



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEP 25 2015

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dean Daenens, Chief Operating Officer
Glenn Hunter and Associates, Inc
1286 County Road 6
Delta, Ohio 43515

Re: Glenn Hunter and Associates, Incorporated **CAA-05-2015-0061**

Dear Mr. Daenens:

Enclosed is a file-stamped Consent Agreement and Final Order (CAFO) which resolves Glenn Hunter and Associates, Inc. (Glenn Hunter), Clean Air Act Docket No. CAA-05-2015-0061 as indicated by the filing stamp on its first page, we filed the CAFO with the Regional Hearing Clerk on September 25, 2015.

Pursuant to paragraph 40 of the CAFO, Glenn Hunter must pay the civil penalty within 12 months of filing. Your check or electronic funds transfer must display the case name Glenn Hunter and Associates, Inc., and the docket number.

Please direct any questions regarding this case to Kevin Chow, Associate Regional Counsel, (312) 353-6181.

Sincerely,

A handwritten signature in cursive script that reads "Brian Dickens".

Brian Dickens
Chief, AECA Section MN/OH
Air and Radiation Division

Enclosure

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	Docket No. CAA-05-2015-0061
)	
Glenn Hunter and Associates, Inc. Delta, Ohio.)	Proceeding to Assess a Civil Penalty Under Section 113(d) of the Clean Air Act, 42 U.S.C. § 7413(d)
)	
Respondent.)	
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Consent Agreement and Final Order

1. This is an administrative action commenced and concluded under Section 113(d) of the Clean Air Act (the CAA or Act), 42 U.S.C. § 7413(d) and Sections 22.1(a) (2), 22.13(b) and 22.18(b) (2) and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), as codified in the U.S. Code of Federal Regulations (C.F.R.) at 40 C.F.R. Part 22.
2. Complainant is the Director of the Air and Radiation Division, U.S. Environmental Protection Agency (EPA), Region 5.
3. Respondent is Glenn Hunter and Associates, Inc. (Glenn Hunter), a corporation doing business in Ohio.
4. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).
5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

6. Respondent consents to the assessment of the civil penalty specified in this CAFO and to the terms of this CAFO.

Jurisdiction and Waiver of Right to Hearing

7. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

8. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO, and any right to appeal this CAFO.

Statutory and Regulatory Background

9. On September 28, 1992, EPA promulgated the Standards of Performance for Calciners and Dryers in Mineral Industries at 40 C.F.R. Part 60, Subpart UUU, § 60.730 *et seq.* (NSPS Subpart UUU), 57 Fed. Reg. 44503. These regulations include the following requirements:

- a. 40 C.F.R. § 60.731 defines a mineral processing plant as any facility that processes or produces any of the following minerals, their concentrates or any mixture of which the majority (>50 percent) is any of the following minerals or a combination of these minerals: alumina, ball clay, bentonite, diatomite, feldspar, fire clay, fuller's earth, gypsum, industrial sand, kaolin, lightweight aggregate, magnesium compounds, perlite, roofing granules, talc, titanium dioxide, and vermiculite.
- b. Pursuant to 40 C.F.R. § 60.730(a), the affected facility or unit to which the provisions of NSPS Subpart UUU apply is each calciner and dryer at a mineral processing plant.

- c. Pursuant to 40 C.F.R. § 60.730(c), the owner or operator of any facility under 40 C.F.R. § 60.730(a) that commences construction, modification, or reconstruction after April 23, 1986, is subject to the requirements of NSPS Subpart UUU.
- d. Pursuant to 40 C.F.R. § 60.732, each owner or operator of any affected facility that is subject to the requirements of NSPS Subpart UUU shall comply with the emission limitations set forth in 40 C.F.R. § 60.732 on and after the date on which the initial performance test required by § 60.8 is completed, but not later than 180 days after the initial startup, whichever date comes first.
- e. Pursuant to 40 C.F.R. § 60.734, the owner or operator of an affected facility subject to the provisions of NSPS Subpart UUU who uses a dry control device to comply with the mass emission standard shall install, calibrate, maintain, and operate a continuous monitoring system to measure and record the opacity of emissions discharged into the atmosphere from the control device.

10. On April 28, 2009, EPA promulgated the Standards of Performance for Nonmetallic Mineral Processing Plants at 40 C.F.R. Part 60, Subpart OOO, § 60.670 *et seq.* (NSPS Subpart OOO), 74 Fed. Reg. 19309. These regulations include the following requirements:

- a. 40 C.F.R. § 60.670 defines affected facilities as each crusher, grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, enclosed truck or railcar loading station in fixed or portable nonmetallic mineral processing plants.

