



# Life After ROP

## Renewable Operating Permit Reporting and Revisions

A practical guide after ROP issuance

**June 2025**



MICHIGAN DEPARTMENT OF  
ENVIRONMENT, GREAT LAKES, AND ENERGY

Michigan.gov/EGLE | Michigan.gov/Air  
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# Introduction

After a Renewable Operating Permit (ROP) is issued, many new compliance requirements apply. The federal legislation that created the national operating permits program intended that these permits would not be static documents. It requires that these permits be renewed every five years and that the permits be kept up to date as changes are made at a stationary source between issuance and renewal. These permits help ensure that a site is aware of and in compliance with all applicable requirements. Therefore, regular reports of compliance information and status must be submitted to regulatory agencies and available to the public.

***Life After ROP – Renewable Operating Permit Reporting and Revisions*** was developed by the Michigan Department of Environment, Great Lakes, and Energy (EGLE) to help sites subject to Michigan's ROP Program. This is a guide for deviation reporting and compliance certification requirements contained in all ROPs, as well as the permit revision requirements associated with making changes.

**Section 1** of this guide covers deviation reporting and compliance certification. Rule 213 of the Michigan Air Pollution Control Rules includes the specific requirements for monitoring, recordkeeping, and reporting that a site must meet. Deviation reporting, semi-annual and annual compliance certifications, and other periodic reporting are part of the ROP Program. This section goes through the different reporting requirements and provides instructions on how to complete the associated forms.

**Section 2** of this guide covers permit revision requirements. Rules 215 and 216 are options for how to deal with changes at a site after ROP issuance. The options include insignificant changes, notifications, administrative amendments, and modifications. Some changes can wait until renewal of the ROP, but other kinds of changes cannot be made until approval of an application for this change. This section will help you decide how and when to change your ROP. Included are the criteria, examples, and submittal requirements for changes requiring a notification, amendment, or modification. Section 2 also provides instructions on how to complete the ROP Notification of Change form per Rule 215, and Permit Change form for an ROP amendment or modification per Rule 216.

In this guide are three appendices. [Appendix A](#) provides a listing of all the acronyms used as well as definitions for many of the terms. [Appendix B](#) contains rules cited in the guide.

## Additional Resources

The following resources are available at [Michigan.gov/egle/about/organization/air-quality/air-permits/title-v](https://www.michigan.gov/egle/about/organization/air-quality/air-permits/title-v).

- [Potential to Emit Workbook – A Practical Guide to Calculating and Evaluating Your Potential to Emit Air Contaminants](#)
- [Getting started in MiEnviro Portal User Guides](#)

## Table of Contents

<b>SECTION 1: ROP Compliance Certification Reports</b>	<b>1</b>
The Basics.....	1
The Responsible Official.....	2
Deviation Reporting .....	3
Other ROP Compliance Reporting .....	6
ROP Semi-Annual Compliance Certification Instructions .....	7
ROP Annual Compliance Certification.....	11
ROP Annual Compliance Certification Instructions.....	11
Reporting Timeline Example .....	14
<b>SECTION 2: Revising Your ROP - Notifications, Amendments, and Modifications</b>	<b>15</b>
How Do I Revise My Permit? An Overview of Notifications, Amendments, and Modifications .....	15
Notification of Change (Rule 215) .....	21
Amendments and Modifications (Rule 216).....	31
<b>Appendix A: Acronyms &amp; Definitions</b>	<b>42</b>
Acronyms .....	42
Definitions.....	43
<b>Appendix B: Rules Cited</b>	<b>46</b>

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# SECTION 1: ROP Compliance Certification Reports

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## The Basics

With a Renewable Operating Permit (ROP), there are more reporting requirements: specifically, deviation reporting, compliance reporting, and compliance certification requirements, as summarized below.

### ROP Annual Compliance Certification (Pursuant to Rule 213(4)(c))

The ROP Annual Compliance Certification form shall be used for information being submitted to satisfy the annual compliance certification requirements as specified in Rule 213(4)(c). Enter the starting and ending dates of the reporting period in the space provided. The reporting period for annual compliance certification is January 1 to December 31.

Click “Yes” or “No” – Was the Annual Emissions Report submitted for the reporting period? If “No,” submission of the Annual Emission Report is required before the ROP Annual Compliance Certification form can be submitted.

#### Under Certification:

Select Option 1, if no deviations have occurred from any of the general conditions or special conditions of the applicable Section(s) of the ROP at any point during the reporting period. If this box is checked, no other forms or attachments are necessary.

OR

Select Option 2, if one or more deviations have occurred from any of the general conditions or special conditions of the ROP during the reporting period. An attachment control to upload the submitted semi-annual deviation reports that cover the deviations for the year will appear. A description of each deviation report may be provided in the Comment field.

### ROP Semi-Annual Compliance Certification (Pursuant to Rule 213(3)(c))

The ROP Semi-Annual Compliance Certification form shall be used to satisfy the semi-annual certification requirements as specified in Rule 213(3)(c). Enter the starting and ending dates of the reporting period in the space provided. The reporting periods for semi-annual certification are January 1 to June 30 and July 1 to December 31.

Select Option 1, if all monitoring and associated recordkeeping requirements have been met and if no deviations have occurred from these or any of the other general or special conditions of the ROP at any point during the reporting period. If this box is checked, no additional forms or attachments are necessary.

OR

Select Option 2, if one or more deviations has occurred from any monitoring or recordkeeping requirement or any of the other general conditions or special conditions of the ROP during the reporting period. A Deviation Report section will be added for reporting of each deviation.

### Other ROP Compliance Reporting

There are "as needed" forms used if information is being submitted to satisfy ROP reporting requirements other than the annual or semi-annual compliance certification reports described above and for other reporting that may be on a more frequent basis. Locate the type of document or report you are submitting and then attach the required file(s) using the attachment control.

Other reports required by the ROP may include, but are not limited to the following:

- Prompt reporting of deviations as described in Rule 912.
- Periodic reports required by Federal regulations (i.e., 40 CFR Parts 60, 61, 62, 63, 64)
- Continuous emission monitoring or other continuous parametric monitoring data.
- Sampling or stack testing data and results.
- For any other reports required by the special conditions listed in the Source-Wide, Emission Unit or Flexible Group provisions of the ROP, use the ROP General Compliance Report.

### The Responsible Official

The Responsible Official of a site is responsible for signing and certifying the truth, accuracy, and completeness of the Semi-Annual Report, Annual Compliance Certification, and other compliance reports required by the ROP. Although there may be different people responsible for different operations at your site, the AQD has specific guidelines regarding who may be considered a "Responsible Official." These requirements are provided in Rule 118(j) of the Michigan Air Pollution Control Rules (see [Appendix B](#) for Rule 118(j)). In most cases, the Responsible Official is in charge of a principal business function (e.g., President, Vice President, Treasurer). Under specific circumstances spelled out in Rule 118(j), the Responsible Official may appoint another person as his or her Authorized Representative with overall responsibility for an operation.

In order to submit ROP required reports in MiEnviro, the Responsible Official and/or Authorized Representative must have an approved certifier agreement form on file. Instructions for creating an account and submitting the certifier agreement are found on pages 10 and 22 in the [MiEnviro for Air – General User Guide](#).

## Deviation Reporting

Your ROP requires that all deviations from permit requirements be reported “promptly” and be certified by a Responsible Official. The underlying applicable requirement for the condition is Rule 213(3)(c)(ii), which outlines the requirements for the prompt reporting of deviations from permit requirements (see [Appendix B](#) for Rule 213). What is considered to be prompt will depend on the deviation. Every deviation can be categorized into one of the five deviation scenarios below. There is a different reporting requirement for each of the scenarios. Find the scenario that best describes your deviation and follow the reporting procedures provided.

**SCENARIO 1: The deviation is not associated with an emission limit.** For example, a site is required to keep daily usage records, but an employee forgets to record information for a day.

This type of deviation must be reported on the ROP Semi-Annual Compliance Certification. The deviation is listed in the Deviation Report on the ROP Semi-Annual Compliance Certification submission. To report this in the ROP Annual Compliance Certification attach the copy of the ROP Semi-Annual Compliance Certification that covers the deviation(s). ([See discussion of the Semi-Annual \(or More Frequent\) Monitoring and Deviation Reporting](#))

**SCENARIO 2: An emission of any air contaminant, which exceeds an emission limit in the ROP and lasts for less than one hour.** For example, a site has an equipment malfunction and cannot shut down immediately, resulting in visible emissions in excess of the emission limit for 15 minutes.

This type of deviation must be reported on the ROP Semi-Annual Compliance Certification. The deviation is listed in the Deviation Report on the ROP Semi-Annual Compliance Certification submission. To report this in the ROP Annual Compliance Certification attach the copy of the ROP Semi-Annual Compliance Certification that covers the deviation(s). ([See discussion of the Semi-Annual \(or More Frequent\) Monitoring and Deviation Reporting.](#))

**SCENARIO 3: An emission that is not a Hazardous Air Pollutant or Toxic Air Contaminant, which potentially exceeds an emission limit in the ROP and lasts for more than one hour but less than two hours.** For example, a site has a thermal oxidizer malfunction demonstrated by temperature monitoring below the minimum permit requirement. The thermal oxidizer was not operating satisfactorily and not controlling volatile organic compounds properly for up to 90 minutes.

This type of deviation must be reported on the ROP Semi-Annual Compliance Certification. The deviation is listed in the Deviation Report on the ROP Semi-Annual Compliance Certification submission. To report this in the ROP Annual Compliance Certification attach the copy of the ROP Semi-Annual Compliance Certification that covers the deviation(s). ([See discussion of the Semi-Annual \(or More Frequent\) Monitoring and Deviation Reporting.](#))

**SCENARIO 4: The emission of a *Hazardous Air Pollutant* or *Toxic Air Contaminant* that potentially exceeds an emission limit in the ROP and lasts for more than *one hour but less than two hours*.** For example, a site has a malfunction of the thermal oxidizer controlling the ethylene oxide sterilizer, resulting in ethylene oxide emissions potentially exceeding the emission limit for 90 minutes.

This type of deviation is subject to Rule 912(2), which requires that the site notify its [AQD District Office](#), by email or verbally, within two business days after discovery of the abnormal conditions or malfunction. (See [Appendix B](#) for Rule 912.)

In addition, this type of deviation must be reported using the Air Rule 912 Abnormal Condition/Malfunction Report form in MiEnviro Portal. This type of deviation must be reported on the ROP Semi-Annual Compliance Certification. The deviation is listed in the Deviation Report on the ROP Semi-Annual Compliance Certification. To report this in the ROP Annual Compliance Certification attach the copy of the ROP Semi-Annual Compliance Certification that covers the deviation(s). ([See discussion of the Semi-Annual \(or More Frequent\) Monitoring and Deviation Reporting.](#))

**SCENARIO 5: The emission of *any air contaminant* that potentially exceeds an emission limit in the ROP and lasts for two hours or more.** For example, a site has a malfunction that goes undiscovered for several hours, resulting in emissions potentially exceeding the emission limit for 4 hours.

This type of deviation is subject to Rule 912(3). (See [Appendix B](#) for Rule 912.)

Rule 912(3) requires the following:

1. The site must notify its [AQD District Office](#) within two business days after the start-up or shutdown or after discovery of the abnormal conditions or malfunction. The notice can be made via e-mail or verbally.
2. This type of deviation must be reported using the Air Rule 912 Abnormal Condition/Malfunction Report form in MiEnviro Portal. This form has an attachment control to include the following:

The site must submit a written report to the AQD via MiEnviro Portal. If the deviation is the result of a start-up or shutdown, the report must be submitted within **10 days** after the start-up or shutdown occurred. If the deviation is the result of an abnormal condition or malfunction, the report must be submitted within **10 days** after the abnormal condition or malfunction has been corrected or within **30 days** of discovery of the abnormal condition or malfunction, whichever is first. The written report is submitted using the Air Rule 912 Abnormal Condition/Malfunction Report form found on your site dashboard. Upload all required information and documentation about the abnormal condition/malfunction, as specified in Rule 912.

This type of deviation must be reported on the ROP Semi-Annual Compliance Certification. The deviation is listed in the Deviation Report on the ROP Semi-Annual Compliance Certification. To report this in the ROP Annual Compliance Certification attach the copy of the ROP Semi-Annual Compliance Certification that covers the deviation(s).

### Deviation Reporting Examples

- A.** A site manufactures metal furniture and has many grinding operations controlled by fabric filter control devices. The site is required to monitor the pressure drop on a daily basis and stay within a specified pressure range. The site discovers that it is outside of the pressure drop range and is unable to immediately correct the problem. During the two days that the pressure drop is outside the range, no visible emissions are observed from the exhaust point and it is believed there is no exceedance of the particulate emission limits.

The site would report the pressure drop exceedance as a deviation in a Deviation Report submitted with the ROP Semi-Annual Compliance Certification and the ROP Annual Compliance Certification. The site would not report this pursuant to Rule 912 because visible emission observations indicate that there was no exceedance of an emissions standard or limit.

