

DEPARTMENT OF ENVIRONMENTAL QUALITY
 AIR QUALITY DIVISION
 ACTIVITY REPORT: On-site Inspection

N563361193

FACILITY: OZINGA BROTHERS	SRN / ID: N5633
LOCATION: 825 S WHITAKER ST, NEW BUFFALO	DISTRICT: Kalamazoo
CITY: NEW BUFFALO	COUNTY: BERRIEN
CONTACT: Robert Wittenburg , Plant Manager	ACTIVITY DATE: 12/15/2021
STAFF: Matthew Deskins	COMPLIANCE STATUS: Compliance
	SOURCE CLASS: MINOR
SUBJECT: Self Initiated On-Site Inspection that resulted from a dust complaint that was received.	
RESOLVED COMPLAINTS:	

On December 15, 2021 AQD staff (Matt Deskins) went to conduct an unannounced Self-Initiated Inspection / Complaint Investigation of the Ozinga Brothers (SRN: N5633) "Facility" located in New Buffalo, Berrien County. The Inspection / Complaint Investigation came about due to a complaint that was sent into Region V of the EPA and ultimately forwarded to staff for follow-up. The EPA forwarded the complaint on to the AQD on December 9, 2021. The complainant (Jennifer Donnelley) stated that she lives approximately 2 blocks north of the facility and has observed plumes of dust (silicon dioxide, calcium oxide, aluminum oxide) that look like thick heavy smoke and it covers homes, windows, and cars. She went on to state that it's just not safe to breathe in the City of New Buffalo. Staff ended up reviewing file information and noted that the facility has an air use permit (PTI No. 379-95) that was issued to them for a portable concrete plant and staff had last inspected them back in January of 2008. Staff's Inspection / Complaint Investigation would be conducted to determine the facilities compliance status with their permit conditions along with investigating the complaint. Staff departed for the facility at approximately 10:00 a.m.

Staff arrived at the facility at approximately 11:20 a.m. Prior to entering the office area, staff took some time to see if any visible emissions could be observed from any of their operations and none were noted. Staff then proceeded into the office area where they were greeted by Rob Wittenburg (Plant Manager)(RobertWittenburg@ozinga.com). Staff introduced them self and stated the visit was due to a complaint that was received. Staff then mentioned to Rob that since staff was last at the facility back in 2008 that they would also be conducting an inspection to determine compliance with their air permit. Rob then asked about the complaint and staff mentioned that the complainant stated that there were large amounts of dust coming from their facility and it was impacting a neighboring residence. Rob then mentioned that he is familiar with the complainant and he thinks the dust issue is related to activities at Kenneth Smith, Inc. which is located right next to Ozinga to the east. He mentioned that they have a product that has to be stored dry and it's like a powdered aggregate. He mentioned that they unload the product into a building that is covered on all sides but the front. He said that after it is unloaded they use a loader to push it into and up into the building. He went on to say that they also load the product into trucks using the loader and both the unloading and loading activities create quite a bit of dust. He mentioned that he had a video he took with his phone because he was thinking someone might complain thinking it was them who was causing it. He then searched and found the video on his phone which staff observed. Staff then mentioned he would be going next door to check on things as well but first would like to go over their permit while they were there. Rob said that was fine and then asked staff what they needed to see? Staff stated they would like to go over the permit conditions and to discuss the plant's equipment and operations. Staff mentioned that the main conditions of the permit, not relating to things that need to be determined through stack testing; pertained to the equipment, fugitive dust plan, and the amount of concrete produced. Rob stated he should be able to help staff with that. The following is a summary of staff's discussion with Rob and the plant's operations.

