

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
OFFICE OF THE DIRECTOR

In the matter of administrative proceedings)
involving the **ST. MARYS CEMENT COMPANY**,)
a corporation organized under the)
laws of the State of Michigan and doing)
business at 9333 Dearborn Street in the)
City of Detroit, County of Wayne, State of)
Michigan.)

SIP No. 32-1993
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 St. Marys Cement Company ("Company") owns and operates the St. Marys Cement Plant ("Plant"), which is a cement manufacturing facility, located at 9333

Dearborn Street, City of Detroit, 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 St. Marys Cement Company sells or transfers the St. Marys Cement Company, 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 St. Marys Cement 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 which 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:

ST. MARYS CEMENT COMPANY

By: *Jay W. Scher*

Dated: SEPTEMBER 15, 1994

The above signatory subscribed and sworn to before me this 15th day of September, 1994.

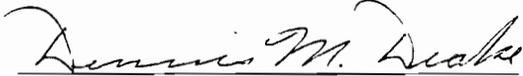
Theresa M. Walters

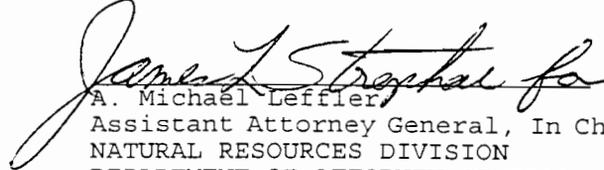
Notary Public

THERESA M. WALTERS
Notary Public, Wayne County, MI
My Commission Expires Oct. 28, 1997

Approved as to Content:

Approved as to Form:


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


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

Dated: 10/12/94

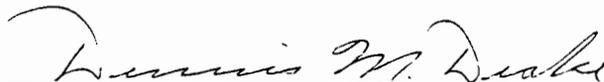
Dated: 10/11/94

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


Dennis M. Drake, Acting Chief
Air Quality Division

Dated: 10/12/94

EXHIBIT A
FUGITIVE DUST CONTROL PROGRAM
ST. MARYS CEMENT COMPANY

1. Facility Name and Address:

St. Marys Cement Company
9333 Dearborn Street
Detroit, Michigan 48209

2. Name and Address of Responsible Person:

Larry Ladomer, Plant Manager
St. Marys Cement Company
9333 Dearborn Street
Detroit, Michigan 48209
(313) 849-4502

3. Summary of Source Descriptions and Control Measures:

The attached maps are referred to several times in the following fugitive dust plan.

Point 1 - Rule 373 (2) (a), (i) - Loading or unloading of open storage piles of bulk materials.

St. Marys Cement stores gypsum and limestone in open storage piles. Both materials are delivered, almost exclusively, by self-unloading freighters and deposited in the appropriate piles near our dock on the Rouge River. No dust suppression is necessary while unloading the boats because of the size and moisture content of both materials. The limestone is washed at the point of origin to 1) eliminate fines and 2) control dust when loading and unloading. Both materials have a high moisture content in the pile. The limestone is bottom withdrawn and travels via underground and enclosed conveyors to the specialty mill where it is used with clinker to make mortar. The pile has never been the source of complaints or violations of any kind for fugitive emissions.

The through-put for limestone is about 15,000 tons per year, with no more than 30,000 tons on the ground at any one time.

Point 2 - Rule 373 (2) (d), (e), (f) - Transportation of bulk materials.

"St. Marys will continue to operate truck washers on bulk trucks and wheelwashers on package trucks, weather conditions permitting and until freezing temperatures are near. When weather conditions do not permit use of the washers, trucks shall be cleaned manually or otherwise as necessary."

The two washer systems are located between the loading areas and our distribution area, so, no truck can avoid passing through the appropriate wash. Both systems are equipped with high pressure nozzles that spray water at about 75 psi until 10-20 seconds after the truck has completely passed through the wash. The truck wash is equipped with approximately two dozen nozzles, evenly spaced over an inverted U-shaped structure that sprays both sides and the top of the truck simultaneously. The wheel wash system is equipped with approximately 10 nozzles, five per side, located from ground level to a height of three feet. This allows for complete washing of the wheels on both sides of the truck, without wetting the bagged cement products on the truck bed.

The traffic pattern for bulk and bag trucks is to enter from Dearborn Street (not shown on the map) and drive behind an 8 ft. wall (parallel to Carbon Avenue and the Fisher Freeway) on a concrete road, making a U-turn behind the packaging storage warehouse and entering the bulk silos (#8 on map) or packhouse for bagged cement (#9 on map) from the south. The truck then passes through the appropriate wash across from the scale and exits via the same road they entered. The total distance traveled is approximately 1.5 miles.