- B.** A hospital has three ethylene oxide sterilizers controlled by a thermal oxidizer. The thermal oxidizer malfunctions for 1½ hours and is not operating during this time. The hospital has potentially exceeded the hourly emission limit because the emissions are uncontrolled.

Because ethylene oxide is a HAP, the site is required to notify the AQD of the abnormal condition by means of electronic or verbal communication within two business days. The site would report a deviation on the ROP Semi-Annual Compliance Certification and the ROP Annual Compliance Certification.

- C.** An automotive parts supplier has two coating lines controlled by a regenerative thermal oxidizer (RTO). The RTO malfunctions and uncontrolled emissions are released through a by-pass stack. The site does not discover the issue and get the RTO operating properly until three hours later.

The site would notify the AQD of the abnormal condition by means of electronic or verbal communication within two business days. Then submit a written report pursuant to Rule 912(5) to the AQD within 10 days after the malfunction utilizing the Rule 912 Abnormal Condition/Malfunction Report form in MiEnviro Portal. The site would report a deviation on the ROP Semi-Annual Compliance Certification, and the ROP Annual Compliance Certification.

- D.** An electrical generating power plant has several large coal-fired boilers each controlled by an electrostatic precipitator (ESP). One of the ESP fields on a boiler goes down because of an electrical short, and visible emissions are monitored in excess of the emission limit. The site is unable to shut down the boiler and startup another boiler until eight hours after the malfunction.

The site would notify the AQD of the abnormal condition by means of electronic or verbal communication within two business days. Then submit a written report pursuant to Rule 912(5) to the AQD within 10 days after the malfunction utilizing the Rule 912 Abnormal Condition/Malfunction Report form. The site would report a deviation in the ROP Semi-Annual Compliance Certification, and the ROP Annual Compliance Certification.

### Other ROP Compliance Reporting

Your ROP requires that the ROP Semi-Annual Compliance Certification and other compliance reporting be submitted. The underlying applicable requirement for this condition is Rule 213(3)(c), which requires a site to submit to the AQD certified reports of any required monitoring at least every six months. Some sites may have to submit more frequent reports if specified in the ROP. Other reports required by the ROP may include, but are not limited to the following:

- Prompt reporting of deviations as described in Rule 912.
- Periodic reports required by Federal regulations (i.e., 40 CFR Parts 60, 61, 62, 63, 64)
- Continuous emission monitoring or other continuous parametric monitoring data.
- Sampling or stack testing data and results.
- For any other reports required by the special conditions listed in the Source-Wide, Emission Unit or Flexible Group provisions of the ROP, use the ROP General Compliance Report.

All deviation from any permit conditions during the time period must be reported. (See [Appendix B](#) for Rule 213(3)(c).) The reporting periods for the ROP Semi-Annual Compliance Certifications are January 1 to June 30 and July 1 to December 31, unless an alternate reporting period is specified by the ROP special conditions.

The ROP Semi-Annual Compliance Certification must be submitted no later than **September 15** for the January to June reporting period and no later than **March 15** for the July to December reporting period. For the ROP Annual Compliance Certification, the ROP Semi-Annual Compliance Certifications are submitted as attachments.

Other ROP compliance reporting required to be submitted on a quarterly or monthly time period must be submitted within 30 days of the end of the reporting period.

## ROP Semi-Annual Compliance Certification Instructions

**Step 1:** Evaluate your compliance with monitoring and recordkeeping requirements.

Instead of having you submit all of your monitoring and recordkeeping (unless required), EGLE allows you to certify that you have been doing the monitoring and recordkeeping in compliance with your ROP. Be aware that certifying compliance means more than simply checking a box. You must conduct a thorough evaluation of the monitoring and recordkeeping requirements for each emission unit and flexible group in your ROP. Also, EGLE may request **all** of your recordkeeping data if they have concerns about your compliance status or the adequacy of your data review.

Your company is responsible for knowing its compliance status at all times, not just every six months. A company with good internal deviation monitoring and reporting procedures should feel well prepared when it comes time to report deviations and certify compliance.

Review each monitoring/recordkeeping requirement to see if you are maintaining the required records or reports. If you don't, or are missing some data, it must be reported as a deviation. Next, examine the actual monitoring/recordkeeping data to ensure that the information contained is accurate and includes all the information required by the ROP. For example, if a condition states that *"the permittee shall monitor and record the actual hours of operation each calendar month,"* you will need to check to make sure you have these records, and that information contained in them is complete. If the review of your records reveals a violation of a limit or restriction in your ROP, it must be reported as a deviation.

**Step 2:** Upon logging into MiEnviro Portal, navigate to the Dashboard and locate the ROP Semi-Annual Compliance Certification under Upcoming. Begin the form and fill out the required information. If you are not reporting any deviations, select the appropriate bullet and go to step 4. If you are reporting deviations, select the appropriate bullet and go to step 3.

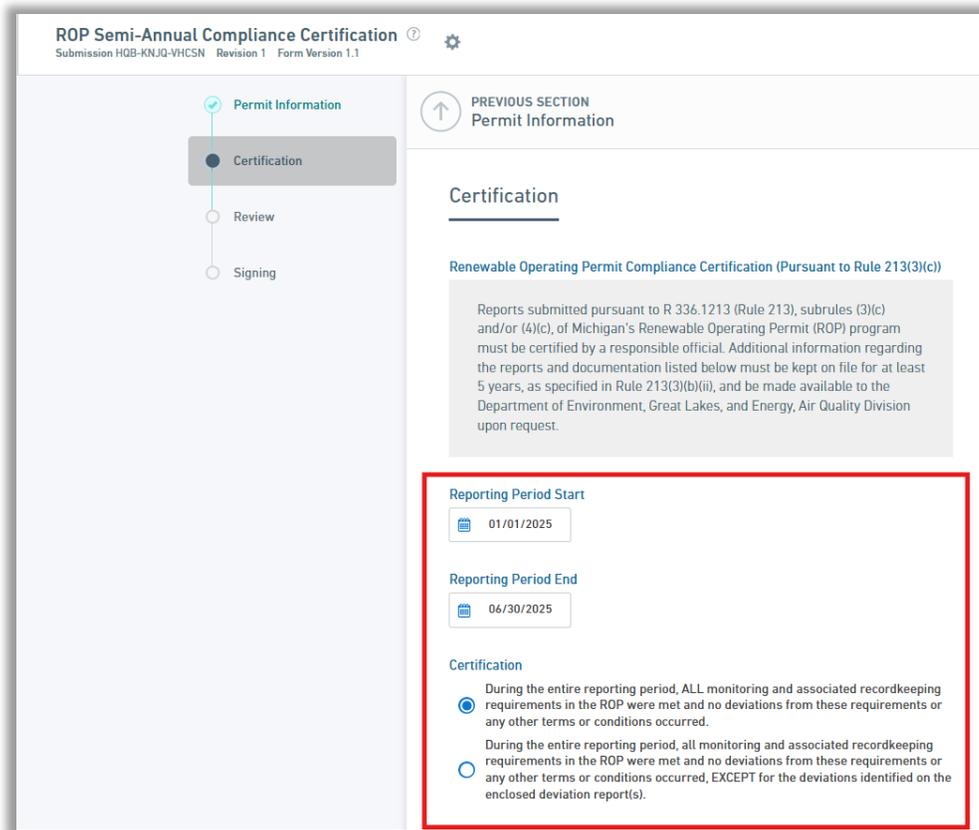


Figure 1-1: ROP Semi-Annual Compliance Certification Section

**Step 3:** If you selected that there are deviations, the Deviation Report section displays. Complete items 1-8 for each deviation.

1. **Emission Unit ID, Flexible Group ID or Source Wide ID:** Enter the Emission Unit (EU) or Flexible Group (FG) ID, as it appears on the ROP, for which the deviation has occurred. If this is a deviation from a Source Wide requirement, enter “SW” as the ID.
2. **Condition Number:** Enter the Roman numeral and condition number for which the deviation has occurred. For example, if the deviation applies to the first listed emission limit, enter “I.1.” If the deviation applies to a general condition, enter “GC.” For example, if the deviation is to General Condition #12 in the permit, enter “GC 12.”
3. **Date(s) of Occurrence:** Enter the date(s) on which the deviation occurred. For multiple dates, or a time period click “ADD ROW”.
4. **Previously Reported?** Indicate whether this deviation was previously reported to the AQD. If so, provide the date on which it was reported. For example, if this deviation was reported previously according to Rule 912(3) (see Scenario 5 on page 1-3), enter the date the Air Rule 912 Abnormal Condition/Malfunction Report form was submitted.

- 5. Duration of Deviation:** Indicate the duration of the deviation. (For example: 2 hours, 4 days, etc.)
- 6. Method Used to Determine Compliance Status:** Describe the compliance method used to determine the compliance status. (If the compliance method used was the same as specified in the ROP, then put “Same as ROP.”)
- 7. Description of Deviation:** Describe the deviation in sufficient detail to show how the deviation differs from the requirement. For additional information on the deviation, please give a brief description with the name and date of submission of the other compliance report (e.g., Air Rule 912 Abnormal Condition/Malfunction Report, ROP General Compliance Report, Air Quality Test Report Submittal, Air CEMS Excess Emissions and Monitor Downtime Report, etc.). If this deviation was reported previously, summarize the description of the deviation and refer to the other compliance report for further information.
- 8. Reason for Deviation and Description of Corrective Action Taken:** Explain the reason for the deviation and describe the actions taken to correct the deviation. If you are submitting additional information, please give a brief description and note the other compliance report submitted for additional supporting information. If this deviation was reported previously, summarize the reason for the deviation and corrective action taken and refer to the other compliance report for any further information.

The screenshot displays the 'Deviation Report' section of the 'ROP Semi-Annual Compliance Certification' web application. The left sidebar shows a navigation menu with 'Deviation Report' selected. The main content area contains a form with the following fields and controls:

- Emission Unit ID, Flexible Group ID or Source Wide ID:** A text input field with a red asterisk indicating it is required.
- Condition Number:** A text input field with a red asterisk indicating it is required.
- Date(s) of Occurrence:** A date picker control with a calendar icon and a close button (X).
- ADD ROW:** A button to add a new row to the date(s) of occurrence.
- Previously Reported?:** A dropdown menu with a red asterisk and the text 'Select...'.
- CLEAR and DUPLICATE:** Buttons located at the top right of the form area.

Figure 1-2: Deviation Report Section

In the ROP Semi-Annual Compliance Certification, you must report deviations from any permit conditions that occurred over the six-month reporting period. This includes deviations that meet any of the scenarios and examples discussed on pages 1-2 and 1-3. If your site had a deviation that was subject to prompt reporting under Rule 912, you will need to report it again as a deviation at this time. (See Scenarios 4 and 5 on page 1-3.)

If you discover any additional deviations after evaluating your compliance in Step 1, report them on the Deviation Report section of the form. For example, if you discover that an emission unit is missing required recordkeeping data for a particular day or month, it must be reported as a deviation. Remember, a deviation in monitoring may affect other conditions in your permit, in which case you will report the deviation to the other permit condition as well. For example, a deviation from a monitoring condition may also mean that potentially an emission limit was exceeded.

**Step 4:** Review, sign, and submit the form. The form may be filled out by anyone given permission by the company, but only the Responsible Official or Authorized Representative can sign and submit the ROP Semi-Annual Compliance Certifications. The Responsible Official or Authorized Representative must have a certifier agreement on file with AQD. If this report is not submitted by the Responsible Official or Authorized Representative, it will be returned for resubmission. After submittal, the report Status will change to “In Process” for the AQD to review.

Permit Information

Certification

Review

Signing

### Signing

Please read the following signing statement carefully, and if you agree to the terms, you may proceed with signing the document.

#### Certification Statement

As a Responsible Official and/or Authorized Representative, I certify that, based on information and belief formed after reasonable inquiry, the statements and information in this application are true, accurate, and complete.

I am the owner of the account used to perform the electronic submission and signature.

I have the authority to submit the data on behalf of the facility I am representing.

I agree that providing the account credentials to sign the submission document constitutes an electronic signature equivalent to my written signature.

I have reviewed the electronic form being submitted in its entirety, and agree to the validity and accuracy of the information contained within it to the best of my knowledge.

Caution: 5 unsuccessful attempts will result in your account being locked.

