

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY DIVISION

In the matter of administrative proceedings)
against **BREWER SAND & GRAVEL**, a)
corporation organized under the laws of the)
State of Michigan and doing business at 877)
Chicago Drive, in the City of Holland, County)
of Ottawa, State of Michigan)
_____)

AQD No. 21-2004

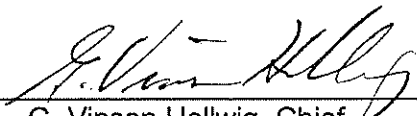
SRN: N3312

NOTICE OF TERMINATION

This Notice is issued pursuant to a request for termination submitted by Brewer Sand & Gravel, pursuant to paragraph 22 of the Stipulation for Entry of Final Order by Consent (Consent Order), AQD No. 21-2004. The request contained supporting information as required by paragraph 22 of AQD No. 21-2004. Review of this request and supporting information indicates that Brewer Sand & Gravel has achieved compliance with the terms and requirements of the Consent Order.

THEREFORE, effective on the date signed below, AQD No. 21-2004 is terminated. The DEQ reserves the right to pursue administrative, civil and/or criminal proceedings, including the assessment of monetary fines, for any falsification of information submitted in support of Brewer Sand & Gravel's request for termination of the Consent Order AQD No. 21-2004, or for any violation of the Michigan Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, MCL 324.5501 *et seq*; and all other applicable laws.

By: _____


G. Vinson Hellwig, Chief
Air Quality Division
Michigan Department of
Environmental Quality

Dated: 6/15/11



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



DAN WYANT
DIRECTOR

June 16, 2011

Mr. Jerry L. Brewer
Brewer Sand & Gravel
877 Chicago Drive
Holland, Michigan 49423-3005

Dear Mr. Brewer:

Enclosed is the Notice of Termination for Stipulation for Entry of Final Order by Consent, AQD No. 21-2004. This is in response to the request made by your company to the Michigan Department of Environmental Quality (DEQ).

If you have any questions regarding the enclosed notice, please contact Ms. Rachel McLeod, Enforcement Unit, Air Quality Division, at 517-241-7622.

Sincerely,

G. Vinson Hellwig, Chief
Air Quality Division
517-373-7069

Enclosure

cc/enc: Ms. Sara Breneman, U.S. Environmental Protection Agency, Region 5
Mr. Neil Gordon, Department of Attorney General
Ms. Heidi Hollenbach, DEQ
Mr. Mike Kovalchick, DEQ
Ms. Rachel McLeod, DEQ

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STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF THE DIRECTOR

In the matter of administrative proceedings)
against BREWER SAND & GRAVEL, a)
corporation organized under the laws of the)
State of Michigan and doing business at 877)
Chicago Drive, in the City of Holland,)
County of Ottawa, State of Michigan)
)

AQD No. 21-2004

SRN: N3312

STIPULATION FOR ENTRY OF FINAL ORDER
BY CONSENT

This proceeding resulted from allegations by the Michigan Department of Environmental Quality ("MDEQ") Air Quality Division ("AQD") against Brewer Sand & Gravel, ("Company"), a Michigan corporation located at 877 Chicago Drive in the City of Holland, County of Ottawa, State of Michigan, with State Registration Number ("SRN") N3312. The MDEQ alleges that the Company is in violation of Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended ("Part 55 of the NREPA"), Permit to Install ("PTI") No. 1248-91, and federal New Source Performance Standards for Non-Metallic Mineral Processing Plants as listed in 40 Code of Federal Regulations ("CFR"), Part 60 Subpart OOO ("NSPS") as outlined in the Letter of Violation ("LOV") issued on November 3, 2003. Specifically, the MDEQ alleges that the Company is in violation of Michigan Administrative Code ("MAC") R336.1201 ("Rule 201") for replacing a crusher and adding or replacing processing equipment without obtaining a new source review PTI modification. In addition, the Company is also in violation of PTI No. 1248-91 Special Condition Nos. 16 and 17 for failure to maintain records of production and hours of operation. Furthermore, the Company violated the NSPS 40 CFR 60.676(f) and (h) for failure to report information regarding replacement of equipment and failure to conduct and report particulate testing requirements. The Company and MDEQ stipulate to the termination of this proceeding by entry of a Stipulation for Entry of a Final Order by Consent ("Consent Order").

The Company and MDEQ stipulate as follows:

1. The Natural Resources and Environmental Protection Act, 1994 PA 451, ("Act 451"), MCL 324.101 et seq is an act that controls pollution to protect the environment and natural resources in the State.
2. Article II, Pollution Control, Part 55 of Act 451 ("Part 55"), MCL 324.5501 et seq provides for air pollution control regulations in this State.

3. The Michigan Department of Natural Resources ("MDNR") is authorized pursuant to Section 5503 of Part 55 to administer and enforce all provisions of Part 55. Section 301 of Part 3 provides the authority to the Director of the MDNR to delegate powers and duties.

4. The MDEQ was created as a principal department within the Executive Branch of the State of Michigan pursuant to Executive Order 1995-18. All statutory authority, powers, duties, functions and responsibilities of the MDNR AQD were transferred to the Director of the MDEQ ("Director").

