STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
OFFICE OF THE DIRECTOR

In the matter of administrative proceedings involving the **MICHIGAN FOUNDATION COMPANY, SIBLEY QUARRY**, a corporation organized under the laws of the State of Michigan and doing business at 801 Fort Street in the City of Trenton, County of Wayne, State of Michigan.	SIP No. 25-1993 Revised: 9/9/94

STIPULATION FOR ENTRY OF FINAL ORDER
BY
CONSENT

This proceeding results from provisions of the Federal Clean Air Act ("CAA"), 42 U.S.C. Section 7401 et seq., as amended by the Clean Air Act Amendments of 1990, P.L. No. 101-549, 104 Stat. 2399 (Nov. 15, 1990), that designate a portion of Wayne County as non-attainment for PM-10 (particulate matter less than 10 micrometers) and require a State Implementation Plan ("SIP"), based on legally enforceable control measures, that provides for a demonstration of attainment and maintenance of the primary National Ambient Air Quality Standard ("NAAQS") for PM-10 in Wayne County. Further, pursuant to Section 15 of the Michigan Air Pollution Act, 1965 PA 348, as amended ("Act 348"), companies in the standard industrial classifications listed in 15(1), and which are located in areas listed in Table 36 of R 336.1371 of the Michigan administrative code, are required to develop and implement an approved fugitive dust control operating program and to have the program embodied in a legally enforceable order or as part of an approved permit to install or operate.

The Michigan Foundation Company ("Company") leases and operates the Sibley Quarry ("Plant"), which is a limestone quarry operation, located at 801 Fort Street, City of Trenton, County of Wayne, State of Michigan. The Michigan Department of Natural Resources ("MDNR") alleges that the Plant is a significant source of fugitive dust emissions which contribute to the non-attainment problem. Further, the requirements for the control of fugitive dust, set forth in Section 15 of Act 348, apply to the Plant.

The Company and the MDNR stipulate as follows:

1. The Air Pollution Act, 1965 PA 348, as amended, ("Act 348"), MCL 336.11 et seq; MSA 14.58(1) et seq is an act to control air pollution in this state.

2. The Director of the MDNR ("Director") is authorized pursuant to Section 5 of Act 348 to administer and enforce all provisions of Act 348.

3. The Director has delegated authority to the Air Quality Division ("AQD Chief") to enter into the Consent Order.

4. The resolution of this matter by a Consent Order pursuant to Section 16c of Act 348 is proper and acceptable.

5. This Consent Order becomes effective on the date of execution ("effective date of this Consent Order") by the AQD Chief.

6. The emissions of fugitive dust from the Plant are subject to the opacity limitations and prohibitions contained in Sections 15 and 15a of Act 348. The particulate matter and fugitive dust emissions from the Plant must not cause or contribute to a violation of the PM-10 NAAQS. Further, the CAA and Act 348 require the application of all reasonably available control measures ("RACM") for the control of PM-10 emissions.

7. This Consent Order is designed to ensure attainment and maintenance of the PM-10 NAAQS, compliance with Sections 15 and 15a of Act 348, and compliance with the RACM requirements of the CAA and Act 348.

COMPLIANCE PROGRAM

8. On and after the effective date of this Consent Order, the Company shall fully comply with the provisions and requirements of the fugitive dust control operating program and Recordkeeping for Fugitive Dust Sources Addendum, which is attached as Exhibit A, incorporated by reference, and made an enforceable part of this Consent Order.

RECORDKEEPING AND REPORTING

9. On and after the effective date of this Consent Order, the Company shall keep records as specified in Exhibit A.

10. On and after the effective date of this Consent Order, the records required pursuant to this Consent Order shall be kept on file at the Company for a period of at least two (2) years, and shall be made available to MDNR upon written or verbal request.

11. Beginning with the calendar quarter starting after the effective date of this Consent Order, and quarterly thereafter, the Company shall submit to MDNR a report identifying each day in which any emission limit, operational requirement, or recordkeeping requirement, as specified in Exhibit A, was not met. This report shall, for each instance, explain the reason that the emission limit, operational requirement, or recordkeeping requirement was not met, the duration of the event, the remedial action taken, and a description of the steps which were taken to prevent a recurrence. These reports shall be submitted

within 30 days following the end of the calendar quarter in which the data were collected.

