Note: The portions of Chapter 5, section 501, which incorporate by reference the following parts of the State rules are not federally approved or incorporated into the State Implementation Plan:

1. The quench tower limit in Rule 336.1331, Table 31, Section C.8;
2. The deletion of the limit in Rule 336.1331 for coke oven coal preheater equipment; and
3. Rule 336.1355

WAYNE COUNTY

AIR POLLUTION

CONTROL ORDINANCE

AN ORDINANCE to abate air pollution in the County of Wayne and to provide for its administration and enforcement; to prescribe the powers and duties of the Wayne County Department of Health-Air Pollution Control Division and its Director; and to provide for penalties and remedies.

IT IS HEREBY ORDAINED BY THE
PEOPLE OF THE CHARTER
COUNTY OF WAYNE

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Chapter 1
DEFINITIONS

Section 101. GENERAL

The words and phrases used in this Ordinance shall have the meanings ascribed to them by this Section or under Act 348 of the Public Acts of 1965, as amended, and Rules 101 through 123 of the Michigan Administrative Rules; AACS R 336.1101 through R 336.1123. The words and phrases defined in 1965 PA 348 and R 336.1101 – 1123, as promulgated on February 22, 1985, are incorporated by reference and made a part of this Ordinance. In the event a word or phrase is defined both in this Section and under Act 348 or R 336.1101-1123, the meaning ascribed in this Section shall be controlling, as long as the requirements of the Wayne County definition are equal to or greater than the minimum applicable requirements existing under state law. Words and phrases not defined under the provisions of this Section, or under Act 348 and R 336.1101-1123, shall be interpreted according to their plain meaning or as the context implies. Words and phrases used in the present tense include the future; words and phrases in the masculine include the feminine and neuter; the singular number includes the plural and the plural the singular.

Section 102. WORDS AND PHRASES

A. Definitions: A.

1. "Act 348" means Public Act No. 348 of 1965, as amended, MCLA 336.11 *et seq;* MSA 14.58(1) *et seq,* entitled "air pollution act."
2. "Air contaminant" means a dust, fume, gas, mist, odor, smoke, vapor, or any combination thereof.
3. "Air pollution" means the presence in the outer air of one or more contaminants in quantities, with characteristics, under conditions and circumstances, and of a duration, which are or can become injurious to human health or welfare, to animal life, to plant life, or to property, or which unreasonably interfere with the enjoyment of life or property or the conduct of business.
4. "ASTM" means American Society of Testing Materials, 1916 Race Street, Philadelphia, PA 19103.

B. Definitions: B.

1. "Best available control technology" (BACT) means an emissions limitation (including a visible emissions standard) based on the maximum degree of reduction for each air contaminant subject to regulation under this Ordinance which would be emitted from any proposed emission source which the Division, taking into account energy, environmental and economic impacts, or other costs, determines on a case-by-case basis is achievable for such source through the application of equipment, devices, methods, or techniques. In no event shall application of best available control technology result in emissions of any air contaminant which would exceed the emissions allowed under any applicable NSPS or NESHAPs. Where applicable, the County definition for BACT shall be interpreted and applied consistently with the definition for BACT cited at 40 CFR 52.21.

C. Definitions; C.

1. "Certificate of operation" means an authorization by the Division to an owner or operator to use or operate the emission source in accordance with the emission limitations and prohibitions of this Ordinance and the terms and conditions of the certificate of operation.
2. "CFR" means the Code of Federal Regulations published by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20402.
3. "County" means the County of Wayne.
4. "County Commission" means the Wayne County Board of Commissioners.

D. Definitions; D.

1. "Department" means the Wayne County Department of Health.
2. "Director" means the Director of the Air Pollution Control Division of the Department, or duly authorized representatives.
3. "Division" means the Air Pollution Control Division of the Department.

E. Definitions; E.

1. "Emission Source" means any process or

process equipment, fuel-burning equipment, waste-burning equipment or portable equipment, or control equipment pertaining thereto, the use of which may cause the discharge of an air contaminant into the outer air.

2. "Excess emissions" means emissions of air contaminant in excess of an emission limitation or prohibition, an installation permit condition, certificate of operation condition, or a requirement existing in an administrative or judicial order.

F. Definitions; F.

1. "Federal Clean Air Act": means the Clean Air Act, as amended; at 42 USC 7401, *et seq.*

H. Definitions; H.

1. "Health Officer" means the Head of the Department or that person's duly authorized representative.

I. Definitions; I.

1. "Incinerator" means a waste-burning emission source.

L. Definitions; L.

1. "Lowest Achievable Emission Rate (LAER)" means the more stringent of the following:

   a) The most stringent emission limitation which is contained in the implementation plan of any state for such class or category of emission sources, unless the owner or operator of the proposed major offset emission source or major offset modification demonstrates that such a limitation(s) is not achievable; or

   b) The most stringent emission limitation which is achieved in practice by such class or category of emission sources.

   In no event shall the application of this term permit a proposed major offset emission source or major offset modification to emit any air contaminant in excess of the amount allowable under an applicable NSPS.

M. Definitions; M.

1. "Metric units" means the international system of units. All conversions from British Units shall be in accordance with the document: "Standard For Metric Practice". ASTM Designation: E380-76 pp. 484-520. In case of discrepancy, the British Units shall supersede.

