

	AIR QUALITY DIVISION POLICY AND PROCEDURE		DEPARTMENT OF ENVIRONMENTAL QUALITY
Original Effective Date: July 2, 2013 Revised Date: Reformatted Date:	Subject: Application of Rule 901(b) in the Permit to Install Review Process		Category: <input type="checkbox"/> Internal/Administrative <input checked="" type="checkbox"/> External/Non-Interpretive <input type="checkbox"/> External/Interpretive
	Program Name: Air Permits to Install		
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A Department of Environmental Quality (DEQ) Policy and Procedure cannot establish regulatory requirements for parties outside of the DEQ. This document provides direction to DEQ staff regarding the implementation of rules and laws administered by the DEQ. It is merely explanatory; does not affect the rights of, or procedures and practices available to, the public; and does not have the force and effect of law.

INTRODUCTION:

This policy and procedure discusses the use of Rule 336.1901(b) (Rule 901(b)) in the Permit to Install (PTI) application review process. There are instances when Air Quality Division (AQD) staff is reviewing an application and will need to evaluate a potential nuisance problem from the process or source outlined in the application. A potential nuisance situation can arise from odorous sources (i.e. rendering plants, asphalt plants, compost piles, etc.) or fugitive dust sources (storage piles, plant roadways, etc.). It is the responsibility of AQD staff, and the facility, to ensure that the source and/or process equipment is operated in such a manner that it is minimizing the potential to generate a nuisance situation, and where appropriate, identify operational and/or performance measures as permit conditions.

AUTHORITY:

The authority to issue a PTI pursuant to Rule 901 is identified in Rule 336.1201(2)(d). This rule states that the DEQ may issue a permit that establishes conditions which are legally enforceable solely pursuant to Rule 901.

POLICY:

During the evaluation of a PTI application, a permit engineer identifies all possible rules and regulations the source or process may or may not be subject to, including Rule 901. Based upon experience, permit engineers are aware of various source categories and/or process equipment which have a higher probability of generating nuisance situations when they are in operation. For these cases, permit staff and district staff, in coordination with company representatives, will identify methods the source can use to help minimize these situations. Often times the use of specialized equipment or materials, control equipment, or nuisance minimization plans, is sufficient for the source to reduce the nuisance potential and maintain a positive relationship with the local community.

Nuisance Minimization Plans are plans that were previously known as 'Odor Management Plans' and/or 'Fugitive Dust Plans'. These plans identify operational practices a source would use to minimize its potential to generate odors or fugitive dust from its operations. These plans are typically appendices to a permit, and can be developed between the source and the local district office before or after permit issuance. Examples of generic nuisance minimization plans which address fugitive dust and odor management are included as appendices to this Policy and Procedure. The examples provided are to be used as guides, only to assist a source in developing source specific nuisance minimization plans, if required.

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If necessary, permit conditions will be developed which address nuisance prevention by the source. Conditions of this type will be limited to operational and/or performance-based methods and shall not include emission limitations. Examples of operational or performance management type permit conditions, that could be included in a permit, are the frequency of watering unpaved roadways, the use of covers on tanks, the installation of load-out control, or prohibiting the use of a material. If a condition is established *solely* for the purpose of nuisance prevention, then Rule 901 will be identified as an applicable requirement. If a condition is included in the permit, but its *primary* purpose is *not* the prevention of nuisance situations, then Rule 901 will not be identified as an applicable requirement. Instead, the permit file documentation will identify the measures the source is using to aid in the prevention of a nuisance situation whenever Rule 901 is not identified as an applicable requirement for the PTI condition.

PROCEDURES:

Responsibility	Action
Permit Engineer	- Evaluate the proposed new or modified source; identify the potential for nuisance problems (i.e. odors, fugitive dust, etc.). --For an existing source proposing modifications, contact district staff to determine source history. Identify if nuisance conditions have been a concern at the site.
Permit Engineer/District Inspector/Applicant	- For proposed new or modified existing source, identify if there is a high potential to cause nuisance problems (i.e. odors, fugitive dust, etc.); identify what measures the source is using to minimize the nuisance. Evaluate whether further measures need to be taken. Discuss with district staff and applicant.
Permit Engineer/District Inspector/Applicant	- If a nuisance minimization plan is needed, provide standard plan to district and applicant for review. Revise as necessary based upon site specifics for source. Include permit condition which requires a nuisance minimization plan; allow modifications to be developed with district inspector in future due to site specific needs.
Permit Engineer	- Document the review that was conducted for application. If Rule 901(b) was a consideration due to potential to generate nuisance-type situations for new sources, and/or a history of Rule 901-type complaints for existing sources proposing modifications, identify what measures were evaluated and agreed upon to minimize the impacts. Identify the permit conditions reflecting these measures, if applicable. Document in permit file the evaluation that was performed with respect to Rule 901 and indicate any measures/conditions the source is using to minimize its nuisance impact. If no measures taken, document that as well.

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APPENDICES:

Generic nuisance minimization plans

PERMIT SECTION SUPERVISOR APPROVAL:



Mary Ann Dolehanty, Permit Section Supervisor

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**Appendix
Nuisance Minimization Plan
Fugitive Dust**

I. Site Roadways / Plant Yard

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

II. Plant

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

III. Storage Piles

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

IV. Truck Traffic

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

V. AQD/MDEQ Inspection

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

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**Nuisance Minimization Plan
Odor Minimization**

- I. **Introduction**
Purpose, description of source, permit number, background information, etc.
- II. **Potential Sources of Odorous Emissions and Related Equipment**
Listing of equipment at source that could generate potential odors. Identify process and/or equipment, control equipment (if applicable), and any other information necessary to aid in addressing a complaint if received.
- III. **Maintenance Schedule**
Description of maintenance schedule for equipment, procedures, etc.
- IV. **Housekeeping Measures**
Identify housekeeping-type measures the source is using which aids in the minimization of odorous emissions.
- V. **Odor Incident Notification/Investigation/Response**
Describe procedures to address complaints of odors from the source. Information to be recorded could include date and time of complaint, meteorological data for the timeframe specified in the complaint, identify the equipment/process that is most likely to be the source of the complaint, steps taken to identify any maintenance or corrective action necessary for the equipment involved, and other measures utilized by the source to address the complaint.