

DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY DIVISION
ACTIVITY REPORT: Scheduled Inspection

FY 2014 Insp

B177426692

FACILITY: CLANCY EXCAVATING CO		SRN / ID: B1774
LOCATION: 29950 LITTLE MACK, ROSEVILLE		DISTRICT: Southeast Michigan
CITY: ROSEVILLE		COUNTY: MACOMB
CONTACT: Robert Clancy, Owner		ACTIVITY DATE: 08/18/2014
STAFF: Iranna Konanahalli	COMPLIANCE STATUS: Compliance	SOURCE CLASS: MINOR
SUBJECT: FY 2014 level-2 scheduled inspection of Clancy Excavating Company		
RESOLVED COMPLAINTS:		

E-file: B1774 - SAR - 2014 08 18

Clancy Excavating Company, Inc. (B1774)
29950 Little Mack
Roseville, Michigan 48066-2241

Permit-to-Install (PTI) No. 589-87 dated February 10, 1988

Complaint: C-14-01114 (7/31/2014, Kristen Horner, concrete crushing dust into her house)

VNs: Violation Notice dated August 26, 2014 (NSPS 30 and PTI No. 589-87 Appendix A dust control), Violation Notice dated July 02, 1998 (NSPS 30 and PTI No. 589-87 Appendix A dust control).

Subject to: NSPS OOO, 40 CFR, Part 60, Subpart OOO - Standards of Performance for Nonmetallic Mineral Processing Plants, Page 19294 Federal Register / Vol. 74, No. 80 / Tuesday, April 28, 2009 / Rules and Regulations/ Final rule. The 2009 NSPS OOO amendments apply to the facilities that commenced construction, modification, or reconstruction on or after April 22, 2008. The NMPP NSPS applies to affected facilities for which construction, modification, or reconstruction commenced on or after August 31, 1983.

On August 18, 2014, I conducted a level-2 **scheduled** inspection of Clancy Excavating Company ("the company" or "Clancy"), a concrete crushing facility, located at 29950 Little Mack, Roseville, Michigan 48066-2241. The inspection was conducted to determine compliance with the Federal Clean Air Act; Article II, Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451 and Michigan Department of Environmental Quality, Air Quality Division (MDEQ-AQD) rules.

During the inspection, Mr. Doug Clancy (Phone: 586-294-2900; Cell: 586-243-1046; Fax: NA; E-mail: NA), Manager, assisted me.

Mr. Bob Clancy (Phone: 586-294-2900; Cell: 586-907-8745; Fax: NA; E-mail: NA), President and Owner, was not present.

The company buys broken concrete from road construction companies that break roads and crushes broken concrete chunks to reduce size. The crushed concrete is sold to road construction companies to use it as base material on the roads. The company does not operate any concrete batch plant.

Clancy's crushing operation consists of one primary jaw crusher (Pioneer Model 2854), one

secondary crusher (Eljay Model 1313) and one three-deck screener (only two screens are used), two conveyers (one for each screen size). Each crusher is of design capacity 250 tons per hour; greater than 150 tons per hour. Each crusher is installed about 1986; after August 31 1983.

NSPS 000

Clancy is subject to: NSPS 000, 40 CFR, Part 60, Subpart 000 - Standards of Performance for Nonmetallic Mineral Processing Plants, Page 19294 Federal Register / Vol. 74, No. 80 / Tuesday, April 28, 2009 / Rules and Regulations/ Final rule. The 2009 NSPS 000 amendments apply to the facilities that commenced construction, modification, or reconstruction on or after April 22, 2008. The NMPP NSPS applies to affected facilities for which construction, modification, or reconstruction commenced on or after August 31, 1983.

Clancy's each crusher is a **portable crusher** but located at the same place in Roseville since 1986. Each facility including crushers (2: one primary and one secondary) is subject to NSPS 000. Two 1986 crushers replaced two existing crushers.

Fixed plant (NSPS cut-off: 23 megagrams per hour (25 tons per hour) or less) means any nonmetallic mineral processing plant at which the process equipment specified in 40 CFR, Part 60, Subpart 000, § 60.670(a) is attached by a cable, chain, turnbuckle, bolt or other means (except electrical connections) to any anchor, slab, or structure including bedrock.

