

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY
OFFICE OF THE DIRECTOR

In the matter of administrative proceedings
against **GREAT LAKES CREMATION,
INC.**, a corporation organized under the
laws of the State of Michigan and doing
business at 29547 Costello Drive in the
City of New Hudson, County of Oakland,
State of Michigan

AQD No. 2023-17

SRN: N8339

STIPULATION FOR ENTRY OF FINAL ORDER
BY CONSENT

This proceeding resulted from allegations by the Michigan Department of Environment, Great Lakes, and Energy (EGLE) Air Quality Division (AQD) against Great Lakes Cremation, Inc. (Company), a corporation organized under the laws of the State of Michigan and doing business at 29547 Costello Drive, City of New Hudson, County of Oakland, State of Michigan, with State Registration Number (SRN) N8339 (Facility). EGLE 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 (NREPA), MCL 324.5501 *et seq.*; Mich Admin Code, R 336.1910 (Rule 910); Mich Admin Code, R 336.1901 (Rule 901) and Permit to Install (PTI) No. 232-09B and PTI No. 61-15. Specifically, EGLE alleges that the Company has failed to properly operate Crematory 1 as required by Special Condition (SC) III.1, III.2 and VI.2 of EUCRMATORY1 in PTI No. 232-09B, Rule 910 and Rule 901, as cited herein and in the Violation Notices (VNs) dated September 9, 2020, March 11, 2021, September 23, 2021, December 20, 2021, April 4, 2022, and December 8, 2022. EGLE alleges that the Company has failed to properly operate Crematory 2 and Crematory 3 as required by SC III.1, III.2, and VI.3 of EUCREMATORY2 and SC VI.3 and VI.4 of EUCREMATORY3 in PTI No. 232-09B and Rule 910, as cited herein and in the Violation Notice (VN) dated April 4, 2022. EGLE alleges that the Company has failed to properly operate Crematory 4 as required by SC III.1, VI.2 and VI.4 of EUCREMATORY4 in PTI No. 232-09B and Rule 910, as cited herein and in the VN dated April 4, 2022, and December 8, 2022. EGLE alleges that the Company has failed to properly operate Crematory 5 as required by SC III.1, III.2, VI.1, VI.5 and VI.6 of EUCREMATORY5 in PTI 61-15 and Rule 910, as cited herein and in the VNs dated December 20, 2021, April 4, 2022, and July 22, 2022. The Company and EGLE

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 EGLE stipulate as follows:

1. The NREPA MCL 324.101 *et seq.*, is an act that controls pollution to protect the environment and natural resources in this 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. Executive Order 2019-06 renamed the Michigan Department of Environmental Quality as EGLE, and EGLE has all statutory authority, powers, duties, functions, and responsibilities to administer and enforce all provisions of Part 55.

4. The EGLE Director has delegated authority to the Director of the AQD (AQD Director) to enter into this Consent Order.

5. The termination of this matter by a Consent Order pursuant to Section 5528 of Part 55, MCL 324.5528, is proper and acceptable.

6. The Company and EGLE 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.

7. This Consent Order becomes effective on the date of execution (Effective Date of this Consent Order) by the AQD Director.

8. The Company shall achieve compliance with Part 55 and the aforementioned regulations in accordance with the requirements contained in this Consent Order.

COMPLIANCE PROGRAM AND IMPLEMENTATION SCHEDULE

9.A. Rules

1. On and after the Effective Date of this Consent Order, the Company shall comply with Rule 910.

2. On and after the Effective Date of this Consent Order, the Company shall comply with Rule 901.

9.B. Permit

1. On and after the Effective Date of this Consent Order, the Company shall comply with PTI No. 232-09B, and any subsequent permit revision. PTI No. 232-09B is incorporated by reference into and enforceable under this Consent Order.

2. On and after the Effective Date of this Consent Order, the Company shall comply with PTI No. 61-15, and any subsequent permit revision. PTI No. 61-15 is incorporated by reference into and enforceable under this Consent Order.

3. Within 30 days after the Effective Date of this Consent Order, the Company shall submit a PTI application to include the modifications required under this Consent Order, including the Closed Circuit Television (CCTV) requirements, stack modifications, opacity alarms, monitoring, recordkeeping, and reporting requirements. The application shall include the request to combine emission units from PTI No. 232-09B and PTI No. 61-15 into one permit and all conditions shall be updated to the current AQD permit template language. The requirement to submit any future modifications to the Malfunction Abatement Plan (MAP) to the AQD Warren District Supervisor for review and approval shall also be included in the revised PTI. On and after the issuance of the revised PTI, the Company shall comply with the revised PTI, and any subsequent permit revision. The revised PTI shall be incorporated by reference into and enforceable under this Consent Order.

9.C. Recordkeeping, Monitoring, and Reporting

1. On and after the Effective Date of this Consent Order, the Company shall keep a record of opacity alarms for each cremation unit. Each record shall indicate the date, start time, end time, duration (end time minus start time), and charge weight associated with each opacity alarm. The Company shall keep a record of all opacity alarm calibrations. Records of each opacity event lasting 60 or more seconds shall be reported within 24-hours to the AQD Warren District Supervisor. The Company shall record and report each event in which flames, regardless of size, intensity, or duration, are emitted from a cremation unit exhaust stack. The record shall identify the emission unit, charge weight, date, time, and duration of each event.