N. Definitions; N.

1. "NESHAPS" means a national emission standard for hazardous air pollutants set by the U.S. Environmental Protection Agency, 40 CFR Part 61.

2. "NSPS" means new source performance standards set by the U.S. Environmental Protection Agency, 40 CFR Part 60.

O. Definitions; O.

1. "Owner or operator" means any person who owns, leases, operates, controls, or supervises an emission source.

P. Definitions; P.

1. "Particulate matter" means any air contaminant existing as a finely divided liquid or solid, other than uncombined water, as measured by methods 5A through 5G (See Division Requirements for Emission Source Testing, Appendix A) or by an equivalent or alternative method.

2. "Person" means a natural person, trustee, court appointed representative, syndicate, association, partnership, firm, club, company, corporation, business trust, institution, agency, government corporation, municipal corporation, city, county, municipality, district, or other political subdivision, department, bureau, agency or instrumentality of federal, state, or local government, or other entity recognized by law as the subject of rights and duties.

3. "Portable equipment" means any non-stationary waste-burning, fuel-burning, asphalt or concrete batch plant, or portable screening equipment, or other process or process equipment which is intended to be moved from place to place.

S. Definitions; S.

1. "Seal", for sealing emission sources or premises, means a device installed on or in a manner approved by the Division so as to prevent use of the emission source or premises.

2. "Specific plate collection area" means the ratio of the total collection area to the total gas volume flow rate in square feet

per 1,000 actual cubic feet per minute.

3. "Stack height required to minimize downwash" means that stack height which is calculated to be equal to or greater than the sum of the product of 1.5 and the lesser dimension of the height or width of the influencing structure and the product of 3.0 and the inside stack diameter. In such calculations, the width is the dimension of the influencing structure perpendicular to the wind direction. For purposes of this definition, an influencing structure is an upwind structure that has an influence on an exhaust plume if the exhaust stack is located within 5 times the lesser dimension of the structure's height or width downwind of the proposed stack. In no case shall this require a stack greater than good engineering practice stack design.

4. "Synthetic fuels" means fuels other than wood; bark, peat, lignite, bituminous coal, anthracite coal, Nos. 1, 2, 4, 5, or 6 fuel oils, crude oil, natural gas, propane or butane.

U. **Definitions; U.**

1. "Unleaded gasoline": means gasoline containing not more than 0.05 gram of lead per gallon and not more than 0.005 gram of phosphorus per gallon. This definition is intended to be consistent with the federal definition for unleaded gasoline contained at 40 CFR 80.2(g).

2. "USC" means United States Code, U.S. Government Printing Office, Superintendent of Documents, Washington, D.C. 20402.

W. **Definitions: W.**

1. "Waste-burning emission source or equipment" means a device, contrivance, or equipment, and all appurtenances thereto, designed and used principally, but not exclusively for the destruction by burning of garbage, refuse, rubbish, sewage sludge, sewage scum, sewage grit, waste liquids, waste gases or other combustible wastes or all combinations thereof, in which the products of combustion are emitted into the outer air by passing through a stack or chimney.

Chapter 2
GENERAL PROVISIONS

Section 201. DECLARATION OF POLICY AND PURPOSES

A. Policies.

In recognition of the constitutional right of the citizens of Michigan to the conservation and development of the natural resources of the State and to the protection of the air from pollution, impairment and destruction; and in recognition of the constitutional mandate to protect the health, safety and welfare of the citizens of Michigan, it is hereby declared the policy of the County of Wayne:

1. To protect and enhance the quality of the County's air resources so as to promote the public health, safety and welfare and the productive capacity of its citizens by abating sources of air contamination and preventing adverse health effects caused by air pollution;
2. To protect the County's air resources from pollution, impairment, or destruction;
3. To prevent injury to plant and animal life, and property, and to protect the comfort and convenience of the public and the recreational resources of the County; and
4. To develop, attract and expand industry, commerce and agriculture, consistent with the policy of protecting the County's air resources and with applicable local, state and federal air quality requirements.

B. Purposes.

It is therefore the purpose of this Ordinance:

1. To protect the health, safety and welfare of its citizens and to achieve the policy declarations enumerated above by providing for an air pollution control program in Wayne County;
2. To provide for the administration and enforcement of this Ordinance by the Wayne County Department of Health-Air Pollution Control Division; to prescribe the powers and duties of the Division and its Director; and to provide penalties for violation of this Ordinance.
3. To establish emission limitations, standards, permit procedures and other requirements for sources of air contaminants to ensure compliance with this Ordinance and maximize the potential for continued industrial and economic growth within Wayne County;
4. To ensure that sources of air contaminants located within Wayne County do not unreasonably interfere with the air pollution control programs of other jurisdictions;
5. To provide a mechanism to obtain such information as is necessary to determine the current air quality of Wayne County, the factors contributing to that air quality and the current status of any source of air contaminants as it relates to the Ordinance; and
6. To establish an air pollution control program which, at a minimum, is consistent with the requirements of the Michigan Air Pollution Act and the Federal Clean Air Act, and rules promulgated under these Acts.

Section 202. TITLE

This Ordinance shall be known and may be cited as the "Wayne County Air Pollution Control Ordinance."

Section 203. EFFECTIVE DATE

Except as provided for otherwise, this Ordinance shall become effective 30 days after approval of the Wayne County Commission and the Chief Executive Officer.