GENERAL PROVISIONS

12. Upon entry, this Consent Order, along with other supporting documentation required by the United States Environmental Protection Agency ("U.S.EPA"), shall be submitted to the U.S.EPA for approval as a revision to the Michigan SIP in accordance with Part D, Section 171 et seq., of the Federal Clean Air Act, as amended by Section 105 of the Clean Air Act Amendments of 1990. This Consent Order shall become effective immediately upon entry, except that this Consent Order shall have no effect on the federally-approved SIP unless and until the submitted SIP revision request is formally approved by the U.S.EPA.

13. Upon entry of this Consent Order, the Company may change it's processes, modify the fugitive dust control program contained in Exhibit A, or modify the particulate emission control program contained in Exhibit B ("Control Programs"), in accordance with the following:

A. Process Change

(1) The Company may change it's operations or processes which are sources of particulate and fugitive dust provided all of the following conditions are met:

(a) The provisions of the Control Programs continue to apply to the subject operation or process;

(b) The change does not result in an increase in the level of fugitive dust or particulate emissions;

(c) The change is approved.

(2) The Company shall submit to MDNR a written description of the proposed change and how it meets the requirements of 13(A)(1).

(3) The MDNR shall approve or disapprove the proposed change, in writing, within 45 days from receiving a proposed change which meets the requirements of 13(A)(1).

(4) Should the MDNR disapprove the proposed change, the disapproval must describe the specific reasons for the decision and must be forwarded to the Company.

B. Control Program Revision

(1) The Company may revise the Control Programs provided both of the following conditions are met:

(a) The Company demonstrates*, in writing, that the proposed revision does not result in an increase in the level of fugitive dust or particulate emissions and submits the demonstration to the MDNR for approval.

(b) The revision is approved.

(2) The MDNR shall approve or disapprove the proposed revision, in writing, within 45 days from receiving a proposed revision using an applicable U.S.EPA approved method to demonstrate the proposed revision meets the requirements of 13(B)(1).

(3) Should the MDNR disapprove the proposed revision, the disapproval must describe the specific reasons for the decision and must be forwarded to the Company.

C. U.S.EPA Notification

Upon approval of a change pursuant to subsection A above, or a substitution of a control measure pursuant to subsection B above, MDNR shall notify U.S.EPA, in writing, of the revised provisions which are enforceable for the facility.

D. Minor Modification

Upon adoption by the MDNR, and upon approval by U.S.EPA, of operating permit rules to implement the Permit Modification provisions recited at 40 CFR 70.7 (e), the Company may modify a fugitive dust or particulate emission source referred to in this Consent Order according to the terms and conditions contained in the operating permit rules.

E. Minor Modification Approval

Upon MDNR approval of a minor modification pursuant to subsection D above, the MDNR shall submit the approved minor modification to U.S.EPA as a proposed revision to the Michigan SIP.

F. Other Applicable Requirements

Any process change, control program revision, or minor modification made pursuant to this Paragraph does not affect the company's obligation to obtain a permit to install or operate required by Federal law or regulation, or contained in Part 2 of the Air Pollution Control ("APC") Rules and any other applicable requirement contained in the APC Rules or Act 348.

* - Demonstrations made pursuant to 13(B)(1)(a) involving chemical dust suppressant applications on unpaved roads shall be made using only petroleum resins, asphalt emulsions, or acrylic cements unless otherwise explicitly provided for by the applicable U.S.EPA approved SIP or U.S.EPA approved method.

14. This abatement program is not a variance subject to the 12 month limitation specified in Section 22 of the Air Pollution Act, being MCLA 336.32.

15. The provisions of this Consent Order shall be binding on the parties to this action, their officers, servants, employees, and attorneys, and on those persons in active concert or participation with them who receive actual notice of this Consent Order. In the event the Michigan Foundation Company sells or transfers the Sibley Quarry, it shall advise any purchaser or transferee of the existence of this Consent Order in connection with such sale or transfer. Within 30 calendar days, the Michigan Foundation Company shall also notify MDNR Staff, in writing of such sale or transfer, the identity and address of any purchaser or transferee, and confirm the fact that notice of this Consent Order has been given to the purchaser or transferee. The purchaser must provide written agreement, to the Company, to assume the compliance responsibilities of the Consent Order and provide a copy of the agreement to the MDNR Staff.

16. Pursuant to the requirements of Section 5h of Act 348, the public was notified of a 30-day public comment period on this Consent Order which began on March 1, 1993 and a public hearing on this Consent Order which was held on March 30, 1993.

