STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
AIR POLLUTION CONTROL COMMISSION

ALTERATION OF

STIPULATION FOR ENTRY OF CONSENT ORDER AND FINAL ORDER

APC No. 02-1980

AND RATIFICATION THEREOF

Robert Miller, Acting Chief of the Air Quality Division, Department of Natural Resources, State of Michigan, pursuant to delegation of authority by Resolution No. 1357 of June 28, 1977, on behalf of the Air Pollution Control Commission, and Hayes-Albion Corporation, a company doing business in the City of Albion, County of Calhoun, State of Michigan, both being parties to Consent Order No. 02-1980, dated February 15, 1980, hereby ratify and consent to the following alteration of such Consent Order:

Section 5D

D. POSSIBLE NEW OR AMENDED CONSENT ORDERS

~~The Commission and the Company acknowledge that the emission evaluation program, or portions thereof, may demonstrate that additional air pollution control at the foundry is necessary to facilitate attainment and maintenance of the national particulate ambient air quality standards. The Company agrees, by November 1, 1981, and on the basis of the emission evaluation program referenced in paragraph 5(c) of this Order, to enter into a new or amended Consent Order if necessary, as required by the federal Clean Air Act, as amended, to further facilitate attainment and maintenance of the national particulate ambient air quality standards, or if necessary to comply with the Commission's rules.~~

D. FUGITIVE DUST CONTROL:

WITH THE EFFECTIVE DATE OF THIS ALTERATION, AND UNTIL OTHERWISE AUTHORIZED BY THE COMMISSION, THE COMPANY SHALL IMPLEMENT THE FUGITIVE DUST CONTROL PLAN (HEREINAFTER REFERRED TO AS THE "FDC PLAN") WHICH WAS SUBMITTED TO THE STAFF ON JULY 29, 1981. THE FDC PLAN SETS FORTH THE ACTIONS AND PROCEDURES TO BE USED BY THE COMPANY TO CONTROL FUGITIVE DUST AT THE FOUNDRY. THE FDC PLAN CONSISTS OF THE FOLLOWING:

(1) A STATEMENT OF POLICY BY THE MANAGEMENT OF THE COMPANY.

(2) A DESCRIPTION OF THE "CONTROL ACTIVITIES" THAT WILL BE USED BY THE COMPANY TO CONTROL THE FOLLOWING SOURCES OF FUGITIVE DUST AT THE FOUNDRY:

(a) LOADING AND UNLOADING OF OPEN STORAGE PILES OF BULK MATERIALS.

(b) TRANSPORTING OF BULK MATERIALS.

(c) OUTDOOR CONVEYING OF BULK MATERIALS.

(d) ROADS AND LOTS.

(e) BUILDING VENTILATION.

(3) A DESCRIPTION OF THE EDUCATION AND TRAINING THAT WILL BE PROVIDED TO THE COMPANY PERSONNEL THAT ARE RESPONSIBLE FOR IMPLEMENTATION OF THE FDC PLAN.

EITHER THE COMMISSION OR THE COMPANY MAY REQUEST A REVISION TO THIS CONTROL PROGRAM TO MEET CHANGING CONDITIONS IN ACCORDANCE WITH GENERAL RULES 371(8).

Staff and the Company both acknowledge that a public hearing on this abatement program was held on December 15, 1981. Both the Company and the Commission agree to

be bound by the terms of the Consent Order, as altered, in the same manner as if such alteration had been made before the execution thereof.

Executed this 7 day of January, 1982, by Hayes-Albion Corporation.

HAYES-ALBION CORPORATION

By: G. E. Hammell
Sr. VP - Powerful Casting Group

Executed this 21st day of January, 1982, and contents approved as to form by the Department of Attorney General of the State of Michigan.

ENVIRONMENTAL PROTECTION DIVISION
DEPARTMENT OF ATTORNEY GENERAL

By: [signature]

Executed this 2nd, day of Feb., 1982, and contents approved as to substance by the Department of Natural Resources of the State of Michigan.