5. The Director has delegated authority to the Chief of the AQD ("AQD Chief") to enter into this Consent Order.

6. The termination of this matter by a Consent Order pursuant to Section 5528 of Part 55 is proper and acceptable.

7. The Company and the MDEQ agree that the signing of this Consent Order is for settlement purposes only and does not constitute an admission by the Company that the law has been violated.

8. This Consent Order becomes effective on the date of execution ("effective date of this Consent Order") by the AQD Chief.

9. The Company shall achieve compliance with the aforementioned regulations in accordance with the requirements contained in this Consent Order.

COMPLIANCE PROGRAM AND IMPLEMENTATION SCHEDULE

10. A. Permits to Install

On and after the effective date of this Consent Order, the Company shall fully comply with the terms and conditions of General Permit to Install ("GPTI") No. 17-04, attached as Exhibit A, incorporated by reference, and made an enforceable part of this Consent Order.

B. Visible Emission Limits

On and after the effective date of this Consent Order, the Company shall not cause or permit the discharge of a visible emission of density greater than the following equipment specific opacity limitations into the outer air from their portable crushing plant as specified in Exhibit A.

1.	Any equipment enclosed within a building	No visible emissions
2.	Crushers	15%
3.	Screens	10%
4.	Rock Drills	5%
5.	Conveyors / Transfer points	10%
6.	Wash Screens and all subsequent equipment	No visible

	downstream up to the next crusher or storage bin	emissions
7.	All equipment required by NSPS to be controlled by a baghouse	7%
8.	Wheel loaders and truck traffic	5%
9.	Material storage piles	5%
10.	Any other process equipment which is part of the nonmetallic mineral crushing facility or related processes	10%

RECORDKEEPING, REPORTING, AND TESTING

11. A. The Company shall evaluate the visible emissions from the portable crushing plant by testing. Visible emissions shall be evaluated from the crushers, conveyors and all associated transfer points in accordance with 40 CFR, Part 60, Subparts A and OOO. Visible emission test methods and procedures must have prior approval by the AQD Grand Rapid District Supervisor. The visible emission test shall be conducted in accordance with the following schedule:

1. By July 31, 2004, the Company shall have completed the testing in accordance with the approved test plan.
2. By September 30, 2004, the Company shall submit to the AQD Grand Rapids District Supervisor a test report, which includes the test data and results, in accordance with the requirements specified in Exhibit B.

B. On and after the effective date of this Consent Order, pursuant to MAC R336.202 ("Rule 2"), the Company shall submit a complete annual emission report in a manner and on the forms required by the MDEQ by March 15 of each year following notification by the MDEQ that the report is required.

NOTIFICATION

12. On and after the effective date of this Consent Order, the Company shall provide notification and a written report of any abnormal conditions, start-up, shutdown, or malfunction of process and/or control equipment, in accordance with the provisions and requirements of MAC R336.1912 ("Rule 912") to the AQD Grand Rapids District Supervisor.

SUPPLEMENTAL ENVIRONMENTAL PROJECTS

13. A. No later than March 30, 2005, the Company shall notify the AQD Grand Rapids District Supervisor in writing when the paving Supplemental Environmental Project ("SEP") will begin.

B. By May 1, 2005, the Company shall pave the truck operation areas at the facility.

C. No later than 30 days after the paving is completed, the Company shall submit a detailed summary of the final actual cost of the paving to the AQD Enforcement Unit.

14. No later than March 30, 2005, the Company shall provide evidence to the AQD Grand Rapids District Supervisor that at least 0.20 acres of land has been donated to Macatawa Greenway Project for the purposes of building a pedestrian bridge across the Macatawa River. The purpose of the pedestrian bridge is to help preserve and connect green spaces, streams and natural lands to create greenway corridors to benefit people and wildlife in the greater Holland/Zeeland area. Evidence to show that this SEP has been completed shall include a copy of a title of the property in the name of Macatawa Greenway Project.

GENERAL PROVISIONS

15. On and after the effective date of this Consent Order, except as otherwise provided by the administrative rules of Part 55, the Company shall not install, construct, reconstruct, relocate, alter, or modify any process or process equipment including control equipment pertaining thereto, which may emit an air contaminant, unless a permit to install which authorizes such action is issued by the MDEQ pursuant to Rule 201, the Company is issued a waiver pursuant to Rule 202, or the change is exempt from the requirements of Rule 201.

16. Within thirty (30) days after the effective date of this Consent 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, a settlement amount of \$13,000 which includes AQD costs for investigation and enforcement. To ensure proper credit, all payments made pursuant to this Consent Order shall include the Agreement Identification No. AQD1081 on the face of the check. This settlement amount is in addition to any fees, taxes, or fines for other violations that may be imposed on the Company by law.

