; February regular election date; eliminate. ***(Rep. L. Lyons)***
100	4272		Yes	6/29	6/30	9/28/15 #	***Elections**; scheduling*; February regular election date; eliminate. ***(Rep. D. Lauwers)***
101	4273		Yes	6/29	6/30	9/28/15 #	***Elections**; scheduling*; February regular election date; eliminate. ***(Rep. K. Heise)***
102	4274		Yes	6/29	6/30	9/28/15 #	***Elections**; scheduling*; February regular election date; eliminate. ***(Rep. K. Kesto)***
103	4385		Yes	6/29	6/30	9/28/15 #	***Elections**; scheduling*; February regular election date; eliminate. ***(Rep. B. Jacobsen)***
104	4447		Yes	6/30	6/30	10/1/15	***Health facilities**; other*; certain fees under the public health code; modify, and provide other general amendments. ***(Rep. A. Pscholka)***
105	4052		Yes	6/30	6/30	6/30/15	***Labor**; benefits*; mandatory wage, benefit, leave time scheduling, training, or application information requirements; prohibit local units of government from establishing for employers. ***(Rep. E. Poleski)***
106	4457		Yes	6/30	6/30	9/28/15	***Children**; adoption*; adoption registry fee; eliminate. ***(Rep. J. Runestad)***

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107		0217	Yes	6/30	6/30	6/30/15	***Property tax**; classification*; reference to qualified forest in qualified agriculture definition; remove. ***(Sen. D. Booher)***
108		0108	Yes	6/30	6/30	6/30/15	***Libraries**; district*; district library establishment act; modify. ***(Sen. D. Zorn)***
109	4325		Yes	7/7	7/7	7/7/15 #	***Education**; school districts*; reporting of budgetary assumptions and certain periodic financial status reports; require as part of early warning system. ***(Rep. E. Poleski)***
110	4326		Yes	7/7	7/7	7/7/15	***Education**; financing*; preliminary review to determine the existence of probable financial stress in school districts; require under certain conditions and modify the state financial authority for certain school districts. ***(Rep. E. Poleski)***
111	4327		Yes	7/7	7/7	7/7/15 #	***Education**; school districts*; enhanced deficit elimination plans; provide. ***(Rep. A. Pscholka)***
112	4328		Yes	7/7	7/7	7/7/15 #	***School aid**; other*; deficit elimination plan requirement; revise. ***(Rep. L. Lyons)***
113	4329		Yes	7/7	7/7	7/7/15 #	***Education**; financing*; school district placement under control of an emergency manager for failure to comply with enhanced deficit elimination plan; provide for. ***(Rep. P. Somerville)***
114	4330		Yes	7/7	7/7	7/7/15 #	***School aid**; payments*; reference to deficit elimination plan compliance in school aid act; update, include enhanced deficit elimination plans, and revise other reporting requirements. ***(Rep. T. Kelly)***
115	4331		Yes	7/7	7/7	7/7/15 #	***Local government**; financing*; emergency municipal loan act; increase cap on emergency loans. ***(Rep. B. Jacobsen)***

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116	4332		Yes	7/7	7/7	7/7/15	***State financing and management**; funds*; surplus funds for certain emergency loans; modify. ***(Rep. D. Garcia)***
117	4122		Yes	7/9	7/10	7/10/15	***Taxation**; administration*; film credits; sunset. ***(Rep. D. Lauwers)***
118	4391		Yes	7/9	7/10	10/1/15	***Agriculture**; pesticides*; fertilizer fees; revise to provide regulatory support and research. ***(Rep. D. Lauwers)***
119	4553		Yes	7/9	7/10	7/10/15	***Property tax**; exemptions*; general property tax act; modify filing deadlines, exemptions, and requirements. ***(Rep. D. Maturen)***
120	4554		Yes	7/9	7/10	7/10/15	***Property tax**; special assessments*; state essential services assessment; modify certain definitions, dates, and filing requirements and provide for other general amendments. ***(Rep. D. Maturen)***
121	4555		Yes	7/9	7/10	7/10/15	***Property tax**; special assessments*; alternative state essential services assessment; modify certain definitions, dates, and filing requirements and provide for other general amendments. ***(Rep. K. Yonker)***
122	4556		Yes	7/9	7/10	7/10/15	***Local government**; other*; distribution of local community stabilization authority act share revenues; modify. ***(Rep. K. Yonker)***
123	4557		Yes	7/9	7/10	7/10/15	***Economic development**; plant rehabilitation*; plant rehabilitation act; modify certain exemptions. ***(Rep. J. Townsend)***
124	4558		Yes	7/9	7/10	7/10/15	***Use tax**; rate*; local community stabilization share tax rate; modify. ***(Rep. J. Townsend)***