Enter your password

\*

Figure 1-3. MiEnviro Portal Signing and Certification

### ROP Annual Compliance Certification

The ROP Annual Compliance Certification is required in a General Condition of your permit, which states:

“A Responsible Official shall certify to the appropriate AQD District Office and to the USEPA that the stationary source is and has been in compliance with all terms and conditions contained in the ROP except for deviations that have been or are being reported to the appropriate AQD District Office pursuant to Rule 213(3)(c). This certification shall include all the information specified in Rule 213(4)(c)(i) through (v) and shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the certification are true, accurate, and complete. The annual compliance certification (pursuant to Rule 213(4)(c)) shall be submitted to the USEPA through the USEPA’s Central Data Exchange (CDX) using the Compliance and Emissions Data Reporting Interface (CEDRI), which can be access through CDX (<https://cdx.epa.gov>), unless it contains confidential business information then use the following address: USEPA, Air Compliance Data-Michigan Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604-3507. (R 336.1213(4)(c)) ”

The Annual Compliance Certification must be submitted no later than **March 15** for January 1 through December 31 of the previous year (unless otherwise specified in the ROP).

### ROP Annual Compliance Certification Instructions

Rule 213(4)(c) of the Michigan Air Pollution Control Rules requires that ROP subject facilities conduct an Annual Compliance Certification. (See [Appendix B](#) for Rule 213(4)(c).)

Essentially, the rule requires that the Responsible Official of a site operating under an approved ROP certify annually whether the site is and has been in compliance with **all** terms and conditions contained in its ROP. If the site has not been in compliance with all the terms, it must report these as deviations to the AQD. The rule also explains how to certify compliance. According to the rule, to certify compliance with the ROP you must do the following:

- a. Identify each term or condition of the permit,
- b. Identify the compliance status with each term or condition,
- c. Identify whether compliance was continuous or intermittent, and
- d. Identify the methods used for determining compliance.

All deviations to permit conditions that occurred throughout the year must be reported.

- Deviations that are discovered during your inquiry of each condition must be identified on the ROP Semi-Annual Compliance Certification and then a copy of the submission(s) can be attached to the ROP Annual Compliance Certification.

## Life after ROP

**Step 1:** Upon logging into MiEnviro Portal navigate to the Dashboard and locate the ROP Annual Compliance Certification under Upcoming. Select “Begin Form Entry.” Anyone with site permissions may start the form, but keep in mind that the Responsible Official or Authorized Representative must sign and submit the form.

- Fill in the report start and end period dates.
- If you are answering “**No**” to the question “*Was the Annual Emissions report submitted for the reporting period?*”, submission of the Annual Emissions Report is required before the ROP Annual Compliance Certification form can be submitted. This fulfills the requirement for the Responsible Official or Authorized Representative to certify that the annual emissions reporting has been completed and is accurate.

Select the appropriate certification statement. If you select the ‘Except’ statement, you can upload the ROP Semi-Annual Certification(s) to report the deviations.

\* Was the Annual Emissions Report submitted for the reporting period?

Yes

No

**Certification**

During the entire reporting period, this source was in compliance with ALL terms and conditions contained in the ROP, each term and condition of which is identified and included by this reference. The method(s) used to determine compliance is/are the method(s) specified in the ROP.

During the entire reporting period this source was in compliance with all terms and conditions contained in the ROP, each term and condition of which is identified and included by this reference, EXCEPT for the deviations identified on the enclosed deviation report(s). The method used to determine compliance for each term and condition is the method specified in the ROP, unless otherwise indicated and described on the enclosed deviation report(s).

\* Upload deviation report

Please upload semi-annual compliance certification submissions that cover deviations for the year

Please be aware that files exceeding 500 MB in size are not allowed

Drop files here to upload

OR

CHOOSE FILE

Figure 1-4. ROP Annual Compliance Certification

**Step 2:** Review, sign, and submit the Annual Compliance Certification form. The form may be filled out by anyone given permission by the company, but only the Responsible Official or Authorized Representative can sign and submit the ROP Annual Compliance Certification. The Responsible Official or Authorized Representative must have a certifier agreement on file with AQD. If this report is not submitted by the Responsible Official or Authorized Representative, it will get returned to you so the Responsible Official can submit. After submittal, the report will route to the appropriate AQD Staff for review.

**Signing**

Please read the following signing statement carefully, and if you agree to the terms, you may proceed with signing the document.

**Certification Statement**

As a Responsible Official and/or Authorized Representative, I certify that, based on information and belief formed after reasonable inquiry, the statements and information in this application are true, accurate, and complete.

- I am the owner of the account used to perform the electronic submission and signature.
- I have the authority to submit the data on behalf of the facility I am representing.
- I agree that providing the account credentials to sign the submission document constitutes an electronic signature equivalent to my written signature.
- I have reviewed the electronic form being submitted in its entirety, and agree to the validity and accuracy of the information contained within it to the best of my knowledge.

*Caution: 5 unsuccessful attempts will result in your account being locked.*

Enter your password

Figure 1-5. MiEnviro Portal Signing and Certification

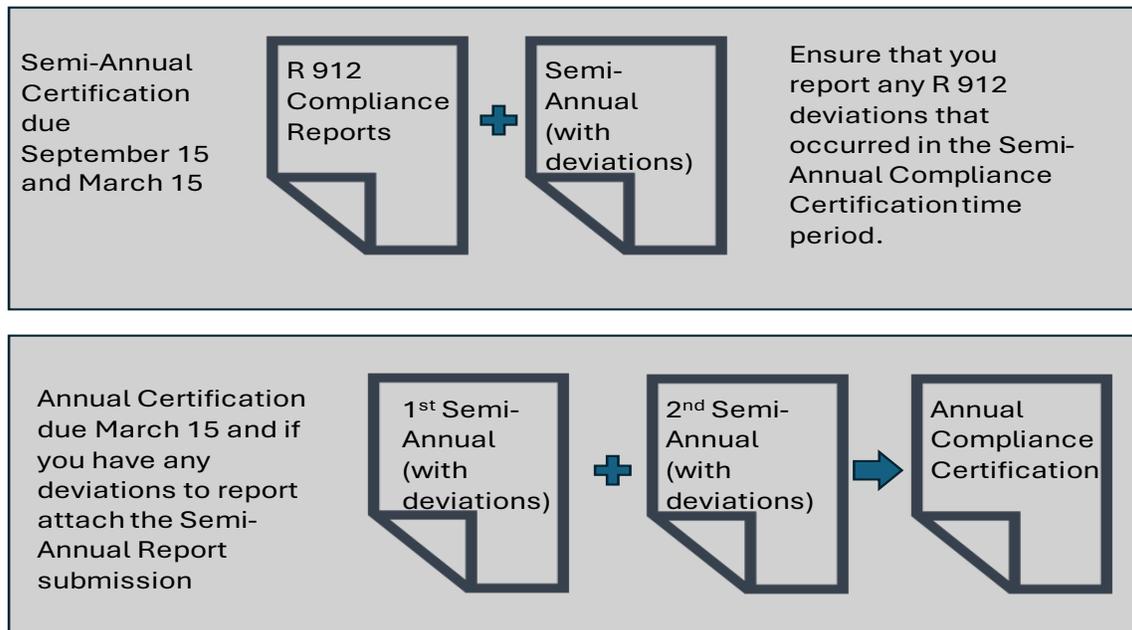


Figure 1-6. Illustrates Semi-Annual and Annual report requirements

Instructions for reporting to US EPA through US EPA’s Central Data Exchange (CDX) using the Compliance and Emissions Data Reporting Interface (CEDRI) are found in the General Conditions of your Title V ROP. To submit a copy of the ROP Annual Compliance Certification to CEDRI, you can download a copy of the report after it has been submitted to AQD and submit the report as 40 CFR 70.6(c)(5)(iii) Annual Compliance Certification Report.

## Reporting Timeline Example

Below illustrates the due dates of the Annual Compliance Certification and Semi-Annual Reports as well the reporting of deviations throughout the year.

**Deviation A:** Emission limit deviation lasting five hours – notify EGLE, AQD within two business days, submit written report within 10 days (utilizing the Air Rule 912 Abnormal Condition/Malfunction Report found in MiEnviro Portal), summarize deviation in semi-annual report due on 9/15/2022. Include the 9/15/2022 semi-annual report in the Annual Compliance Certification due on 3/15/2023.

**Deviation B:** Recordkeeping Violation – report deviation in semi-annual report due on 9/15/2022. Include the 9/15/2022 semi-annual report in the Annual Compliance Certification due on 3/15/2023.

**Deviation C:** Monitoring deviation lasting 60 minutes – report deviation in semi-annual report due on 3/15/2023.

**Deviation D:** Emission limit deviation lasting 1.5 hours – Notify EGLE, AQD within two business days, report deviation in semi-annual report due on 3/15/2023.

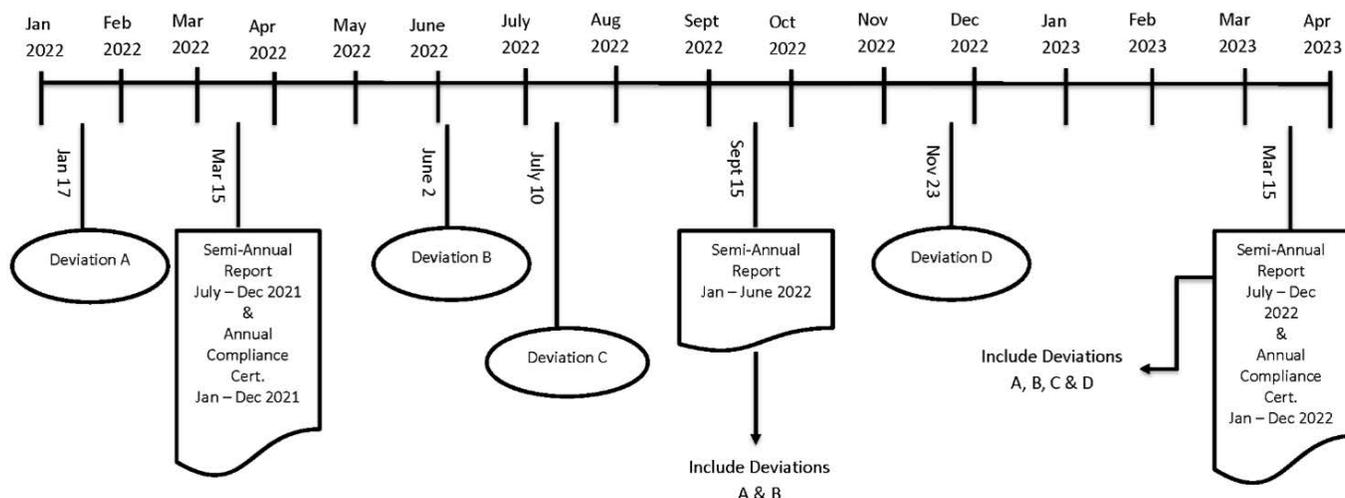


Figure 1-7. Example reporting timeline.

## SECTION 2: Revising Your ROP - Notifications, Amendments, and Modifications

After your Renewable Operating Permit (ROP) is issued, you may decide to change or modify an operation or emission unit at your site. The change may require you to obtain a Permit to Install and could affect your ROP as well. How this alters your ROP depends upon the nature of the change. Some changes require only a notification to the Air Quality Division (AQD), while others may require a revision to your ROP by submitting an amendment or modification. This section explains how changes are incorporated into your ROP through notifications, amendments, and modifications.

You must check to see if a Permit to Install is required *prior* to making any changes.

### How Do I Revise My Permit? An Overview of Notifications, Amendments, and Modifications

How changes made at the site affect your ROP will depend on the change being made. Rules 215 and 216 provide the criteria, timelines, and submittal requirements for ROP notifications, amendments, and modifications. (See [Appendix B](#) for Rules 215 and 216.)

Rule 215 addresses changes that may be made at a site with potential ROP revision delayed until renewal. These types of changes are submitted to the AQD using the ROP Notification of Change form.

Rule 216 addresses changes at a site that require an amendment or modification to the ROP. These types of changes are considered a Permit Change and are done on the Air Renewable Operating Permit (ROP) Application – Modification form.

Before making any change at your site, you should know what ROP revision requirements are needed. Any changes you make at your site can fall into one of four categories:

1. Insignificant Changes
2. Notifications
3. Amendments
4. Modifications

To decide how best to incorporate a change into your ROP, review the revision methods outlined in this section.

**Table 2-1a: Insignificant Changes**

Type of Change	Criteria	Submittal Requirements
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## Life after ROP

Insignificant Changes - Rule 215(4)	An insignificant change or exempt equipment (i.e., exempt from Permit to Install under Rule 201).	None
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**Table 2-1b: Notification of Change**

Type of Change	Criteria	Submittal Requirements
Operational Flexibility Change - Rule 215(1)(a) and (b)	Change does not require a Permit to Install, has no effect on process, does not increase or affect nature of emissions, does not violate any applicable requirements for monitoring, recordkeeping, and reporting (M/R/R) and is not subject to specific federal requirements, or offset requirements.	Seven days before the change, submit through the MiEnviro Portal using the ROP Notification of Change <b>and</b> submit to the USEPA through the Central Data Exchange (CDX) using the Compliance and Emissions Data Reporting Interface (CEDRI) ( <a href="https://cdx.epa.gov">https://cdx.epa.gov</a> ).
Inter-Facility Emission Trading Change - Rule 215(2)	Change involves emission trading between two sites under an approved emission trading program.	Seven days before the change, submit through the MiEnviro Portal using the ROP Notification of Change <b>and</b> submit to USEPA through the CDX using CEDRI ( <a href="https://cdx.epa.gov">https://cdx.epa.gov</a> ).
Off-Permit Change – Rule 215(3)	<p>Change involves new emission unit that requires a Permit to Install, and the change does not conflict with anything in the ROP and is not subject to Acid Rain Requirements.</p> <p><b>OR</b></p> <p>Change involves new emission unit exempt from Permit to install but subject to specific federal requirements.</p>	At the time of change, submit through the MiEnviro Portal using the ROP Notification of Change <b>and</b> submit to USEPA through the CDX using CEDRI, ( <a href="https://cdx.epa.gov">https://cdx.epa.gov</a> ).
Responsible Official or Contact Change – Rule 215(5)	Change in Responsible Official, Authorized Representative, or Contact Person.	Promptly after the change, submit through the MiEnviro Portal using the ROP Notification of Change.