Section 204. CONSTRUCTION AND INTERPRETATION

A. Liberal Construction.

This Ordinance is adopted pursuant to the Home Rule Charter for Wayne County and is authorized by the Michigan Air Pollution Act; MCL 336.11 *et seq.* To give full effect to the purposes of the Ordinance, the provisions herein shall be liberally construed for the protection of the health, safety and welfare of the citizens of Wayne County.

B. Headings.

A heading or title of a Chapter, Section, or subsection of this Ordinance shall not be considered a part of this Ordinance, nor shall it be used to construe this Ordinance more broadly or narrowly than indicated by the text of the

Sections, but shall be considered as inserted for the convenience to users of this Ordinance.

C. Provisions Cumulative.

The provisions of this Ordinance shall be cumulative. Therefore, except as otherwise provided, compliance with any provision of this Ordinance shall in no manner relieve a person of the duty to fully comply with any other provision of this Ordinance.

D. Conflict.

In the event that the provisions of this Ordinance conflict, the provision which results in the lowest permissible emission rate shall prevail, absent clear and convincing evidence that a different provision is intended to prevail.

E. Local Requirements; State Rules.

To the extent permitted a home rule county, the provisions of this Ordinance shall control over less stringent or inconsistent rules, regulations or ordinances enacted by a local governmental entity for the control of air pollution. Also, the provisions of this Ordinance shall control over less stringent rules of the Department of Natural Resources or Air Pollution Control Commission of the State of Michigan, unless contrary to law.

F. Severability.

The provisions of this Ordinance shall be severable. If any provision of this Ordinance is declared by a court of competent jurisdiction to be unconstitutional or otherwise invalid, the remaining provisions of this Ordinance shall remain valid and enforceable.

G. Nuisances.

This Ordinance shall not be construed in any manner as authorizing or legalizing the creation or maintenance of a nuisance. Compliance by an emission source with the provisions of this Ordinance shall not be a bar to a claim of nuisance by Wayne County or any other person.

H. Burden of Proof.

In any proceeding arising out of the provisions of this Ordinance or out of an order issued or action taken pursuant to this Ordinance, any person claiming entitlement to an exemption provided for in this Ordinance or an order issued pursuant to this Ordinance, or any person claiming that a provision or interpretation other than the one resulting in the lowest permissible emission rate was intended to prevail, shall bear the burden of proof and the burden of going forward with evidence with respect to such claim.

I. Savings Clause.

Any criminal action arising from a violation of the Wayne County Air Pollution Control Regulation of 1965, as amended, shall be actionable for one year after the effective date of the provisions of this Ordinance. In the event any Section or subsection of this Ordinance is declared to be invalid or unconstitutional, the applicable article or section of the Wayne County Air Pollution Control Regulation shall become effective and enforceable.

Section 205. ADMINISTRATION AND ORGANIZATION

A. Administration.

This Ordinance shall be implemented, administered and enforced by the Wayne County Department of Health-Air Pollution Control Division.

B. Duties of the Director.

1. The Director shall:
   a) Supervise the implementation of this Ordinance:
   b) Accept, receive, and give receipts for monies, for and on behalf of the County, given by the federal government or the State for air pollution control activities, surveys, investigations, research, or programs, subject to the laws of the State of Michigan and the County;
   c) Issue memoranda, policy statements or implementing instructions to Division Personnel for the administration of this Ordinance, as required;
   d) Do any or all acts which may be necessary for the successful prosecution of the purpose and intent of this Ordinance.
2. The Director may:
   a) Enter into, modify, or cancel orders which require the control or abatement of air pollution in accordance with the provisions of this Ordinance;
   b) Institute in a court of competent jurisdiction proceedings to compel compliance with any provisions of this Ordinance or any determination or order that may be promulgated or issued under this Ordinance;
   e) Recommend a fee schedule (Appendix E) sufficient to cover the reasonable

costs of reviewing and acting upon any application for an installation permit and certificate of operation and the reasonable costs of implementing and enforcing the terms and conditions of any permit and certificate which is issued;

d) Recommend additions, modifications or amendments to this Ordinance, or recommend rules to further implement the provisions of this Ordinance.

C. Duties of the Division.

1. The Division shall:
   a) Conduct inspections and investigate emission sources in Wayne County;
   b) Collect and disseminate information on air pollution control;
   c) Work with planning and zoning agencies for the purpose of coordinating activities under the provisions of this Ordinance, and foster the best possible management of the air resources of the County;
   d) Cooperate and work with international, federal, interstate, state, county, district, municipal, and other agencies concerned with air pollution control with regard to aerometric studies, abatement programs, public complaints, and other matters to the end that the air resources of the County shall be best conserved and improved;
   e) Receive and investigate complaints of air pollution;
   f) Engage in research programs and staff professional training programs;
   g) Monitor air quality;
   h) Enforce the emission limitations and prohibitions of this Ordinance to prevent and abate air pollution;
   i) Implement installation permit and certificate of operation programs;
   j) Collect, review, and compile data on composition and quantity of air contaminants issuing from emission sources;
   k) Exercise such powers, duties, or functions as provided for in this Ordinance;
   l) Perform such other duties as may be delegated to the Division by the Wayne County Department of Health, the State of Michigan, or the federal government, or County reorganization plan or additional ordinance;
   m) Do any and all acts which may be necessary for the successful prosecution of the purposes and intent of this Ordinance.
2. The Division may:
   a) Notify the public and receive input from the public on significant agency decisions and actions;
   b) Enter and inspect any property at reasonable times and places, pursuant to reasonable notice, for the purpose of investigating either an actual or suspected source of air pollution or ascertaining compliance or non-compliance with the provisions of this Ordinance. If in connection with such investigation or inspection, samples of air contaminants are taken for analysis, a duplicate of the analytical report shall be furnished promptly to the person who is suspected of causing such air pollution.

