



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
SOUTHEAST MICHIGAN DISTRICT OFFICE



DAN WYANT
DIRECTOR

August 26, 2014

Mr. Robert Clancy
Clancy Excavating Company
29950 Little Mack
Roseville, MI 48066-2241

SRN: B1774, Macomb (50) County

Dear Mr. Clancy:

VIOLATION NOTICE

On August 18, 2014, the Department of Environmental Quality (DEQ), Air Quality Division (AQD), conducted an inspection of Clancy Excavating Company ("Clancy") located at 29950 Little Mack, Roseville, Michigan. The purpose of this inspection was to determine Clancy'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 administrative rules; and the conditions of Permit to Install (PTI) number 589-87.

During the August 18, 2014 inspection, staff observed the following:

Process Description	Rule/Permit Condition Violated	Comments
A Pioneer Jaw Crusher Model 2854 of design capacity 250, or greater, tones per hour installed about 1986 and associated nonmetallic mineral processing equipment have been operating since 1986. ⁹	40 CFR, Part 60, Subpart 000, Standards of Performance for Nonmetallic Mineral Processing Plants.	Clancy failed to comply with the New Source Performance Standards (NSPS); particularly 40 CFR, Part 60, Subpart 000, §60.675, §60.676 .
An Eljay Cone Crusher Model 1313 of design capacity 250, or greater, tones per hour installed about 1986 and associated nonmetallic mineral processing equipment have been operating since 1986. ⁹	40 CFR, Part 60, Subpart 000, Standards of Performance for Nonmetallic Mineral Processing Plants.	Clancy failed to comply with the New Source Performance Standards (NSPS); particularly 40 CFR, Part 60, Subpart 000, §60.675, §60.676.
A Pioneer Jaw Crusher Model 2854 of design capacity 250, or greater, tones per hour installed about 1986 and associated nonmetallic mineral processing equipment have been operating since 1986. ⁹	40 CFR, Part 60, Subpart A, § 60.7 Notification and recordkeeping.	Clancy has failed to notify the DEQ-AQD and / or US EPA of this equipment as required.
An Eljay Cone Crusher Model 1313 of design capacity 250, or greater, tones per hour	40 CFR, Part 60, Subpart A, § 60.7 Notification and recordkeeping.	Clancy has failed to notify the DEQ-AQD and / or US EPA of this equipment as required.

installed about 1986 and associated nonmetallic mineral processing equipment have been operating since 1986. ⁹		
A Pioneer Jaw Crusher Model 2854 of design capacity 250, or greater, tones per hour installed about 1986 and associated nonmetallic mineral processing equipment have been operating since 1986. ⁹	40 CFR, Part 60, Subpart A, § 60.8 Performance tests.	Clancy has failed to conduct performance tests as required.
An Eljay Cone Crusher Model 1313 of design capacity 250, or greater, tones per hour installed about 1986 and associated nonmetallic mineral processing equipment have been operating since 1986. ⁹	40 CFR, Part 60, Subpart A, § 60.8 Performance tests.	Clancy has failed to conduct performance tests as required.
Entire crushing yard	Permit-to-Install (PTI) No. 589-87, Special Condition (SC) No. 12, Appendix A.	Inadequate dust control measures, logs and records. Unpaved yard is not maintained wet. Paved areas are not swept as required. Speed limit signs are not posted. Track out to public roads is not controlled.
<p>⁹ Clancy's crushing operation consists of one Primary Pioneer Jaw Crusher to crush for size reduction of incoming broken concrete, one Secondary Eljay Cone Crusher for size reduction of oversized crushed concrete from screener, one three-deck screener (only two of three decks are used), two conveyors (one for each screen size), etc. Each process equipment is NSPS 30 subject facility (§ 60.670). Each crusher is of design capacity greater than 150 tons per hour. The two crushers (Jaw and Cone) are constructed or modified after August 31, 1983.</p> <p>Please refer to July 2, 1998, letter of violation regarding NSPS 30 violations.</p>		

These concrete crushing processes (each crusher, grinding mill, screener [size-separator], bucket elevator, belt conveyor, storage bin, etc.) are subject to the federal Standards of Performance for New Sources (NSPS) for Standards of Performance for Nonmetallic Mineral Processing. These standards are found in Title 40 of the Code of Federal Regulations (CFR), Part 60, Subpart OOO (74 FR, 19309, April 28, 2009).

Fixed plant means any nonmetallic mineral processing plant at which the process equipment specified in 40 CFR, Part 60, Subpart OOO, § 60.670(a) is attached by a cable, chain, turnbuckle, bolt or other means (except electrical connections) to any anchor, slab, or structure including bedrock. **Portable** plant means any nonmetallic mineral processing plant that is mounted on any chassis or skids and may be moved by the application of a lifting or pulling force. In addition, there shall be no cable, chain, turnbuckle, bolt or other means (except electrical connections) by which any piece of equipment is attached or clamped to

any anchor, slab, or structure, including bedrock that must be removed prior to the application of a lifting or pulling force for the purpose of transporting the unit.

Additionally, please submit a report of your program for compliance with federal NSPS (Subparts a & OOO) by **September 16, 2014**. This report should also include a table, pertaining to each equipment (each crusher, grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, enclosed truck or railcar loading station), containing installation date, manufacture date, rated capacity in tons per hour, portable or fixed, Model and Serial Nos., each location (address) of operation with beginning and ending dates, calendar yearly production rates (for most recent five years) at each location, 40 CFR 60.8 performance test dates, and 40 CFR 60.7 notification dates. As stated on August 18, 2014, by Mr. Doug Clancy, the plant is always located at the above address; i.e. it is never relocated for the last several decades. He also stated that, in 1986, two old crushers were replaced with two new crushers covered by PTI No. 589-87.

Please initiate actions necessary to correct the cited violations and submit a **written response to this Violation Notice by September 16, 2014** (which coincides with 21 calendar days from the date of this letter). The written response should include: the dates the violations occurred; an explanation of the causes and duration of the violations; whether the violations are ongoing; a summary of the actions that have been taken and are proposed to be taken to correct the violations and the dates by which these actions will take place; and what steps are being taken to prevent a reoccurrence.

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

Thank you for your attention to resolving the violations cited above and for the cooperation that was extended to me during my inspection of Clancy. If you have any questions regarding the violations or the actions necessary to bring this facility into compliance, please contact me at the number listed below.

Sincerely,



Iranna Konanahalli

Senior Environmental Engineer

Air Quality Division

586-753-3741 or konanahalli@michigan.gov

ISK/DAC

cc/via email: Ms. Lynn Fiedler, DEQ
Ms. Teresa Seidel, DEQ
Mr. Thomas Hess, DEQ
Ms. Jenine Camilleri, DEQ
Mr. Dennis McGeen, DEQ
Mr. Chris Ethridge, DEQ