2. On and after the Effective Date of this Consent Order, the Company shall keep records of all CCTV system failures, maintenance, equipment replacement, and equipment upgrades.

3. The Company shall report, within 24-hours, by email to the AQD Warren District Supervisor, each time a flame is emitted from an exhaust stack, regardless of size, intensity, or duration. The report shall include the emission unit name, the date of the event, start time, end time, charge weight, and the CCTV video recording of the event. No later than the 15th day of each month, the Company shall submit a report for the previous month of each opacity event lasting sixty (60) or more seconds.

4. All records and reports required in this paragraph of the Consent Order shall be submitted to the AQD Warren District Supervisor. All records shall be kept on file for a period of at least five (5) years in a format acceptable to the AQD and made available to the AQD upon request.

9.D. Process Modifications and Operating Requirements

1. Within sixty (60) days after the Effective Date of this Consent Order, the Company shall modify the stacks for each crematory (Crematory 1, 2, 3, 4, and 5) to raise the stack heights to at least 1.5 times the building height and to discharge exhaust gases unobstructed vertically upwards to the ambient air. The Company shall provide a written notice to the AQD Warren District Supervisor within seven (7) days of completion of this work.

2. Within thirty (30) days after the Effective Date of this Consent Order, the Company shall install a CCTV system. The CCTV monitors shall be installed at locations that are visible to each cremation unit operator while standing at the control panel of each cremation unit, and in each supervisor's office. The Company shall continuously operate and record the CCTV video, with time stamp, before the start-up of the first cremation unit through the shutdown of the last operating cremation unit each day. Video records, with time stamps, shall be kept on file and made available to the AQD upon request. The Company shall maintain and operate the CCTV and recording system in a manner acceptable to the AQD, including but not limited to routinely checking and correcting video time stamps, and routine cleaning, replacing, and/or adding equipment to maintain a clear image of each exhaust stack including positioning each camera to encompass the plume out to a minimum of sixty (60) feet above the roof. Satisfactory operation and proper use of the CCTV system shall be detailed in the Company's MAP. Additionally, the Company shall provide the AQD a live stream of the CCTV system. The Company shall provide

a written notice to the AQD Warren District Supervisor within seven (7) days of completion of this work.

3. Within sixty (60) days after the Effective Date of this Consent Order, the Company shall install, maintain, and operate opacity alarms. Alarms shall be calibrated every ninety (90) days. The Company shall follow manufacturer instructions for proper operation and calibration. The Company shall provide a written notice to the AQD Warren District Supervisor within seven (7) days of completion of this work. Calibration records shall be kept for a period of at least five (5) years in a format acceptable to the AQD and made available to the AQD upon request.

4. When a cremation unit (Crematory 1, 2, 3, 4, or 5) is awaiting service, the Company shall place signage on each malfunctioning cremation unit that is awaiting service. The signage shall clearly state, "Do Not Operate, Malfunctioning cremation unit awaiting service." Upon request by the AQD, the Company shall use a LockOut/TagOut system to prevent operation of a malfunctioning cremation unit that is awaiting service.

5. Within thirty (30) days of the Effective Date of this Consent Order, the Company shall submit a MAP for the crematory to the AQD Warren District Supervisor for review and approval. Within thirty (30) days of receiving the MAP from the Company, the AQD will in writing: (1) approve, in whole or in part, the submission; (2) approve, in whole or in part, the submission upon specified conditions; (3) disapprove, in whole or in part, the submission, requiring the Company to correct the deficiencies. The Company shall, within thirty (30) days or such longer time as specified by the AQD in such notice, address any requested changes or deficiencies and resubmit the MAP for approval. Upon approval, the MAP and any subsequent revisions shall be incorporated into and enforceable under this Consent Order.

GENERAL PROVISIONS

10. This Consent Order in no way affects the Company's responsibility to comply with any other applicable state, 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.

11. This Consent Order constitutes a civil settlement and satisfaction as to the resolution of the violations specifically identified herein; however, it does not resolve any criminal action that may result from these same violations.

12. The Company shall pay to the General Fund of the State of Michigan, in the form of checks made payable to the "State of Michigan" and mailed to the Michigan Department of Environment, Great Lakes, and Energy, Accounting Services Division, Cashier's Office, P.O. Box 30657, Lansing, Michigan 48909-8157, a settlement amount of \$180,000.00. The total sum of \$180,000.00 shall be made in three (3) payments as follows: An initial payment of \$60,000.00 is due within thirty (30) days after the Effective Date of this Consent Order, a second payment of \$60,000.00 is due within one year after the Effective Date of this Consent Order, and a final payment of \$60,000.00 is due within two years after the Effective Date of this Consent Order. To ensure proper credit, all payments made pursuant to this Consent Order shall include the "Payment Identification Number AQD40317" on the front of the checks and/or in the cover letter with the payment. This settlement amount is in addition to any fees, taxes, or other fines that may be imposed on the Company by law.

