

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

AIR QUALITY DIVISION

PART 18. PREVENTION OF SIGNIFICANT DETERIORATION OF AIR QUALITY

R 336.2819 Innovative control technology.

Rule 1819. (1) An owner or operator of a proposed major stationary source or major modification may request the department to approve a system of innovative control technology.

(2) The department may, with notice to and advice from each affected state, determine that the major source or major modification may employ a system of innovative control technology, if all of the following occurs:

(a) The proposed control system would not cause or contribute to an unreasonable risk to public health, welfare, or safety in its operation or function.

(b) The owner or operator agrees to achieve a level of continuous emissions reduction equivalent to that which would have been required by R 336.2810(2), by a date specified by the department. The date shall not be later than 4 years from the time of startup or 7 years from permit issuance.

(c) The major source or major modification would meet the requirements equivalent to those in R 336.2810 and R 336.2811, based on the emissions rate that the major stationary source employing the system of innovative control technology would be required to meet on the date specified by the department.

(d) The major source or major modification would not do either of the following before the date specified by the department:

(i) Cause or contribute to any violation of an applicable national ambient air quality standard.

(ii) Impact any area where an applicable increment is known to be violated.

(e) All other applicable requirements including those for public participation have been met.

(f) The provisions of R 336.2816, relating to class I areas, have been satisfied with respect to all periods during the life of the major source or major modification.

(3) The department shall withdraw an approval to employ a system of innovative control technology made under this rule, if any of the following occurs:

(a) The proposed system fails by the specified date to achieve the required continuous emissions reduction rate.

(b) The proposed system fails before the specified date so as to contribute to an unreasonable risk to public health, welfare, or safety.

(c) The department decides at any time that the proposed system is unlikely to achieve the required level of control or to protect the public health, welfare, or safety.

(4) If a major source or major modification fails to meet the required level of continuous emissions reduction within the specified time period, or if the approval is withdrawn under subrule (3) of this rule, then the department may allow the major source or major modification up to an additional 3 years to meet the requirement for the application of best available control technology through use of a demonstrated system of control.

History: 2006 MR 23, Eff. Dec. 4, 2006.