17. On and after the effective date of this Consent Order, if the Company fails to complete the SEP specified in Paragraph 13 of this Consent Order, the Company shall pay a stipulated penalty of \$7000. On and after the effective date of this Consent Order, if the Company fails to complete the SEP specified in Paragraph 14 of this Consent Order, the Company shall pay a stipulated penalty of \$20,000. On and after the effective date of this Consent Order, if the Company fails to comply with paragraph 15 of this Consent Order, the Company shall pay a stipulated fine of \$7500 per violation. On and after the effective date of this Consent Order, if the Company fails to comply with paragraph(s) 10.B. or 11.A. of this Consent Order, the Company shall pay stipulated fines of \$2000 per violation per day. On and after the effective date of this Consent Order,

if the Company fails to comply with paragraphs 10.C. or 11.B. of this Consent Order, the Company shall pay stipulated fines of \$1000 per violation per day. On and after the effective date of this Consent Order, if the Company fails to comply with any other provision of this Consent Order, the Company shall pay stipulated fines of \$500.00 per violation per day. Stipulated fines submitted under this Consent Order shall be by check, payable to the State of Michigan within thirty (30) days of demand and shall be delivered to the Michigan Department of Environmental Quality, Financial and Business Services Division, Revenue Control, P.O. Box 30657, Lansing, Michigan 48909-8157. To ensure proper credit, all payments shall include the Agreement Identification No. AQD1081S on the face of the check. Payment of stipulated fines shall not alter or modify in any way the Company's obligation to comply with the terms and conditions of this Consent Order.

18. The AQD, at its discretion, may seek stipulated fines or statutory fines for any violation of this Consent Order which is also a violation of any provision of applicable federal and state law, rule, regulation, permit, or MDEQ administrative order. However, the AQD is precluded from seeking both a stipulated fine under this Consent Order and a statutory fine for the same violation.

19. To ensure timely payment of the settlement amount assessed in paragraph 16 and any stipulated fines assessed pursuant to paragraph 17 of this Consent Order, the Company shall pay an interest penalty to the State of Michigan each time it fails to make a complete or timely payment under this Consent Order. The interest penalty shall be determined at a rate that is one percent (1%) plus the average interest rate paid at auctions of 5-year United States Treasury notes during the six (6) months immediately preceding July 1 and January 1, as certified by the State Treasurer, compounded annually, using the full amount due as principal, calculated from the due date specified in this Consent Order until the date that delinquent payment is finally paid in full. Payment of an interest penalty by the Company shall be made to the State of Michigan in accordance with paragraph 16 of this Consent Order. Interest payments shall be applied first towards the most overdue amount or outstanding interest penalty owed by the Company before any remaining balance is applied to subsequent payment amount or interest penalty.

20. The Company agrees not to contest the legal basis for the settlement amount assessed pursuant to paragraph 16. The Company also agrees not to contest the legal basis for any stipulated fines assessed pursuant to paragraph 17 of this Consent Order, but reserves the right to dispute in a court of competent jurisdiction the factual basis upon which a demand by MDEQ of stipulated fines is made. In addition, the Company agrees that said fines have not been assessed by the MDEQ pursuant to Section 5529 of Part 55 and therefore are not reviewable under Section 5529 of Part 55.

21. This compliance program is not a variance subject to the 12 month limitation specified in Section 5538 of Part 55.

22. This Consent Order shall remain in full force and effect for a period of at least two (2) years. Thereafter, the Consent Order shall terminate only upon written notice of termination issued by the AQD Chief. Prior to issuance of a written notice of termination, the Company shall submit a request consisting of a written certification that the Company has fully complied with all the requirements of this Consent Order and has made all payments including all stipulated fines required by this Consent Order. Specifically, this certification shall include: (i) the date of compliance with each provision of the compliance program and the date any payments or stipulated fines were paid; (ii) a statement that all required information has been reported to the AQD Grand Rapids District Supervisor; (iii) confirmation that all records required to be maintained pursuant to this Consent Order are being maintained at the facility; and, (iv) such information as may be requested by the AQD Chief.

23. In the event Brewer Sand & Gravel sells or transfers the facility, with SRN N3312, it shall advise any purchaser or transferee of the existence of this Consent Order in connection with such sale or transfer. Within thirty (30) calendar days, the Company shall also notify the AQD Grand Rapids District Supervisor, in writing, of such sale or transfer, the identity and address of any purchaser or transferee, and confirm the fact that notice of this Consent Order has been given to the purchaser and/or transferee. The purchaser and/or transferee of this Consent Order must agree, in writing, to assume all of the obligations of this Consent Order. A copy of that agreement shall be forwarded to the AQD Grand Rapids District Supervisor within thirty (30) days of assuming the obligations of this Consent Order.

24. Prior to the effective date of this Consent Order and pursuant to the requirements of Sections 5511 and 5528(3) of Part 55, the public was notified of a 30-day public comment period and was provided the opportunity for a public hearing.

25. Section 5530 of Part 55 may serve as a source of authority but not a limitation under which the Consent Order may be enforced. Further, Part 17 of Act 451 and all other applicable laws and any other legal basis or applicable statute may be used to enforce this Consent Order.