13. On and after the Effective Date of this Consent Order, if the Company fails to comply with paragraph 9.A of this Consent Order, the Company is subject to a stipulated fine of up to up to \$10,000.00, per violation, per day. On and after the Effective Date of this Consent Order, if the Company fails to comply with paragraph 9.B, 9.C, or 9.D of this Consent Order, the Company is subject to a stipulated fine of up to up to \$5,000.00, 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 is subject to a stipulated fine of up to \$500.00 per violation per day. The amount of the stipulated fines imposed pursuant to this paragraph shall be within the discretion of EGLE. Stipulated fines submitted under this Consent Order shall be by check, payable to the State of Michigan within thirty (30) days after written demand and shall be mailed to the Michigan Department of Environment, Great Lakes, and Energy, Accounting Services Division, Cashier's Office, P.O. Box 30657, Lansing, Michigan 48909-8157. To ensure proper credit, all payments shall include the "Payment Identification Number AQD40317-S" on the front of the check and/or in the cover letter with the payment. 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.

14. 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 an EGLE 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.

15. To ensure timely payment of the settlement amount assessed in paragraph 12 and any stipulated fines assessed pursuant to paragraph 13 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 of twelve percent (12%) per year compounded annually, using the full increment of 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 12 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.

16. The Company agrees not to contest the legal basis for the settlement amount assessed pursuant to paragraph 12. The Company also agrees not to contest the legal basis for any stipulated fines assessed pursuant to paragraph 13 of this Consent Order but reserves the right to dispute in a court of competent jurisdiction the factual basis upon which a demand by EGLE of stipulated fines is made. In addition, the Company agrees that said fines have not been assessed by EGLE pursuant to Section 5529 of Part 55, MCL 324.5529, and therefore are not reviewable under Section 5529 of Part 55.

17. This compliance program is not a variance subject to the 12-month limitation specified in Section 5538 of Part 55, MCL 324.5538.

18. This Consent Order shall remain in full force and effect for a period of at least three (3) years. Thereafter, this Consent Order shall terminate only upon written notice of termination issued by the AQD Director. Prior to issuance of a written notice of termination, the Company

shall submit a request to the AQD Director at the Michigan Department of Environment, Great Lakes, and Energy, Air Quality Division, P.O. Box 30260, Lansing, Michigan 48909-7760, 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 Warren 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 Director.

19. In the event the Company sells or transfers the Facility, 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 Warren 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. As a condition of the sale, the Company must obtain the consent of the purchaser and/or transferee, in writing, to assume all of the obligations of this Consent Order. A copy of that agreement shall be forwarded to the AQD Warren District Supervisor within thirty (30) days after assuming the obligations of this Consent Order.

20. Prior to the Effective Date of this Consent Order and pursuant to the requirements of Sections 5511 and 5528(3) of Part 55, MCL 324.5511 and MCL 5528(3), the public was notified of a 30-day public comment period and was provided the opportunity for a public hearing.

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

22. The Company hereby stipulates that entry of this Consent Order is a result of an action by EGLE to resolve alleged violations of its Facility located at 29547 Costello Drive, New Hudson, Michigan. The Company further stipulates that it will take all lawful actions necessary to fully comply with this Consent Order, even if the Company files for bankruptcy in the future. The

Company will not seek discharge of the settlement amount and any stipulated fines imposed hereunder in any future bankruptcy proceedings, and the Company will take necessary steps to ensure that the settlement amount and any future stipulated fines are not discharged. The Company, 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 the Company to the extent allowed by applicable bankruptcy law.

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.

GREAT LAKES CREMATION, INC.

Gilberto Pietrandrea

Print Name and Title

E-SIGNED by Gilberto Pietrandrea
on 2023-08-02 15:01:32 EDT

Date: 2023-08-02 15:01:32 UTC

Signature

Approved as to Content:

E-SIGNED by Annette Switzer
on 2023-08-09 08:58:17 EDT

Annette Switzer, Director
AIR QUALITY DIVISION
DEPARTMENT OF ENVIRONMENT
GREAT LAKES, AND ENERGY

Dated: 2023-08-09 08:58:17 UTC

Approved as to Form:

E-SIGNED by Margaret Bettenhausen
on 2023-08-03 10:20:30 EDT

Margaret Bettenhausen, Section Head
ENVIRONMENT, NATURAL RESOURCES
AND AGRICULTURE DIVISION
DEPARTMENT OF ATTORNEY GENERAL

Dated: 2023-08-03 10:20:30 UTC

FINAL ORDER

The Director of the Air Quality Division having had opportunity to review this Consent Order and having been delegated authority to enter into Consent Orders by the Director of the Michigan Department of Environment, Great Lakes, and Energy pursuant to the provisions of Part 55 of the NREPA and otherwise being fully advised on the premises,

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

MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY

E-SIGNED by Annette Switzer
on 2023-08-09 08:58:22 EDT

Annette Switzer, Director
Air Quality Division

Effective Date: 2023-08-09 08:58:22 UTC _____