17. Section 16e of Act 348 may serve as a source of authority but not a limitation under this Consent Order may be enforced. Further, the Michigan

Environmental Protection Act ("MEPA"), 1970 PA 127, MCLA 691.1201 et seq; MSA 14.528(201) et seq; and all other applicable laws may be used to enforce this Consent Order.

I, the undersigned, who is signing this Stipulation and Order for the Company, certify that I am fully authorized by the Company to enter into this Consent Order and to execute and legally bind the Company to it.

Approved as to Form and Content:

_____

MICHIGAN FOUNDATION COMPANY
SIBLEY QUARRY

By: VICE PRESIDENT

Dated: 9-23-94

The above signatory subscribed and sworn to before me this 30TH day of SEPTEMBER, 1994.

Carol J. Sutton
Notary Public

CAROL J. SUTTON
Notary Public, Wayne County, MI
My Commission Expires Aug. 30, 1998

Approved as to Content:

Dennis M. Drake, Acting Chief
AIR QUALITY DIVISION
DEPARTMENT OF NATURAL RESOURCES

Dated: 10/12/94

Approved as to Form:

for
A. Michael Leffler
Assistant Attorney General, In Charge
NATURAL RESOURCES DIVISION
DEPARTMENT OF ATTORNEY GENERAL

Dated: 10/11/94

FINAL ORDER

The Chief of the Air Quality Division having had opportunity to review the Consent Order and having been delegated authority to enter into Consent Orders by the Director of the Michigan Department of Natural Resources pursuant to the provisions of the Air Pollution Control Act;

IT IS ORDERED that this Consent Order is approved and shall be entered in the record of the MDNR as a Final Order.

MICHIGAN DEPARTMENT OF NATURAL RESOURCES

By:
Dennis M. Drake, Acting Chief
Air Quality Division

Dated: 10/12/94

Approved as to Content:

Dennis M. Drake, Acting Chief
AIR QUALITY DIVISION
DEPARTMENT OF NATURAL RESOURCES

Dated: _____

Approved as to Form:

James L. Strophar
for

A. Michael Leffler
Assistant Attorney General, In Charge
NATURAL RESOURCES DIVISION
DEPARTMENT OF ATTORNEY GENERAL

Dated: 10/11/94

FINAL ORDER

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MICHIGAN DEPARTMENT OF NATURAL RESOURCES

By: _____
Dennis M. Drake, Acting Chief
Air Quality Division

Dated: _____

EXHIBIT A
FUGITIVE DUST CONTROL PLAN
MICHIGAN FOUNDATION - SIBLEY QUARRY

1. Facility Name and Address:

Michigan Foundation Company
Sibley Quarry
801 Fort Street
Trenton, Michigan 48183

2. Name and Address of Responsible Person:

Mr. James R. Foley, Jr.
Michigan Foundation Company
One West Jefferson
Trenton, Michigan 48183

3. Summary of Source Descriptions and Control Measures:

Fugitive Dust Plan for Mining Equipment - The following Fugitive Dust Plan has ongoing items that are currently being implemented, and other items that will not be completed until May 1, 1990. This plan, when complete, will compliment the Detroit Edison Co. Plan already submitted.

1. Roads

A. There is only one (1) entrance to the Plant from Fort Street.

B. There are two (2) scales located across from the quarry office. The entire roadway from the entrance at Fort St. is paved to the scale platforms.

C. The entrance and exit roadways from the scales to and from Fort St. shall be cleaned daily by one or both of the following methods as delineated in the Fugitive Dust Plan mentioned below in Paragraph (D):

1) Flushed clean by water.
2) Vacuum swept by truck.

D. Since all of the stockpile areas are much closer to the scales and loadout areas, a great deal of truck traffic has been eliminated. All remaining quarry roads will have water or suppressant as per the Fugitive Dust Plan submitted by Detroit Edison Company to the DNR.

2. Trucks

A. All trucks leaving the scales with stone will comply to the tarping law passed by the State of Michigan.

B. All trucks will be loaded in such a manner that no material shall be within 6" of the top of the truck body or within 6" of the sides or tailgates.

C. Trucks will not exceed 15 MPH while moving on quarry property.

D. Trucks will not leave the quarry property overloaded, and trucks not complying with company policy or state laws will not be loaded at the quarry.