26. Brewer Sand & Gravel hereby stipulates that entry of this Consent Order is a result of an action by MDEQ to resolve alleged violations of its facility located at 877 Chicago Drive, Holland, Michigan. Brewer Sand & Gravel further stipulates that it will take all actions necessary to fully comply with this Consent Order, even if Brewer Sand & Gravel is ever subject to a bankruptcy proceeding in the future. It is the intent of all parties not to seek discharge of the settlement amount and any stipulated fines imposed hereunder in any future bankruptcy proceedings, including taking necessary steps to obtain an order from the pertinent U.S. Bankruptcy Court designating the settlement amount and any future stipulated fines as exceptions to discharge pursuant to 11 U.S. Code Section 523(a)(7). Brewer Sand & Gravel, during and after any future bankruptcy proceedings, will ensure that the settlement amount and any future stipulated fines remain an obligation to be paid in full by Brewer Sand & Gravel. In the event Brewer Sand & Gravel reorganizes under the U.S. Bankruptcy Code, any

unpaid portion of the settlement amount or stipulated fines shall be designated by Brewer Sand & Gravel as an administrative expense.

The undersigned certifies that he/she is fully authorized by the Company to enter into this Consent Order and to execute and legally bind the Company to it.

BREWER SAND & GRAVEL

JAMES M. BREWER - PRES
Print Name and Title

James M. Brewer Date: 9-29-04
Signature

The above signatory subscribed and sworn to before me this 22 day of September, 2004.

Ottawa County, MI
Acting in Ottawa County, MI
My Commission Expires March 13, 2008
Renee J. Cochran
Notary Public

Approved as to Content:

Approved as to Form:

G. Vinson Hellwig
G. Vinson Hellwig, Chief
AIR QUALITY DIVISION
DEPARTMENT OF
ENVIRONMENTAL QUALITY

Alan F. Hoffman
Alan F. Hoffman, Section Head
ENVIRONMENTAL REGULATION SECTION
ENVIRONMENT, NATURAL RESOURCES,
AND AGRICULTURE DIVISION
DEPARTMENT OF ATTORNEY GENERAL

Dated: 9/29/04

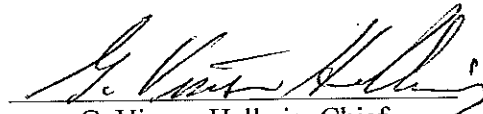
Dated: 9/29/04

FINAL ORDER

The Chief of the Air Quality Division having had opportunity to review the Consent Order and having been delegated authority to enter into Consent Orders by the Director of the Michigan Department of Environmental Quality pursuant to the provisions of Part 55 of Act 451 and otherwise being fully advised on the premises,

HAS HEREBY ORDERED that the Consent Order is approved and shall be entered in the record of the MDEQ as a Final Order.

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY


G. Vinson Hellwig, Chief
Air Quality Division

Dated: 9/29/04

EXHIBIT A

General Permit to Install No. 17-04

GENERAL CONDITIONS

1. The process or process equipment covered by this general permit to install shall not be reconstructed, relocated, or modified unless a Permit to Install pursuant to Rule 201 authorizing such action is issued by the Department, or an application for coverage under a General Permit to Install pursuant to Rule 201a, is submitted to and approved by the Department. For the purpose of a general permit to install, the permittee is defined as any person who owns or operates a process or process equipment at the source for which coverage under the general permit has been granted.
2. Operation of any process or process equipment shall not result in the emission of an air contaminant which causes injurious effects to human health or safety, animal life, plant life of significant economic value, or property, or which causes unreasonable interference with the comfortable enjoyment of life and property. [R336.1901]
3. Operation of this equipment shall not interfere with the attainment or maintenance of the air quality standard for any air contaminant. [R336.1207(1)(b)]
4. The permittee shall provide notice of an abnormal condition, start-up, shutdown, or malfunction that results in emissions of a hazardous or toxic air pollutant which continue for more than one hour in excess of any applicable standard or limitation, or emissions of any air contaminant continuing for more than two hours in excess of an applicable standard or limitation, as required in Rule 912, to the Department. The notice shall be provided not later than two business days after start-up, shutdown, or discovery of the abnormal condition or malfunction. Written reports, if required, must be filed with the Department within 10 days after the start-up or shutdown occurred, within 10 days after the abnormal conditions or malfunction has been corrected, or within 30 days of discovery of the abnormal conditions or malfunction, whichever is first. The written reports shall include all of the information required in Rule 912(5).
5. Coverage under this general permit to install does not exempt the permittee from complying with any future regulation, which may be promulgated under Part 55 of 1994 PA 451.
6. Coverage under this general permit to install does not obviate the necessity of obtaining such permits or approvals from other units of government as required by law.
7. The permittee shall notify any public utility of any excavation, tunneling and discharging of explosives or demolition of buildings which may affect said utility's facilities in accordance with Act 53 of the Public Acts of 1974, being sections 460.701 to 460.718 of the Michigan Compiled laws and comply with each of the requirements of that Act.
8. The restrictions and conditions of this general permit to install shall apply to any person or legal entity which now or shall hereafter own or operate the equipment for which coverage under this general permit to install is issued. A written request to the Department for a change in ownership or operational control of the process or process equipment shall be made pursuant to Rule 219.
9. If the installation of the equipment for which coverage under this general permit to install has been issued, has not commenced within, or has been interrupted for, 18 months, then the general permit to install shall become void unless otherwise authorized by the Department as a condition of the permit. Furthermore, the permittee shall notify the Department via the Supervisor, Permit Section, Air Quality Division, Michigan Department of Environmental Quality,