**Table 2-1c: Amendments**

Type of Change	Criteria	Submittal Requirements
<p>Simple Administrative Amendment Change- Rules 216(1)(a)(i) to (iv)</p>	<p>Change involves correction of typos, company name change, adding M/R/R requirements, or change of ownership.</p>	<p>Promptly after the change, submit to AQD through the MiEnviro Portal using the Air Renewable Operating Permit (ROP) Application – Modification.</p>
<p>Administrative Amendment Involving an Enhanced Permit to Install Change - Rule 216(1)(a)(v)</p>	<p>Change involves a Permit to Install that:</p> <ul style="list-style-type: none"> <li>• Went through public participation procedures equivalent to Rule 214.</li> <li>• Contains the needed M/R/R requirements.</li> </ul>	<p>30 days after construction, installation, or modification, submit notification to AQD through the MiEnviro Portal using the Notification of Installation/Operation form.</p> <p>Also, within 12 months after commencing trial operation, submit to AQD through the MiEnviro Portal using the Air Renewable Operating Permit (ROP) Application – Modification.</p>

**Table 2-1d: Modifications**

Type of Change	Criteria	Submittal Requirements
<p>Minor Modification Change - Rule 216(2)</p>	<p>Change to existing emission unit that requires a Permit to Install, where the Permit to Install contains necessary M/R/R and the change:</p> <ul style="list-style-type: none"> <li>• Is not a modification subject to specific federal requirements or offset requirements.</li> <li>• Does not violate an underlying applicable requirement.</li> <li>• Does not relax existing M/R/R requirements.</li> <li>• Does not modify a case-by-case determination for a federal requirement.</li> </ul>	<p>Before operating under the Permit to install or requested change, submit application to AQD through the MiEnviro Portal using the Air Renewable Operating Permit (ROP) Application – Modification.</p>
<p>Change requiring a Significant Modification - Rule 216(3)</p>	<p>Change that is not categorized as any of the above and may include changes such as:</p> <ul style="list-style-type: none"> <li>• Installation of new equipment or modification of existing equipment contained in a Permit to Install that does not have all needed M/R/R.</li> <li>• A change that would significantly affect and/or relax an existing M/R/R requirement established pursuant to Rule 213(3).</li> </ul>	<p>Before operating under the Permit to install or requested change, submit application to AQD through the MiEnviro Portal using the Air Renewable Operating Permit (ROP) Application – Modification. See Timeline on page 2-32.</p>
<p>Change requiring a State-Only Modification - Rule 216(4)</p>	<p>Change involves a Permit to Install that has State-Only requirements with a Footnote “1.”</p>	<p>Before operating under the Permit to install, submit application to AQD through the MiEnviro Portal using the Air Renewable Operating Permit (ROP) Application – Modification.</p>

## ROP Revisions Chart

The questions below will help you decide how best to incorporate a change into your ROP. Begin at Question 1 and follow the answers and direction. You will be directed to specific pages that will provide the criteria the change must meet, examples, and submittal requirements for revising your ROP. If your situation does not meet the criteria after review of the detailed explanation, return to where you were in the table and continue.

**Table 2-2: ROP Revisions**

Revision Questions	Revision Answers and Direction
1. Did you obtain a Permit to Install from EGLE, Air Quality Division to make this change?	<input type="checkbox"/> Yes – go to question # 10 <input type="checkbox"/> No or Not Sure – continue
2. Is this a company name change or a change in the name of the owner? <i>Note:</i> A change in the Responsible Official is a Rule 215(5) change – ( <a href="#">ROP Notification of Change</a> ).	<input type="checkbox"/> Yes – <a href="#">See Rule 216(1)(a)</a> <input type="checkbox"/> No – continue
3. Are you trying to fix a typo in your ROP?	<input type="checkbox"/> Yes – <a href="#">See Rule 216(1)(a)</a> <input type="checkbox"/> No – continue
4. Are you going to add additional monitoring recordkeeping, or reporting requirements beyond what is required by any applicable requirement in your ROP or otherwise required in a regulation (e.g., <i>NESHAP, NSPS</i> )?	<input type="checkbox"/> Yes – <a href="#">See Rule 216(1)(a)</a> <input type="checkbox"/> No – continue
5. Are you dismantling an emission unit and are all the conditions associated with that emission unit going to be obsolete as a result?	<input type="checkbox"/> Yes – <a href="#">See Rule 215(1)(a)</a> <input type="checkbox"/> No – continue
6. Does the change involve emission trading occurring <u>within</u> the site?	<input type="checkbox"/> Yes – <a href="#">See Rule 215(1)(b)</a> <input type="checkbox"/> No – continue
7. Does the change you are making involve emissions trading <i>between</i> your site and another site?	<input type="checkbox"/> Yes – <a href="#">Rule 215(2)</a> <input type="checkbox"/> No – continue
8. Is the change exempt from the requirement to obtain a Permit to Install under Rules 280 – 291, provided the change is not excluded by Rule 278?	<input type="checkbox"/> Yes – continue <input type="checkbox"/> No – You must obtain a PTI to make change. After obtaining the PTI, go to question # 10.

## Life after ROP

Revision Questions	Revision Answers and Direction
9. Does the change add a new exempt emission unit that is subject to a New Source Performance Standard (NSPS) or a Maximum Achievable Control Technology (MACT) standard?	<input type="checkbox"/> Yes – <a href="#">See Rule 215(3)</a> <input type="checkbox"/> No – <a href="#">See Rule 215(1)(a)</a>
10. Did the Permit to Install go through a public comment period before it was issued?	<input type="checkbox"/> Yes – <a href="#">See Rule 216(1)(a)(v)</a> <input type="checkbox"/> No – continue
11. Are you installing a new emission unit? (i.e., this is not a change to an existing emission unit at your site).	<input type="checkbox"/> Yes – <a href="#">See Rule 215(3)</a> <input type="checkbox"/> No – continue
12. Will the change you are making affect <u>only</u> conditions in your ROP with a footnote "1" next to them (i.e., state-only conditions)?	<input type="checkbox"/> Yes – <a href="#">See Rule 216(4)</a> <input type="checkbox"/> No – continue
13. Did you obtain a Permit to Install that increases emissions for an existing emission unit (i.e., <i>minor New Source Review</i> ) and did not go through Public comment?	<input type="checkbox"/> Yes – <a href="#">See Rule 216(2)</a> <input type="checkbox"/> No – continue
14. Did you obtain the Permit to Install for the purpose of limiting your site's potential to emit (i.e., a <i>synthetic minor restriction or opt-out permit</i> ) and did not go through Public comment?	<input type="checkbox"/> Yes – <a href="#">See Rule 216(2)</a> <input type="checkbox"/> No – continue
15. Will the change significantly affect any existing monitoring, recordkeeping, or reporting requirements in your ROP?	<input type="checkbox"/> Yes – A Permit to Install must be obtained; otherwise, <a href="#">See Rule 216(3)</a> . <input type="checkbox"/> No – continue
16. Will this change cause your site to exceed an emission limit in your ROP? Will the change trigger major or minor New Source Review?	<input type="checkbox"/> Yes – <a href="#">Contact your AQD District Office.</a>

### Notification of Change (Rule 215)

#### Operational Flexibility Changes - Rule 215(1)(a)-(b)

Operational flexibility changes are those changes that do not require a Permit to Install, have no effect on the process, and do not increase or affect the nature of emissions. These changes may also involve emission trading activities *within* your site. Operational flexibility changes cannot exceed any emission limit or violate any condition required by an applicable requirement.

There are very few changes that would meet the criteria of operational flexibility and not be covered under Rule 215(4) as an insignificant change. An example of an operational flexibility change would be removing an emission unit from a stationary source, with the result that all the associated applicable requirements in the ROP are obsolete. **However, the requirements will remain in the ROP.** To remove the requirements from the ROP, submit an application for a minor modification ([see Rule 216\(2\)](#)).

#### Examples:

- Process equipment is completely removed from a stationary source and all associated applicable requirements become obsolete as a result.
- A company registers emission reduction credits for a federally approved emissions trading program from one emission unit at a stationary source in order to use those emission reduction credits for another emission unit at the same stationary source.

#### Criteria

Under **Rule 215(1)(a)**, Operational Flexibility changes to a stationary source are allowed without revision to the existing ROP, provided that:

- Actual emissions do not exceed any emission limitation, standard, or condition in the ROP.
- The change does not violate any applicable requirements in the ROP.
- The change is not subject to PSD regulations, federal requirements (e.g., New Source Performance Standard (NSPS), Maximum Achievable Control Technology (MACT) standard), or Non-Attainment New Source Review.

Under **Rule 215(1)(b)**, Intra-Facility Trading (emission trading within the site) changes to a stationary source are allowed without revision to the existing ROP where the site participates in a federally approved emissions trading program, and the change does not affect an emission limit or other applicable requirement within the ROP (including any applicable requirement for monitoring, recordkeeping, or reporting).

### Submittal Requirements

**At least seven days in advance of the change**, submit through the MiEnviro Portal using the [“ROP Notification of Change Instructions”](#) below and then submit to the USEPA through the USEPA’s Central Data Exchange (CDX) using the Compliance and Emissions Data Reporting Interface (CEDRI), which can be access through CDX (<https://cdx.epa.gov>). To submit a copy of the ROP Notification of Change to CEDRI you can download the report after it has been submitted to AQD and submit the report as 40 CFR 70.4(b)(12)(i) Notification of 502(b)(10) Changes.

### Inter-Facility Emission Trading Changes - Rule 215(2)

Inter-facility emission trading changes involve emissions trading between two or more stationary sources.

Under Rule 215(2), inter-facility emission trading changes to a stationary source would be allowed without revision to the existing ROP if the site participated in a federally approved emissions trading program and if the ROP had a condition that allows for such a change.

**NOTE:** Michigan does not currently have any federally approved emission trading programs. If an emission trading program is established and approved, further guidance will be made available at that time.

### Off-Permit Changes - Rule 215(3)

“Off-permit” means certain changes can be made at a site that result in new applicable requirements but do not need to be incorporated into the ROP until the renewal. This includes a **new** emission unit with a Permit to Install (PTI) or a **new** exempt emission unit but subject to a New Source Performance Standard (NSPS) or a Maximum Achievable Control Technology (MACT) standard.

If the change is modifying an **existing** emission unit, and the emission unit is subject to minor or major New Source Review (NSR), NSPS, MACT, or other federal requirements, the change cannot be made as an Off-Permit change. These types of change could potentially be made as an [administrative amendment involving an enhanced PTI](#), a [minor modification](#), or a [significant modification](#).

#### Examples:

- The installation of a new emission unit requiring a Permit to Install, which does not conflict with or is not prohibited by any requirements in the existing ROP.
- The installation of a new boiler that is exempt from a Permit to Install under Rule 282 but subject to 40 CFR Part 60, Subpart Dc (NSPS).

### Criteria

Rule 215(3) allows certain changes to remain “off-permit” provided:

- This is not a change to an existing emission unit.
- The change does not conflict with or is not prohibited by anything in the existing ROP.
- The change complies with all applicable requirements.
- The change is not subject to major NSR.
- The change does not affect any applicable requirements of Title IV of the Clean Air Act.

### Submittal Requirements

**At least seven days in advance of the change**, submit through the MiEnviro Portal using the [“ROP Notification of Change Instructions”](#) below and then submit to the USEPA through the USEPA’s Central Data Exchange (CDX) using the Compliance and Emissions Data Reporting Interface (CEDRI), which can be access through CDX (<https://cdx.epa.gov>). To submit a copy of the ROP Notification of Change to CEDRI you can download the report after it has been submitted to AQD and submit the report as 40 CFR 70.4(b)(12)(i) Notification of 502(b)(10) Changes.

### Insignificant Changes- Rule 215(4)

These changes are insignificant activities defined in Rule 212(2), or include the installation, construction, reconstruction, or modification of any exempt process or process equipment in Rule 212(3) and (4) (see [Appendix B](#) for Rules).

