

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF THE DIRECTOR

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In the matter of administrative proceedings )  
against **GUARDIAN INDUSTRIES, INC.**, )  
a corporation organized under the laws of the )  
State of Michigan and doing business at )  
14600 Romine Road in the City of Carleton, )  
County of Monroe, State of Michigan )  
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AQD No. 39-2016

SRN: B1877

ADMINISTRATIVE FINE ORDER

I. STATUTORY AND REGULATORY AUTHORITY

1. This is an administrative action pursuant to the Natural Resources and Environmental Protection Act, 1994 PA 451 (NREPA), MCL 324.101 *et seq.*, which is an act that controls pollution to protect the environment and natural resources in the State.

2. Article II, Pollution Control, Part 55 of the NREPA (Part 55), MCL 324.5501 *et seq.*, provides for air pollution control regulations in this State.

3. The MDEQ was created as a principal department within the Executive Branch of the State of Michigan pursuant to Executive Order 2011-1 and has all statutory authority, powers, duties, functions and responsibilities to administer and enforce all provisions of Part 55.

4. The Director has delegated authority to the Chief of the AQD (AQD Chief) to issue this Administrative Fine Order.

5. Section 5506(1) of Part 55, MCL 324.5506(1), states that a person shall not operate a source that is required to obtain an operating permit under section 502a of title V of the clean air act, 42 USC 7661a, and which is thereby subject to the requirements of Section 5506(3), except in compliance with an operating permit issued by the MDEQ.

6. Under the delegated authority of the AQD Chief, pursuant to Section 5529 of Part 55, MCL 324.5529, the MDEQ may assess an administrative fine of up to \$10,000.00 for each instance of violation and, if the violation continues, for each day of continued noncompliance, if the MDEQ, on the basis of available information, finds that the person has violated or is in violation of Part 55 or rule promulgated under Part 55, has failed to obtain a permit required under Part 55, violates an order under Part 55, or has failed to comply with the terms of a permit issued under Part 55. If a single event

constitutes an instance of violation of any combination of Part 55, a rule promulgated under this Part 55, or a permit issued or order entered under Part 55, the amount of the administrative fine for that single event shall not exceed \$10,000.00 for that violation. The assessment of an administrative fine may be either a part of a compliance order or a separate order issued by the MDEQ.

7. The authority of the MDEQ under Section 5529 of Part 55 is limited to matters where the total administrative fine sought does not exceed \$100,000.00 and the first alleged date of violation occurred within twelve (12) months prior to initiation of the administrative action. Except as may otherwise be provided by applicable law, the MDEQ shall not condition the issuance of a permit on payment of an administrative fine assessed pursuant to Section 5529.

## II. ALLEGATIONS

8. Guardian Industries (Company) owns and operates a glass manufacturing facility located at 14600 Romine Road, City of Carleton, Michigan.

9. On October 1, 2014, the MDEQ issued Renewable Operating Permit No. MI-ROP-B1877-2014 to the Company. On May 5, 2015, the MDEQ revised the terms of the permit and issued Renewable Operating Permit No. MI-ROP-B1877-2014a to the Company. The MDEQ alleges that on July 21, 2015 and October 22, 2015, the Company exceeded the sulfuric acid mist limit for Line 2 during stack testing in violation of Renewable Operating Permit No. MI-ROP-B1877-2014a, Emission Unit No. 00080, Special Condition I.10. The payment of the administrative fine assessed in paragraph 10 of this Administrative Fine Order does not constitute an admission by the Company that the law has been violated.

## III. ADMINISTRATIVE FINE

10. Based on the alleged violations in this Administrative Fine Order, the seriousness and the duration of the violations alleged, the size of the Company's business, the economic impact of the administrative fine on the business, the Company's full compliance history and good faith efforts to comply, the economic benefit of noncompliance, and other factors, the MDEQ is assessing an administrative fine of \$10,000 for the alleged violation in this Administrative Fine Order.

11. The administrative fine reflects a presumption of the Company's ability to pay the penalty, to continue in business based on the size of its operation and the economic impact of the administrative fine on its business.