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125	4226		Yes	7/15	7/15	7/15/15	***Economic development**; economic development corporations*; certified technology park distinct geographic areas; increase. ***(Rep. D. Garcia)***
126		0165	Yes	7/15	7/15	7/15/15 #	***Vehicles**; other*; commercial quadricycles; allow to serve alcohol under certain circumstances and make other revisions to Michigan vehicle code. ***(Sen. W. Schmidt)***
127		0166	Yes	7/15	7/15	7/15/15 #	***Vehicles**; other*; commercial quadricycle; define, and exclude from definition of "motor vehicle". ***(Sen. T. Casperson)***
128	4319		Yes	7/15	7/15	7/15/15	***Traffic control**; traffic regulation*; criteria for vehicles to proceed without stopping at inactive railroad track grade crossings; amend. ***(Rep. A. Nesbitt)***
129	4320		Yes	7/15	7/15	7/15/15	***Transportation**; school vehicles*; requirement for driver of school bus to stop at certain railroad track grade crossings; revise. ***(Rep. A. Nesbitt)***
130		0069	Yes	7/22	7/22	7/22/15	***Higher education**; community colleges*; job training programs; revise sunset provision for new training agreements and clarify definition of new job. ***(Sen. D. Booher)***
131		0062	Yes	9/30	9/30	12/29/15	***Property**; recording*; recording requirements; modify to include electronic signatures, and exempt certified copy of death certificate from requirements of act. ***(Sen. C. Hertel)***
132		0281	Yes	9/30	9/30	12/29/15	***Courts**; district court*; removal of bailiff for inability to perform essential functions of office; allow. ***(Sen. T. Schuitmaker)***
133		0468	Yes	9/30	9/30	9/30/15	***Health occupations**; pharmacy technicians*; eligibility for licensure of pharmacy technicians and requirements for limited license pharmacy technicians; modify, and revise certain requirements for pharmacies and pharmacists. ***(Sen. M. Green)***

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134	4070		Yes	9/30	9/30	12/29/15	***Public employees and officers**; ethics*; incompatible offices exception for public safety positions; create for small local units of government. ***(Rep. K. Heise)***
135	4193		Yes	10/6	10/7	1/5/16	***Traffic control**; violations*; electronic proof of insurance; allow. ***(Rep. A. Nesbitt)***
136	4389		Yes	10/6	10/7	1/5/16	***Highways**; name*; portion of US-12; designate as the "Tpr. Steven B. Devries Memorial Highway". ***(Rep. D. Pagel)***
137	4463		Yes	10/6	10/7	1/5/16	***Criminal procedure**; sentencing guidelines*; offense variable for crime of aggravated physical abuse; modify. ***(Rep. K. Heise)***
138	4166		Yes	10/6	10/7	1/5/16	***Counties**; boards and commissions*; certain counties to levy a special tax or appropriate from the county general funds for the purpose of advertising agricultural advantages; revise, and allow each county to levy the special tax if approved by a majority of the electors in the county. ***(Rep. R. Outman)***
139		0134	Yes	10/7	10/7	10/7/15	***Appropriations**; supplemental*; fiscal year 2015-2016 supplemental appropriation for great start readiness program; provide for. ***(Sen. D. Hildenbrand)***
140	4168		Yes	10/13	10/13	1/11/16	***Property tax**; other*; requirement of hard copy of tax rolls; eliminate if maintained on computerized database. ***(Rep. S. Singh)***
141	4354		Yes	10/13	10/13	1/11/16	***Insurance**; insurers*; confidentiality of certain required filings by insurers; provide for. ***(Rep. M. Webber)***
142		0144	Yes	10/13	10/13	1/11/16	***Food**; service establishments*; exemption from inspection and managerial certification requirements; provide for if serving low-risk foods. ***(Sen. T. Casperson)***

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143	4102		Yes	10/15	10/15	10/15/15	***Appropriations**; zero budget*; supplemental appropriations bill; provide for. ***(Rep. A. Pscholka)***
144		0298	Yes	10/19	10/20	1/18/16 #	***Crimes**; animals*; assault of or interference with a service animal and refusal by certain persons to allow entry of a person using or training a service animal; prohibit. ***(Sen. D. Knezek)***
145		0299	Yes	10/20	10/20	1/18/16 #	***Animals**; dogs*; licensing fees for service animals; provide exemption for certain individuals. ***(Sen. M. O'Brien)***
146	4521		Yes	10/20	10/20	1/18/16 #	***Animals**; other*; identification for service animals; create. ***(Rep. T. Barrett)***
147	4527		Yes	10/19	10/20	1/18/16 #	***Animals**; other*; penalties for false claims to use a service dog; modify. ***(Rep. D. Rutledge)***
148	4504		Yes	10/19	10/20	2/1/16 #	***Criminal procedure**; forfeiture*; uniform forfeiture reporting act; enact. ***(Rep. K. Kesto)***
149	4500		Yes	10/19	10/20	1/18/16 #	***Consumer protection**; identity theft*; identity theft prevention act; modify to include uniform forfeiture reporting act requirements. ***(Rep. J. Runestad)***
150	4503		Yes	10/20	10/20	1/18/16 #	***Law enforcement**; reports*; reports of disposition of certain forfeited property; require, and provide a penalty for failing to report. ***(Rep. T. Cole)***
151	4506		Yes	10/19	10/20	2/1/16 #	***Criminal procedure**; forfeiture*; reports of disposition of certain forfeited property; amend public health code to require, and provide a penalty for failing to report. ***(Rep. J. Sheppard)***