AIR POLLUTION CONTROL COMMISSION
DEPARTMENT OF NATURAL RESOURCES

By: Robert Miller

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
AIR POLLUTION CONTROL COMMISSION

In the matter of administrative proceedings involving HAYES-ALBION CORPORATION, a corporation organized under the laws of the State of Delaware and doing business at 601 North Albion Street, City of Albion, County of Calhoun, State of Michigan.	APC No. 02-1980

STIPULATION FOR ENTRY OF CONSENT ORDER
AND
FINAL ORDER

This proceeding arises out of the requirements of Section 110 (42 USCA Section 7410) and Part D (42 USCA Section 7501-7508) of the Federal Clean Air Act for certain revisions to the Michigan Air Quality Implementation Plan. The Michigan Air Pollution Control Commission ("the Commission") and Hayes-Albion Corporation, a Delaware corporation ("the Company"), which operates a foundry ("the foundry") at 601 North Albion Street, City of Albion, County of Calhoun, State of Michigan, agree to entry of this Consent Order for the purposes set forth herein, including, without limitation, for the purpose of reduction of particulate emissions from certain specific sources within the foundry and for the purpose of conducting additional study to determine any other significant particulate emission sources at the foundry.

The Company and the Commission hereby and herewith stipulate and agree as follows:

1. The Company and the Commission admit that the Chief of the Air Quality Division of the Department of Natural Resources is authorized by resolution of the Commission adopted June 23, 1977, as agent of the Commission to enter into this Final Order by consent.

2. The Company and the Commission admit that the Chief of the Air Quality Division ("the Staff") of the Department of Natural Resources is charged with the investigation and enforcement of all orders, regulations, rules, standards and statutes of the State of Michigan concerning the emission and control of air contaminants.

3. The Company and the Commission admit and stipulate that the termination of this matter by a Final Order to be entered as a Consent Order is proper and acceptable.

4. The Company and the Commission acknowledge that the foundry is located in an area that the U.S. Environmental Protection Agency has classified as nonattainment for particulate in accordance with Section 107 of the Federal Clean Air Act as amended in 1977. The Company and the Commission agree that reductions of particulate emissions from the foundry would facilitate the attainment of the National Ambient Air Quality Standards for particulate in the area presently classified as nonattainment.

5. The Company and the Commission agree that the signing of this Stipulation is for settlement purposes only and does not constitute an admission by the Company that the law has been violated. The Commission and the Company herewith and hereby stipulate and agree to the following time schedule for affirmative action:

A. <u>NO. 3 LINE EMISSION CONTROL PROGRAM</u>:

(1) The Company shall not operate the No. 3 line until the installation of the No. 3 line control equipment (described in Permits to Install No. 102-79 and No. 194-79) is complete.

(2) Within ninety (90) days after the No. 3 line has been placed in operation, it shall operate in compliance with the following limitations:

(a) Visible emissions shall not exceed an opacity of 20 percent except as specified in Commission Rule 301 (Michigan Administrative Code R 336.1301).

(b) The particulate emission rate from the rotary shakeout drum shall not exceed 0.06 pounds per 1,000 pounds of exhaust gases, calculated on a dry gas basis.

(c) The particulate emission rate from the sand handling equipment shall not exceed 0.05 pounds per 1,000 pounds of exhaust gases, calculated on a dry gas basis.

(d) The particulate emission rate from the automatic pouring system shall not exceed 0.01 pounds per 1,000 pounds of exhaust gases, calculated on a dry gas basis.

(3) Within ninety (90) days after the No. 3 line control equipment has been placed in operation, the Company shall complete the testing (conducted according to procedures approved by Staff) of the No. 3 line control equipment and submit to the Staff the detailed report of the test data and results.

B. HARD IRON LINE EMISSION CONTROL PROGRAM:

The Company and the Commission acknowledge that the Company on June 30, 1979, permanently ceased operation of the "hard iron line."

C. EMISSION EVALUATION PROGRAM:

(1) The Company shall study the sources of particulate emissions from the foundry. The study shall consist of:

(a) An identification of the significant particulate emission sources.

(b) A determination of the nature and quantity of particulate emissions from these sources.

(c) An evaluation of the impact of these emissions on ambient air quality.

(d) An identification and evaluation of control alternatives for the significant sources.

