

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

AIR QUALITY DIVISION

PART 18. PREVENTION OF SIGNIFICANT DETERIORATION OF AIR QUALITY

R 336.2818 Source obligation.

Rule 1818. (1) Approval to construct shall not relieve an owner or operator of the responsibility to comply fully with applicable provisions of the state implementation plan and any other requirements under local, state, or federal law.

(2) If a particular major source or major modification becomes a major stationary source or major modification solely by virtue of a relaxation in any enforceable limitation which was established after August 7, 1980, on the capacity of the major source or major modification otherwise to emit a pollutant, such as a restriction on hours of operation, then the requirements of R 336.2810 to R 336.2819 shall apply to the major source or major modification as though construction had not yet commenced on the major source or major modification.

(3) All of the following provisions apply to any regulated new source review pollutant emitted from projects at existing emissions units at a major stationary source, other than projects at a major source with a plantwide applicability limit, where there is a reasonable possibility, as defined in R 336.2818(3)(f), that a project that is not a part of a major modification may result in a significant emissions increase of such pollutant, and the owner or operator elects to use the method specified in R 336.2801(II)(ii)(A) to (C) for calculating projected actual emissions:

(a) Before beginning actual construction of the project, the owner or operator shall document and maintain a record of all of the following information:

(i) A description of the project.

(ii) Identification of the emissions unit or units whose emissions of a regulated new major source review pollutant may be affected by the project.

(iii) A description of the applicability test used to determine that the project is not a major modification for any regulated new source review pollutant, including the baseline actual emissions, the projected actual emissions, the amount of emissions excluded under R 336.2801(II)(ii)(C) and an explanation for why such amount was excluded, and any netting calculations, if applicable.

(b) If the emissions unit is an existing electric utility steam generating unit, then before beginning actual construction, the owner or operator shall provide a copy of the information required by subdivision (a) of this subrule to the department. This subdivision does not require the owner or operator of the unit to obtain any determination from the department before beginning actual construction.

(c) The owner or operator shall monitor the emissions of a regulated new source review pollutant that could increase as a result of the project and that is emitted by any emissions unit identified in subdivision (a)(ii) of this subrule; and calculate and maintain a record of the annual emissions, in tons per year on a calendar year basis, for a period of 5 years following resumption of regular operations after the change, or for a period of 10 years following resumption of regular operations after the change if the project increases the design capacity or potential to emit of that regulated new major source review pollutant at the emissions unit.

(d) If the unit is an existing electric utility steam generating unit, then the owner or operator

shall submit a report to the department within 60 days after the end of each year during which records are generated under subdivision (c) of this subrule setting out the unit's annual emissions during the calendar year before submission of the report.

(e) If the unit is an existing unit other than an electric utility steam generating unit, then the owner or operator shall submit a report to the department if the annual emissions, in tons per year, from the project exceed the baseline actual emissions by a significant amount for that regulated new source review pollutant, and if such emissions differ from the preconstruction projection. The owner or operator shall submit the report to the department within 60 days after the end of such year. The report shall contain all of the following:

(i) The name, address, and telephone number of the major stationary source.

(ii) The annual emissions as calculated under subdivision (c) of this subrule.

(iii) Any other information that the owner or operator wishes to include in the report; for example, an explanation as to why the emissions differ from the preconstruction projection.

(f) A reasonable possibility occurs when the owner or operator calculates the project to result in either of the following:

(i) A projected actual emissions increase of at least 50% of the amount that is a significant emissions increase, as defined in R 336.2801(rr), without reference to the amount that is a significant net emissions increase for the regulated new source review pollutant.

(ii) A projected actual emissions increase that, added to the amount of emissions excluded under R 336.2801(ll)(ii)(C), sums to at least 50% of the amount that is a significant emissions increase, as defined in R 336.2801(rr), without reference to the amount that is a significant net emissions increase for the regulated new source review pollutant. For a project for which a reasonable possibility occurs only within the meaning of R 336.2818(3)(f)(ii), and not also within the meaning of R 336.2818(3)(f)(i), then the provisions of R 336.2818(3)(b) to (e) do not apply to the project.

(4) The owner or operator of the major source shall make the information required to be documented and maintained under this rule available for review upon request for inspection by the department or the general public under MCL 324.5516(2).

History: 2006 AACCS; 2008 MR 17, Eff. Sept. 11, 2008.