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152	4507		Yes	10/20	10/20	1/18/16 #	***Criminal procedure**; forfeiture*; seizure and forfeiture of property for abatement of nuisance to be reported to the department of state police under the uniform forfeiture reporting act; require. ***(Rep. B. Iden)***
153	4499		Yes	10/20	10/20	1/18/16	***Civil procedure**; civil actions*; evidentiary standard to establish and abate a public nuisance; modify. ***(Rep. G. Glenn)***
154	4505		Yes	10/20	10/20	1/18/16	***Criminal procedure**; forfeiture*; evidentiary standard for certain drug forfeitures; modify. ***(Rep. P. Lucido)***
155		0064	Yes	10/19	10/20	1/18/16	***Health facilities**; nursing homes*; patient care policies and compliance procedures; require establishment based on nationally recognized guidelines or best-practice resources and provide other general amendments. ***(Sen. G. Hansen)***
156		0065	Yes	10/20	10/20	1/18/16	***Health facilities**; nursing homes*; employment of or contracting with health professionals to provide medical treatment to patients; allow regardless of business entity status of nursing home. ***(Sen. G. Hansen)***
157		0066	Yes	10/19	10/20	1/18/16 #	***Businesses**; limited liability companies*; definition of learned profession; clarify application to certain health professionals. ***(Sen. G. Hansen)***
158		0067	Yes	10/19	10/20	1/18/16 #	***Businesses**; business corporations*; definition of learned profession; clarify application to certain health professionals. ***(Sen. G. Hansen)***
159		0358	Yes	10/20	10/20	1/18/16	***Education**; teachers*; professional teaching certificate examinations and exam fees; revise. ***(Sen. G. Hansen)***
160	4542		Yes	10/28	10/28	1/26/16 #	***Individual income tax**; other*; Michigan achieving a better life experience (ABLE) program; create. ***(Rep. A. Forlini)***

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161	4543		Yes	10/28	10/28	10/28/15 #	***Individual income tax**; deductions*; contributions to the ABLE savings program; provide for. ***(Rep. A. Forlini)***
162	4544		Yes	10/28	10/28	1/26/16 #	***Human services**; services or financial assistance*; financial eligibility for certain assistance programs; prohibit state from considering amount in ABLE savings accounts. ***(Rep. N. Jenkins)***
163		0360	Yes	10/28	10/28	1/26/16 #	***Individual income tax**; other*; cap on Michigan education savings accounts; increase. ***(Sen. R. Warren)***
164	4517		Yes	10/28	10/28	10/28/15	***Education**; school districts*; refunding bonds for bonded indebtedness of original school district involved in consolidation; allow under certain circumstances. ***(Rep. D. Rutledge)***
165		0240	Yes	10/28	10/28	1/26/16	***Liquor**; retail sales*; sale, use, or possession of powdered alcohol; prohibit. ***(Sen. R. Jones)***
166	4263		Yes	10/28	10/28	1/26/16	***Occupations**; athletics*; license fee and continuing education hours for athletic trainers; modify, and require training on use of automated external defibrillator. ***(Rep. A. LaFontaine)***
167		0336	Yes	11/3	11/3	2/1/16	***Law enforcement**; other*; public safety communications; create Michigan blue alert plan to broadcast information regarding attacks on peace officers. ***(Sen. T. Schuitmaker)***
168		0022	Yes	11/3	11/3	11/3/15	***Retirement**; state police*; retirement allowance; provide increase sufficient to produce annual retirement allowance of $16,000.00 for certain retirants. ***(Sen. T. Casperson)***
169		0195	Yes	11/3	11/3	12/3/15	***Health**; pharmaceuticals*; fingerprint requirement for application of a new pharmacy, manufacturer, or wholesale distributor license; revise. ***(Sen. J. Hune)***

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170		0309	Yes	11/3	11/3	2/1/16	***Housing**; condominium*; condominium subdivision plan; modify survey plan signature and cover sheet content requirements. ***(Sen. J. Stamas)***
171	4464		Yes	11/3	11/3	11/3/15	***Sales tax**; exemptions*; over-the-counter medications sold pursuant to a prescription; clarify and exempt. ***(Rep. L. Lyons)***
172	4465		Yes	11/3	11/3	11/3/15	***Use tax**; exemptions*; over-the-counter medications sold pursuant to a prescription; clarify and exempt. ***(Rep. L. Lyons)***
173		0103	Yes	11/5	11/5	11/5/15	***Education**; teachers*; performance evaluation requirements for teachers and school administrators; revise. ***(Sen. P. Pavlov)***

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