12. Within thirty (30) days after the effective date of this Administrative Fine Order, the Company shall pay to the General Fund of the State of Michigan, in the form of a check made payable to the "State of Michigan" and delivered to the Michigan Department of Environmental Quality, Financial and Business Services Division, Revenue Control, P.O. Box 30657, Lansing, Michigan 48909-8157, an administrative fine of \$10,000.00, which includes AQD costs for investigation and enforcement. To ensure proper credit, all payments made pursuant to this Administrative Fine Order shall include the Agreement Identification No. AQD40150 on the face of the check. This administrative fine is in addition to any fees, taxes, or other fines that may be imposed on the Company by law.

13. Pursuant to Section 5528 of Part 55, MCL 324.5528, the Company has been given an opportunity to resolve the alleged violations in paragraph 9 of this Administrative Fine Order through entry of an administrative consent order.

14. Upon payment of the administrative fine pursuant to paragraph 12 of this Administrative Fine Order, the MDEQ shall consider the alleged violation (s) as set forth in paragraph 9 to be resolved.

#### IV. NOTICE OF OPPORTUNITY TO REQUEST A HEARING

15. Within twenty-eight (28) days after being assessed an administrative fine from the MDEQ through this Administrative Fine Order, a person may file a petition with the MDEQ for review of this administrative fine. Review of the fine shall be conducted pursuant to the contested case procedures of the Administrative Procedures Act, MCL 324.24.271 to MCL 324.24.287.

#### V. GENERAL PROVISIONS

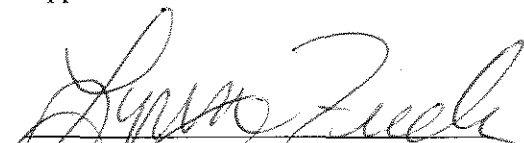
16. This Administrative Fine Order in no way affects the Company's responsibility to comply with any other applicable state and federal, or local laws or regulations, including without limitation, any amendments to the federal Clean Air Act, 42 USC 7401 *et seq.*, Part 55 or their rules and regulations, or to the State Implementation Plan.

17. Section 5530 of Part 55, MCL 324.5530, may serve as a source of authority but not a limitation under which the Administrative Fine Order may be enforced. Further, Part 17 of NREPA,

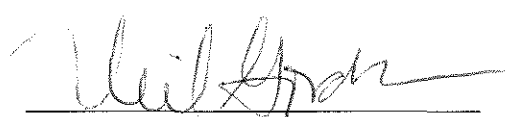
MCL 324.1701 *et seq.*, and all other applicable laws and any other legal basis or applicable statute may be used to enforce this Administrative Fine Order.

18. This Administrative Fine Order becomes effective on the date of execution (effective date of this Administrative Fine Order) by the AQD Chief.

Approved as to Content:

  
Lynn Fiedler, Chief  
AIR QUALITY DIVISION  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

Approved as to Form:

  
Neil Gordon, Section Head  
ENVIRONMENTAL REGULATION SECTION  
ENVIRONMENT, NATURAL RESOURCES,  
AND AGRICULTURE DIVISION  
DEPARTMENT OF ATTORNEY GENERAL

Dated: 9/20/16

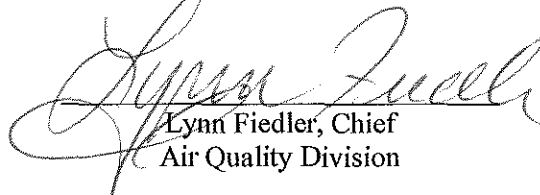
Dated: 9/14/2016

ADMINISTRATIVE FINE ORDER

The Chief of the Air Quality Division having had opportunity to review the Administrative Fine Order and having been delegated authority to enter into Administrative Fine Orders by the Director of the Michigan Department of Environmental Quality pursuant to the provisions of Part 55 of NREPA and otherwise being fully advised on the premises,

HAS HEREBY ISSUED the approved Administrative Fine Order and it shall be entered in the record of the MDEQ as an Administrative Fine Order.

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY



Lynn Fiedler, Chief  
Air Quality Division

Effective Date: 9/20/16