P.O. Box 30260, Lansing, Michigan 48909, if it is decided not to pursue the installation or construction of the equipment allowed by this general permit to install. [R336.1201(4)]

10. Except as provided in subrules (2) and (3) or unless the special conditions of the general permit to install include an alternate opacity limit established pursuant to subrule (4) of R336.1301, the permittee shall not cause or permit to be discharged into the outer air from a process or process equipment a visible emission of a density greater than the most stringent of the following. The grading of visible emissions shall be determined in accordance with R336.1303. [R336.1301(1)]
 - a) A six-minute average of 20 percent opacity, except for one six-minute average per hour of not more than 27 percent opacity.
 - b) A visible emission limit specified by an applicable federal new source performance standard.
 - c) A visible emission limit specified as a condition of this general permit to install.
11. Collected air contaminants shall be removed as necessary to maintain the equipment at the required operating efficiency. The collection and disposal of air contaminants shall be performed in a manner so as to minimize the introduction of contaminants to the outer air. Transport of collected air contaminants in Priority I and II areas requires the use of material handling methods specified in R336.1370(2). [R336.1370]
12. The Department may require the permittee to conduct acceptable performance tests, at the permittee's expense, in accordance with R336.2001 and R336.2003, under any of the conditions listed in R336.2001. [R336.2001]
13. Any required testing protocol shall conform to a format acceptable to the AQD. [R336.2003(1)]
14. Any required test results, which must be submitted to the AQD, shall conform to a format acceptable to the AQD. [R336.2001(4)]
15. Any air cleaning device shall be installed, maintained, and operated in a satisfactory manner and in accordance with the Michigan Air Pollution Control rules and existing law. [R336.1910]
16. Except as allowed by Rule 285(a), (b), and (c) the permittee shall not substitute any fuels, coatings, nor raw materials for those described in the application and allowed by this general permit, nor make changes to the process or process equipment described in the application, without prior notification to and approval by the Air Quality Division.
17. For a stationary source that becomes a major source, as defined by R336.1211(1)(a), upon receipt of approval for coverage under this general permit to install, an administratively complete application for a renewable operating permit shall be submitted not more than 12 months after the stationary source commences operation as a major source. Commencing operation as a major source occurs upon commencement of trial operation of the new or modified process or process equipment that increased the potential to emit of the stationary source to more than or equal to the applicable major source definition specified in R336.1211(1)(a).
18. For a stationary source that is already a major source with an existing renewable operating permit, the source shall notify the Department of the installation of the process or process equipment covered by this general permit, pursuant to R336.1215(3) or apply for a modification pursuant to R336.1216(2) prior to commencing operation. The notification or application to modify the renewable operating permit shall be made using a form approved by the Department.

SPECIAL CONDITIONS

I. DESIGN PARAMETERS	
A. Process Equipment Covered by General Permit	Crusher(s) and associated process equipment including grinding mills, drills, screening operations, bucket elevators, belt conveyors, loading and bagging operations, storage bins, enclosed truck or railcar loading stations and any other material handling equipment operated at the site. (R 336.1201a(1))
B. Pollution Control Equipment	Each crusher and screen shall be equipped with a water spray. A baghouse dust collector may alternatively be installed in lieu of water spray for any particular piece of equipment. Operation of the control equipment is required only when necessary to meet applicable emission limits. (R 336.1205, R 336.1301, R 336.1303, R 336.1331, R 336.1901, and R 336.1910)
C. Visible Emissions Limits (R 336.1205, R 336.1301, R 336.1901, 40 CFR 60.670)	
Equipment	Opacity Limit (%)
1. Any equipment enclosed within a building	No visible emissions
2. All crushers	15
3. Screens	10
4. Rock drills	5
5. Conveyors/Transfer points	10
6. Wash screens and all subsequent equipment downstream up to the next crusher or storage bin	No visible emissions
7. All equipment required by NSPS to be controlled by a baghouse	7
8. Wheel loaders and truck traffic	5
9. Material storage piles	5
10. Any other process equipment which is part of the nonmetallic mineral crushing facility or related processes	10
II. MATERIAL PROCESSING/EMISSION LIMITS	
A. Material	Maximum Process Rate/Applicable Requirement
Any non-metallic mineral	No more than 2,000,000 tons processed per year per site. (R 336.1205)
B. Pollutant	Maximum Emission Limit/Applicable Requirement
Particulate	0.04 pounds per 1,000 pounds of exhaust gas calculated on a dry gas basis for exhaust from each baghouse dust collector. (R 336.1331)
III. COMPLIANCE EVALUATION	
Records of all of the following shall be maintained on file for a period of 2 years (R 336.1201a(1))	
A. MONITORING/RECORDKEEPING - In Addition to General Conditions	
1. Parameter to be Recorded and Frequency	Daily and annual records of the amount of material processed for each site at which the facility operates. (R 336.1205)
2. Reports and	Made available to the DEQ-AQD upon request. (R 336.1201a(1))

