STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
OFFICE OF THE DIRECTOR

In the matter of administrative proceedings involving the **EDWARD C. LEVY CO., PLANT #3,** a corporation organized under the laws of the State of Michigan and doing business at 100 Westfield in the City of Ecorse, County of Wayne, State of Michigan.	SIP No. 17-1993 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 Edward C. Levy Co. ("Company") owns and operates Levy Plant #3 ("Plant"), which is a slag processing facility, located at 100 Westfield, City of Ecorse, 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. The 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 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 Edward C. Levy Co. sells or transfers Plant #3, 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 Edward C. Levy Co. 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:

Edw. C. Levy Co. Plant 3

EDWARD C. LEVY CO., PLANT #3

By: _____

Dated: 9-23-94

The above signatory subscribed and sworn to before me this 23rd day of September, 1994.

Nancy Ann Hughes

Notary Public

NANCY ANN HUGHES
NOTARY PUBLIC STATE OF MICHIGAN
WAYNE COUNTY
MY COMMISSION EXP. SEPT 3,1996

Approved as to Content:

Dennis M. Drake

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

Dated: 10/12/94

Approved as to Form:

James L Strophai
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
Dennis M. Drake, Acting Chief
Air Quality Division

Dated: 10/12/94

EXHIBIT A
FUGITIVE DUST CONTROL PLAN
EDWARD C. LEVY CO. - PLANT #3

1. Facility Name and Address:

Edward C. Levy Co.
Plant #3
100 Westfield
Ecorse, Michigan 48229

2. Name and Address of Responsible Person:

Gail Reninger
Edward C. Levy Co.
8800 Dix Avenue
Detroit, Michigan 48209

3. Summary of Source Descriptions and Control Measures:

A. Process Description

The Edward C. Levy Co. (Levy) operates a steel furnace slag processing plant, a kish-debris plant, and a mill scale plant located at 100 Westfield, Ecorse, MI, known as Plant 3.

The steel furnace (SF) processing plant operates at a maximum 350 tph. Pot carriers transport molten slag from Great Lakes Steel (GLS) to the pot dump station. The slag is cooled by water sprays before digging. Front endloaders dig the slag and stockpile it at the material handling stockpile, adjacent to the SF processing plant. Euclids also deliver raw slag from the mill. The material is watered in the Euclids before it is stockpiled in the material handling stockpile adjacent to the SF processing plant. Front endloaders are used to transfer the material from the material handling stockpile to the grizzly that feeds the plant. The moisture content of the raw slag ranges from 2 to 5 percent.

Skulls are moved from the pot dump area to the skull breaking area to be broken by a drop ball crane into small enough pieces to be recycled by the steel mill.

The SF processing plant extracts the metallics from the slag and the metallics are returned to the steel mill for recycling. The slag is crushed and screened to produce four sizes of finished product.

Product Name	Moisture Content %	Passing 200 Mesh %
12X	0.1 - 1.3	0.4
3X - 5G	0.2 - 1.5	0.6
25X	0.3 - 4.1	1.5
22X	3.1 - 10.1	12.0

The plant consists of a grizzly/feeder, 7 conveyors, 2 crushers, 5 screens, and 6 stackers. Water sprays are located at the material handling stockpile, conveyor #11, and conveyor #1.

Moisture content of the finished SF slag products ranges from 0.1 to 10.1 percent. Fugitive emission control is necessary only on the 22X material where the particle size passing a 200 mesh sieve is greater than 1.5%. Control of the material is accomplished by water sprays at the end of stacker #1.

Controls on Process Equipment

Grizzly/Feeder	Material Watered Before Feeding
Conveyor #11	Uncovered, Water Sprays
Screen #4	None
Screen #5	None
Stacker Conveyor #10	None
Conveyor #9	Uncovered
Primary Jaw Crusher	None
Conveyor #6A	Uncovered
Conveyor #6	Uncovered
Secondary Cone Crusher	None
Screen #3	None
Conveyor #4	None
Conveyor #5	Uncovered
Screen #2	None
Screen #1	None
Stacker Conveyor #3	None
Conveyor #12	Uncovered
Stacker Conveyor #2	None
Conveyor #13	Uncovered
Radial Stacker #14	None
Stacker Conveyor #1	Water Sprays

The finished product is loaded by front endloaders and transported by customer owned and hired trucks. To minimize the fugitive emissions from the loading of trucks and the transporting of material off-site, the following operating practices will be adhered to:

1) All trucks transporting finished product, or material for the landfill, will be tarped before leaving the property.