D. Public Comment and Public Hearings.

A public comment period or a public hearing may be announced for review of installation permit applications, orders, or compliance schedules considered to be significant by the Division, or when required by state or federal law. Prior to amendment or revision to this Ordinance, the Division shall conduct one or more public hearings on such proposals. Public announcement for such comment periods or hearings shall be by prominent advertisement in a media of general circulation in Wayne County and shall include the locations and times available for public inspection of copies or summaries of the proposals under consideration.

E. Confidentiality.

If an owner or operator certifies that a record, permit application, or other data provided to or obtained by the Division relates to production, sales figures or to processes unique to the owner or operator's operation(s), and disclosure would adversely affect the competitive position of the operation(s), then such record, permit application or other data shall be held only for the confidential use of the Division in the administration of this Ordinance, unless the owner or operator expressly agrees to its publication or availability to the general public. This shall not prevent the use of a record, permit application or information by the Division in compiling or publishing

analyses or summaries relating to the general condition of the outer air if the analyses or summaries do not identify the owner or operator or reveal information which is otherwise confidential under this Section. Nothing in this Section renders data on the quantity or quality of emissions from any emission souce confidential. The data on amount and nature of emissions from each emission source shall be public.

Section 206. INCORPORATION BY REFERENCE

Rules, regulations, other regulatory standards, or statutory provisions incorporated or adopted by reference in this Ordinance or its appendices shall have the same force and effect given to any provision promulgated under this Ordinance. Such rule, regulation, regulatory standard, or statutory provision shall remain effective until: (i) a provision is promulgated under this Ordinance which covers the same or similar subject and the standard is expressly rescinded; or (ii) this Ordinance is amended to incorporate by reference a revised standard in replacement of the original rule, regulation, regulatory standard, or statutory provision. In order to maintain consistency with minimum state and federal requirements, the Director may recommend this Ordinance be amended to include newly promulgated or revised state or federal air pollution standards.

Section 207. STANDARDS AND RECOMMENDED PRACTICES

Where reference is made in this Ordinance or its appendices to the standards or recommended practices of national technical societies, associations or other organizations, such information shall be incorporated by reference and considered an integral part of this Ordinance in the same manner and extent as if fully reproduced herein, provided such standards are fully identified. Not less than two copies of such standards or recommended practices of technical societies, associations, or other organizations shall be kept on file at all times in the main office of the Division and shall be available for public review and copying.

Section 208. REGISTRATION OF EMISSION SOURCES

The Division may require an owner or operator of an emission source for which there is an emission limitation or prohibition, to file with the Division a written registration of points of emission. If so directed, such owner or operator shall comply within 60 days, or some longer time period acceptable to the Division. In cases of emergency, the Division may designate a lesser time period. The written registration of points of emission may require the inclusion of the location of the emission source, size of outlets, height of outlets, estimated rate and composition of air contaminants, type of emission source, and any other pertinent information specified by the Division. An owner or operator who fails to register or timely file such information as required under this Section shall be in violation of this Ordinance.

Chapter 3
ENFORCEMENT

Section 301. VIOLATION NOTICES

The Division may issue a violation notice to any person the Division has reason to believe is in violation of any provision of this Ordinance or an order issued under authority of this Ordinance. Any person issued a violation notice may, within 14 days of issuance of the notice, submit to the Director evidence that a violation of the Ordinance or order issued under the Ordinance did not occur. The Director shall review the evidence submitted and, within 14 days, affirm, modify, or withdraw the violation notice, and inform the person of this decision. Where a person does not submit evidence within the time stipulated above, the violation notice shall be considered affirmed.

Section 302. ORDERS

A. Imminent Danger Orders.

Upon a determination by the Health Officer, consistent with the requirements of the Public Health Code, MCLA 333.1101 *et seq,* that an imminent danger to the health or lives of individuals exists that is caused by a condition of air pollution, the Health Officer may authorize the Director to issue an order to the responsible person requiring immediate action to avoid, correct, or remove the imminent danger.

B. Emergency Orders.

If the Health Officer determines, consistent with the requirements of the Public Health Code, MCLA 333.1101 *et seq,* that control of an epidemic that is caused by a condition of air pollution and it is necessary to protect the public health, the Health Officer may authorize the Director to issue an emergency order to prohibit the gathering of people for any purpose and may establish procedures to be followed by persons, including a local governmental entity, during the epidemic to ensure continuation of essential public health services and enforcement of this Ordinance.

C. Nuisance Orders.

The Health Officer, consistent with the requirements of the Public Health Code, MCLA 333.1101 *et seq,* may authorize the Director to issue an order to avoid, correct, or remove, at an owner's or operator's expense, a building or condition which violates this Ordinance or which the Health Officer reasonably believes to be a nuisance, unsanitary condition, or cause of illness caused by a condition of air pollution.