Schedules	
B. TESTING - In Addition to General Conditions	
1. Parameter to be Tested	Visible emission rates and particulate emission rates from all New Source Performance (NSPS) subject crushers, screens, all transfer points on conveyors, and all other miscellaneous equipment associated with the nonmetallic mineral crushing facility and covered by the NSPS Subpart OOO. No less than 14 days prior to the anticipated test date, visible emission observation procedures must be approved by the District Supervisor. Also, no less than 7 days prior to the anticipated test date, the permittee shall notify the District Supervisor of the test date. If after the anticipated test date has been submitted to the District Supervisor, there is a delay in conducting the test, the permittee shall submit to the District Supervisor notice of the new test date. This notification shall be done a minimum of 3 days prior to the rescheduled test taking place. (R 336.2001)
2. Method/Analysis	In accordance with 40 CFR, Part 60, Subparts A and OOO. (R 336.2001)
3. Frequency/Schedule	Within 60 days after achieving maximum production rate, but not later than 180 days after initial startup of the nonmetallic mineral crushing facility. (R 336.2001)
4. Submittal of Test Results	To District Supervisor within 30 days following completion of the testing. (R 336.2001)

**ATTACHMENT A CONTINUED
SPECIAL CONDITIONS**

IV. OPERATIONAL PARAMETERS

1. The permittee shall notify the Air Quality Division, within 15 days after initial startup of the nonmetallic mineral crushing facility, of the actual date of initial startup. (R 336.1201, 40 CFR, Part 60, Subpart A)
2. The permittee shall label all equipment associated with the nonmetallic mineral crushing facility within 45 days of initial start up according to the company IDs specified in the application (Form EQP5756). Labels shall be in a conspicuous location on the equipment. (R 336.1201, 40 CFR 60.670)
3. Each crusher and screen shall be equipped with a water spray. A baghouse dust collector may be installed in lieu of water spray for any particular piece of equipment. The control equipment shall be properly operated as necessary to comply with all emission limits. (R 336.1205, R 3361.301, R 336.1303, R 336.1331, and R 336.1910)
4. The permittee shall not operate the nonmetallic mineral crushing facility unless the program for continuous fugitive emissions control for all facility roadways, the facility yard, all storage piles, and all material handling operations specified in Appendix A has been implemented and is maintained. (R 336.1205, R 336.1371, R 336.1901)
5. The permittee shall not crush any asbestos tailings or asbestos containing waste materials, as defined by the National Emission Standard for Hazardous Air Pollutants regulations, in the nonmetallic mineral crushing facility. (40 CFR 61.141)
6. The annual production limit of 2,000,000 tons per year per site shall not apply if the nonmetallic mineral crushing facility is operated at a location that is covered by a site specific air use permit. At such a location, the annual material processed shall be in conjunction with the production limit contained in the permit for that location. All other conditions and restrictions of this permit shall apply when operating at such location. (R 336.1201, R 336.1205, R 336.1901)

V. ALLOWED MODIFICATIONS

1. The permittee may replace any process equipment or control equipment, or may install new or additional process equipment or control equipment without applying for a new general permit to install application, provided all of the general permit to install applicability criteria will continue to be met after the replacement or modification. (R 336.1201a(1))
2. The permittee shall update the general permit by submitting a new Process Information form EQP5756 to the Permit Section and the District Supervisor, listing all existing and new or additional equipment added to the process, a minimum of 10 days before the equipment is installed. (40 CFR, Part 60, Subpart OOO)
3. All new or additional equipment subject to NSPS, Subpart OOO, which has not been previously tested, shall comply with the testing requirements of NSPS. (40 CFR, Part 60, Subpart OOO and R 336.2001)
4. The permittee shall notify the Air Quality Division, within 15 days after startup of any new or additional equipment, of the actual date of initial startup. (40 CFR, Part 60, Subpart A)
5. The permittee shall not relocate the nonmetallic mineral crushing facility to any new geographical site in Michigan unless all the following criteria are met: (Act 451 324.5505(5), R 336.1201, R 336.1205, R 336.1901)

- a) The facility shall have no outstanding unresolved violations of any of the Michigan Department of Environmental Quality Air Pollution Control rules, orders, or permits; or Federal air quality regulations.
- b) A notice of intent to relocate (Relocation Notice form EQP5757); a copy of the original general permit forms (EQP5727, EQP5729 and EQP5756); any Process Information forms for previous modifications; and a proposed site plan identifying the proposed new geographical site and the probable duration at the new site shall be provided to the appropriate district office and the Permit Section not less than 10 days prior to the scheduled relocation. All residential or commercial establishments and places of public assembly within 1,000 feet of the proposed facility site shall be clearly identified on the proposed site plan.
- c) The crusher(s) shall be located a minimum of 500 feet from any residential or commercial establishment or place of public assembly.
- d) A copy of this general permit and conditions shall be clearly posted in the operator's office or workstation.

