



JOHN ENGLER, Governor

**DEPARTMENT OF ENVIRONMENTAL QUALITY**

*"Better Service for a Better Environment"*

HOLLISTER BUILDING, PO BOX 30473, LANSING MI 48909-7973

INTERNET: <http://www.michigan.gov/deq/>

**RUSSELL J. HARDING**, Director

REPLY TO:

AIR QUALITY DIVISION  
PO BOX 30260  
LANSING MI 48909-7760

June 29, 1998

Dear Interested Party:

On July 2, 1998, The Air Quality Division will begin implementing a new federally required program to address control of hazardous air pollutants. This program applies to certain new and reconstructed sources of air pollution and is part of Section 112(g) of the federal Clean Air Act. Because you are on our Air Quality Division mailing list, I wanted to share this information with you.

Specifically, the program applies to sources which emit or have the potential to emit more than 10 tons per year of a single hazardous air pollutant, or 25 tons per year of a combination of hazardous air pollutants. A hazardous air pollutant is one of the 187 compounds defined as a hazardous air pollutant under Section 112(b) of the federal Clean Air Act.

To effectively implement this program, the state has adopted the federal regulations by reference in its rules. The adoption will be codified under R 336.1299(e) [Rule 299(e)] of the Administrative Rules for Air Pollution Control, promulgated under the authority of the Natural Resources and Environmental Protection Act, 1994 P.A. 451 [Act 451]. This adoption allows all decision making to occur at the state level.

The program is usually referred to as "Section 112(g)," but has also been called "case-by-case MACT." Maximum Achievable Control Technology (MACT) stands for and is the level of control required for the emission of hazardous air pollutants. The program is intended to be a temporary program until federal MACT standards are promulgated for all source categories.

This program is being implemented through our existing New Source Review program. All persons submitting a Permit to Install application for a new or reconstructed major source of hazardous air pollutants from this point forward should be aware that the source may be subject to this new program. The program applies to all such sources which are constructed or reconstructed on or after June 29, 1998, and which are not specifically excluded. Sources which are specifically excluded are those for which a specific MACT standard has been promulgated under Sections 112(d), 112(h) or 112(j) of the federal Clean Air Act, sources that were listed under Section 112(d) but have

been deleted, electric utility steam generating units, and research and development activities as defined in the regulations.

We believe that only a small number of sources will actually be subject to this new program. However, you should be aware a Permit to Install application for a subject source will need to include information beyond what is typically required. Also, all such applications must go through the public participation process, including a minimum 30-day public comment period. It is particularly important to note that sources subject to Section 112(g) cannot be granted a waiver under state rules to allow for commencement of construction prior to approval of a Permit to Install application.

All persons who currently have a Permit to Install application in-house for a source that appears to be subject to Section 112(g) will be notified by separate correspondence. The letter will request the information necessary to complete the application with respect to Section 112(g).

As the Section 112(g) program is implemented, the Air Quality Division will be making every effort to work with affected parties to make the transition as smooth as possible. The Air Quality Division has proposed an Operational Memorandum to describe how it intends to implement the Section 112(g) program. A copy of the draft memorandum and the rules have been placed on the Internet at the Department of Environmental Quality, Air Quality Division's Home Page, <http://www.michigan.gov/deq/0,4561,7-135-3310---,00.html>. As the program is implemented, we will be placing additional information at that location.

Please contact Mr. Gregory M. Edwards, Supervisor, Chemical Process Unit, at 517-335-3693 if you have questions about the Section 112(g) program.

Sincerely,

Dennis M. Drake, Chief  
Air Quality Division  
517-373-7023

DMD:GME:bcw