



AIR QUALITY DIVISION POLICY AND PROCEDURE

AQD-029 – Establishing Emission Limits in Accordance with Rule 225

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Distribution: External/Non-interpretive

ISSUE

This policy and procedure is intended to provide guidelines to Air Quality Division (AQD) staff as to the establishment of the permit conditions necessary to ensure compliance with R 336.1225 (Rule 225), promulgated pursuant to Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. These permit conditions are an essential part of the New Source Review program.

STAKEHOLDER INVOLVEMENT

None

POLICY

The AQD has developed an air toxics program to protect human health and the environment. The original “air toxic rules,” promulgated in 1992, included Rules 230, 231, and 232. After several years of implementation, the rules were revised in 1998 and now include Rules 224-232. These air toxic rules contain the requirements for sources that emit toxic air contaminants (TACs).

The air toxics rules apply to any new or modified emission unit or units for which an application for a Permit to Install is required and which emits a toxic air contaminant (TAC). The rules define a TAC as 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. Forty-two substances are specifically exempt from the definition of TAC, including such things as inert gases, nuisance particulates, and substances that have relatively low toxicity.

There are two basic requirements of the air toxics rules. Rule 224 requires many sources to apply Best Available Control Technology for Toxics (T-BACT). The exceptions to this requirement are those emission units which have specific control technology standards or requirements such as the Maximum Achievable Control Technology, Best Available Control Technology, or the Lowest Achievable Emission Rate. For example, T-BACT does not apply to sources emitting only Volatile Organic Compounds (VOCs) because they are subject to Rule 702 and must employ Best Available Control Technology. While there are other air toxic rules, the applicability of the guidelines in this policy and procedure is limited to those sources subject to Rule 224 and Rule 225, only.

Rule 225 ensures that after the application of the control technology requirement, the emission of a TAC shall meet screening levels designed to protect human health and the environment. Specifically, Rule 225 states in part:

“A person...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.”

Subrule (2) allows the applicant to demonstrate that the total allowable emissions of the carcinogen from the facility comply with the secondary risk screening level. Subrule (3) provides an alternative to complying with the initial risk screening level or secondary risk screening level for ambient impacts on industrial property or public roadways.

During the permit application review process, a detailed analysis to evaluate compliance with Rule 224 and Rule 225 is completed by the AQD Permit Section. To date, the application of this analysis and the resulting permit actions, including the imposition of TAC emission limits, may not have been consistently applied. As stated previously, this policy and procedure is intended to provide guidelines for establishing the permit conditions necessary to ensure compliance with Rule 225. It is not intended to prohibit flexibility in the establishment of screening level based emission limits. Further, these guidelines do not pertain to a source to which Rule 228 (Requirement for lower emission rate than required by T-BACT and health-based screening levels) applies.

PROCEDURE

To promote consistency in the AQD's implementation of the air toxics rules, the following guidelines apply to development of permit conditions associated with TACs:

- When the predicted ambient impact (PAI) is 75 percent or greater of the applicable screening level, an emission limit must be included in the permit, unless it is deemed unnecessary by the Unit Supervisor. This may be a specific limit for a TAC or surrogate (such as material usage restrictions, operational limits, or process constraints) that precludes the screening level from being exceeded. The Permit Section Database must include a brief discussion on the review and indicate that the limit was included because the PAI was equal to or greater than 75 percent of the screening level.
- When the PAI is less than 75 percent of the applicable screening level, it is not necessary to include an emission limit. However, if the Permit Engineer deems a limit is necessary, this guidance does not prohibit the inclusion of such a limit. For example, situations where there are no material usage restrictions, operational limits or process constraints that preclude the screening level from being exceeded. The Permit Section Database must include a brief discussion on the review and decision.
- When the PAI is 10 percent or less of the applicable screening level, an emission limitation may be included in the permit only if deemed necessary by the Unit Supervisor. The Permit Section database must include specific documentation on the reason(s) for including the emission limitation.
- Anytime Subrules (2) or (3) of Rule 225 are employed, an emission limit must be included in the permit to ensure compliance with the special provisions of these subrules. The Permit Section

database must indicate which subrule was deemed applicable in the review and that an emission limit was included in the permit.

- A single TAC limit may be used as a surrogate for specific limits on other TACs. The surrogate should be of a similar type of compound (i.e. metal for metal). Non-TAC emission limits, production limits and/or operational limits may also be used as a surrogate for specific limits on a TAC(s). The use of VOC limits as a surrogate to provide enforceable TAC limits is not the preferred means of demonstrating compliance with Rule 225 and should only be used in limited circumstances. The TAC(s) should be addressed directly through limits on coating content, restriction on hours of operation, material usage limits or other operational restrictions.
- If stack-testing is the method chosen for compliance verification, the emission limits must be above the detection level for that air contaminant.
- Historically, for coating and printing operations, where the total VOC emissions are less than 10 tons per year, there are no known or suspected carcinogens in the coating, and the stack heights are a minimum of 1.5 times the building height, no formal toxic analysis has been completed unless there are circumstances which deem it necessary. This practice is consistent with the General Permit for Coating Operations and the permit exemptions. These guidelines do not reverse this practice.

APPROVING AUTHORITY



Annette Switzer, Manager
Permit Section, Air Quality Division

HISTORY

Policy No.	Action	Date	Title
Internal Policy	Effective	Sept. 20, 2016	Establishing Emission Limits in Accordance with Rule 225
AQD-029	Revision	Aug. 5, 2019	Same as above.

CONTACT/UPDATE RESPONSIBILITY

Any questions or concerns regarding this policy and procedure should be directed to Cindy Smith at SmithC17@Michigan.gov.

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