Only 70% of St. Marys Cement products are loaded into pneumatic bulk trucks with dust collection or pre-packaged in bags with dust collection and loaded onto flat bed trucks. Approximately 30% of product is shipped by special lake barge which is totally enclosed and dust free. The bag packaging is done inside an entirely enclosed building and cannot be considered a potential source of fugitive dust. The three bulk loading operations are each serviced by a Flex Kleen dust collector with thirty-six 86" x 6" dia. bags. This provides 360 square feet of collecting area, and an air to cloth ratio of 7.5/1 (based on 2,700 CFM). Evidence of the dust collector's efficiency is that there has never been substantive complaints or violations regarding the loading of bulk cement carriers.

The dust collectors used in conjunction with loading of bulk carriers are inspected (including visual emissions) at least annually and issued certificates of operation by the Wayne County Air Pollution Control Division.

Point 3 - Rule 373 (2) (a), (ii) and (v) - Outdoor Conveying.

"Enclose elevator conveyors. Junctures at points of entry or discharge from building shall be closed."

As previously mentioned, St. Marys Cement stores gypsum and limestone outside. Both materials discharge onto underground conveyor belts. Both belts eventually come above ground, but are completely enclosed the moment they do.

The transfer tower is serviced by a Flex Kleen dust collector containing sixty-four 86" x 6" dia. bags yielding 640 sq. ft. of collections, is rated at 5,000 CFM giving an air to cloth ratio of 7.82/1. All other transfer points (and related dust collectors) are completely enclosed inside one of the clinker storage buildings or in the mill building and cannot be considered sources of fugitive dust. All dust collected at our plant is recycled back into the system it was collected from. There is no "waste dust". Typically, this is accomplished by discharging captured dust into a hopper, serviced by an enclosed screw conveyor that deposits the dust back into the system; either onto a belt, into a bin, or into some processing equipment.

All junctures at points of entry or discharge from buildings are closed.

Point 4 - Rule 373 (2) (a), (iii) - Roads and Lots.

"The St. Marys Cement Company will continue to clean paved surfaces on its premises as required in order to prevent unreasonable wind carry off of particulate matter produced by St. Marys which emanates from its premises."

Paved roads will be water flushed a minimum of once per day. Paved lots will be water flushed a minimum of once every two (2) weeks. If conditions warrant, heavily travelled areas may be power-flushed four times a day, with the resultant rate of application being 1.30 gal./sq. yd./day. There is little

shipping and only a few personal vehicles use the plant lots or roads on weekends. There is one, short unpaved road in the plant (just east of the A-frame) which is blocked off and not used.

The unpaved road runs parallel to the railroad right-of-way on the east lot line. On the east side of the right-of-way is another St. Marys property, referred to as our Brennan plant which is not used.

St. Marys employs a 1973 Ford F-600 pick-up truck, equipped with a Rosco (model MTA), 500 gallon capacity, high pressure, street flusher, or an automated road sprinkling system, to accomplish the control of road dust.

All prints, diagrams, permits, Certificates of Operation and other information mandated by Rule 373 are on file with the Wayne County Air Pollution Control Division.

Records of repairs made to enclose clinker storage building, covered conveyors, etc., are maintained in the "work history file" in the maintenance office. If these structures are in need of repair, it is noted in the foreman's log, a work order is issued and the repairs are made. The truck washers are turned on after the last threat of freezing in the spring and left on until winter sets in, no log is kept or required, if the system malfunctions, it is noted in the foreman's log and repaired.

Activities that are carried out on a regular basis that require record-keeping are street flushing, baghouse repair, application of dust suppressant and landscaping. The landscaping is performed by an outside contractor and the invoices for their work are available in the Company Accounting Office during normal working hours. The baghouse repair (including maintenance of required pressure gauges) and street flushing jobs have job descriptions that address job responsibilities including work areas. This information is available in the Company Personnel Department.

For all jobs at the plant, any unusual circumstance is reported to a person's foreman who then notes the incident in the foreman's log book. The foreman's log is available for review during normal working hours. If compelling reasons require review of the above records at other than normal working hours, the plant control room can be reached at 849-4537. The control room operator will then contact Larry W. Ladomer, the Plant Manager. He is responsible for implementing the program.

The street flusher is operated as required during normal working hours Monday through Friday. The plant has no accurate way to determine amount of rainfall, however, if the roads are completely damp, snow, or ice covered, no water is applied.

Baghouse repair is continually maintained during normal working hours.

(Note: See attached DNR required Recordkeeping for Fugitive Dust Sources addendum for requirements.)

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