- b. 40 C.F.R. § 60.672(a) provides that affected facilities must meet the stack emission limits and compliance requirements in Table 2 of NSPS Subpart OOO within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup as required under § 60.8.
 - c. Table 2 of NSPS Subpart OOO limits particulate matter (PM) from the stacks of affected facilities (as defined in §§ 60.670 and 60.671) that commence construction, modification, or reconstruction on or after April 22, 2008, to 0.014 grains per dry standard cubic foot (gr/dscf).
 - d. 40 C.F.R. § 60.672(b) provides that affected facilities must meet the fugitive emission limits and compliance requirements in Table 3 of NSPS Subpart OOO within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup as required under § 60.11.
 - e. Table 3 of NSPS Subpart OOO limits fugitive opacity from grinding mills, screening operations, bucket elevators, transfer points on belt conveyors, bagging operations, storage bins, enclosed truck or railcar loading stations or from any other affected facilities (as defined in §§ 60.670 and 60.671) that commence construction, modification, or reconstruction on or after April 22, 2008, to seven (7) percent opacity.
11. The NSPS at 40 C.F.R. § 60.11(d) provides that at all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable,

maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions.

12. The NSPS at 40 C.F.R. § 60.13(e) provides that with the exception of system breakdowns, repairs, calibration checks, and zero and span adjustments required, all continuous monitoring systems shall be in continuous operation.

13. Section 110(a)(1) of the CAA, 42 U.S.C. § 7410(a)(1), requires each state to adopt and submit to EPA for approval a State Implementation Plan (SIP) that provides for the implementation, maintenance, and enforcement of the National Ambient Air Quality Standards (NAAQS). Under Section 110(a) of the CAA, 42 U.S.C. § 7410(a), each SIP must include a permit program to regulate the modification and construction of any stationary source of air pollution as necessary to assure that NAAQS are achieved. Upon EPA approval, SIP requirements are federally enforceable under Section 113 of the CAA, 42 U.S.C. § 7413. Under 40 C.F.R. § 52.23, any permit limitation or condition contained within an operating permit issued under an EPA-approved program that is incorporated into the SIP is a requirement of the SIP, and is federally enforceable under Section 113.

14. On February 20, 2013, EPA approved the State of Ohio's Permit-to-Install and Operate Program for minor sources as part of the federally enforceable SIP for Ohio. 55 Fed. Reg. 11748.

15. The Administrator of EPA (the Administrator) may assess a civil penalty of up to \$37,500 per day of violation up to a total of \$295,000 for violations that occurred after January 12, 2009, under Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), and 40 C.F.R. Part 19.

16. Section 113(d)(1) of the CAA limits the Administrator's authority to matters where the first alleged date of violation occurred no more than 12 months prior to initiation of the administrative action, except where the Administrator and the Attorney General of the United States jointly determine that a matter involving a longer period of violation is appropriate for an administrative penalty action.

17. The Administrator and the Attorney General of the United States, each through their respective delegates, have determined jointly that an administrative penalty action is appropriate for the period of violations alleged in this CAFO.

Factual Allegations and Alleged Violations

18. Glenn Hunter operates a mineral processing plant, as that term is defined at 40 C.F.R. § 60.731, located at 1286 County Road 6, Delta, Ohio (facility).

19. At its Delta, Ohio facility, Glenn Hunter owns and operates, among other emission sources, a main crusher house, which houses a rotary dryer connected to an associated baghouse. The rotary dryer and associated baghouse were installed on or after December 28, 2011. The baghouse includes a magnahelic differential pressure monitor to measure pressure drop across the baghouse.

20. On December 28, 2011, the Ohio Environmental Protection Agency (Ohio EPA) issued to the facility Permit-to-Install and Operate P0108766 (Permit). Glenn Hunter's Permit identifies emission unit "P904", or the "rotary dryer (direct-fired), with exhaust baghouse", as the rotary dryer and associated baghouse located within the main crusher house.

21. Glenn Hunter's Permit Condition 11(b)(2)(a) requires that the facility's P904 baghouse shall achieve a minimum of 99% control efficiency.

22. Glenn Hunter's rotary dryer and associated baghouse is an emission source subject to the requirements of the Act, including 40 C.F.R. Part 60, Subpart UUU.

23. Among other provisions, the NSPS Subpart UUU requires affected sources to install, calibrate, maintain, and operate a continuous monitoring system to measure and record the opacity of emissions discharged into the atmosphere.