Portable plant (NSPS cut-off: 136 megagrams per hour (150 tons per hour) or less) means any nonmetallic mineral processing plant that is mounted on any chassis or skids and may be moved by the application of a lifting or pulling force. In addition, there shall be no cable, chain, turnbuckle, bolt or other means (except electrical connections) by which any piece of equipment is attached or clamped to any anchor, slab, or structure, including bedrock that must be removed prior to the application of a lifting or pulling force for the purpose of transporting the unit.

Based upon the FY 2014 inspection, design capacity of over 150 tons per hour for portable plants (fixed plant cut-off is 25 tons per hour), installation / modification date after August 31, 1983 (two crushers, primary and secondary, were installed in 1986), the Clancy's crushing plant is subject to NSPS 000, 40 CFR, Part 60, Subpart 000, New Source Standards of Performance for Non-Metallic Mineral Processing Plants.

40 CFR § 60.670: Applicability

40 CFR § 60.672: Particulate matter

40 CFR § 60.675: Test methods and procedures

Clancy must conduct performance tests according to § 60.8

August 26, 2014, Violation Notice

AQD issued August 26, 2014, Violation Notice for failure to comply with NSPS 000 and PTI No. 589-87 Appendix A dust control measures. Please refer to VN for additional details.

Conclusion:

AQD issued Violation Notice dated August 26, 2014, for failure to comply with NSPS 000

and PTI No. 589-87 Appendix A. C-14-01114 is resolved.

FYI: August 26, 2014, VN

August 26, 2014

Mr. Robert Clancy
Clancy Excavating Company
29950 Little Mack
Roseville, MI 48066-2241

SRN: B1774, Macomb (50) County

Dear Clancy:

VIOLATION NOTICE

On August 18, 2014, the Department of Environmental Quality (DEQ), Air Quality Division (AQD), conducted an inspection of Clancy Excavating Company ("Clancy") located at 29950 Little Mack, Roseville, Michigan. The purpose of this inspection was to determine Clancy's 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 589-87.

During the August 18, 2014 inspection, staff observed the following:

Process Description	Rule/Permit Condition Violated	Comments
A Pioneer Jaw Crusher Model 2854 of design capacity 250, or greater, tones per hour installed about 1986 and associated nonmetallic mineral processing equipment have been operating since 1986. ^θ	40 CFR, Part 60, Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants.	Clancy failed to comply with the New Source Performance Standards (NSPS); particularly 40 CFR, Part 60, Subpart OOO, §60.675, §60.676 .
An Eljay Cone Crusher Model 1313 of design capacity 250, or greater, tones per hour installed about 1986 and associated nonmetallic mineral processing equipment have been operating since 1986. ^θ	40 CFR, Part 60, Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants.	Clancy failed to comply with the New Source Performance Standards (NSPS); particularly 40 CFR, Part 60, Subpart OOO, §60.675, §60.676.
A Pioneer Jaw Crusher Model 2854 of design capacity 250, or greater, tones per hour installed about 1986 and associated nonmetallic mineral processing equipment have been operating since 1986. ^θ	40 CFR, Part 60, Subpart A, § 60.7 Notification and recordkeeping.	Clancy has failed to notify the DEQ-AQD and / or US EPA of this equipment as required.
An Eljay Cone Crusher	40 CFR, Part 60, Subpart	Clancy has failed to notify