D. Consent Orders.

The Director may issue and serve upon any person believed to be in violation of any provision of this Ordinance a proposed order for corrective action which specifies the provisions or standards being violated and sets forth a time schedule and requirements for compliance. If a person served with a proposed order agrees to the terms and conditions of the order, disposition of the case may be made with the approval of the Director by stipulation or consent. Prior to final approval of any such order, the Division shall hold a public comment period or public hearing, whichever is deemed appropriate under the circumstances.

Section 303. RIGHT OF ENTRY

The Division, when authorized by the Health Officer, based upon a declaration of an existence of a condition of an air pollution emergency by said Health Officer, may enter any premise, building, or place, to inspect, investigate, seal, and seize or test anything found therein or thereupon which is believed to cause the air pollution emergency. Additionally, the Division may enter and inspect any property at reasonable times and places, pursuant to reasonable notice, for the purpose of investigating either an actual or suspected source of air pollution or ascertaining compliance or noncompliance with the provisions of this Ordinance. If in connection with such investigation or inspection, samples of air contaminants are taken for analysis, a duplicate of the analytical report shall be furnished promptly to the person who is suspected of causing such air pollution. If right of entry is refused by a person, the Division may seek a warrant for this purpose.

Section 304. AGREEMENTS, CONTRACTS AND ARRANGEMENTS

The Director, on behalf of and with the appropriate County approval, may enter into agreements, contracts or arrangements necessary or appropriate to assist the Division in carrying out its duties and functions. The agreements, contracts or arrangements referred to in this Section are expressly not intended to include the orders issued pursuant to Section 302.

Section 305. VIOLATIONS; PENALTY; INJUNCTION

A. Enforcement.

The Director may bring any appropriate action in the name of Wayne County, either at

law or equity, as may be necessary to carry out and enforce the provisions of this Ordinance and to enforce any and all laws, rules and regulations relating to the provisions of this Ordinance.

B. Criminal Misdemeanor.

A person who violates a requirement of this Ordinance or fails to obtain or comply with a permit or order issued under this Ordinance is guilty of a misdemeanor and shall be fined not more than $10,000.00, and in the discretion of the court an additional amount of not more than $2,000.00 per day a violation continues. The circuit courts of Wayne County shall have exclusive jurisdiction. However, a person shall not be subject to the penalties of this subsection if the discharge of emissions is in conformance with and obedient to a requirement or order of the Division. Penalties or fines imposed upon persons pursuant to this Ordinance shall not be construed to include any violation caused by an act of God, war, strike, riot, catastrophe or other condition as to which negligence or wilful misconduct on the part of such person was not the proximate cause. In addition to any fine, the court in its discretion may impose probation.

C. Injunctions.

Upon petition by the Director, the circuit court may order a person to be restrained from continuing a violation. In addition, the Director may request, and the court may grant, recovery for the full value of the injuries done to the natural resources of Wayne County and the costs of surveillance and enforcement by the Division resulting from the violation.

Chapter 5
EMISSION LIMITATIONS AND PROHIBITIONS – PARTICULATE MATTER

Section 501. INCORPORATED STATE RULES

The following Michigan Rules, as promulgated on February 22, 1985, are incorporated by reference and made a part hereof. For purposes of the Ordinance, the term "Division" shall replace the term "commission" wherever it appears in such incorporated rules.

A. Rule 301.

"Standards for Density of Emissions;" AACS R 336.1301.

B. Rule 330.

"Electrostatic Precipitator Control Systems;" AACS R 336.1330.

C. Rule 331.

"Emission of Particulate Matter;" AACS R 336.1331.

D. Rules 350 through 367.

Dealing with air contaminant emissions from steel manufacturing facilities; AACS R 336.1350-1367.

E. Rule 370.

"Collected Air Contaminants; AACS R 336.1370.

Section 502. GRADING VISIBLE EMISSIONS

Opacity of any visible air contaminant shall be graded by a person certified as a qualified observer of visible air contaminants. A person shall not be certified as a qualified observer of visible air contaminants unless such a person has successfully completed the requirements of the Division's visible emissions training school or its equivalent. Division certification of a qualified observer of visible air contaminants shall automatically expire 6 months from the date of certification. A person may be recertified upon successful completion of the recertification portion of the Division's visible emissions training school or an equivalent acceptable to the Division.

Section 503. PARTICULATE EMISSIONS FROM SPRAY PAINTING OPERATIONS

The allowable particulate emissions from spray painting operations shall be as follows: (i) for non-production spray painting (paint usage of less than 20 gallons per day), the allowable particulate emissions shall be 0.02 pounds of particulate per 1000 pounds of exhaust gas; (ii) for production spray painting (paint usage of 20 gallons or more per day), the allowable particulate emissions shall be 3 grains per thousand standard cubic feet (or 0.006 pounds of particulate per 1000 pounds of exhaust gas).

Chapter 8
EMISSION LIMITATIONS AND PROHIBITIONS – MISCELLANEOUS

Section 801. INCORPORATED STATE RULES

The following Michigan Rules as promulgated on February 22, 1985, are incorporated by reference and made a part hereof. For purposes of this Ordinance, the term "Division" shall replace the term "commission" wherever it appears in such incorporated rules.