Insignificant changes can be made without formal notification to the AQD; however, records pertaining to the change must be kept by the site. Your ROP does not need to be revised to include these changes until renewal.

#### Examples:

- The installation of a welding operation.
- Routine maintenance to an emission unit.
- The installation of a paint booth exempt under Rule 287(2)(c).
- The installation of a cold cleaner exempt under Rule 281(2)(h) and *not* subject to Halogenated MACT standard.

**Note:** In accordance with Rule 212(2)(b) and (c), activities and changes considered exempt under Rule 285(2)(a) to (f) and Rule 287(2)(f) to (h) cannot be made under Rule 215(4) if any compliance monitoring requirements in the ROP would be affected. If compliance monitoring requirements are affected, the ROP would have to be revised through a modification.



### Criteria

Rule 215(4) allows for changes, without revision to the ROP, provided that the following four criteria are met:

- The change is not subject to minor or major NSR, New Source Performance Standards (NSPS), Maximum Achievable Control Technology (MACT) standards, or federal requirements.
- The change would not result in a violation of any applicable requirement.
- The change would not exceed a synthetic minor limit or other restrictions to avoid applicable requirements.

### Submittal Requirements

None

### Responsible Official and Contact Changes - Rule 215(5)

A written notification shall be made to the department upon a change of Responsible Official and/or Authorized Representative, or other contact person identified in the application for the renewable operating permit, including the address, name, title, email, and phone number.

### Criteria

Please provide notification for a Rule 215(5) Responsible Official change using the MiEnviro Portal.

### Submittal Requirements

**At the time of the change or promptly after**, submit through the MiEnviro Portal using the [“ROP Notification of Change Instructions”](#) below.

## ROP Notification of Change Instructions

Follow the directions below to submit an ROP Notification of Change form in MiEnviro. This form will be routed to your District Office Compliance Manager for review.

- Click “**Dashboard**” (left Navigation Menu),
- Click the “**As Needed**” Category,
- Find the “**Schedule on Permit {ROP0000#### v#.} - ROP Notification of Change**”
- Click “**Begin.**”

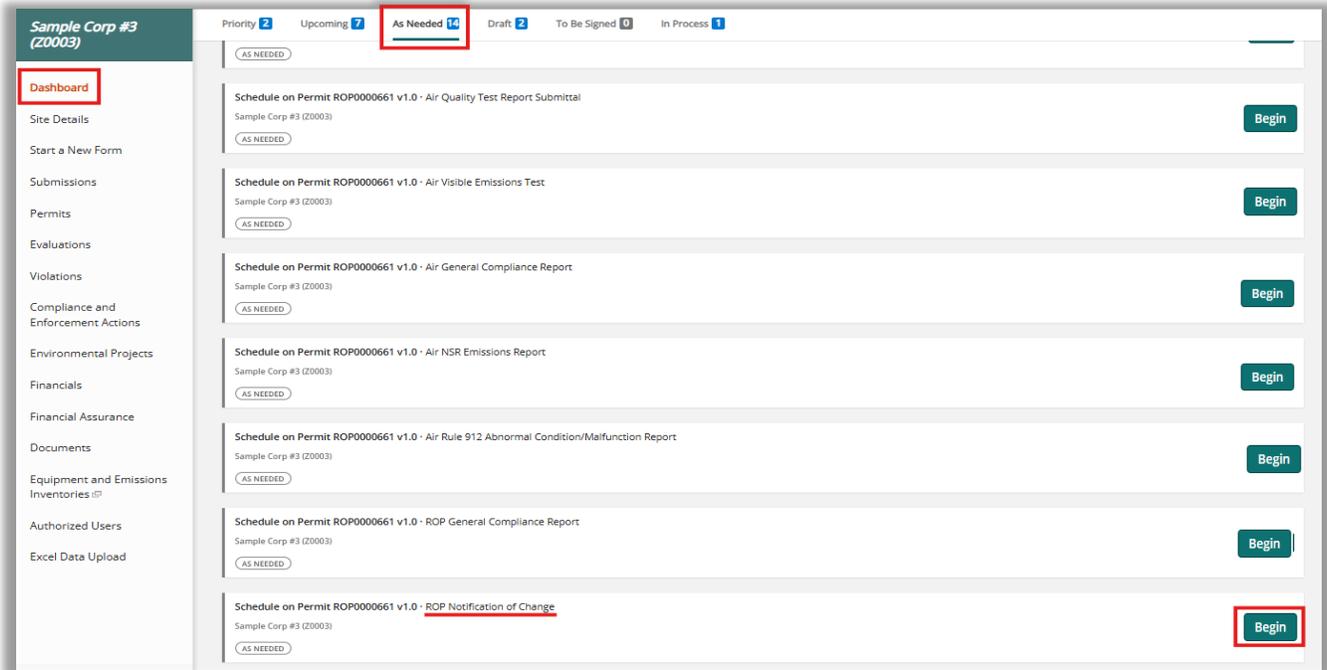


Figure 2-1: How to Access ROP Notification of Change

- Read the Instructions carefully, once you click “**Begin Form Entry**” you will not see the Instructions again.

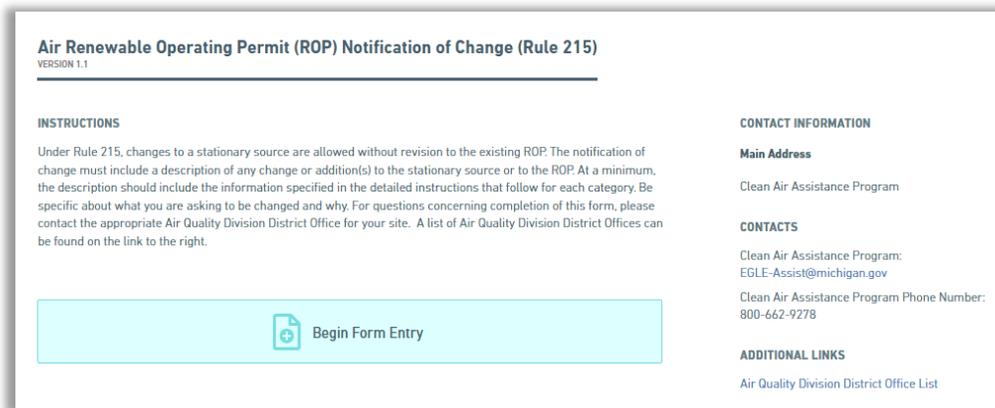


Figure 2-2: Begin ROP Notification of Change

## Life after ROP

- Complete all Items with a red asterisk. The site Name and Address are prefilled in the “Site Information” Section, but a site Contact must be entered.

The screenshot shows a web form titled "ROP Notification of Change" with a subtitle "Submission HQB-74NC-FR5SD Revision 1 Form Version 1.1". A navigation sidebar on the left contains four steps: "Site Information" (selected), "Submittal Type", "Review", and "Signing". The main content area is titled "Site Information" and contains the following fields:

- Site Name:** Sample Corp #3 (Z0003)
- Site Address:** 120 West Chapin Street, Cadillac, MI, 49601-2158, Wexford
- Site Contact:** A dropdown menu for "Contact Auto-fill", followed by required fields for "First Name", "Last Name", "Title", "Phone Number", and "Email". There is also an "Ext." field for the phone number.
- ADDRESS:** Fields for "Address Line 1", "Address Line 2", "City", "State/Area", and "Postal Code". A "VALIDATE ADDRESS" button is located below these fields.

Figure 2-3: Site Information Page

## Life after ROP

- There is guidance built into the form to assist with what “Submittal Type” to select. Use the drop-down to choose the specific submittal type.
- Enter in effective date of the change. There is guidance for filling in the effective date.
- Description of the change should include any change in emissions, and any permit term or condition that would no longer be applicable or obsolete as a result of the change. For intra-facility emission trading changes, the description should also include pollutants subject to the emissions trade, requirements which will be met through emissions trading, and the requirements of the trading program for which the site will comply, and which allow the trade.

The screenshot shows the 'ROP Notification of Change' form. The title bar includes 'Submission HQB-74NC-FR5SD', 'Revision 1', and 'Form Version 1.1'. A progress indicator on the left shows four steps: 'Site Information' (checked), 'Submittal Type' (selected), 'Review', and 'Signing'. The 'Submittal Type' section features a search bar with a magnifying glass icon and a 'CANCEL' button. Below the search bar is a scrollable list of options: 'Rule 215(1) Notification of change', 'Rule 215(2) Notification of change', 'Rule 215(3) Notification of change', and 'Rule 215(5) Notification of change'. Underneath the list, three informational boxes provide guidance: 'Rule 215(2) Notification of Change \* The effective date is the date the emission trade takes place.', 'Rule 215(3) Notification of Change \* The effective date is the date the notification is submitted (contemporaneous).', and 'Rule 215(5) Notification of Change \* The effective date is the date the notification is submitted (contemporaneous)'. Below these boxes is a date selection field with a calendar icon, labeled 'Effective date of the change'. At the bottom, a text area is labeled 'Description of Change. Describe any changes or additions to the ROP, including any changes in emissions and/or pollutants that will occur. If additional space is needed, complete an Additional Information Section in the attachment box below.' The text area has a red asterisk in the top left corner and a small icon in the bottom right corner.

Figure 2-4: Example of the Submittal Type section

## Life after ROP

- Click “Yes” if the change made at the site causes a change in emissions which includes any increase or decrease in emissions.
- Click “Yes” if the site will begin operating under a PTI for newly installed equipment and enter the PTI number in the dropdown box.

The screenshot displays the 'ROP Notification of Change' form. On the left, a navigation pane shows four steps: 'Site Information' (checked), 'Submittal Type' (selected), 'Review', and 'Signing'. The main content area is titled 'Change in emissions? Indicate whether there will be any change in emissions. \* This includes any increase or decrease in emissions.' It features two radio buttons: 'Yes' (selected) and 'No'. Below this is a grey box with the text: 'If a PTI is associated with the change, check Yes. If Yes, enter the PTI number(s)'. The next question is 'New Source Review Permit(s) to Install (PTI) associated with this application?' with 'Yes' (selected) and 'No' radio buttons. This is followed by the instruction 'Enter the PTI Number(s)' and a dropdown menu labeled 'PERMIT TO INSTALL & EFFECTIVE DATE' with a 'Select...' option. An 'ADD ROW' button is located below the dropdown. The 'Additional Information - Attachments' section includes a warning: 'Please be aware that files exceeding 500 MB in size are not allowed'. It features a dashed box for file upload with the text 'Drop files here to upload' and a 'CHOOSE FILE' button. At the bottom, there is a 'Comment' text area.

Figure 2-5: Example if a PTI is associated and Attachment Control

- Use the Additional Information attachment control for any supporting documentation. This information can include, if necessary, reports required and any other materials available that are relevant to the purpose of the ROP Notification of Change.
- Review the information and then move to the Signing section.
- Sign and submit the ROP Notification of Change. The form may be filled out by anyone given permission by the company, but only the Responsible Official or Authorized Representative can sign and submit this form. The Responsible Official or Authorized Representative must have a certifier agreement on file with AQD. If this form is not submitted by the Responsible Official or Authorized Representative, it will get returned to you so the Responsible Official can submit. After submittal, this form will be routed to your District Office Compliance Manager for review.

The screenshot shows the 'Signing' section of the MiEnviro Portal. On the left is a vertical navigation menu with four items: 'Permit Information', 'Certification', 'Review', and 'Signing'. The 'Signing' item is selected and highlighted in grey. The main content area is titled 'Signing' and contains the following text: 'Please read the following signing statement carefully, and if you agree to the terms, you may proceed with signing the document.' Below this is a 'Certification Statement' section with a grey box containing the text: 'As a Responsible Official and/or Authorized Representative, I certify that, based on information and belief formed after reasonable inquiry, the statements and information in this application are true, accurate, and complete.' Underneath are four checkboxes, each with a red asterisk to its left, representing terms of agreement. Below the checkboxes is a caution message: 'Caution: 5 unsuccessful attempts will result in your account being locked.' At the bottom, there is a label 'Enter your password' followed by a password input field with a red asterisk to its left.

Figure 2-6: MiEnviro Portal Signing and Certification

## Amendments and Modifications (Rule 216)

### Simple Administrative Amendment - Rules 216(1)(a)(i) to (iv)

Simple administrative changes are for the following:

- Correction of typographical errors.
- *Increased frequency of Monitoring, Recordkeeping, and Reporting.* A site may voluntarily choose to *increase* the frequency of their monitoring, recordkeeping, and reporting activities beyond what is required in any applicable requirement. Increases in monitoring or recordkeeping can be handled through a simple administrative amendment.
- *Changes in Ownership or Operational Control.* This includes a change in the ownership or operational control of a site where no other change in the permit is necessary and a written agreement between the parties is included with the submittal. If there is a change in ownership or operational control at the site, an application for an administrative amendment must be submitted because the owner or operator is specifically listed in the ROP.