24. During EPA's December 3, 2013 inspection of the facility, EPA inspectors witnessed unit P904 rotary dryer in operation and the rotary dryer baghouse magnahelic differential pressure monitor displaying a zero value, indicating the baghouse was not operating at negative pressure while the rotary dryer was operating. Inspectors were made aware by Glenn Hunter staff that no continuous monitoring system (COMS) was installed or operating at the baghouse to measure and record the opacity of emissions discharged from the rotary dryer.

25. On June 30, 2014, EPA issued to Glenn Hunter a Notice of Violation/Finding of Violation (NOV/FOV) alleging that unit P904, the rotary dryer and its associated baghouse, is subject to NSPS Subpart UUU. EPA also alleged that Glenn Hunter was operating its rotary dryer without ensuring that the rotary dryer baghouse was operating properly and concurrently, and that Glenn Hunter failed to install a COMS as required by the Rule.

26. EPA and Glenn Hunter conferred in EPA's Chicago, Illinois office on August 28, 2014. During this conference, Glenn Hunter admitted that other emission units at the facility may be subject to NSPS Subpart OOO.

27. EPA determined that NSPS Subpart OOO also applies to other equipment at the facility not previously identified as subject to the Rule, including the portable conveyor and sewing machine (emission units F001 and F002), "sandvik" with hopper and conveyors (F003),

jaw crusher and conveyor (F006), “Terex” crusher and screener (F007), impact crusher (P901), roll crusher and screener (P902), and mixing and weighing crush house processing area (P903).

28. Glenn Hunter further admitted it had tested several baghouses associated with these emission units following the issuance of the NOV/FOV and that the mixing and weighing area crush house baghouse had exceeded the Permit limit for particulate matter, recording mass emission rates of 0.024 gr/dscf, which is greater than the NSPS Subpart OOO limit of 0.014 gr/dscf.

29. As part of an administrative compliance order to be issued concurrently with this action, Glenn Hunter agrees to permanently operate unit F002 inside the crushhouse, perform visible emission evaluations and quarterly opacity tests in accordance with NSPS Subpart OOO requirements at units F003, F006, and P902, perform an engineering evaluation at the P901 baghouse, and install a new baghouse and COMS at unit P904.

Civil Penalty

30. Based on analysis of the factors specified in Section 113(e) of the CAA, 42 U.S.C. § 7413(e), and the facts of this case, Complainant has determined that an appropriate civil penalty to settle this action is \$60,000.

31. Respondent must pay the \$60,000 civil penalty in twelve (12) installments with interest as follows:

Payment Number:	Due by:	Payment	Principal	Interest
Payment 1	30 days of file date	5,050.00	5,000.00	50.00
Payment 2	60 days of file date	5,045.83	5,000.00	45.83
Payment 3	90 days of file date	5,041.67	5,000.00	41.67
Payment 4	120 days of file date	5,037.50	5,000.00	37.50
Payment 5	150 days of file date	5,033.33	5,000.00	33.33
Payment 6	180 days of file date	5,029.17	5,000.00	29.17
Payment 7	210 days of file date	5,025.00	5,000.00	25.00
Payment 8	240 days of file date	5,020.83	5,000.00	20.83
Payment 9	270 days of file date	5,016.67	5,000.00	16.67
Payment 10	300 days of file date	5,012.50	5,000.00	12.50
Payment 11	330 days of file date	5,008.33	5,000.00	8.33
Payment 12	360 days of file date	5,004.17	5,000.00	4.17
TOTALS		\$60,325.00	\$60,000.00	\$325.00

Respondent must pay the installments by sending a cashier's or certified check payable to

"Treasurer, United States of America," to:

U.S. EPA
 Fines and Penalties
 Cincinnati Finance Center
 P.O. Box 979077
 St. Louis, Missouri 63197-9000

Or, for checks sent by express mail (non-U.S. Postal Service will not deliver mail to P.O. Boxes),

sending a cashier's or certified check, payable to "Treasurer, United States of America," to:

U.S. Bank
 Government Lockbox 979077
 U.S. EPA Fines and Penalties
 1005 Convention Plaza
 Mail Station SL-MO-C2-GL
 St. Louis, Missouri 63101

Each check must note Respondent's name and the docket number of this CAFO.