3. Flyash Dump Area

A. As submitted by Detroit Edison Co. with their Fugitive Dust Plan.

4. Conveyors, Transfer Points

A. All transfer points will have water spray bars for dust suppression. The dust suppression system will be able to provide a fine high pressure mist of water and wetting agent, if necessary. Because of the high moisture content of the stone being mined, a wetting agent should not be needed with the high pressure water. Should a wetting agent be necessary, a dilution rate of 100 parts water to 1 part wetting agent should control all fugitive dust at the transfer, screening, and crushing points in the plant. The limestone being crushed ranges from 3 - 5% water already in it because of the current water tables and its natural geology. Because of this unique natural wetness found in this limestone formation, suppressants will only be applied during extremely dry conditions at the majority of transfer discharge areas and equipment. The need for daily suppression should only occur at primary equipment #'s 1, 4, 6, 7, 9, & 13; as well as transfer point #'s 1, 2, 11, 12, 16, 17, 18, 31, 32, 34, 35, & 36. All of the other equipment and transfer points do not normally generate dust. (See PLAN VIEW)

5. Stockpiling Stackers, Discharge Points

A. All stackers will have dust suppression, sufficient to maintain a minimum moisture content of 5%, provided by a spray bar and nozzles for misting of all finished products not made by the sand screw or centrifuge. We have 4 stackers that stockpile finished material from our crushing plant. Each stacker has a spray bar with 50 GPM capacity during normal working hours.* Our stockpiles are not uniform in size for many reasons, however, let us use an example of a 1000 sq. ft. stockpile that we may have at any given time. In order to suppress dust from these piles, we have the additional capacity to send 50 GPM of water through a water cannon to soak the outside of this 30 ft. pile within 1 to 2 hours time.

6. Crushers

A. All crushers will have spray bars and nozzles as necessary to provide dust suppression.

7. Screens

A. The Pioneer Triple-Roll Crusher and Screen have been converted to a wet wash system. A sand screw and centrifuge have also been added for wet wash production. (See PLAN VIEW) Our wet wash plant that actually washes the stone uses 500 GPM for an 8 hour shift. However, 90% of this water is pumped back to the reservoir system for reuse.

B. The Diester and Cedar Rapids screens will have wet wash capacity in 1990. During the remainder of 1989, the current feed boxes and bins will be enclosed and spray bars installed as necessary for dust suppression.

8. Stockpiles

A. The current construction of a floating pump station to provide (1) million + gallons of water at the current elevation of the screening plant and stockpile areas will provide all the water necessary to wet all stockpiles sufficiently. (See PLAN VIEW)

9. Some of the most important facts about our closed water storage facility is as follows:

A. Our main reservoir system, which has two ponds, holds approximately 2,000,000 gallons of water when full and void of fines from the wash plant.

B. From this reservoir, we can pump 1400 GPM during an 8 hour day which equates to 672,000 gallons of water.

C. Detroit Edison currently has pipe and turrets to suppress dust at their landfill, to which I supply 300 GPM for use during any 24 hour period.

D. We also have an 800 gallon water truck with a built-in pumping system that is sending water to a hose and nozzle that can also deliver 50 GPM anywhere it is needed.

ADDENDUM

RECORDKEEPING FOR FUGITIVE DUST SOURCES

REQUIRED RECORDS

UNPAVED ROADS/LOTS	1. DATE OF TREATMENT 2. CONTROL MEASURE USED 3. RESPONSIBLE PERSON'S INITIALS 4. NAME OF PRODUCT APPLIED 5. AMOUNT OF SOLUTION/WATER APPLIED 6. DILUTION RATIO 7. ROAD SEGMENT/LOT IDENTIFICATION
PAVED ROADS/LOTS	1. DATE OF TREATMENT 2. CONTROL MEASURE USED 3. RESPONSIBLE PERSON'S INITIALS 4. ROAD SEGMENT/LOT IDENTIFICATION
STORAGE PILES/MATERIAL HANDLING	1. DATE OF TREATMENT 2. CONTROL MEASURE USED 3. RESPONSIBLE PERSON'S INITIALS 4. DILUTION RATIO (IF APPLICABLE) 5. AMOUNT OF DUST SUPPRESSANT/WATER APPLIED 6. IDENTIFICATION OF PILE/MATERIAL HANDLING OPERATION TREATED 7. EQUIPMENT USED

OPTIONAL RECORDS

WEATHER CONDITIONS	1. PRECIPITATION 2. TEMPERATURE 3. WIND DIRECTION AND VELOCITY