A. Rule 901.

"Air contaminant or water vapor, when prohibited;" AACS R 336.1901.

B. Rule 906.

"Diluting and concealing emissions;" AACS R 336.1906.

C. Rule 910.

"Air-cleaning devices;" AACS R 336.1910.

D. Rule 911.

"Malfunction abatement plans;" AACS R 336.1911.

E. Rule 912.

"Abnormal conditions and breakdown of equipment;" AACS R 336.1912.

F. Rule 930.

"Emission of carbon monoxide from ferrous cupola operations;" AACS R 336.1930.

Section 803. FEDERAL EMISSION STANDARDS AND PREVENTION OF SIGNIFICANT DETERIORATION

A. New Source Performance Standards (NSPS).

A person shall not cause or permit an emission source subject to the provisions of the Federal Clean Air Act, and the rules entitled "Standards of Performance for New Stationary Sources," 40 CFR Part 60, to exceed any applicable standard contained in 40 CFR Part 60, unless a waiver from such requirement has been secured pursuant to the provisions of Section 111(j) of the Clean Air Act. The requirements of 40 CFR Part 60, as promulgated on February 22, 1985, are hereby incorporated by reference and made a part hereof.

B. National Emission Standards for Hazardous Air Pollutants (NESHAPs)

A person shall not cause or permit an emission source subject to the provisions of the Federal Clean Air Act, and the rules entitled "National Emission Standards for Hazardous Air Pollutants," 40 CFR Part 61, to exceed any applicable standard contained in 40 CFR Part 61. The requirements of 40 CFR Part 61, as promulgated on February 22, 1985, are hereby incorporated by reference and made a part hereof.

C. Prevention of Significant Deterioration (PSD).

A person shall not cause or permit an emission source subject to the provisions of the Federal Clean Air Act, and the rules entitled "Prevention of Significant Deterioration of Air Quality," 40 CFR Part 52.21, to exceed any applicable standard or requirement contained in 40 CFR Part 52.21. The requirements of 40 CFR Part 52.21, as promulgated on February 22, 1985, are hereby incorporated by reference and made a part hereof.

D. Full Compliance.

A person who owns or operates an emission source complying with the emission limitations and prohibitions of subsections 803.A, B and C shall not be exempt from complying with the emission limitations and prohibitions contained in this Ordinance.

Section 804. WASTE-BURNING EMISSION SOURCE OR EQUIPMENT

A. Prohibition.

A person shall not cause or permit, one year after the effective date of this Ordinance, the use, installation or operation of any waste-burning emission source or equipment except:

1. Apartment, commercial and industrial waste-burning sources;
2. Crematory and pathological burning equipment designed and used for the burning of human and animal remains consisting of carcasses, organs, and solid organic wastes from hospitals, laboratories, abattoirs, animal pounds, and similar emission sources;
3. Liquid and gaseous waste-burning equipment owned and operated by the person generating the waste and designed and used solely for the burning of gaseous, liquid, or semi-liquid wastes such as tars, paints, solvents and fumes generated at the same geographical site;
4. Burning equipment designed and used for the destruction of United States currency notes or postage stamps;
5. Burning equipment designed and used for the removal of insulation from electric motors, electrical wires, or for cleaning of steel drums;
6. Burning equipment designed and used for the disposal of sewage sludge, scum or grit;
7. Municipal burning equipment designed and used for the destruction of refuse which has a rated plant capacity in excess of 50 tons per day; or
8. Other special purpose waste-burning equipment, with written permission of the Director.

B. Sealing of Source.

A person owning or operating a waste-burning emission source which is not to be used or operated one year after the effective date of this Ordinance shall seal the same no later than one year after the effective date of this Ordinance.

C. Use of Authorized Waste-burning Emission Source.

A person shall not cause or permit the use or operation of any waste-burning emission source unless such emission source is utilized and maintained in a manner to assure compliance with the emission limitations and prohibitions of this Ordinance.

Section 805. BURNING OF COAL FOR SPACE AND WATER HEATING

A person shall not cause or permit, one year after the effective date of this Ordinance, the burning of coal in any residential, commercial, or school building for the purpose of providing space or water heating.

Section 806. DRY BLASTING

A person shall not cause or permit the dry blasting or cleaning of the exterior of any structure. The owner or operator of wet blasting or cleaning equipment shall at the end of each shift clean up the site where blasting is done so as to prevent the spent abrasive from becoming airborne or scattered by the wind.

Section 807. OPERATION OF CONTROL EQUIPMENT

A person shall not cause or permit the use or operation of any emission source for which control equipment is required under any Chapter, Section or subsection of this Ordinance unless such control equipment is utilized and maintained in a manner to assure compliance with the emission limitations and prohibitions of this Ordinance.

Section 808. CHANGE OF CONDITIONS

A person shall not cause or permit the operation of any emission source in such a manner or at such a rate in excess of that for which an installation permit or certificate of operation has been issued or conditioned.

Section 809. OPEN FIRES

A. Prohibition; Exemptions.

A person shall not ignite, cause or permit to be ignited, allow or maintain an open fire. The following types of open fires are exempt from the prohibition of this Section provided such fires are conducted in accordance with the conditions specified by the Division and are not injurious to human health, safety or welfare, animal life, or property, or unreasonably interfere with the comfortable enjoyment of life or property, or violate any other section of this Ordinance.