ATTACHMENT A CONTINUED

APPENDIX A Fugitive Dust Control Plan

I. Plant

The drop distance at each transfer point throughout the plant shall be reduced to the minimum the equipment can achieve.

II. Truck Traffic

On-site vehicles shall be loaded to prevent their contents from dropping, leaking, blowing or otherwise escaping. This shall be accomplished by loading so that no part of the load shall come in contact within six inches of the top of any sideboard, side panel or tailgate, otherwise, the truck shall be tarped.

III. Site Roadways and the Plant Yard

- (a) The dust on the site roadways and the plant yard shall be controlled by applications of water, calcium chloride or other acceptable and approved fugitive dust control compounds. Applications of dust suppressants shall be done as often as necessary to meet an opacity limit of five percent.
- (b) All paved roadways and the plant yards shall be swept as needed between applications of dust suppressants.
- (c) Any material spillage on roads shall be cleaned up immediately.
- (d) A record of all applications of dust suppressants and roadway and the plant yard sweepings shall be kept on file for the most recent five-year period and be made available to the AQD upon request.

IV. Storage Piles

- (a) Stockpiling of all nonmetallic minerals shall be performed to minimize drop distance and control potential dust problems.

(b) Stockpiles shall be watered on an as needed basis in order to meet an opacity limit of five percent. Equipment to apply water or dust suppressant shall be available at the site, or on call for use at the site, within a given operating day.

(c) A record of all watering shall be kept on file for the most recent five-year period and be made available to the AQD upon request.

V. AQD/MDEQ Inspection

The provisions and procedures of this plan are subject to adjustment by written notification from the AQD, if following an inspection, the AQD finds the fugitive dust requirements and/or the permitted opacity limits are not being met.

EXHIBIT B
MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

AIR QUALITY DIVISION

FORMAT FOR SUBMITTAL OF SOURCE EMISSION
TEST PLANS AND REPORTS

November 2003

INTRODUCTION

The source emission test is often the ultimate determination of compliance. The results of a test are of great significance to both the regulatory agency and the source. Since the results often determine the course of future enforcement discussions between the agency and the source, it is important that the test be performed in a valid and representative manner. The complex nature of the various sampling methods places great responsibility on both agency and testing personnel to assure each test is an accurate representation of a source's actual emissions.

The objective of this document is to describe the Air Quality Division's (AQD's) technical submittal requirements for a source test. The format described applies to the requirements of Michigan Department of Environmental Quality Rule 1001 (4), and to any other emission test submitted for reasons such as a permit requirement, for a consent order or consent judgment, or at the request of the AQD.

TEST PLAN SUBMITTAL

In order to establish uniform requirements and help ensure proper test methods and procedures are employed, the information specified below should be submitted to the appropriate district office and the Technical Programs Unit in Lansing, at least 30 days prior to the scheduled test date. A complete submittal will minimize the possibility of a test rejection as a result of improper sampling or data collection methods.

Testing shall be performed in strict accordance with procedures specified in the Code of Federal Regulations, Title 40, Part 60 (Standards of Performance for New Stationary Sources, Appendix A, as amended), Part 61 (National Emission Standards for Hazardous Air Pollutants, Appendix B), and Part 51 (Requirements for

Preparation, Adoption, and Submittal of Implementation Plans, Appendix M); and the Michigan Department of Environmental Quality Rules, Part 10, Intermittent Testing and Sampling. Any variations in the sampling or analytical procedures must be described in the test plan and receive approval from the division prior to testing. If state or federal test methods are not available for the pollutants of concern or the nature of the test site makes it impractical to use them, other methods may be proposed as necessary.

While the specific items in the test plan will vary depending on the source and pollutants of interest, the following format should be utilized:

1. Identification and a brief description of the source to be tested. The description should include:
 - a. names, addresses and telephone numbers of the contacts for information regarding the source and the test plan,
 - b. type of industrial process or combustion facility,
 - c. type and quantity of raw and finished materials used in the process,
 - d. description of any cyclical or batch operations which would tend to produce variable emissions with time,
 - e. basic operating parameters used to regulate the process, and
 - f. rated capacity of the process.
2. A brief description of any air pollution control equipment associated with the process:
 - a. type of control device,
 - b. operating parameters, and
 - c. rated capacity and efficiency,
 - d. any maintenance activity on the air pollution control equipment within the last three months.
3. Applicable permit number and emission limits for the process to be tested.
4. Identify all pollutants to be measured.
5. A description of the sampling train(s) to be used, including schematic diagrams if appropriate.
6. Detailed sampling and analysis procedures, including the applicable standard methods reference. This should include concentration of calibration gases where appropriate and expected emission concentrations. Method of calibration (through the system or to back of the monitor) should be indicated. Justify any proposed sampling or analytical modifications.
7. The number and length of sampling runs which will constitute a complete test.