#### Examples:

- Misspelled words.
- Company name changes.
- New company takes ownership of source.

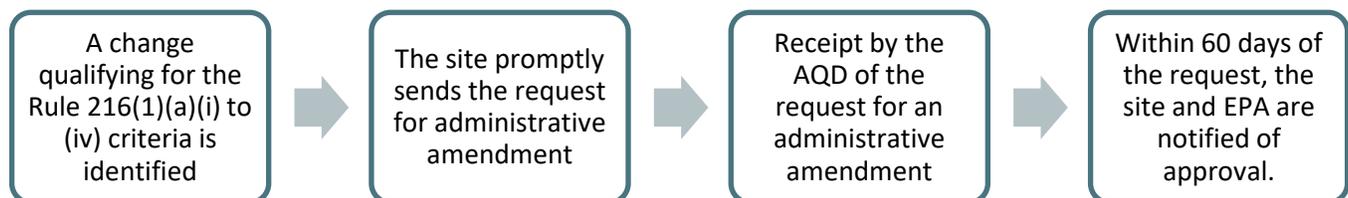
#### Criteria

Rules 216(1)(a)(i) to (iv) apply to simple or administrative changes to an ROP.

#### Submittal Requirements

Promptly submit an Air Renewable Operating Permit (ROP) Application - Modification through the MiEnviro Portal. Follow the "[ROP Modification Instructions](#)" to fill out the form.

#### Timeline for Rule 216(1)(a)(i) to (iv) Administrative Amendment



### Administrative Amendment Involving An “Enhanced” Permit To Install - Rule 216(1)(a)(v)

This covers administrative changes where an “enhanced Permit to Install (PTI)” was obtained. An enhanced PTI has gone through equivalent public participation as an ROP. To be an administrative amendment, the PTI has all necessary monitoring, recordkeeping, and reporting requirements.

Examples of enhanced PTIs include PTIs subject to major NSR, PTIs with limits greater than 90% of a major source or major modification thresholds. In addition, PTIs of “significant interest” that have gone through public participation can be incorporated as an administrative amendment.

Changes that could require a significant modification can be simply incorporated into the ROP as an administrative amendment if they have gone through public participation and has all necessary monitoring, recordkeeping, and reporting requirements.

A site can make a change and operate under an enhanced PTI as soon as the PTI is issued. If the site fails to comply with the PTI before the administrative amendment to the ROP is submitted, then the conditions in the ROP are still enforceable.

Once the administrative amendment has been submitted, the AQD has 60 days to review the application to determine whether a sufficient compliance demonstration has been provided for the amendment. If the site is in compliance with the proposed change, the AQD provides the administrative amendment application and a proposed amended ROP to the USEPA for their 45-day review.

#### Examples:

- The installation of new equipment or modification of existing equipment contained in a PTI subject to major NSR where the permit went through public participation equivalent to that under the ROP program and also contains all necessary monitoring, recordkeeping, and reporting.
- The installation of new equipment or modification of existing equipment contained in a PTI that was considered to be of significant interest and therefore went through public participation equivalent to that under the ROP program and also contains all necessary monitoring, recordkeeping, and reporting.
- A synthetic minor limit on potential to emit was created in a PTI that went through public participation equivalent to that under the ROP program.

#### Criteria

Rule 216(1)(a)(v) addresses changes to an ROP involving an “enhanced PTI” where:

- The public participation procedures and review by affected states during PTI review were substantially equivalent to those required by Rule 214. (See [Appendix B](#) for Rule 214.)
- The PTI meets the permit content requirements of Rule 213 (i.e., monitoring, recordkeeping, and reporting). (See [Appendix B](#) for Rule 213.)
- The site is in compliance with the terms and conditions of the PTI.
- No changes are required to the terms and conditions of the PTI to incorporate it into the ROP.

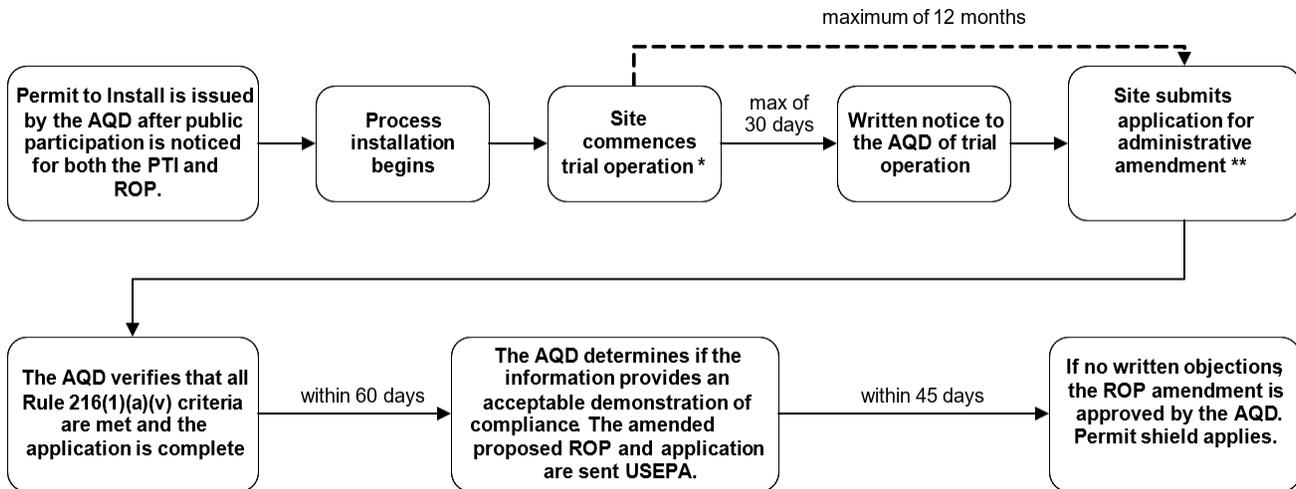
### Submittal Requirements

Rule 216(1)(a)(v) for an Administrative Amendment involving an “Enhanced PTI” requires submittal of two forms to the AQD through the MiEnviro Portal. The first is Notification of Installation/Operation that the equipment has been installed. This notification is required within **30 days after the date of completing the installation or when trial operation begins**. The second is the Air Renewable Operating Permit (ROP) Application - Modification. The administrative amendment and all required information must be submitted within **12 months of commencing *trial* operation**.

1. **Within 30 days** after the emission unit has been installed, constructed, or modified, submit the Notification of Installation/Operation that the equipment has been installed, modified, or constructed.
2. **Within 12 months** of commencing trial operation, submit the administrative amendment application using the Air Renewable Operating Permit (ROP) Application - Modification through the MiEnviro Portal. Follow the “[ROP Modification Instructions](#)” to fill out the form. The following should be included:
  - Results of all testing, monitoring, and recordkeeping performed to determine compliance.
  - Or, a schedule of compliance for the process or process equipment if compliance cannot be demonstrated. (See Rule 119(a) in [Appendix B](#) for a definition of “schedule of compliance”.)

### Timeline for Rule 216(1)(a)(v) Administrative Amendments

## Life after ROP



\* Rule 216(1)(a)(v)(A) specifies that the written notice must be within 30 days after "completion of the installation, construction, reconstruction, relocation, alteration, or modification of the process or process equipment..." Rule 201(7) specifies that this is "considered to occur not later than commencement of trial operation of the process or process equipment."

\*\* Rule 216(1)(a)(v)(B) specifies that the site must request that the contents of the PTI be incorporated as an administrative amendment. The request must include (1) the results of all testing, monitoring, and recordkeeping performed to determine the actual emissions and to demonstrate compliance with the PTI, or (2) a schedule of compliance.

### Changes Requiring a Minor Modification - Rule 216(2)

Minor modifications are commonly used for changes to **existing emission units** associated with a PTI that did not go through public participation, but contain all necessary monitoring, recordkeeping, and reporting. Changes which qualify as minor modifications do not require significant judgment to revise the ROP. Minor modifications may involve adding or revising applicable requirements that do not require additional technical review or case-specific determinations.

You can begin construction as soon as the PTI has been issued. However, **you cannot operate under the PTI until the minor modification application has been received by the AQD.** If the PTI contradicts a requirement of your ROP, you need only comply with the changes allowed by the PTI. If you fail to comply with the PTI, the conditions of your ROP are still enforceable, and the application may be denied.

### Examples:

- A site obtains a PTI to increase an emission limit at an existing emission unit.
- A site obtains a PTI to modify an emission unit and as a result is subject to a MACT standard.
- A site obtains an opt-out PTI to limit the emission of HAPs to below major source thresholds (synthetic minor limit) in order to avoid becoming subject to a MACT standard and the opt-out PTI was not required to go through public participation.
- A site proposes to remove obsolete requirements.

### Criteria

Under Rule 216(2), changes that do not qualify under operational flexibility, off-permit, or as administrative amendments, and are not required to be significant modifications, may be incorporated into an ROP as minor modifications provided the change **would not**:

- Be a modification that triggers major NSR.
- Result in a violation of any underlying applicable requirement.
- Significantly affect any existing monitoring, recordkeeping, or reporting requirements in the ROP (e.g., propose less stringent monitoring than what is in the ROP).
- Require or modify a case-by-case determination of an NSPS, a MACT standard, or other federal requirement.
- Establish or modify a synthetic minor limit without a PTI.

Any case-by-case technical review and applicable requirement determinations are established in the PTI program. No new applicable requirements are established in the ROP program. Because technical judgments are made during the PTI review, the subsequent ROP revision simply is to incorporate the conditions of the PTI.

In the event that a PTI was inadvertently issued without sufficient testing, monitoring, or recordkeeping requirements to verify compliance, the ROP revision must be processed as a significant modification.

Note that if a PTI has undergone public participation equivalent to ROPs, the PTIs should qualify to be incorporated as “enhanced PTI” administrative amendment pursuant to Rule 216(1)(a)(v). If not, these changes would be processed as significant modifications.

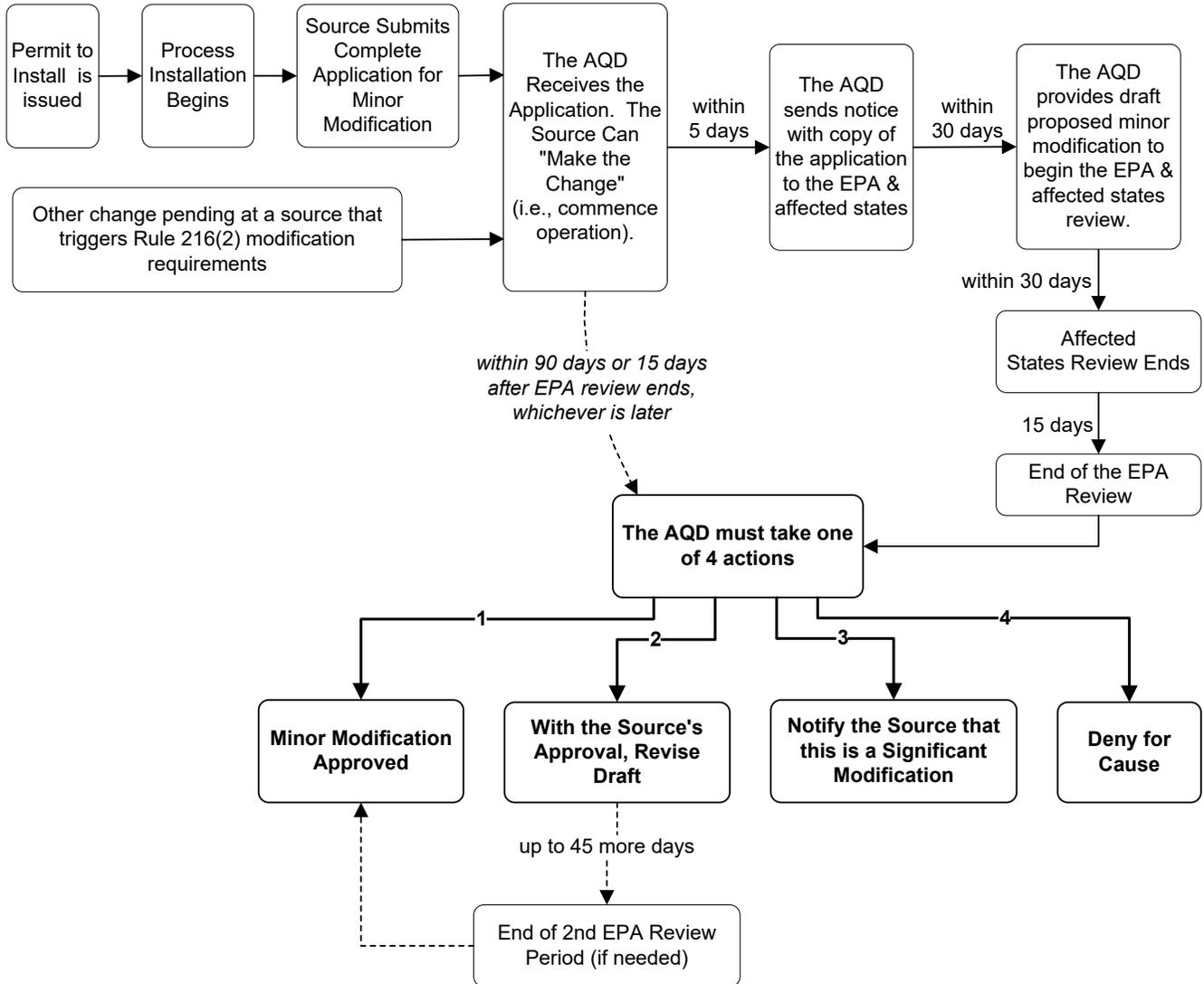
### Submittal Requirements

Prior to commencing trial operation, submit the Air Renewable Operating Permit (ROP) Application - Modification through the MiEnviro Portal. Follow the [“ROP Modification Instructions”](#) to fill out the form. A timeline is provided below.