1. For the control of crop disease when the County agricultural agent declares that this is the only means available, provided the County agricultural agent has issued a

permit for such burning;

2. For training fireman or for research in fire prevention, provided the Division has given prior written approval;
3. For the health, safety and welfare of the community when such fires are ignited by order of a municipal fire department;
4. For the noncommercial cooking of food for human consumption;
5. For ceremonial or recreational purposes if properly controlled by a responsible person and the fuel used is limited to dry wood, dry paper or smokeless fuel; or
6. For warming of workers who work predominantly in the outdoors if the ambient temperature is lower than 32 degrees Fahrenheit and the fuel is limited to dry wood, dry paper, or smokeless fuel.

Section 810. USE OF IMPROPER FUELS IN MOTOR VEHICLES

A person or retailer, or his employee or agent, or wholesale purchaser-consumer, or his employee or agent, shall not sell, dispense, or offer for sale gasoline represented to be unleaded, unless such gasoline meets the defined requirements for unleaded gasoline; nor shall a person introduce, or cause or permit the introduction of leaded gasoline into any motor vehicle which is labeled "Unleaded Gasoline Only," or which is equipped with a gasoline tank filler inlet which is designed for the introduction of unleaded gasoline. A person or retailer, or his employee or agent, or wholesale purchaser consumer, or his employee or agent, shall not equip a device for dispensing leaded fuel to motor vehicles with a nozzle which would allow insertion into a gasoline tank filler inlet which is designed for the introduction of unleaded gasoline.

Chapter 9

SEALING OF EMISSION SOURCES

Section 901. REASONS FOR SEALING

The Director may require that an emission source be sealed if: (i) a required installation permit or certificate of operation has not been issued by the Division; or (ii) the owner or operator of the emission source has received three or more violations within any 12 consecutive months for violating emission limitations or prohibitions existing under this Ordinance.

Section 902. VIOLATIONS OF SEALING PROVISIONS

A person who is directed to seal an emission source and fails to do so, shall be in violation of this Ordinance. A person shall not cause or permit an emission source which has been sealed to be unsealed, used, or operated.

Section 903. SEALING OF SOURCES

The Director shall provide written notice to any person owning or operating an emission source which the Director believes should be sealed. The notice shall state the reason(s) for the proposed action and shall require the person to either seal the emission source or remedy the circumstances requiring the sealing within 30 days. If the source has not been sealed or the circumstances requiring the sealing remedied, the Director shall send a second written notice to the person requiring the emission source to be sealed, and shall follow up this notice by sealing the emission source until such time as corrective measures are undertaken. The notice shall inform the person of the right to appeal the Director's decision under Chapter 14.

Chapter 11
TESTING AND SAMPLING

Section 1101. INCORPORATED STATE RULES

The following Michigan Rules, as promulgated on February 22, 1985, are incorporated by reference and made a part hereof. For purposes of this Ordinance, the term "Division" shall replace the term "commission" wherever it appears in such incorporated rules.

A. Rule 1001.

"Performance Tests By Owner;" AACS R 336.2001.

B. Rule 1002.

"Performance Tests By Commission;" AACS R 336.2002.

C. Rule 1003.

"Performance Test Criteria;" AACS R 336.2003.

Section 1102. TEST REQUIREMENTS

A. Source Testing.

Unless otherwise specified by the Division, emission tests shall be conducted, and test results submitted, in accordance with the Division's "Requirements for Emission Source Testing" (Appendix A). The Division may modify or adjust such emission tests, based upon good practice, judgment, and experience, in order to accommodate specific sampling needs or conditions.

B. Visible Emissions.

Emission tests for particulate emissions shall include an evaluation of visible emissions associated with the emission source during each sampling period.

C. Emission Data.

Nothing in this Chapter renders data on the quantity or quality of emissions from any source confidential. The data or amount and nature of emissions from each source shall be public.

Chapter 12

CONTINUOUS EMISSION MONITORING AND RECORDING

Section 1201. INCORPORATED STATE RULES

All of the Michigan Part 11 Rules, as promulgated on February 22, 1985, dealing with continuous emission monitoring, are hereby incorporated by reference and made a part hereof; AACS R 336.2101 through R 336.2199. For purposes of this Ordinance, the term "Division" shall replace the term "commission" wherever it appears in such incorporated rules.

Section 1202. OTHER CONTINUOUS EMISSION MONITORING AND REQUIREMENTS

Notwithstanding Section 1201, the Division may require the owner or operator of an emission source to install, maintain and use emission recording monitoring devices and to make periodic reports to the Division on the nature and amounts of such emissions. Such reports shall become a public record. Failure to comply with the Division's request shall be deemed to be a violation of this Ordinance.

Section 1203. MONITORING EQUIPMENT SPECIFICATIONS

Unless otherwise specified by the Division, all monitoring and recording equipment installed pursuant to the requirements of this Chapter shall conform with the specifications contained in the Division's "Requirements for Continuous Emission Monitoring and Recording" (Appendix D).

Chapter 13

AIR POLLUTION EPISODES

Section 1301. INCORPORATED STATE RULES AND DECLARATION OF EPISODES

A. Incorporated Rules.

The following Michigan Rules, as promulgated on February 22, 1985, are incorporated by reference and made a part hereof. For purposes of this Ordinance, the term "Division" shall replace the term "commission" wherever it appears in such incorporated rules.