8. Dimensioned sketch showing all sampling ports in relation to breeching and to upstream and downstream disturbances or obstructions of gas flow.
9. Estimated flue gas conditions such as temperature, moisture and velocity.
10. Projected process operating conditions during which the tests will be run (e.g., production rate). *These conditions should match the operating conditions stated in the facility's permit or facility operations shall be at the maximum routine operating conditions during the test.*
11. A description of any process or control equipment data to be collected during the test period. This should include any permit required information used to demonstrate the acceptable operations of emissions control processes and production rates.
12. A description of any monitoring data to be collected during the test period and subsequently reported (e.g., stationary continuous emission monitor data).
13. Chain of custody procedures.
14. Field quality assurance/quality control procedures (e.g., field blanks, sample storage and transport methods).
15. Laboratory quality assurance/quality control procedures utilized as part of the testing (e.g., manner and frequency of blanks, spikes and standards). This should include analysis of audit samples where required as a component of the approved test method.
16. Names and titles of personnel who will be performing the tests.

The test plan shall be submitted with a letter signed by the responsible official, as defined in Michigan Air Pollution Control Rule 336.1118(j). This letter shall certify that the testing will be conducted in accordance with the attached test plan and that the facility will be operated in compliance with permit conditions or at the maximum routine operating conditions for the facility. If the source operates under a Renewable Operating Permit, certification by a responsible official using

form C-001 (Renewable Operating Permit Application Certification) must be included with the test plan and cover letter.

EMISSION TEST REPORTING

The emission test report should contain all pertinent data concerning the test program. In addition to reporting the results, it should include descriptions of the source, the sampling and analytical methodologies, the process operating conditions, and all raw field data, lab analytical data, and calculation methods. Since the report will serve as evidence to both the agency and the source as a demonstration of the compliance status of the facility, it is important it be complete in content and adequate in quality. Its contents should be presented in an understandable and organized manner. Two copies of the results of performance tests shall be submitted to the Air Quality Division by the date specified in an applicable air use permit, consent order, consent judgment, or state or federal regulation. Otherwise, pursuant to Michigan Department of Environmental Quality Rule 1001(4), a complete test report shall be submitted to the AQD within 60 days following the last date of testing. In the event that the test report is not complete, additional information will be requested for submittal. If the information is not received following two written requests to the facility, the test results may be rejected by the AQD.

While the exact format of the report and the applicable information necessary will vary depending on the source and the pollutants of interest, the following format should be utilized.

1. Introduction
 - a. identification, location and dates of tests,
 - b. purpose of testing,
 - c. brief description of source,
 - d. names, addresses and telephone numbers of the contacts for information regarding the test and the test report, and
 - e. names and affiliation of all personnel involved in conducting the testing.

2. Summary of Results
 - a. operating data (e.g., production rate, fuel type or composition),
 - b. applicable permit/license number or designation for the source,
 - c. results expressed in units consistent with the emission limitation applicable to the source, and
 - d. comparison with emission regulations.

3. Source Description

- a. description of process, including operation of emission control equipment,
- b. process flow sheet or diagram (if applicable),
- c. type and quantity of raw and finished materials processed during the tests,
- d. maximum and normal rated capacity of the process, and
- e. description of process instrumentation monitored during the test.

4. Sampling and Analytical Procedures

- a. description of sampling train(s) and field procedures,
- b. description of recovery and analytical procedures,
- c. dimensioned sketch showing all sampling ports in relation to breeching and to upstream and downstream disturbances or obstructions of gas flow,
- d. sketch of cross-sectional view of stack indicating traverse point locations and exact stack dimensions.

5. Test Results and Discussion

- a. detailed tabulation of results including process operating conditions and flue gas conditions,
- b. discussion of significance of results relative to operating parameters and emission regulations,
- c. discussion of any variations from normal sampling procedures or operating conditions which could have affected the results,
- d. documentation of any process or control equipment upset condition which occurred during the testing,
- e. description of any major maintenance performed on the air pollution control device(s) during the 3 month period prior to testing,
- f. in the event of a re-test, a description of any changes made to the process or air pollution control device(s) since the last test,
- g. results of any quality assurance audit sample analyses required by the reference method,

- h. calibration sheets for the dry gas meter, orifice meter, pitot tube, and any other equipment or analytical procedures which require calibration,
- i. sample calculations of all the formulas used to calculate the results,
- j. copies of all field data sheets, and
- k. copies of all laboratory data including quality assurance/quality control (e.g. blanks, spikes, standards).

The emission test report shall be submitted with a letter signed by the responsible official, as defined in Michigan Air Pollution Control Rule 336.1118(j). This letter shall certify that the testing was conducted in accordance with the approved test plan and that the facility operating conditions were in compliance with permit requirements or were at the maximum routine operating conditions for the facility. If the source operates under a Renewable Operating Permit, certification by a responsible official using form C-001 (Renewable Operating Permit Application Certification) must be included with the emission test results and cover letter.

REFERENCES

1. Michigan Department of Environmental Quality Rules, Part 10, Intermittent Testing and Sampling.

2. United States Environmental Protection Agency, Plant Inspection Workshop-Techniques for

Evaluating Performance of Air Pollution Control Equipment: Observing Compliance Tests,

February, 1981.