The concrete plant was constructed in that location back 1995 and currently has 6 cement trucks that operate out of it. Rob stated that they typically produce on average about 35,000 to 45,000 cubic yards of cement per year. Staff then asked if any changes have been made to equipment or their processes. Rob said that their concrete mixing process is still the same but that they did change out the baghouses on their three storage silos last year (4-21-20) with a new cartridge style dust collector. He then showed staff the manual for them and staff noted the following information:

Mfg: C&W Environmental Solutions

Model: CP LPR-6 Low Profile Round Silo Dust Collectors

Design Efficiency: 99.9%

Cleaning Mechanism: Pulse Jet with Timer

Staff noted that the change out of the control device could be allowed under the AQD Permit Exemption Rule 336.1285(2)(d). Rob went on to state that all the material collected on the cartridges gets blown back into the silo. Staff then asked what products are stored in the silos and Rob mentioned that one is used for flyash, which is housed inside the building, and other is actually a combined silo for slag (grancem) and cement which is located outside. There is a conveyor inside where the aggregate storage and flyash silo are located. The conveyor outside is equipped with a cover. The whole property owned by Ozinga is paved in concrete and Rob said that they use a sweeper as a means of dust control when necessary. Staff then asked Rob how much concrete they had produced for the calendar year. Rob looked on his computer and to date it was just under 40,000 yards. Staff then thanked Rob for his time and departed the facility at approximately 12:00 noon.

The following lists the special conditions of PTI No. 379-95 followed by AQD staff comments regarding them.

13. Rule 331 - The particulate emission from the cement silo portion of the portable concrete batch plant shall not exceed 0.10 pounds per 1,000 pounds of exhaust gases, calculated on a dry gas basis, 0.3 pound per hour, nor 1.4 tons per calendar year.

AQD Comment: Would have to be determined by stack testing.

14. Rule 331 - The particulate emission from the flyash silo portion of the portable concrete batch plant shall not exceed 0.10 pounds per 1,000 pounds of exhaust gases, calculated on a dry gas basis, 0.3 pound per hour, nor 1.4 tons per calendar year.

AQD Comment: Would have to be determined by stack testing.

15. Rule 331 - The particulate emission from the grancem silo portion of the portable concrete batch plant shall not exceed 0.10 pounds per 1,000 pounds of exhaust gases, calculated on a dry gas basis, 0.3 pound per hour, nor 1.4 tons per calendar year.

AQD Comment: Would have to be determined by stack testing.

16. Visible emissions from any portio of the portable concrete batch plant shall not exceed a 6-minute average of 10% opacity.

AQD Comment: Staff did not observe any visible emissions while conducting the inspection.

17. Rules 1001, 1003 and 1004 - Verification of particulate emission rates from the cement silo, the flyash silo, and/or the grancem silo portions of the portable concrete batch plant by testing, at owner's expense, in accordance with Commission requirements, may be required for operating approval. Verification of emission rates includes the submittal of a complete report of the test results. If a test is required, stack testing procedures and the location of stack testing ports must have prior approval by the District Supervisor, Air Quality Division, and results shall be submitted within 120 days of the written requirement for such verification.

AQD Comment: The AQD has not requested that stack testing be conducted.

18. The applicant shall produce a maximum of 50,000 cubic yards of concrete per year in the portable concrete batch plant. Daily and monthly records of the amount of concrete produced shall be kept on file for a period of at least two years and made available to the Air Quality Division upon request.

AQD Comment: The facility keeps daily and monthly records of concrete production by a computer program. The concrete production for the 2021 calendar year was shown to be just under 40,000 yards.

19. Applicant shall not operate the cement silo, the flyash silo, and/or the grancem silo portions of the portable concrete batch plant unless their respective baghouse is installed and operating properly.

AQD Comment: All silos are now equipped with Low Profile Round Silo Dust Collectors which are installed on top of them and they appear to be installed and operating properly.

20. Applicant shall equip and maintain the transfer conveyors portion of the portable concrete batch plant with covers. All covers must be in place whenever the plant is in operation.

AQD Comment: The outside conveyor is equipped with a cover.

21. The disposal of collected air contaminants shall be performed in a manner which minimizes the introduction of air contaminants to the outer air.

AQD Comment: The AQD assumes this is being done. Staff did not note any issues during the inspection.

22. The exhaust gases from the cement silo portion of the portable concrete batch plant shall be discharged unobstructed vertically upwards to the ambient air from a stack at an exit point not less than 50 feet above ground level.

AQD Comment: The stack appears to meet this requirement.

