

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)
)
Woodland Paving Company) **NOTICE OF VIOLATION**
Comstock Park, Michigan)
) EPA-5-99-MI-22
)
Proceedings Pursuant to)
Section 113(a)(1) of the)
Clean Air Act, 42 U.S.C.)
§ 7413(a)(1))

NOTICE OF VIOLATION

The Administrator of the United States Environmental Protection Agency (U.S. EPA), by authority duly delegated to the undersigned, is issuing this Notice of Violation pursuant to Section 113(a)(1) of the Clean Air Act. U.S. EPA hereby notifies the State of Michigan and Woodland Paving Company that U.S. EPA finds that Woodland Paving Company, located at 3566 Millcreek Avenue, Comstock Park, Michigan 49321, is in violation of the Michigan State Implementation Plan (SIP), as follows:

Statutory and Regulatory Background

1. On May 6, 1980, U.S. EPA approved Rule 201 of the Michigan Department of Natural Resources, Air Pollution Control Commission General Rules (Rule 201), as part of the federally enforceable SIP for the State of Michigan. 45 FR 29790.
2. Rule 201(3) authorizes approval of an application for a permit to install, subject to any condition, specified in writing, that is necessary to assure compliance with the Rules.
3. 40 C.F.R. § 52.23 provides that failure to comply with any approved regulatory provision of a SIP, or with any permit limitation or condition contained within an operating permit issued under an EPA-approved program that is incorporated into the SIP, shall render the person so failing to comply in violation of a requirement of any applicable implementation plan and subject to an enforcement action under Section 113 of the Clean Air Act.

Factual Background

4. Woodland Paving Company (Woodland) owns and operates an asphalt plant located at 3566 Millcreek Avenue, Comstock Park, Michigan.
5. Woodland received Permit to Install No. 990-90 for its Comstock Park, Michigan asphalt plant.
6. On April 28, 1996, Woodland received a supplement to its Permit to Install No. 990-90.
7. Woodland's Supplement to Permit to Install No. 990-90 ("the PTI") contains Special Condition #23 that provides that the carbon monoxide emission rate shall not exceed 0.21 pound per ton of hot mix asphalt produced.
8. Emissions from Woodland's asphalt plant are subject to the special conditions contained in the PTI.

Findings of Violation

9. On June 24, 1998, Woodland conducted stack tests for carbon monoxide emissions. The results indicated that carbon monoxide emissions averaged 0.25 pounds per ton, in excess the PTI limit of 0.21 pounds per ton of hot mix asphalt produced.
10. These carbon monoxide emissions, that exceed Woodland's PTI emission limits for carbon monoxide, constitute violations of the Michigan SIP.

4/29/99
Date


Richard C. Karl, Acting Director
Air and Radiation Division