(e) An estimate of the cost of these control alternatives.

(2) Before May 1, 1979, the Company hired a consultant to complete the study of Items C(1)(a), (b), and (c), using methods and techniques acceptable to the Staff.

(3) By April 1, 1980, the study of Items C(1)(a), (b), and (c) will be complete.

(4) By April 1, 1980, the Company or a consultant hired by the Company shall commence ~~a consultant will be hired to perform~~ Items C(1)(d) and (e), above, based on the results obtained in Items C(1)(a), (b), and (c).

(5) By August 1, 1980, the entire study will be complete and the Company shall submit a report on the results of this study to the Staff.

Without in any way limiting the scope of the consultant services, the results of those services or the manner in which those results may be used, the Commission agrees that the Company, based on such results, may challenge the location of any total suspended particulate monitor which is located within a twenty-five (25) mile radius, of the foundry. Such a challenge shall be decided by the Commission within a reasonable time and shall not in any way delay any requirement of this Order.

D. POSSIBLE NEW OR AMENDED CONSENT ORDERS:

The Commission and the Company acknowledge that the emission evaluation program, or portions thereof, may demonstrate that additional air pollution control at the foundry is necessary to facilitate attainment and maintenance of the national particulate ambient air quality standards. The Company agrees, by October 1, 1980, and on the basis of the emission evaluation program referenced in paragraph 5(c) of this Order, to enter into a new or amended Consent Order if necessary, as required by the federal Clean Air Act, as amended, to further facilitate attainment and maintenance of the national particulate ambient air quality standards, or if necessary to comply with the Commission's rules.

E. MALFUNCTION ABATEMENT PLAN:

The Company has submitted a malfunction abatement plan (hereinafter referred to as the "Plan"), which sets forth procedures for the prevention, detection and correction of malfunctions of identified major air cleaning devices at the foundry. The Plan consists of the following:

(1) A preventative maintenance program consisting of:

(a) Identification by Company job title of the individual(s) responsible for implementation of the Plan.

(b) A description and the frequency of inspections to be conducted.

(c) Identification of replacement parts to be placed in inventory and replenished as used.

(2) A malfunction or failure detection program, consisting of:

(a) An identification of the source and air cleaning device operating variables that will be monitored;

(b) The normal operating range of these variables; and

(c) A description of the monitoring procedures and frequencies.

(3) A description of the corrective procedures that will be taken in the event of a malfunction or failure, including the maximum time required for these corrections, in order to achieve compliance with the Commission's rules.

(4) The Company shall maintain records necessary for determining compliance with the Plan. The form of such records shall be determined by the Company and such records shall be maintained for a period of six (6) months. If excessive emissions, lasting more than two (2) hours, do occur as a direct result of a malfunction of an identified major air cleaning device, the Company shall:

(a) Notify the Staff as soon as is reasonably possible.

(b) Submit to the Staff, in writing, within ten (10) days, a detailed report, including probable causes, duration of violation, remedial action taken, and what steps are being undertaken to prevent a reoccurrence. These preventative steps shall become a part of the Plan.

Within thirty (30) days after entry of this Order, Staff shall either approve the Plan; or, if in the opinion of the Staff the Plan does not carry out the objectives of this paragraph 5E, the Staff may disapprove the Plan, state in writing its reasons for disapproval

and require the preparation of an amended Plan within thirty (30) days following receipt by the Company of Staff's written reasons. Within the thirty (30) day period following receipt of Staff's reasons, the Company shall submit an amended Plan which complies with Staff's requirements. The Company may at any time request a hearing before the Commission for the purpose of appealing any Staff decision under this paragraph 5E. The Company shall implement the Plan within 60 days after approval by Staff or the Commission.

F. COLLECTED BAGHOUSE DUST DISPOSAL:

(1) By April 1, 1980, the Company will adequately control all collected dust transfer points (up to and including placement of the dust into trucks) for all dry collectors at the foundry. This control shall include enclosures, shrouding, control equipment, or other methods such that collected dust is not introduced into the ambient air (as defined in Michigan Administrative Code R 336.1101(h)).

