



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING DISTRICT OFFICE



DAN WYANT
DIRECTOR

December 10, 2015

Mr. James D. Fuoss, President
Fuoss Gravel Company
777 Busha Road
Owosso, Michigan 48867-8114

SRN: P0623, Shiawassee County

Dear Mr. Fuoss:

VIOLATION NOTICE

On December 8, 2015, the Department of Environmental Quality (DEQ), Air Quality Division (AQD) conducted an inspection of Fuoss Gravel Company located at 777 Busha Road, Owosso. The purpose of this inspection was to determine compliance with the requirements of the federal Clean Air Act; Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451); the administrative rules and the conditions of Permit to Install (PTI) number 126-15.

During the inspection, staff discovered the following:

Process Description	Rule/Permit Condition Violated	Comments
Two (2) used oil-fired furnaces located at the Busha Road and Grand River facilities.	R 336.1282 (Rule 282) The requirement of R 336.1201 (Rule 201) to obtain a permit to install (PTI) does not apply to: (iv) Waste oil or used oil fuels which are generated on the geographical site and the equipment has a rated heat input capacity of not more than 500,000 Btu per hour.	Used oil fuel that is generated off-site is fired in the furnaces.
Two (2) portable nonmetallic mineral crushers located at the Busha Road and Grand River facilities.	Rule 201. (1) Except as allowed in R 336.1202, R 336.1277 to R 336.1290, or R 336.2823(15) a person shall not install, construct, reconstruct, relocate, or modify any process or process equipment, including control equipment pertaining thereto, which may emit any of the following, unless a permit to install which authorizes such action is issued by the department: (a) Any air pollutant regulated by Title I of the clean air act and its associated rules, including 40 C.F.R. §51.165 and §51.166, adopted by reference in R 336.1299. (b) Any air contaminant.	Operating without a permit.

RULE 201 VIOLATION

During this inspection, it was noted that the equipment listed above was not operating according to the requirements under a permit exemption and is considered an unpermitted operation at this facility. The AQD staff advised you on December 8, 2015, that this is a violation of Act 451, Rule 201.

A program for compliance may include a completed PTI application or General Permit application for Nonmetallic Mineral Crushing for the process equipment. Application forms are available at the following website addresses:

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

http://www.michigan.gov/documents/deq/deq-aqd-pti-crusher_background_356463_7.pdf

Be advised that Rule 201 requires that a permit be obtained prior to installation, construction, operation, reconstruction, relocation, or alteration of any process or process equipment which may be a source of an air contaminant.

Please initiate actions necessary to correct the cited violations and submit a written response to this Violation Notice by January 7, 2016. The written response should include: the dates the violations occurred; an explanation of the causes and duration of the violations; whether the violations are ongoing; a summary of the actions that have been taken and are proposed to be taken to correct the violations and the dates by which these actions will take place; and what steps are being taken to prevent a reoccurrence.

If you believe the above observations or statements are inaccurate or do not constitute violations of the applicable legal requirements cited, please provide appropriate factual information to explain your position.

Thank you for your attention to resolving the violations cited above and for the cooperation that was extended to me during my inspection of December 8, 2015. If you have any questions regarding the violations or the actions necessary to bring this facility into compliance, please contact me at the telephone number listed below.

Sincerely,



Julie Brunner, P.E.
Senior Environmental Engineer
Air Quality Division
517-284-6789

JLB:TG

cc/via e-mail: Mr. Mark Hanna, MA Hanna Corporation
Ms. Lynn Fiedler, DEQ
Ms. Teresa Seidel, DEQ
Mr. Thomas Hess, DEQ
Mr. Brad Myott, DEQ
Ms. Stephanie Kammer, DEQ