2) Drop heights of the front endloader bucket will be no more than two (2) feet above sideboard of the trucks.

3) All trucks transporting finished product or material for the landfill pass through the truck wheel wash before leaving the property, weather permitting.

4) Additional water can be added to the finished product stockpiles, with the use of portable rainbirds, if emissions from load-out exceed 5% opacity.

Control of emissions due to vehicle movement about the stockpiles is accomplished by applying a lignosulfonate dust suppressent to the travelled areas among the piles. Application rate of 5 gal/100 sq. ft. will be used. The dilution ratio is 3:1, and the application frequency is once every three (3) weeks. The actual square footage to be controlled will be dependent upon the amount of material in storage.

Spilled material under conveyors will be attended to on an ongoing basis. Spillage on roadways will be removed daily. A truck operator who has spilled material onto the road will be notified so that appropriate action can be taken to prevent future incidences.

The kish-debris plant operates at a maximum of 100 tph. Kish is transported in pots from the steel mill to the kish watering station where they are watered for twenty-four (24) hours. Then they are dumped at the kish pot dump station. Front endloaders remove the kish to a stockpile for processing through the magnetic separation and screening plant (kish-debris plant).

Debris is transported from the steel mill by Euclids. The material is watered in the Euclids before dumping in a stockpile, also for processing through the magnetic separation and screening plant (kish-debris plant). The surge pile can be watered by portable rainbirds should emissions become a problem.

Covered Euclids transport precipitator dust from GLS to Plant 3 where it is mixed with water to insure thorough wetting.

Approximately 70% of the kish is reclaimed and returned to GLS or sold. The remaining 30% is mixed with the waste debris and wet precipitator dust and transported to the landfill for proper disposal.

The kish-debris plant consists of 1 vibrating feeder, 1 conveyor, 1 stacker, and 1 screen. Emissions from this plant are negligible since the kish pots are watered for 24 hours before processing.

The mill scale plant operates at a maximum of 100 tph. Mill scale is transported by semi-trucks to the plant from an 80" mill, the wet scale, and #5 yard areas at GLS. The material is processed, the coarse fraction (6" x 1/4") is sent to Zug Island by truck, and the fine scale is stockpiled and sold by GLS.

The mill scale plant consists of 1 feeder, 2 conveyors, and 2 screens.

B. Stockpile Areas and Activities

Edward C. Levy Co. Plant 3 stockpiles both raw slag and finished slag products, kish-debris, and mill scale on the property.

Raw Slag - the raw slag, after being quenched, is dug from the pot dump area and stockpiled in the material handling stockpile adjacent to the process plant. The material is watered, and then transferred by front endloader to the grizzly/feeder at the beginning of the process plant.

Finished Slag Products - the raw slag is crushed and screened to produce four sizes of finished products. Water is added to the material at a rate of 4.0 gallons per ton of slag processed. A table of the finished products with moisture contents and % passing 200 mesh sieve can be found in the Process Description. The material is stockpiled by six stackers.

Load-out of finished product is by front endloader. Load-out emissions are controlled by limiting drop height of the bucket to a maximum of two (2) feet above the sideboard of the truck. All trucks transporting finished product are tarped before leaving the property.

C. Roadways and Parking Lots

Edward C. Levy Co. Plant 3 has both paved and unpaved roads.

Paved - the paved roads will be cleaned 2 times daily, during operating hours, weather permitting, with a power flush truck. Track-out will be cleaned up daily when it occurs. Speed limits on paved roads is 15 MPH.

Unpaved - the unpaved roads will be treated with a lignosulfonate dust suppressent once every three weeks at an application rate of 1.0 gallons per square yard and a dilution ration of 3:1. Additionally, speed limits on unpaved roads are restricted to 5 miles per hour.

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

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