(2) By April 1, 1980, the Company shall transport collected baghouse dust in enclosed trucks or in open-body trucks covered with firmly secured canvas or similar type covering.

6. If not otherwise required by this Consent Order, the Company shall, within seven days after any requirement specified in paragraph 5, notify the Staff of the status of the Company's compliance with that requirement.

7. The Company and the Commission agree that the emission reductions required by paragraphs 5.A and 5.B of this Order reduced particulate emissions from the foundry sufficiently to provide the particulate offsets to support

the issuance of Permits to Install No. 102-79 and No. 194-79 as referenced in paragraph 5.A of this Order.

8. Neither the entry of this Order nor anything contained in this Order shall preclude the Company from requesting that the emission reductions, in whole or in part, accomplished pursuant to this Order, or amendment or replacement thereof, be available to the Company or its successors or assigns as ambient air quality or emission offset credit for purposes of Sections 160-169 of the Federal Clean Air Act (42 USCA Section 7470-7499) relating to prevention of significant deterioration of air quality, for purposes of Sections 171-173 of the Federal Clean Air Act relating to construction or modification of any major stationary source in any area where National Ambient Air Quality Standards are being exceeded, for the purposes of any future Michigan regulations which are similar to or implement the above sections of the Federal Clean Air Act, or for any other purpose.

9. The Commission and the Company agree that this Order represents "reasonable further progress" as that term is defined in Part D of the Federal Clean Air Act (42 USCA Section 7501-7508) and that this Order meets the requirements of Sections 2.2.4.1-2.2.4.8 of the Proposed Revisions dated January 1, 1979 (as amended) to the Michigan Air Quality Implementation Plan.

10. The Commission and the Company agree that the provisions of paragraphs 5.C through 5.F represent additional increments of control beyond the present requirements of Rule 301 and Rule 331 of the Commission's rules (Michigan Administrative Code R 336.1301 and R 336.1331).

11. The Company, the Commission, and the Chief of the Air Quality Division of the Department of Natural Resources agree that this Consent Order, any supporting data, and any necessary data that may be requested by the U.S.

Environmental Protection Agency which is available to the Staff or provided by the Company shall be transmitted to the U.S. Environmental Protection Agency for approval as a revision to the Michigan Air Quality Implementation Plan.

12. The Commission and the Company both acknowledge that pursuant to Section 120 of the Federal Clean Air Act Amendments of 1977 (PL 95-95, dated August 7, 1977), the Company may be required to pay a noncompliance penalty for failure to achieve compliance with paragraphs 5.A(1) and 5.B of this Order by midnight of July 1, 1979.

13. The Staff and the Company do not regard this abatement program as a variance subject to the 12-month limitation specified in Section 22 of the Air Pollution Act, being MCLA 336.32. Approval of this abatement program is not a major state action for purposes of further environmental review pursuant to Executive Order 1974-4.

14. Staff and the Company both acknowledge that a public hearing on this abatement program was held on January 10, 1980. Both Staff and the Company consent to enforcement of this Stipulation and Final Order in the same manner and by the same procedures for all final orders entered pursuant to Section 16 of 1972 PA 257, MCLA 336.26, including enforcement pursuant to 1970 PA 127, MCLA 691.1201, et. seq.; MSA 14.528(201) et. seq.

Approved as to Form and Content:

HAYES-ALBION CORPORATION

Dated: _____

Approved as to Content:

Delbert Rector

Delbert Rector, Chief
AIR QUALITY DIVISION
DEPARTMENT OF NATURAL RESOURCES

Dated: February 15, 1980

Approved as to Form:

Stewart H. Freeman
Assistant Attorney General
DEPARTMENT OF ATTORNEY GENERAL

Dated: February 15, 1980

FINAL ORDER

This Commission having had opportunity to review the above stated Stipulation and this Commission having authorized the Chief of the Air Quality Division of the Department of Natural Resources as agent of the Commission to enter into consent orders,

IT IS ORDERED that this Consent Order shall be entered as a Final Order in the record of this Commission.

AIR POLLUTION CONTROL COMMISSION

By: Delbert Rector

Delbert Rector, Chief
Air Quality Division
Department of Natural Resources

Dated: February 15, 1980