STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
OFFICE OF THE DIRECTOR

In the matter of administrative proceedings involving the CUMMINGS-MOORE GRAPHITE COMPANY, a corporation organized under the laws of the State of Michigan and doing business at 1646 N. Green Avenue in the City of Detroit, County of Wayne, State of Michigan.	SIP No. 7-1993 Revised: 9/9/94

STIPULATION FOR ENTRY OF CONSENT 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 requires 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 Plan and to have the Plan embodied in a legally enforceable order or as part of an approved permit to install or operate.

The Cummings-Moore Graphite Company ("Company") owns and operates a graphite mill facility ("Plant"), located at 1646 N. Green Avenue, City of Detroit, County of Wayne, State of Michigan. The Michigan Department of Natural Resources ("MDNR") alleges that the Plant is a source of fugitive dust emissions. 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"), MCLA 336.11 et seq., MSA 14.58(1) et seq., is an act to control air pollution in the State of Michigan.

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 Chief of the Air Quality Division of the MDNR ("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 fugitive dust emissions 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 comply with (1) the provisions and requirements of the Fugitive Dust Control Plan, and (2) the Record Keeping for Fugitive Dust Sources Addendum, which are 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 at reasonable times.

11. Beginning with the calender 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 a control activity requirement under the Fugitive Dust Control Plan, or a requirement under the Record Keeping for Fugitive Dust Sources Addendum, as specified in Exhibit A, was not met. This report shall, for each instance, explain the reason that the control activity or record keeping 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. The report shall be submitted within 30 days following the end of that calender quarter in which the control activity and/or record keeping requirement was not met.

GENERAL PROVISIONS

12. Upon entry, this Consent Order, along with other supporting documentation required by the United Stated 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 revisions request is formally approved by the U.S. EPA.

13. Upon entry of this Consent Order, the Company may modify the Fugitive Dust Control Plan as follows:

A. Control Plan Revision

(1) The Company may revise the Fugitive Dust Control Plan provided both of the following conditions are met;

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

(b) The revision is approved.

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

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

C. U.S. EPA Notification

Upon MDNR's approval of a revision of the Fugitive Dust Control Plan pursuant to subsection A above, MDNR shall notify U.S. EPA, in writing, of the revised provisions which are enforceable for the facility.

D. Other Applicable Requirements

Any Fugitive Dust Control Plan revision made pursuant to this Paragraph 13 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(A)(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 and their officers. The acts or omissions of the Cummings-Moore Graphite Company's servants and employees which are violative of this Consent Order shall bind the Cummings-Moore Graphite Company. In the event the Cummings-Moore Graphite Company sells or transfers the Cummings-Moore Graphite Company, it shall advise any purchaser or

transferee of the existence of this Consent Order in connection with such sale or transfer. Within 30 days of the execution of a purchase agreement to sell or transfer the Cummings-Moore Graphite Company, the Cummings-Moore Graphite Company shall also notify MDNR Staff, in writing, of such sale or transfer, the identity and address of the 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 Cummings-Moore Graphite 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 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.; 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 Cummings-Moore Graphite Company, certify that I am fully authorized by the Cummings-Moore Graphite Company to enter into this Consent Order and to execute and legally bind the Cummings-Moore Graphite Company to it.

Approved as to Form and Content:

CUMMINGS-MOORE GRAPHITE COMPANY

By: [signature]

Dated: 10-11-94

The above signatory subscribed and sworn to before me this 11th day of October, 1994.

[signature]
Notary Public

KAREN LEE ZAHN
Notary Public, Wayne County, Michigan
My Commission Expires April 29, 1996

SIP No. 7-1993 (Revised 9/9/94)

Approved as to Content:

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

Dated: 10/12/94

Approved as to Form:

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

Dennis M. Drake, Acting Chief
Air Quality Division

Dated: 10/12/94

EXHIBIT A
FUGITIVE DUST CONTROL PLAN
CUMMINGS - MOORE GRAPHITE COMPANY

1. Facility Name and Address:

Cummings-Moore Graphite Company ("Company")
1646 N. Green Avenue
Detroit, Michigan 48209

2. Name and Address of Responsible Person:

Mr. Michael E. Mares
General Manager
Cummings-Moore Graphite Company
1646 N. Green Avenue
Detroit, Michigan 48209

3. Summary of Source Descriptions and Control Measures:

OUTSIDE OF PLANT

The Cummings-Moore Graphite Company has no outside storage of bulk solids. The only source of fugitive dust is the gravel-covered yards at the facility. These areas are treated with a dust suppressant solution approximately two times per year. The dust suppressant is Petro Tac concentrate diluted 4:1 with water, manufactured by Syntech Products Corporation, of Toledo, Ohio, or equivalent. The dust suppressant solution is applied by the supplier, at the supplier's suggested rate.

Also, any outside bucket elevators and/or screw conveyors are checked daily, twice a day, and roof checks are kept on file for two years in this office.

INSIDE OF PLANT

The following is provided for informational purposes only, and any emissions from the plant shall not be enforceable against the Company under this Consent Order.

The air inside the Plant is not subject to negative or positive pressure; therefore, any air flow out of the Plant is by natural draft only. Because the Plant contains no stacks or vents, all particulate emissions from the Plant are fugitive dust.

The sources of fugitive dust from the Plant are (1) the mill transfer stations and conveyors; (2) the rail transfer station and conveyor; (3) the mills; (4) the screens; and (5) the baghouse dust collectors ("baghouse"). A baghouse, or an vacuum hood connected to a baghouse, continuously controls the fugitive dust from each source constituting 1-4 above. A Hi-Vac vacuum system is used to collect the baghouse fines and fines located in the traffic areas inside the Plant as needed, and returns the fines to the raw material silos.

The following information is from charts included with the fugitive dust plan:

1. Front-end loader - 20 cubic feet, minimize drop height to one (1) foot.

2. S-1 and S-2 are enclosed silos 20' dia. by 60'.

3. B-1 to B-6 are bins for storage of overflow tonnages from silos used occasionally only, not in daily production.

4. S-1 and S-2 are loaded by enclosed elevator.

5. Material is graphite ore, 1.5" X DOWN, 5% fines.

   (Note: See attached DNR required Recordkeeping for Fugitive Dust Sources Addendum for additional information.)

ADDENDUM

RECORDKEEPING FOR FUGITIVE DUST SOURCES

REQUIRED RECORDS

UNPAVED 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. LOT IDENTIFICATION

ROOF OF PLANT

1. **DATE OF VISUAL INSPECTION**
2. **TIME OF DAY**
3. **DESCRIPTION OF VISUAL OBSERVATION**