



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
DETROIT



C. HEIDI GREETHER
DIRECTOR

June 21, 2018

Ms. Carol Glick
University of Michigan Dearborn
4901 Evergreen Road, 1200 CSS
Dearborn, Michigan 48128

SRN: K5375, Wayne County

Dear Ms. Glick:

VIOLATION NOTICE

On May 22, 2018, the Department of Environmental Quality (DEQ), Air Quality Division (AQD), received a letter dated May 14, 2018, from the University of Michigan – Dearborn (UM-D) located at 4901 Evergreen Road, Dearborn, Michigan regarding the “commenced construction of temporary and permanent boilers at the University of Michigan Dearborn Campus Engineering Laboratories Building.” As part of the review of the letter, the AQD evaluated UM-D’s compliance with the requirements of the federal Clean Air Act; Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451); the Air Pollution Control Rules; and Permit to Install 22-04.

As a result of the review, the following violation was identified:

Process Description	Rule/Permit Condition Violated	Comments
FGFACILITY	R 336.1201(1)	The facility commenced construction of one temporary boiler and three permanent boilers at the Engineering Laboratories Building (ELB) without obtaining a permit to install.

According to the May 14, 2018, letter, the ELB renovation project includes the construction of one “temporary” natural gas fired boiler with a design heat input capacity of 27,883,000 BTU/hr and three new identical boilers that will fire natural gas with distillate oil as a backup fuel. When firing natural gas, the heat input for each boiler will be 23,898,000 BTU/hr and 19,800,000 BTU/hr heat input when firing distillate oil. The letter also states that construction was commenced on May 8, 2018.

A demonstration that Rule 336.1278 does not apply and that the equipment meets one of the permit to install (PTI) exemptions contained in Rule 336.1280 through 1291 has not been provided. To apply PTI exemptions, a R 336.1278a test must be conducted.

“R 336.1278a. (1) To be eligible for a specific exemption listed in R 336.1280 to R 336.1291, any owner or operator of an exempt process or exempt process equipment must be able to provide information demonstrating the applicability of the exemption. The demonstration may include the following information:

- (a) A description of the exempt process or process equipment, including the date of installation.
- (b) The specific exemption being used by the process or process equipment.
- (c) An analysis demonstrating that R 336.1278 does not apply to the process or process equipment.”

At this time, the facility has not provided an analysis demonstrating that R 336.1278 does not apply.

“R 336.1278(1) The exemptions specified in R 336.1280 to R 336.1291 do not apply to either of the following:

- (a) Any activity that is subject to prevention of significant deterioration of air quality regulations or new source review for major sources in nonattainment areas regulations.
- (b) Any activity that results in an increase in actual emissions greater than the significance levels defined in R 336.1119. For the purpose of this rule, "activity" means the concurrent and related installation, construction, reconstruction, relocation, or modification of any process or process equipment.”

To evaluate this, UM-D must determine if the activity results in a potential to emit (PTE) greater than the significance levels defined in R 336.1119. The May 12, 2018, letter did not provide the PTE of the project.

“Significant” is defined under R 336.1119(e) as follows:

"Significant" means a rate of emissions for the following air contaminants which would equal or exceed any of the following:... (ii) Oxides of nitrogen - 40 tons per year, (iii) Sulfur dioxide – 40 tons per year.

As a result, there is insufficient evidence to demonstrate that R 336.1278(1) does not apply to the ELB construction activity, and therefore the analysis required under R 336.1278a(1)(c) has not been met. Consequently, any of the exemptions in R 336.1280 through 1291(a) are ineligible for use, and the facility is in violation of R 336.1201(1) for commencing construction of the boilers without having first obtained a Permit to Install.

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Be advised that R 336.1201 requires that a permit be obtained prior to installation, construction, operation, reconstruction, relocation, or alteration of any process or process equipment which may be a source of an air contaminant.

Please initiate actions necessary to correct the cited violation and submit a written response to this Violation Notice by July 12, 2018 (which coincides with 21 calendar days from the date of this letter). The written response should include: the dates the violation occurred; an explanation of the causes and duration of the violation; whether the violation is ongoing; a summary of the actions that have been taken and are proposed to be taken to correct the violation and the dates by which these actions will take place; and what steps are being taken to prevent a reoccurrence. A program for compliance may include a complete PTI application for the boilers. An application form is available by request, or at the following website: www.michigan.gov/deqair (in the shaded box on the upper right-hand side of the page)

Please submit the written response to the DEQ, AQD, Detroit District, at 3058 West Grand Blvd., Suite 2-300, Detroit, Michigan 48202 and submit a copy to Ms. Jenine Camilleri, Enforcement Unit Supervisor at the DEQ, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760.

If UM-D believes the above observations or statements are inaccurate or do not constitute a violation of the applicable legal requirements cited, please provide appropriate factual information to explain your position.

Thank you for your attention to resolving the violation cited above. If you have any questions regarding the violation or the actions necessary to bring this facility into compliance, please contact me at the number listed below.

Sincerely,



Katie Koster
Senior Environmental Engineer
Air Quality Division
313-456-4678

cc: Ms. Mary Ann Dolehanty, DEQ
Mr. Craig Fitzner, DEQ
Mr. Christopher Ethridge, DEQ
Ms. Jenine Camilleri, DEQ
Ms. Wilhemina McLemore, DEQ
Mr. Jeff Korniski, DEQ