### Timeline for Rule 216(2) Minor Modifications

- Permit to Install is issued
- Process installation begins
- Source submits complete Application for Minor Modification
  - The AQD Receives the application – Source can “Make the Change” (i.e., commence operation).
    - Within 5 days, the AQD sends notice with copy of application to the EPA and affected states
      - Within 30 days, the AQD provides draft proposed Minor Modification to begin EPA and affected states review.
        - Within 30 days, review by affect states ends.
          - Within 15 days, review by EPA ends.
  - Within 90 days, or 15 days after EPA review ends, whichever is later, the AQD must take on of four actions:
    1. Minor Modification Approved
    2. Revise draft with Source’s approval
      - a. Update to 45 more days until end of 2<sup>nd</sup> EPA review.
        - i. Minor Modification Approved
    3. Notify the Source that it is a **Significatan** Modification.
    4. Deny for clause.

## Life after ROP



### Changes Requiring a Significant Modification - Rule 216(3)

Changes that would require a significant modification to your ROP are those changes that do not qualify for any other amendment or modification. Significant modifications are equivalent to processing an initial ROP, except that the significant modification addresses only the emission units affected by the change.

If there is non-compliance with the underlying PTI that allows the change, a schedule of compliance needs to be added to the ROP with this significant modification, in addition to incorporating the PTI.

Once the application for the significant modification has been submitted, the AQD has nine months to take final action in accordance with the requirements of Rule 214. (See [Appendix B](#) for Rule 214.)

#### Examples:

- A change to less frequent monitoring or recordkeeping (e.g., from daily to monthly) established under Rule 213(3).
- Changing continuous monitoring to periodic monitoring established under Rule 213(3) (e.g., relaxing a monitoring requirement).
- The installation of new equipment or modification of existing equipment contained in a PTI which does not contain all necessary testing, monitoring, and recordkeeping to demonstrate compliance.

#### Criteria

Rule 216(3) addresses changes requiring a significant modification to the ROP. These changes do not qualify for any other amendment or modification and involve the following:

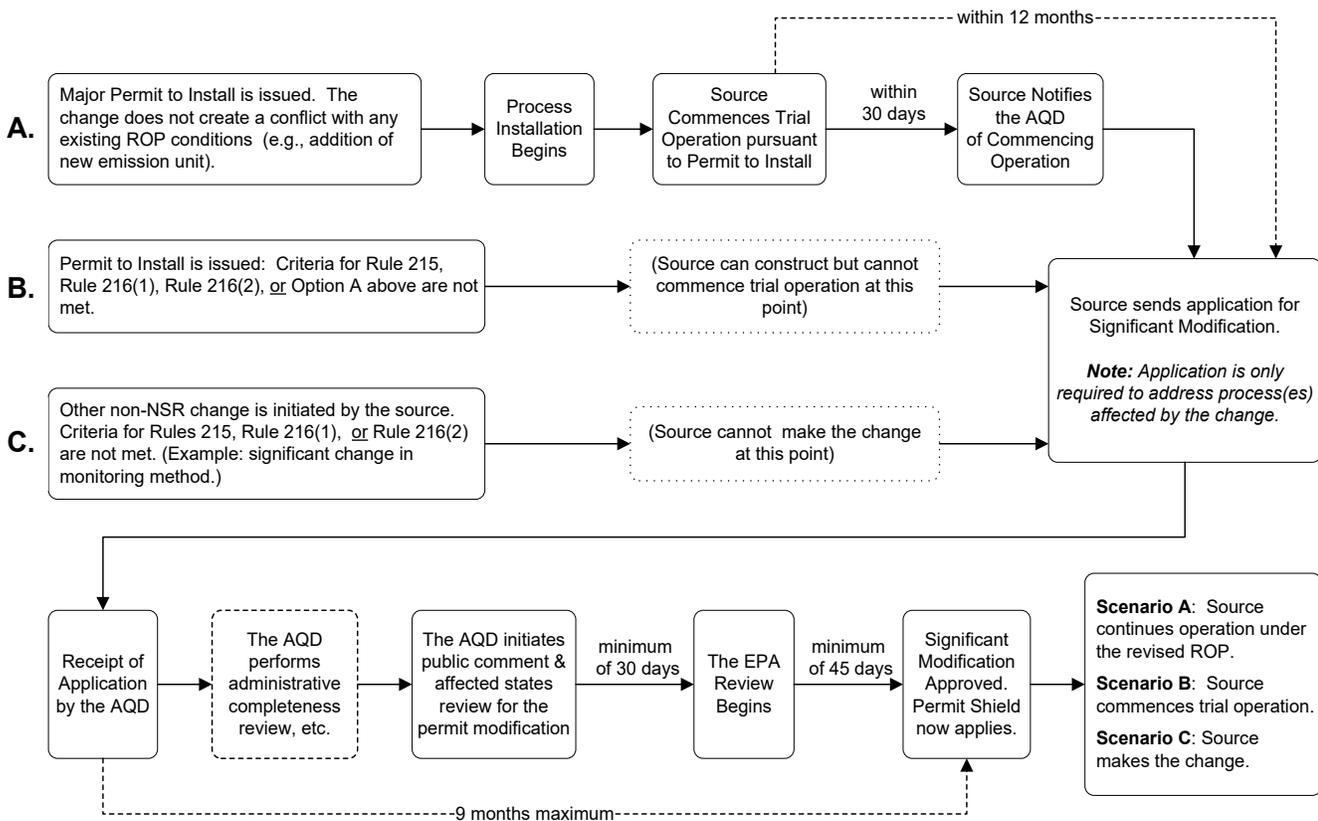
- A change that would significantly affect existing monitoring, recordkeeping, or reporting requirements established in the ROP under Rule 213(3).
- A change that would result in an emissions increase exceeding any emission limitation, standard or condition, including a work practice standard, that was required to avoid an applicable requirement for which the site would otherwise be subject.
- Installation of new equipment or modification of existing equipment contained in a PTI which does not contain all necessary testing, monitoring, and recordkeeping.

### Submittal Requirements

Submittal requirements for a significant modification depend on the nature of the change. The timeline is provided below to show the three different scenarios.

- A.** A minor change to a PTI that included major NSR was issued and the change does not conflict with any existing ROP conditions. *Although expected to be processed as an administrative amendment, the criteria of Rule 216(1)(a)(v) were not met.*
1. **Within 30 days** after the emission unit has been installed, constructed, or modified, submit the Notification of Installation/Operation that the equipment has been installed, modified, or constructed.
  2. **Within 12 months** of commencing trial operation, submit the significant modification application through using the Air Renewable Operating Permit (ROP) Application - Modification through the MiEnviro Portal. Follow the "[ROP Modification Instructions](#)" to fill out the form. The following should be included:
    - Results of all testing, monitoring, and recordkeeping performed to determine compliance.
    - Or, a schedule of compliance for the process or process equipment if compliance cannot be demonstrated. (See Rule 119(a) in [Appendix B](#) for a definition of "schedule of compliance".)
- B.** A PTI is issued and the criteria for operational flexibility, off-permit, administrative amendment, minor modification, or the criteria of Rule 216(1)(a)(v) are not met. *The site cannot commence trial operation until the significant modification is approved.*
- Prior to commencing trial operation**, submit the significant modification application through using the Air Renewable Operating Permit (ROP) Application - Modification through the MiEnviro Portal. Follow the "[ROP Modification Instructions](#)" to fill out the form.
- C.** Other non-PTI change is proposed and the criteria for operational flexibility, off-permit, administrative amendment, or minor modification will not be met (e.g., significant change in monitoring method). *These changes must be approved and incorporated into the ROP before the change can be made at the site.*
- Prior to making the change**, submit the significant modification application through using the Air Renewable Operating Permit (ROP) Application - Modification through the MiEnviro Portal. Follow the "[ROP Modification Instructions](#)" to fill out the form.

## Timeline for Rule 216(3) Significant Modifications



## Changes Requiring a State-Only Modification - Rule 216(4)

State-only modifications include changes that are state-only enforceable. Conditions that are not federally enforceable have a footnote “1.” A change may **not** be considered for a state-only modification if the change is to an applicable requirement that *is* federally enforceable.

Rule 216(4)(d) allows the changes under the PTI once **the state-only modification application has been received by the AQD**. If the PTI contradicts a requirement of your ROP, you need only comply with the changes allowed by the PTI. If you fail to comply with the PTI, the conditions of your ROP are still enforceable, and the application may be denied.

### Example:

- A site requests to make a change that only affects a condition identified with a footnote “1” in the ROP.

### Criteria

Rule 216(4) apply to any modifications or changes that are state-only enforceable. A change may **not** be considered for a state-only modification if the change is to an applicable requirement that **is** federally enforceable. Only conditions identified with a footnote “1” in the ROP can be changed as a state-only modification.

### Submittal Requirements

**Prior to making the change**, submit the state-only modification application through using the Air Renewable Operating Permit (ROP) Application - Modification through the MiEnviro Portal. Follow the “[ROP Modification Instructions](#)” to fill out the form.

# Appendix A: Acronyms & Definitions

## Acronyms

AQD.....	Air Quality Division (of EGLE)
CAA.....	Clean Air Act
CEMS.....	Continuous Emissions Monitoring System
CFR.....	Code of Federal Regulations
EGLE.....	Michigan Department of Environment, Great Lakes, and Energy
EER.....	Excess Emissions Report
HAP.....	Hazardous Air Pollutant
MACT.....	Maximum Achievable Control Technology
NAAQS.....	National Ambient Air Quality Standard
NESHAP...	National Emission Standard for Hazardous Air Pollutant(s)
NSPS.....	New Source Performance Standard
NSR.....	New Source Review
PSD.....	Prevention of Significant Deterioration
PTI.....	Permit to Install
ROP.....	Renewable Operating Permit
SCC.....	Source Classification Code
USEPA.....	United States Environmental Protection Agency
VOC.....	Volatile Organic Compound

## Definitions

**Act 451:** Michigan's Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451). Michigan's air pollution control rules are promulgated under Part 55, Air Pollution Control of Act 451.

**Applicable Requirement:** Defined in Rule 101(o) of the Michigan Air Pollution Control Rules. See [Appendix B](#) for the rule.

**Clean Air Act (CAA):** Amendments to the federal Clean Air Act were signed into law on November 15, 1990. The amendments include addressing areas of nonattainment with one or more National Ambient Air Quality Standard (NAAQS), guidelines for reduction of motor vehicle emissions, and a new technology standard for air toxics (Maximum Achievable Control Technology (MACT)). Likewise, plans for reducing acid rain precursors, sulfur oxides (SO<sub>x</sub>) and nitrogen oxides (NO<sub>x</sub>), are outlined. The operating permit program is introduced in Title V, stating that every major pollution source must have an operating permit, renewed every five years, that specifies its compliance requirements. The remaining parts of the CAA include enforcement, climatic protection through the phase-out of chlorofluorocarbons (CFCs) and other stratospheric ozone damaging chemicals, and the final part which provides for research programs and monitoring activities.

**Code of Federal Regulations (CFR):** Regulations promulgated by the federal government. Title 40 of the CFR contains all the federal rules and regulations relating to protection of the environment.

**Emission Unit:** Any part of a stationary source (i.e., process equipment) that emits or has the potential to emit an air contaminant. See [Air Quality Division Policy and Procedure number AQD-006 – Procedure for Determining Emission Units](#).

**Exempt Emission Unit:** The requirement of R 336.1201(1) to obtain a permit to install does not apply to process equipment using an exemption listed in R 336.1280 to R 336.1291.

**Hazardous Air Pollutants (HAPs):** The term "hazardous air pollutant" means any air pollutant listed pursuant to Section 112(b) of the CAA and listed in 40 CFR Part 63, Subpart C. A complete list of HAPs and further information is available at [epa.gov/haps](http://epa.gov/haps).