Model 1313 of design capacity 250, or greater, tones per hour installed about 1986 and associated nonmetallic mineral processing equipment have been operating since 1986. ^θ	A, § 60.7 Notification and recordkeeping.	the DEQ-AQD and / or US EPA of this equipment as required.
A Pioneer Jaw Crusher Model 2854 of design capacity 250, or greater, tones per hour installed about 1986 and associated nonmetallic mineral processing equipment have been operating since 1986. ^θ	40 CFR, Part 60, Subpart A, § 60.8 Performance tests.	Clancy has failed to conduct performance tests as required.
An Eljay Cone Crusher Model 1313 of design capacity 250, or greater, tones per hour installed about 1986 and associated nonmetallic mineral processing equipment have been operating since 1986. ^θ	40 CFR, Part 60, Subpart A, § 60.8 Performance tests.	Clancy has failed to conduct performance tests as required.
Entire crushing yard	Permit-to-Install (PTI) No. 589-87, Special Condition (SC) No. 12, Appendix A.	Inadequate dust control measures, logs and records. Unpaved yard is not maintained wet. Paved areas are not swept as required. Speed limit signs are not posted. Track out to public roads is not controlled.
^θ Clancy's crushing operation consists of one Primary Pioneer Jaw Crusher to crush for size reduction of incoming broken concrete, one Secondary Eljay Cone Crusher for size reduction of oversized crushed concrete from screener, one three-deck screener (only two of three decks are used), two conveyors (one for each screen size), etc. Each process equipment is NSPS 30 subject facility (§ 60.670). Each crusher is of design capacity greater than 150 tons per hour. The two crushers (Jaw and Cone) are constructed or modified after August 31, 1983. Please refer to July 2, 1998, letter of violation regarding NSPS 30 violations.		

These concrete crushing processes (each crusher, grinding mill, screener [size-separator], bucket elevator, belt conveyor, storage bin, etc.) are subject to the federal Standards of Performance for New Sources (NSPS) for Standards of Performance for Nonmetallic Mineral Processing. These standards are found in Title 40 of the Code of Federal Regulations (CFR), Part 60, Subpart OOO (74 FR, 19309, April 28, 2009).

Fixed plant means any nonmetallic mineral processing plant at which the process equipment specified in 40 CFR, Part 60, Subpart OOO, § 60.670(a) is attached by a cable, chain, turnbuckle, bolt or other means (except electrical connections) to any anchor, slab, or structure including bedrock. **Portable** plant means any nonmetallic mineral processing plant that is mounted on any

chassis or skids and may be moved by the application of a lifting or pulling force. In addition, there shall be no cable, chain, turnbuckle, bolt or other means (except electrical connections) by which any piece of equipment is attached or clamped to any anchor, slab, or structure, including bedrock that must be removed prior to the application of a lifting or pulling force for the purpose of transporting the unit.

Additionally, *please submit a report of your program for compliance with federal NSPS (Subparts a & OOO) by September 16, 2014.* This report should also include a table, pertaining to each equipment (each crusher, grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, enclosed truck or railcar loading station), containing installation date, manufacture date, rated capacity in tons per hour, portable or fixed, Model and Serial Nos., each location (address) of operation with beginning and ending dates, calendar yearly production rates (for most recent five years) at each location, 40 CFR 60.8 performance test dates, and 40 CFR 60.7 notification dates. As stated on August 18, 2014, by Mr. Doug Clancy, the plant is always located at the above address; i.e. it is never relocated for the last several decades. He also stated that, in 1986, two old crushers were replaced with two new crushers covered by PTI No. 589-87.

Please initiate actions necessary to correct the cited and submit a **written response to this Violation Notice by September 16, 2014 (which coincides with 21 calendar days from the date of this letter).** The written response should include: the dates the occurred; an explanation of the causes and duration of the ; whether the ongoing; a summary of the actions that have been taken and are proposed to be taken to correct the and the dates by which these actions will take place; and what steps are being taken to prevent a reoccurrence.

If Clancy 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 cited above and for the cooperation that was extended to me during my inspection of Clancy. If you have any questions regarding the or the actions necessary to bring this facility into compliance, please contact me at the number listed below.

Sincerely,

Iranna Konanahalli

Air Quality Division
586-753-3741 or konanahalli@michigan.gov

ISK/DAC

cc/via email: Ms. Lynn Fiedler, DEQ
Ms. Teresa Seidel, DEQ
Mr. Thomas Hess, DEQ
Ms. Jenine Camilleri, DEQ
Mr. Dennis McGeen, DEQ
Mr. Chris Ethridge, DEQ

NAME J S McNameahall DATE 09/02/2014 SUPERVISOR CTE