

## ***MDEQ Issues NOx Rules***

The Michigan Department of Environmental Quality (MDEQ) has issued a new regulation, effective May 17, 2000, concerning emissions of oxides of nitrogen (NOx) from fossil fuel fired sources in Michigan.

The rule requires electric utilities to reduce NOx emissions by 55% from 1990 emission levels or to a system-wide average of 0.35 pounds NOx per million British Thermal Units (Btu) heat input, whichever is least stringent, by April 1, 2002. Electric utilities are also required to reduce NOx emissions by 65% from 1990 levels or a system-wide average of 0.25 pounds NOx per million Btu heat input by April 1, 2004. The rule also specifies NOx emission limits for fossil fuel-fired emission units with the potential to emit more than 25 tons of NOx per ozone season, including: fossil fuel-fired boilers and process heaters; gas-fired (more than 50% hydrogen) boilers and process heaters; stationary internal combustion engines; cement kilns; and stationary gas turbines. All of these regulated facilities are required to comply with the new NOx emission limits by April 1, 2003.

Any fossil fuel-fired emission unit with the potential to emit more than 25 tons of NOx per ozone season not specifically regulated under the rule was required to submit a proposal for controlling NOx emissions using reasonably available control technology considering technological and economic feasibility. These proposals were required to be submitted by April 1, 2000, and approved by MDEQ and implemented by the source by April 1, 2003.

The rule also specifies emission monitoring, performance testing and recordkeeping requirements associated with the new NOx emission limits.

Facilities that are subject to NOx emission limits issued under Section 126 or Section 110(c) of the Clean Air Act are exempt from these requirements. Last year, the United States Environmental Protection Agency (EPA) issued regulations of NOx emissions under Section 126 of the Clean Air Act for fossil fuel fired boilers with a maximum rated heat input capacity greater than 250 million Btu/hr. located in most parts of the Lower Peninsula of Michigan. See Vol. 9, *Michigan Environmental Compliance Update*, No. 12, March 1999. Non-boiler units, such as cement kilns, and facilities located outside the geographic area covered by EPA's Section 126 rule are not exempt from this MDEQ regulation.

This article was prepared by S. Lee Johnson, a partner in our Environmental Department, and previously appeared in the May, 2000 edition of the Michigan Environmental Compliance Update, a monthly newsletter prepared by the Environmental Department and published by M. Lee Smith Publishers.