**Maximum Achievable Control Technology (MACT) Standards:** An emission limitation that is equivalent to or more stringent than an emission limitation achieved, in practice, by the best controlled similar affected source. The emission limitation shall reflect the maximum degree of reduction in emissions that the regulatory authority determines is achievable by the constructed or reconstructed major source. See the USEPA Air Toxics Website [epa.gov/stationary-sources-air-pollution](http://epa.gov/stationary-sources-air-pollution). The MACT standards are published as National Emission Standard for Hazardous Air Pollutants (NESHAP) in 40 CFR Part 63.

## Life after ROP

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**Major Source:** Defined in 40 CFR Part 70 – State Operating Permit Programs (70.2 Definitions at [ecfr.gov/current/title-40/chapter-I/subchapter-C/part-70](https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C/part-70)) and R 336.1211(1)(a).

**Monitoring:** Periodic or continuous surveillance or testing to determine the level of compliance with applicable requirements.

**National Ambient Air Quality Standards (NAAQS):** Air quality standards that apply to outside air throughout the country to protect human health and welfare from pollutants known as criteria air pollutants. These include ozone (O<sub>3</sub>), carbon monoxide (CO), particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>), sulfur dioxide (SO<sub>2</sub>), Lead (Pb), and nitrogen dioxide (NO<sub>2</sub>).

**National Emission Standard for Hazardous Air Pollutants (NESHAP):** Emission standards set by the USEPA for air contaminants not covered by the NAAQS that may cause an increase in death or serious irreversible or incapacitating illness. The NESHAP regulations promulgated prior to the CAA amendments of 1990 were published in 40 CFR Part 61. The NESHAP regulations promulgated as a result of the CAA amendments are published in 40 CFR Part 63.

**New Source Review (NSR):** New Source Review (NSR) is required for construction, installation, relocation or alteration of any emission unit that is not otherwise exempt from the requirement of R 336.1201(1) to obtain a permit to install (PTI). Michigan has regulations for both major and minor NSR.

**New Source Performance Standards (NSPS):** Standards for emissions of air pollutants which reflects the best system of emission reduction taking into account cost, any non-air quality health and environmental impact, and energy requirements. The NSPS regulations are promulgated in 40 CFR Part 60.

**Permit to Install (PTI):** Defined in R 336.1201(1) (Rule 201(1)). 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 that authorizes such action is issued by the department. (a) Any air pollutant regulated by Title I of the CAA and its associated rules, including 40 CFR. 51.165 and 51.166, adopted by reference in R 336.1902. (b) Any air contaminant.

**Prevention of Significant Deterioration (PSD):** A program that was established in Title I of the CAA used to protect public health and welfare for construction of new or modified sources of air pollution in an area that is already in attainment with the NAAQS. The intent of PSD is to prevent an attainment area from becoming a non-attainment area. PSD is major NSR. Michigan's SIP approved PSD rules are in Part 18.

**Reconstruction:** The replacement of components of an existing emission unit so that the fixed capital cost of the new components is more than 50 percent of the fixed capital cost that would be required to construct a comparable new emission unit and it is technologically and economically feasible to meet the applicable requirement.

**Renewable Operating Permit (ROP):** A permit program mandated under the CAA Amendments of 1990 that applies to major stationary sources, affected sources (i.e., those subject to the CAA Title IV Acid Rain program), and other sources defined by the USEPA. The regulations for State Operating Permit Programs are promulgated in 40 CFR Part 70. Michigan's rules for the ROP program are promulgated in R 336.1210 to R 336.1218.

**Responsible Official:** Defined in Rule 118(j). See [Appendix B](#) for the rule.

**State-Only Enforceable:** Defined in Rule 119(q). See [Appendix B](#) for the rule.

**Stationary Source:** Defined in Rule 119(r). See *Operational Memorandum No. 11 – Stationary Source Determinations* for details regarding stationary source determinations. See [Appendix B](#) for the rule.

**Title I:** Refers to Title I of the CAA of Amendments of 1990, which protects ambient air quality. Title I includes regulations pertaining to NSR, NSPS, and NESHAP.

**Title V:** Refers to Title V of the CAA Amendments of 1990, which established the requirements for Michigan's Renewable Operating Permit program.

**Underlying Applicable Requirement (UAR):** The regulatory foundation on which an applicable requirement is based. For example, if a PTI contains a condition that limits the sulfur content in fuel oil, the permit condition is an applicable requirement. The underlying basis for the applicable requirement could be Rule 401. Therefore, Rule 401 is the underlying applicable requirement.

## Appendix B: Rules Cited

Many of the rules provided are at the sub-rule level. You may view the complete rule by accessing the Michigan Air Pollution Control Rules at [ARS Public - MI Admin Code for Environment, Great Lakes and Energy - Air Quality Division](#).

Rule 101 (R 336.1101(d))

- (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.

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Rule 101 (R 336.1101(o))

- (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 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, including parts c or 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, 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.

## Life after ROP

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- (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 sections 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 standard or increment or visibility requirement under 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 not be enforceable under the Clean Air Act.

### Rule 106(a) (R 336.1106(a))

- (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 R 336.1201(1)(a), part 18 or part 19 of these rules.
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### Rule 118(j) (R 336.1118(j))

- (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 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.

## Life after ROP

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- (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.
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### Rule 119(a) (R 336.1119(a))

- (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.
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### Rule 119(q) (R 336.1119(q))

- (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.
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### Rule 119(r) (R 336.1119(r))

## Life after ROP

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- (r) **"Stationary source"** means all 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 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.

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### Rule 212(2), 212(3), and 212(4) (R 336.1212(2)-(4))

- (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.

## Life after ROP

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- (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, 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) Cooling 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), and equipment listed in R 336.1282(2)(c) to (f).
  - (d) All 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 (k) to (m).

## Life after ROP

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- (f) Miscellaneous equipment listed in R 336.1285(2)(h), (i),(k) to (t), (v) to (ii), (kk), and (ll) except for 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).
  - (b) Cleaning, washing, and drying equipment listed in R 336.1281(2)(g) and (h).
  - (c) Fuel-burning furnaces, ovens, and heaters listed in R 336.1282(2)(a), (b), and (g).
  - (d) Containers listed in R 336.1284(2)(b), (e), (f), (g), (i), (j), and (n).
  - (e) Miscellaneous process or process equipment listed in R 336.1285(2)(g), (j), (1)(vi)(C), (r)(iv), (u), (w), (dd)(iii), (jj) and (mm).
  - (f) Surface-coating equipment listed in R 336.1287(2)(a) and (c).
  - (g) Concrete batch production equipment listed in R 336.1289(2)(d).
  - (h) Emission units that have limited emissions and meet the criteria in R 336.1290.
  - (i) Emission units that have limited emissions and meet the criteria in R 336.1291.
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Rule 213 (*R 336.1213*) Content of renewable operating permit.

- (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

## Life after ROP

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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 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

## Life after ROP

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information which is claimed by the person to be confidential, consistent with the requirements of 1976 PA 442, MCL §15.231 et seq., 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

## Life after ROP

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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 sections 504(b) or 114(a)(3) of the Clean Air Act. 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 non-instrumental 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)(c) of this 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)(b) of this 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.

## Life after ROP

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- (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 subdivision (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.

## Life after ROP

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- (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:

## Life after ROP

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- (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 subrules (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:

## Life after ROP

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- (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.

## Life after ROP

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- (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 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 336.1902. 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.

## Life after ROP

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- (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.
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### Rule 214 (*R 336.1214*) Approval of a renewable operating permit.

- (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 7 days nor more than 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

## Life after ROP

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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 1976 PA 442, MCL 15.231 et seq., and known as the freedom of information act, 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.

## Life after ROP

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- (d) The department shall keep a record of the commenters 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 7 days nor more than 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) and (2), adopted by reference in R 336.1902, 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),

## Life after ROP

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adopted by reference in R 336.1902, 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), adopted by reference in R 336.1902. 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), adopted by reference in R 336.1902. 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), adopted by reference in R 336.1902, 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) after the department has issued the renewable operating permit, the department shall follow the procedure specified in 40 C.F.R. §70.7(g), adopted by reference in R 336.1902, to resolve the objection.

Rule 214(a) (R 336.1214a) Consolidation of permits to install within a renewable operating permit.

- (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 through §63.44 and §§63.50 to 63.56, adopted by reference in R 336.1902.
    - (iii) R 336.1301(1)(c), R 336.1301(4), and R 336.1331(1)(c).

## Life after ROP

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- (iv) 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 336.1902.
  - (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 (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.
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Rule 215 (*R 336.1215*) Operational flexibility, emissions trading activities between stationary sources, off-permit changes, insignificant changes and responsible official changes for a renewable operating permit.

- (1) The following provisions apply to operational flexibility within a stationary source. As provided in 40 C.F.R. §70.4(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,

## Life after ROP

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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 and 40 C.F.R. §70.4(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)(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.

## Life after ROP

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- (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)(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 provided in 40 C.F.R. §70.4(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.
  - (c) The person shall provide 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.

## Life after ROP

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- (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 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 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 of sections 111, 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.
- (6) Changes made pursuant to this rule do not qualify for the permit shield provided by R 336.1213(6).

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Rule 216 (*R 336.1216*) Modifications to renewable operating permits.

(1) All of the following provisions apply to administrative permit amendments:

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Appendix B: Rules Cited

## Life after ROP

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- (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 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 the stationary source has been submitted to the department. The new person owning or operating 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

## Life after ROP

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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:

## Life after ROP

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- (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 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 of the revised judicature act of 1961, 1961 PA 236, MCL 600.631. The denial of an administrative permit amendment pursuant to 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:

## Life after ROP

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- (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 sections 111 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

## Life after ROP

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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

## Life after ROP

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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 appeal of a denial by the department of a minor permit modification shall be pursuant to section 631 of 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

## Life after ROP

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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.

(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.

## Life after ROP

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- (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 appeal of a denial by the department of a state-only modification shall be pursuant to section 631 of 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

## Life after ROP

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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.
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Rule 217 (*R 336.1217*) Renewals and reopenings of renewable operating permits.

(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(7), 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

## Life after ROP

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- 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 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.
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Rule 912 (*R 336.1912*) Abnormal conditions, start-up, shutdown, and malfunction of a source, process, or process equipment, operating, notification, and reporting requirements.

- (1) The owner or operator of a source, process, or process equipment shall, to the extent reasonably possible, operate a source, process, or process equipment in a manner consistent with good air pollution control practices for minimizing emissions during periods of abnormal conditions, start-up, shutdown, and malfunctions. A source, process, or process equipment that complies with all applicable emission standards and limitations during periods of abnormal conditions, start-up, shutdown, and malfunction shall be presumed to have been operated in a manner consistent with good air pollution control practices for minimizing emissions.

## Life after ROP

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- (2) The owner or operator of a source, process, or process equipment shall provide notice of an abnormal condition, start-up, shutdown, or a malfunction that results in emissions of a hazardous air pollutant which continue for more than 1 hour in excess of any applicable standard or limitation established by the Clean Air Act or the emissions of a toxic air contaminant which continue for more than 1 hour in excess of an emission standard established by a rule promulgated under the air pollution act or an emission limitation specified in a permit issued or order entered under the air pollution act.
- (3) The owner or operator of a source, process, or process equipment shall provide notice and a written report of an abnormal condition, start-up, shutdown, or a malfunction that results in emissions of any air contaminant continuing for more than 2 hours in excess of a standard or limitation established by any applicable requirement.
- (4) The notices required by this rule shall be provided to the department as soon as reasonably possible, but not later than 2 business days after the start-up or shutdown or after discovery of the abnormal conditions or malfunction. Notice shall be by any reasonable means, including electronic, telephonic, or oral communication.
- (5) The written reports required under this rule shall be submitted within 10 days after the start-up or shutdown occurred, within 10 days after the abnormal conditions or malfunction has been corrected, or within 30 days of discovery of the abnormal conditions or malfunction, whichever is first. The written reports shall include all of the following information:
  - (a) The time and date of the probable causes or reasons for, and the duration of, the abnormal conditions, start-up, shutdown, or malfunction.
  - (b) An identification of the source, process, or process equipment which experienced abnormal conditions, was started up or shut down, or which malfunctioned and all other affected process or process equipment that have emissions in excess of an applicable requirement, including a description of the type and, where known or where it is reasonably possible to estimate, the quantity or magnitude of emissions in excess of applicable requirements.
  - (c) Information describing the measures taken and air pollution control practices followed to minimize emissions.
  - (d) For abnormal conditions and malfunctions, the report shall also include a summary of the actions taken to correct and to prevent a reoccurrence of the abnormal conditions or malfunction and the time taken to correct the malfunction.
- (6) Actions taken to correct and to prevent a reoccurrence of an abnormal condition or a malfunction shall become a part of any preventative maintenance and malfunction abatement plan required by R 336.1911.

## Life after ROP

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- (7) The truth, accuracy, and completeness of the written reports required under this rule for a stationary source subject to the requirements of R 336.1210 shall be certified by a responsible official in a manner consistent with the Clean Air Act.