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PART 3. EMISSION LIMITATIONS AND PROHIBITIONS- PARTICULATE MATTER

R 336.1371 Fugitive dust control programs other than areas listed in table 36.

Rule 371. (1) Based on ambient air quality measurements or substantive complaints, the department may request that the person who is responsible for the operation of any facility which processes, uses, stores, transports, or conveys bulk materials, such as, but not limited to, coal, coke, metal ores, limestone, cement, sand, gravel, and material from air pollution control devices, or a facility which has activities specifically identified in R 336.1372 and which facility is in an area not listed in table 36, submit a fugitive dust control program. The department shall notify the person who is responsible for the operation of the facility of the provisions of R 336.1372 which apply to the facility and the reasons for the department's notification. Except as provided in subrule (3) of this rule, the control program shall be submitted to the department not later than 6 months after notification.

(2) A fugitive dust control program which is required by subrule (1) of this rule shall be in writing and shall provide for all of the following:

(a) Using 1 or more combinations of available technologies, operating practices, or methods listed in R 336.1372 as are reasonably necessary to control fugitive dust emissions.

(b) Consideration of the quantity, moisture content, specific gravity, and the particle size distribution of the bulk materials. The more friable, drier, lighter, and finer the bulk material is, the more effective the fugitive dust control methods incorporated into the control program shall be.

(c) The keeping and maintenance of records consistent with the various activities to be implemented under the control program.

(d) Identification of the control technologies, methods, or control equipment, if any, to be implemented or installed and the schedule, including increments of progress, for implementation or installation.

(3) Within 3 months following notification by the department that a fugitive dust control program is required, the person who is responsible for operating the facility has the opportunity to demonstrate, to the satisfaction of the department, that any part of the facility is not subject to the provisions of this rule.

(4) If a control program is not submitted within 6 months after notification by the department, then the department may proceed, pursuant to the act, toward the entry of a final order which contains a control program that meets the requirements of subrule (2) of this rule.

(5) The control program is subject to review and approval by the department. The department shall approve a control program only upon the entry of a legally enforceable order or as part of an approved permit to install or operate. If, in the opinion of the department, the program does not adequately meet the requirements set forth in subrule (2) of this rule, then the department may disapprove the program, state its reasons for disapproval, and require the preparation and submittal of an amended program within a specified time period. If, within the specified time period, an amended program is either not submitted or is submitted but, in the opinion of the department, fails to meet the requirements of subrule (2) of this rule, then the department may proceed, pursuant to the act, toward the entry of a final order which contains a control program that meets these requirements.

(6) After approval by the department, the person who is responsible for the preparation of the control program shall begin implementation of the program pursuant to the schedule contained in the control program.

(7) Either the person who is responsible for a facility or the department may request a revision to a department-approved control program to meet changing conditions. The department shall review the revision following the requirements of subrule (5) of this rule.

(8) Table 36 reads as follows:

TABLE 36

<u>County</u>	<u>Area</u>
Bay	T14N, R5E, Sections 14 to 16 and 21 to 23.
Calhoun	T2S, R4W, Section 34.
Delta	T39N, R22W, Sections 19, 30, south one-half of 17, and south one-half of 18.
Genesee	Starting on Industrial Avenue, north to Pierson Road, east to Dort Highway, south to Hitchcock Street, south to Olive Avenue (extended), south to Robert T. Longway Boulevard, west and southwest to Industrial Avenue.
Lapeer	T7N, R12E, that portion of Section 17 which lies south of M-21 and east of Fairground Road.
Macomb	T4N, R14E, Sections 27, 28, 33, and 34.
Manistee	T21N, R16W, Sections 7, 18, and 19; T21N, R17W, Sections 12 and 13.
Midland	T14N, R2E, Sections 14 to 16, 21 to 23, 26 to 28, and 33 to 35.
Monroe	Starting where Sandy Creek empties into Lake Erie, northwest to Maple Avenue (extended north-northeast), southwest to Elm Avenue, west to Herr Road, south to Dunbar Road and east to Plum Creek (which empties into Lake Erie).
Muskegon	T9N, R16W, Sections 5 and 6; T10N, R16W, Sections 21, 22, and 27 to 34.
Saginaw	Northeast section: starting on Tittabawassee Road, east to I-75, south to Wadsworth Avenue, west to I-675, west and north to Tittabawassee Road. Southwest section: T12N, R4E, the eastern half of Section 34 (that which is east of Maple Street) and Section 35.
St. Clair	T6N, R17E, Sections 2 to 4, 9 to 11, 14 to 16, 21, 22, and 28.
Wayne	Area included within the following (counter clockwise): Lake St. Clair to Moross Road to Seven Mile Road to Vandyke Road to Eight Mile Road to Wyoming Road to Seven Mile Road to Schaeffer Road to Fenkell Road to Greenfield Avenue to Joy Road to Southfield Expressway to Ford Road to Telegraph Road to Cherry Hill Road to Beech-Daly Road (extended) to Michigan Avenue to Inkster Road to Carlisle Street to Middle Belt Road to Vanborn Road to Wayne Road to Pennsylvania Road to Middle Belt Road to Sibley Road to Telegraph Road to King Road to Grange Road to Sibley Road to Jefferson Avenue to Bridge Street (Grosse Ile) extended to Detroit River. Also included is that portion of the City of Riverview which is south of Sibley Road and the City of Trenton.