32. Respondent must send a notice of payment that states Respondent's name and the docket number of this CAFO to EPA at the following addresses when it makes a penalty payment:

Attn: Compliance Tracker (AE-17J)
Air Enforcement and Compliance Assurance Branch
Air and Radiation Division
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

Kevin Chow (C-14J)
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

Regional Hearing Clerk (E-19J)
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

33. This civil penalty is not deductible for federal tax purposes.
34. If Respondent does not pay timely any installment payment as set forth in paragraph 31, above, the entire unpaid balance of the civil penalty and any amount required by paragraph 35, below, shall become due and owing upon written notice by EPA to Respondent of the delinquency. EPA may request the Attorney General of the United States to bring an action to collect any unpaid portion of the penalty with interest, nonpayment penalties and the United States enforcement expenses for the collection action under Section 113(d)(5) of the CAA, 42 U.S.C. § 7413(d)(5). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.
35. Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any overdue amount from the date payment was due at a rate established by the Secretary of the Treasury pursuant to 26 U.S.C. § 6621(a)(2). Respondent must pay the United States enforcement expenses, including but not limited to attorneys' fees and costs incurred by the United States for collection proceedings. In addition, Respondent must pay a

quarterly nonpayment penalty each quarter during which the assessed penalty is overdue. This nonpayment penalty will be 10 percent of the aggregate amount of the outstanding penalties and nonpayment penalties accrued from the beginning of the quarter. 42 U.S.C. § 7413(d)(5).

General Provisions

36. Consistent with the “Standing Order Authorizing E-Mail Service of Order and Other Documents Issued by the Regional Administrator or Regional Judicial Officer Under the Consolidated Rules,” dated March 27, 2015, the parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: chow.kevin@epa.gov (for Complainant), and mturnbull@ghacorp.net (for Respondent). The parties waive their right to service by the methods specified in 40 C.F.R. § 22.6.

37. This CAFO resolves only Respondent’s liability for federal civil penalties for the violations alleged in EPA’s Notice of Violation/Finding of Violation issued June 30, 2014, and in this CAFO.

38. This CAFO does not affect the rights of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violation of law.

39. This CAFO does not affect Respondent’s responsibility to comply with the CAA and other applicable federal, state and local laws. Compliance with this CAFO will not be a defense to any actions subsequently commenced pursuant to federal laws administered by EPA.

40. Respondent certifies that it is complying fully with the NSPS for Nonmetallic Mineral Processing Plants (40 C.F.R. §§ 60.670 *et seq.*), and the NSPS for Calciners and Dryers in Mineral Industries (40 C.F.R. §§ 60.730 *et seq.*).

41. This CAFO constitutes an “enforcement response” as that term is used in EPA’s Clean Air Act Stationary Source Civil Penalty Policy to determine Respondent’s “full compliance history” under Section 113(e) of the CAA, 42 U.S.C. § 7413(e).

42. The terms of this CAFO bind Respondent, its successors and assignees.

43. Each person signing this consent agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

44. Each party agrees to bear its own costs and attorneys' fees in this action.

45. This CAFO constitutes the entire agreement between the parties.

Consent Agreement and Final Order
In the Matter of: Glenn Hunter and Associates, Inc.

Glenn Hunter and Associates, Inc., Respondent

Date

9/21/15



Dean Daenens, Chief Operating Officer
Glenn Hunter and Associates, Inc.

Consent Agreement and Final Order
In the Matter of: Glenn Hunter and Associates, Inc.
Docket No. CAA-05-2015-0061

Final Order

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

23 September 2015

Date



Susan Hedman
Regional Administrator
U.S. Environmental Protection Agency
Region 5

Consent Agreement and Final Order

In the Matter of: Glenn Hunter and Associates, Inc. Delta, Ohio Facility

Docket No. CAA-05-2015-0061

CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing **Consent Agreement and Final Order**, which was filed on *September 25, 2015*, this day in the following manner to the addressees:

Copy by certified mail,
return-receipt requested,
to Respondent:

Dean Daenens, Chief Operating Officer
Glenn Hunter and Associates, Inc.
1286 County Road 6
Delta, Ohio 43515

Copy by e-mail
to Respondent:

Mike Turnbull
mturnbull@ghacorp.net

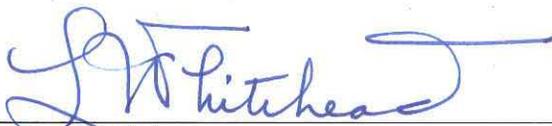
Copy by e-mail to
Complainant:

Kevin Chow
chow.kevin@epa.gov

Copy by e-mail to
Regional Judicial Officer:

Ann Coyle
coyle.ann@epa.gov

Dated: *September 25, 2015*



LaDawn Whitehead
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 5

CERTIFIED MAIL RECEIPT NUMBER(S)

7011 1150 0000 2640 4475