



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
LANSING DISTRICT OFFICE



C. HEIDI GREETHER  
DIRECTOR

August 16, 2017

Mr. Jeremy Homer  
Homer Concrete Products  
205 South Cedar Street  
Inlay City, Michigan 48444

SRN: U441508535, Lapeer County

Dear Mr. Homer:

**VIOLATION NOTICE**

On July 18, 2017, the Department of Environmental Quality (DEQ), Air Quality Division (AQD) conducted an inspection of Homer Concrete Products located at 7015 Enterprise Drive, Brown City. The purpose of this inspection was to determine Homer Concrete Products' 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 Air Pollution Control Rules; and to investigate a recent complaint which we received on July 18, 2017, regarding fugitive dust emissions and fallout of particulates attributed to Homer Concrete Products' operations.

During the inspection, staff observed the following:

Process Description	Rule/Permit Condition Violated	Comments
Concrete batch plant	Rule 201	Installation and operation of concrete batch plant which is not currently meeting criteria for exemption from the requirement of Rule 201 to obtain a permit to install.

During this complaint investigation, it was noted that Homer Concrete Products had installed and commenced operation of a concrete batch plant at this facility. However, Rule 201 of the Michigan Air Pollution Control Rules requires a permit to install for a process such as this concrete batch plant, or the batch plant must meet the criteria for an exemption from the requirement of Rule 201.

Rule 289(2)(d) exempts the following from the requirement of Rule 201:

- (d) *A concrete batch plant that meets all of the following requirements:*
  - (i) *The plant shall produce not more than 200,000 cubic yards per year.*
  - (ii) *The plant shall use a fabric filter dust collector, a slurry mixer system, a drop chute, a mixer flap gate, or an enclosure for truck loading operations.*
  - (iii) *All cement handling operations, such as silo loading and cement weighing hoppers, shall either be enclosed by a building or equipped with a fabric filter dust control.*
  - (iv) *The owner or operator shall keep monthly records of the cubic yards of concrete produced.*

(v) Before commencing operations, the owner or operator shall notify the appropriate district supervisor of the location where the concrete batch plant will be operating under this exemption.

(vi) The concrete batch plant shall be located not less than 250 feet from any residential or commercial establishment or place of public assembly unless all of the cement handling operations, excluding the cement silo storage and loading operations, are enclosed within at least a 3-sided structure.

(vii) The owner or operator shall implement the following fugitive dust plan:

(A) The drop distance at each transfer point shall be reduced to the minimum the equipment can achieve.

(B) 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 6 inches of the top of any sideboard, side panel, or tailgate. Otherwise, the truck shall be tarped.

(C) All of the following provisions apply for site roadways and the plant yard:

(1) 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 5%.

(2) All paved roadways and plant yards shall be swept as needed between applications.

(3) Any material spillage on roads shall be cleaned up immediately.

(4) A record of all applications of dust suppressants and roadway and plant yard sweepings shall be kept for the most recent 5-year period and be made available to the department upon request.

(D) All of the following provisions apply for storage piles:

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

(2) Stockpiles shall be watered on an as-needed basis in order to meet an opacity limit of 5%. 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.

(3) A record of all watering shall be kept on file for the most recent 5-year period and be made available to the department upon request.

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

During the July 18, 2017 complaint investigation, excessive levels of dust were observed coming from the top of the batch plant, as I neared the site. Upon my arrival at the site, I was shown that one metal panel on the side of the building housing the batch plant was not in place, and other metal panels were open, along the seams. This indicates that at present, the batch plant is not completely enclosed by a building, and that the fabric filter air pollution control device and associated air handling system are not controlling dust adequately. Thus, the Rule 289(2)(d)(iii) exemption criteria is not being met, at this time. The AQD staff advised Homer Concrete Products on August 7, 2017, that this is a violation of Act 451, Rule 201.

A program for compliance may include a completed PTI application for the concrete batch plant process equipment. An application form is available by request, or at the following website: [www.michigan.gov/deqair](http://www.michigan.gov/deqair) (in the shaded box on the upper right hand side of the page).

As an alternative to the above, Homer Concrete Products may wish to provide a compliance plan indicating what actions will be taken to ensure that Homer Concrete Products satisfies the Rule 289(2)(d) criteria for an exemption from Rule 201.

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 violation and submit a written response to this Violation Notice by September 7, 2017. The written response should include: the dates the violation occurred; an explanation of the causes and duration of the violation; whether the violation is ongoing; a summary of the actions that have been taken and are proposed to be taken to correct the violation and the dates by which these actions will take place; and what steps are being taken to prevent a reoccurrence.

If Homer Concrete Products believes 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 violation cited above and for the cooperation that was extended to me during my inspection of Homer Concrete Products. If you have any questions regarding the violation or the actions necessary to bring this facility into compliance, please contact me at the telephone number listed below, or by e-mail at mcgeend@michigan.gov.

Sincerely,



Daniel A. McGeen  
Environmental Quality Analyst  
Air Quality Division  
517-284-6638

DAM:TG

cc/via e-mail: Ms. Lynn Fiedler, DEQ  
Ms. Mary Ann Dolehanty, DEQ  
Mr. Christopher Ethridge, DEQ  
Mr. Thomas Hess, DEQ  
Mr. Brad Myott, DEQ