

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

IN THE MATTER OF:	)	
	)	
Consumers Concrete Corporation	)	FINDING OF VIOLATION
Portable Plant (SRN N6002)	)	
Plainwell, Michigan	)	EPA-5-01-MI-11
	)	
PROCEEDINGS PURSUANT TO	)	
THE CLEAN AIR ACT,	)	
42 U.S.C. § 7401 <u>et seq.</u>	)	

**Finding of Violation**

The United States Environmental Protection Agency finds that Consumers Concrete Corporation (Consumers) violated Section 111(e) of the Clean Air Act, 42 U.S.C. § 7411(e), at its portable plant, currently located at 465 12<sup>th</sup> Street, Plainwell, Michigan (Portable Plant). Specifically, Consumers violated the New Source Performance Standards (NSPS) for Nonmetallic Mineral Processing Plants at 40 C.F.R. Part 60, Subpart 000, as follows:

**Regulatory Authority**

1. The NSPS for Nonmetallic Mineral Processing Plants at 40 C.F.R. Part 60, Subpart 000, applies to the following affected facilities, which commenced construction, reconstruction, or modification after August 31, 1983, in fixed or portable nonmetallic mineral processing plants: each crusher, grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage gin, enclosed truck or railcar loading stations.
2. "Affected facility" under the NSPS means, with reference to a stationary source, any apparatus to which a standard is applicable. 40 C.F.R. § 60.2.
3. The NSPS at 40 C.F.R. § 60.7(a) (3) requires a notification of the actual date of initial startup of an affected facility postmarked within 15 days after such date.
4. The NSPS at 40 C.F.R. § 60.676(i) (2) requires that for portable aggregate processing plants, the notification of the actual date of initial startup shall include both the home office and the current address or location of the portable plant.

Consumers' Portable Plant

5. Consumers owns and operates a portable sand and gravel plant, originally located in Benton Harbor, Michigan, and currently located at 465 12<sup>th</sup> Street, Plainwell, Michigan.
6. Consumers' Portable Plant is subject to the requirements of NSPS - Subpart 000, specifically at 40 C.F.R. § 60.676(i) (2), because all the the "affected facilities" at the plant were constructed and began operation after 1983.

Violations

7. Consumers relocated the Portable Plant on January 1, 1998, March 4, 1998, April 5, 1998, May 8, 1998, July 8, 1998, and October 27, 1998. However, Consumers failed to provide a written notification of the actual date of startup, as required by 40 C.F.R. § 60.7(a) (3) and § 60.676(i) (2), for each relocation.

1-5-00

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Date

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Bharat Mathur, Director  
Air and Radiation Division