

Dorothy



April 24, 2014
Project No. G080031M14

Ms. Dorothy Bohn
Michigan Department of Environmental Quality
Air Quality Division
Kalamazoo District Office
7953 Adobe Road
Kalamazoo, MI 49009-5026



Re: Response to Violation Notice
Aggregate Resources, Inc., Kalamazoo County, Michigan
State Registration No. (SRN) B6114

Dear Dorothy:

On behalf of Aggregate Resources, Fishbeck, Thompson, Carr & Huber, Inc. (FTCH) is responding to the violation notice dated April 3, 2014. The violation notice alleges that failure to submit Rule 208(a) Registration Renewal along with the Michigan Air Emissions Reporting System (MAERS) report constitutes a violation of the rule. The notice also states that the facility is now subject to the Renewable Operating Permit (ROP) program. However, pursuant to rule Rule 208(a)(8), the facility is not subject to the ROP requirements, as Rule 208(a)(8) states:

A stationary source that has registered pursuant to this rule becomes subject to applicable renewable operating permit requirements for a major source pursuant to R 336.1210 if both of the following conditions are met:

(a) The actual emissions from the stationary source exceed the emission thresholds listed in subrule (1) of this rule that are accepted as emission limitations pursuant to subrule (2) of this rule.

(b) The potential to emit of the stationary source exceeds 100% of a major source emission threshold, pursuant to R 336.1211(1).

The actual emissions at Aggregate Resources were well below the emission thresholds in Rule 208(a). In addition, all of the equipment that is currently operating at this site is covered under Permit To Install (PTI) No. 81-77A. This permit limits the production of sand and gravel at the site to less than 1,000,000 tons per year (tpy). Using the uncontrolled U.S. Environmental Protection Agency webfire emission factor for total particulate from plant-wide activities (Source Classification Code 3-05-025-01) of 0.1 pound per ton (lb/ton) and the potential to emit (PTE) of 1,000,000 tons of product, results in a PTE for particulate of 50 tpy. PTI No. 81-77A requires proper control on a majority of the operations. The Michigan Department of Environmental Quality (MDEQ) MAERS handbook recommends a control efficiency of 80 percent for such operations, which would further reduce the particulate PTE to approximately 10 tpy. The uncontrolled MDEQ emission factor for PM10 is 0.05 lb/ton. Using the same assumptions would result in a PTE for PM10 of 5 tpy. Assuming PM2.5 would be a subset of PM10, and that emissions could not exceed those of PM10, the PTE for PM2.5 would be 5 tpy. The facility does not have any equipment, other than sand and gravel operations, that contributes to PTE. Therefore, the facility is considered a true minor source and is not subject to the ROP requirements.

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We believe that the Rule 208(a) registration may have been submitted initially because of additional equipment that may have been operating at the site, primarily by the previous owners. This registration or other opt-out permits are no longer necessary.

If you have any questions or require additional information, please contact me at 269-544-6955 or email lmspurr@ftch.com.

Sincerely,

FISHBECK, THOMPSON, CARR & HUBER, INC.


Lynn M. Spurr

lkj

By email and UPS

cc: Mr. Phil Cole - Aggregate Resources, Inc. (by email only)

Ms. Mary Douglas - MDEQ, Kalamazoo District Office, Air Quality Division (by email only)