23. The exhaust gases from the flyash silo portion of the portable concrete batch plant shall be discharged unobstructed vertically upwards to the ambient air from a stack at an exit point not less than 50 feet above ground level.

AQD Comment: The stack appears to meet this requirement.

24. The exhaust gases from the grancem silo portion of the portable concrete batch plant shall be discharged unobstructed vertically upwards to the ambient air from a stack at an exit point not less than 50 feet above ground level.

AQD Comment: The stack appears to meet this requirement.

25. Applicant shall not operate the portable batch plant unless the program for continuous fugitive emissions control for all plant roadways, the plant yard, all material storage piles, and all material handling operations specified in Appendix A has been implemented and is maintained.

AQD Comment: It appears that the facility is following the fugitive dust plan that is included as part of their permit.

26. Applicant shall not use as a raw material any asbestos tailings or asbestos containing waste materials, as defined by the National Emission Standards for Hazardous Air Pollutants [40 CFR 61.143] regulations, in the portable concrete batch plant.

AQD Comment: The AQD assumes that this is being complied with.

26. Applicant shall not relocate the portable concrete batch plant to any new geographical site in Michigan unless all the following criteria are met:

a. The plant shall not have any outstanding unresolved violations of any of the Michigan Department of Natural Resources Air Pollution Control rules, order, or permits; or Federal air quality regulations.

b. The installation of the plant at the geographical site shall be of a temporary nature lasting not more than 12 consecutive months.

c. A notice of intent to relocate along with a proposed site plan shall be provided to the district office not less than 21 days prior to the scheduled relocation identifying the proposed new geographical site and the probable duration at the new site. All residential or commercial establishments and places of public assembly within 1,000 feet of the proposed plant's site shall be clearly identified on the proposed site plan.

d. The asphalt production plant shall not be located within 800 feet to a residential or commercial establishment or a place of public assembly unless prior written site approval is obtained from the Air Quality Division district office.

e. The concrete production equipment, the non-metallic mineral processing equipment, the asphalt crusher or the concrete crusher shall not be located within 500 feet to a residential or commercial establishment or a place of public assembly unless prior written site approval is obtained from the Air Quality Division district office.

f. A copy of this approved permit and permit conditions shall be clearly posted in the operator's office or work station and the permit number shall be posted on the equipment where it is clearly visible from the operator's office or work station.

g. The Department's Delegation of Authority does not authorize us to approve any site where there is a known unresolved objection. Therefore, requests for site approval where there are known unresolved objections will continue to be handled by the Office of the Director of the Michigan Department of Natural Resources.

AQD Comment: The plant has been at the same location since permit issuance in 1995.

COMPLIANCE STATUS: The facility appears to be in compliance with all the requirements contained within PTI No. 379-95.

Complaint Follow-Up with Complainant: After visiting Ozinga Brothers and later the yard at Kenneth Smith Incorporated, staff had proceeded over to the complainant's home to discuss their findings but no one was home. Staff then followed up with her later by phone and let her know staff's findings. Staff mentioned that the dust could be coming from either Ozinga and/or Kenneth Smith, but from what staff had observed, Kenneth Smith's activities were more likely the cause of the dust she has observed. Staff mentioned that Ozinga has an air permit that the AQD issued to them for their concrete mixing operations and that they appeared to be in Compliance with it. Staff then mentioned that the operations at Kenneth Smith weren't required to have one. Staff then went on to explain to her the AQD Rule 901 "Nuisance Regulation" and that companies have a responsibility to minimize dust from their operations, especially if it's impacting neighboring people and/or properties. If the AQD receives a dust complaint and verifies that there is an issue we can issue a Violation Notice (VN) that they will have to respond to along with how they plan to address the issue. She mentioned that both her and her parents, which live nearby, have videos of the dust that they've observed. Staff mentioned that was great and to keep documenting any issues that they have, although when it comes to possibly writing a VN, the AQD had to verify it in person. Staff mentioned for her to contact them if they have any issues moving forward. She said that she understood and thanked staff for checking on things. Staff will consider the current complaint resolved.

NAME Matt Dersh

DATE 12-22-21

SUPERVISOR RIL 12/21/21