STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
OFFICE OF THE DIRECTOR

In the matter of administrative proceedings involving the **FERROUS PROCESSING AND TRADING COMPANY**, a corporation organized under the laws of the State of Michigan and doing business at 9100 John Kronk, P.O. Box 10166, in the City of Detroit, County of Wayne, State of Michigan.	SIP No. 12-1993 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 Ferrous Processing and Trading Company ("Company") owns and operates a metallic scrap processing and recycling facility ("Plant"), located at 9100 John Kronk, 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. 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 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 Ferrous Processing and Trading Company sells or transfers the Ferrous Processing and Trading 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 Ferrous Processing and Trading 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 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 Staff may enforce this Consent Order. 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:

John Morrissey / Executive Vice President

FERROUS PROCESSING AND TRADING COMPANY

Dated: October 06, 1994

The above signatory subscribed and sworn to before me this _____ day of _____, 1994.

_____

Notary Public

Approved as to Content:

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

Dated: 10/12/94

Approved as to Form:

for A. Michael Leffler
Assistant Attorney General, In Charge
NATURAL RESOURCE 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, Acting Chief
Air Quality Division

Dated: 10/12/94

EXHIBIT A
FUGITIVE DUST CONTROL PLAN
FERROUS PROCESSING AND TRADING COMPANY

1. Facility Name and Address:

Ferrous Processing and Trading Co.
9100 John Kronk, P.O. Box 10166
Detroit, MI 48210-0166

2. Name and Address of Responsible Person:

John Morrissey, Executive Vice-President
Ferrous Processing and Trading Company
9100 John Kronk, P.O. Box 10166
Detroit, Michigan 48210-0166

3. Summary of Source Descriptions and Control Measures:

1) We operate a metallic scrap processing and recycling facility on approximately 20 acres at 9100 John Kronk Avenue in Detroit.

2) Possible sources of fugitive dust:
(a) Paved roadways
(b) Unpaved roadways
(c) Open storage and parking areas
(d) Storage piles
(e) Conveyors

3) Methods of controlling fugitive dust:

(a) Paved roadways - regular sweeping 2 to 3 times per week - limiting vehicular traffic to 5 MPH
(b) Unpaved roadways - oiling as needed approximately once per month during spring and summer months - application is done by spray truck - limiting vehicular traffic to 5 MPH
(c) Open storage and parking areas - regular oiling as needed approximately once per month during spring and summer months
(d) Storage piles - most of our piles consist of heavy iron and steel and do not create a dust problem - our piles of Shredded Scrap come off the machine in a wet condition and also do not create a dust problem
(e) The conveyors at our shredding plants convey wet material and as a result do not create dust

During 1989 we paved approximately 50,000 square feet of open area and roadways. Our present plans call for paving an additional 75,000 square feet of open areas and roadways.

We have approximately 75 trucks per day through our facility.

We have attached a plot plan of our facility showing paved areas, unpaved roadways, and the area that we propose to pave during 1990-91.

(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