

DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY DIVISION
ACTIVITY REPORT: Meeting Notes

N693237869

FACILITY: DCF Recycling Inc.		SRN / ID: N6932
LOCATION: Kensington Road, GREEN OAK TWP		DISTRICT: Lansing
CITY: GREEN OAK TWP		COUNTY: LIVINGSTON
CONTACT: Dave Fons , Vice President		ACTIVITY DATE: 11/30/2016
STAFF: Nathaniel Hude	COMPLIANCE STATUS: Non Compliance	SOURCE CLASS: MINOR
SUBJECT: Meeting to notify violation of setback distance. VN not written due to past compliance, lack of complaints, and willing compliance to amend permit.		
RESOLVED COMPLAINTS:		

Inspection Report

N6932- DCF Recycling
7266 Kensington Drive (N side of Ajax Drive)
Brighton, MI 48116

Office: 101 Appian Way Suite 105, PO Box 1357, Brighton, MI 48116

Inspection Date:

11/30/16

Facility Contacts:

Dave Fons, Site Manager, 810-522-6474, dfons@gbmrecycledconcrete.com
Craig (Butch) Fons, Site Manager, 810-522-6474, cdfons@gbmrecycledconcrete.com

MDEQ AQD Personnel:

Nathan Hude – 517-284-6779, huden@michigan.gov

Facility Description:

This site is in the Kensington Industrial park area and has a non-metallic mineral crusher which was permitted under PTI 1-01.

The site is located of Kensington Road on Ajax Drive. It is the second property on the north side of the road.

Applicable Regulations:

PTI 1-01
40CFR60 Subpart OOOO

Previous Inspections:

4/27/09, Ken Damrel, no concerns noted
8/24/12, Brad Myott, no concerns noted

Previous Violations:

none

Recent Complaints (within 2 years):

none

Number of Violations Found During this Inspection:

Inspection not conducted, performed as a curtesy visit due to concerns with permit setback

Inspection Key Concerns:

Inspection not conducted, performed as a curtesy visit due to concerns with permit setback

MAERS Reporting

2015 throughput 48,487 tons material
2014 throughput 73,862 tons material
2013 throughput 64,816 tons material
2012 throughput 89,234 tons material

MAERS Emission Unit List
EUCrusher**Stack Testing**

4/27/09 inspection states testing for 40CFR60 OOO was conducted October 5, 2006 with acceptable results. This was conducted due to an updated equipment inventory with new crusher received December 14, 2005.

Site Visit Summary

I stopped to visit this site on 11/30/16 to discuss the permit after discussion with a coworker who investigated a complaint in the area regarding a neighboring facility. During the follow-up of the investigation, we found the setback distances of this crusher to be less than 500 feet as required by the "Applicable Criteria" of the general permit.

Upon arriving at the facility, I met Butch as he was leaving the plant. I explained to Butch the purpose of my visit was to inform him of the discrepancy. Butch informed me that the permit and paperwork was completed using a consultant by his brother who had recently passed away. He stated that his other brother, Dave was now managing the office and called to ask him to join us for the discussion. Dave was in the office which was approx. 2 miles away but arrived shortly after the call.

I provided Butch and Dave a copy of the current general permit, as well as dated aerial images for the site from 1999, 2005, and I believe 2015. The permit was issued on 1/4/2001. Based on the imagery, it was clear the crusher did not meet the setback for any of the surrounding buildings, though the permit was issued.

There have also been inspections in the past that did not identify the setback as an issue. It is believed that this is due to the interpretation of the word "commercial". There is not a definition found in 40CFR60 OOO, so the definition then falls to State of Michigan rules. R336.1103 (bb) "Commercial location" means a publicly or privately owned place where persons are engaged in the exchange or sale of goods or services and multiple housing units designed for 3 or more families, except for elementary and secondary schools and facilities owned and operated by the state government. A separate building or group of buildings used for the exchange or sale of goods or services and having a single owner and manager constitutes a separate commercial location.

Based on the surrounding buildings and businesses, the setback of the permit needs to be adjusted and a site specific permit be obtained. Butch, Dave, and I discussed this. I informed them that based on the lack of complaints and ability of compliance in the current location, a site specific permit could easily be obtained. We agreed for them to submit a permit application by December 28, 2016 to avoid a violation of the setback distance.

On 12/7/16, I sent Butch and Dave the following email:

Gentlemen,

Thank you for taking time to speak with me on last Wednesday. I did a little digging and found the most recent application for your permit which included an update to the equipment. Based on the new equipment including a new crusher, this triggered the requirement to perform opacity testing which was documented as complete on 10/5/06.

One thing to note, is that the application received stated (in box 6) that the setback met the 500 foot requirement, yet you have had 2 inspections since this date that did not raise the question. So moving forward, amending your permit is the best option to ensure there is no question of compliance and to avoid violations.

Attached is the most recent application cited above. This includes the equipment "Device ID" that is to be used for labeling all of your equipment as cited in condition 1.11 of the permit I provided you with the maps. Please use these same ID's for this application.

I did speak with our permit staff and based on your current and past practices, the issuance of a site specific rather than "general" permit will not be an issue. Below is the links to our permit application and procedures if needed.


http://www.deq.state.mi.us/aps/nsr_information.shtml#AUP

I'll continue to plan for receipt of the permit application by December 28, 2016. Please note that the permit must be received with the original signature via in person or by mail.

If you have any questions during this process, please feel free to call me or email. Please forward this information to your consultant if you decide to use one for the permit.

Thanks,

Nathan Hude
MDEQ, Air Quality Division
Lansing District Office
Constitution Hall, Lansing
(517)-284-6779

NAME 

DATE 12/9/16

SUPERVISOR 