1. Rule 1301.

   "Definition of air pollution episode;" AACS R 336.2301.

2. Rule 1302.

   "Definition of air pollution forecast;" AACS R 336.2302.

3. Rule 1303.

   "Definition of air pollution alert;" AACS R 336.2303.

4. Rule 1304.

   "Definition of air pollution warning;" AACS R 336.2304.

5. Rule 1305.

   "Definition of air pollution emergency;" AACS R 336.2305.

B. Declaration of Air Pollution Episodes.

1. If the Division, after consultation with the Air Quality Division, Michigan Department of Natural Resources, determines the conditions described in incorporated State Rule 1302 have occurred, the Health Officer may declare an air pollution forecast.

2. If the Division, after consultation with the Air Quality Division, Michigan Department of Natural Resources, determines the conditions described in incorporated State Rule 1303 have occurred, the Health Officer may declare an air pollution alert.

3. If the Division, after consultation with the Air Quality Division, Michigan Department of Natural Resources, determines the conditions described in incorporated State Rule 1304 have occurred, the Health Officer may declare an air pollution warning.

4. If the Division, after consultation with the Air Division, Michigan Department of Natural Resources, determines the conditions described in incorporated State Rule 1305 have occurred, the Health Officer may declare an air pollution emergency.

Section 1302. EPISODE EMISSION ABATEMENT PROGRAMS

A. Programs.

A person responsible for the operation of a source that emits 0.25 or more tons per day of air contaminants for which ambient air quality standards have been adopted shall prepare an episode emission abatement program, consistent with good operational practice and safe operating procedures, for reducing the emission of air contaminants into the outer air during periods of an air pollution alert, warning, or emergency. An episode emission abatement program shall be designed to reduce or eliminate emission of air contaminants into the outer air in accordance with the objective of reducing levels of air contaminants below the alert level. The Division may require that an episode emission abatement program be prepared for any emission source which does not meet the above minimum emission rate if the Division reasonably believes the program is necessary for abatement of an air pollution episode.

B. Program Requirements.

A program required under subsection 1302.A shall be in writing and shall show the source of air contaminants, the approximate time required to effect the program, a brief description of the manner in which the reduction shall be achieved during each level of an air pollution episode and such other information deemed appropriate. A program shall be submitted to the Division upon its request and shall be subject to its review and approval. If, in the opinion of the Division, the program does not effectively carry out the objectives as set forth in subsection 1302.A, the Division may disapprove the program, state its reasons for disapproval, and request the preparation of an amended program within a time period specified in the request. If an amended program is

submitted which, in the opinion of the Division, fails to meet the objectives, the Division on its own initiative may amend the program to meet the objectives. The amended program shall thereafter be the episode emission abatement program for the affected source.

1. Administer oaths and affirmations and take affidavits;
2. Examine witnesses and receive documentary or other evidence;
3. Admit or exclude evidence;
4. Regulate the course of hearings, set the time and place for continued hearings and fix the time for filing for any documents; and
5. Do all other acts and take all measures necessary for the maintenance of order and for the efficient, fair and impartial adjudication of issues on appeal.

C. Program Availability.

During a condition of air pollution forecast, alert, warning, or emergency, an episode emission abatement program as required by subsection 1302.A shall be made available at the emission source location to any person authorized to enforce the provisions of the Division's emergency procedure.

D. Annual Review

A person owning or operating an emission source with an approved episode emission abatement program shall review such program annually and submit any changes to the Division by December 31 of each year. If in the judgment of the Division these changes are substantive, an amended program may be requested by the Division.

Section 1303. EPISODE ORDERS

A. Episodes.

When an air pollution episode has been declared, the Director, or his authorized agent, shall notify and order the owner or operator of the affected emission source to implement the applicable episode emission abatement program.

B. Notice of Malfunction.

When an air pollution episode has been declared, the owner or operator of the affected emission source that is located in the impacted area shall immediately notify the Division of any malfunction in control equipment for such source. The notice shall include the type of air contaminants being released, the approximate normal operating conditions, and the approximate time required to complete repairs on the control equipment. After reviewing the information, the Division may issue a new or an amended episode emission abatement program for that source.

C. Alert, Warning, Emergency.

When an air pollution alert, warning, or emergency has been declared, the Division shall notify the owner or operator of the affected emission source to immediately implement the episode emission abatement program for that source.

D. Health Officer Orders.

When an air pollution alert, warning, or emergency is declared, the Health Officer may issue orders:

1. Prohibiting the use of incinerators for the disposal of solid or liquid waste;
2. Prohibiting open burning by persons of tree waste, vegetation, refuse, or debris in any form;
3. Prohibiting persons from operating fuel-burning equipment which requires boiler-lancing or soot-blowing between the hours of 12:00 noon and 4:00 p.m., unless an alternate schedule acceptable to the Division has been submitted;
4. Discouraging the use of motor vehicles to the maximum extent possible.

E. Governor Orders.

When an air pollution emergency is declared, the Health Officer may request the Governor to issue orders:

1. Requiring manufacturing establishments not included in Section 1302 to institute actions required by the Division that shall result in a maximum reduction of the necessary air contaminants;
2. Prohibiting the use of motor vehicles, except in personal and public emergencies.