

DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY DIVISION
ACTIVITY REPORT: Self Initiated Inspection

B517730319

FACILITY: GLOBE CONCRETE & SUPPLY		SRN / ID: B5177
LOCATION: NORRIEE, IRONWOOD		DISTRICT: Upper Peninsula
CITY: IRONWOOD		COUNTY: GOGEBIC
CONTACT: MARK RUPPE , OWNER		ACTIVITY DATE: 07/21/2015
STAFF: Joel Asher	COMPLIANCE STATUS: Non Compliance	SOURCE CLASS:
SUBJECT: Concrete batch plant and gravel crusher		
RESOLVED COMPLAINTS:		

On 7/21/2015 I conducted an unannounced inspection of this facility. My contacts were Mr. Mark Ruppe, president of the corporation, and Ms. Sue Gygi, office manager.

This facility has been issued PTI #237-75 for a concrete batch plant. The batch plant is still on site and is operational, but has not been used for some time. Mr. Ruppe stated they have not batched any concrete since last year. The concrete steps they have made have been produced by mixing bagged cement. Mr. Ruppe wasn't certain of future production but wished to retain the PTI in the event demand increases and they start up the batch plant.

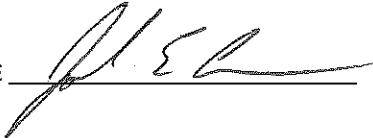
A crusher was observed in front of the facility. Mr. Ruppe stated they purchased the unit a year ago, but started operations about a month ago. The unit is used to crush recycled concrete and some aggregate. Mr. Ruppe and I went out to look at the equipment. The crushing equipment includes an Eagle Crusher Company Jaw crusher, made in Galion, Ohio (Mr. Rupper estimated it to be rated at 200 tons per hour). Mr. Ruppe stated the crusher unit is shop built by placing a separate loading bin and the jaw on an old platform. There are 3 different conveyors. There is also an Allis Chalmers screen, and a 1956 Metalsmith Cone Crusher (estimated to be rated at 100 tons per hour).

There is no water spray bars or application with the unit.

The facility does not have a PTI for the crushing unit. A review of the correspondence file shows a fax sent to the company on 2/11/2005 regarding air emission fees. A letter dated 8/19/2003 was also mailed to company describing the need for a permit for crushers and the fees associated with such equipment.

A Violation Notice will be sent to the company for failure to obtain a permit for the crushing equipment.

NAME



DATE

7/23/15

SUPERVISOR

Upper Peninsula District Office
420 5th Street
Gwinn, MI 49841
Phone: (906) 346-8300
Fax: (906) 346-4480

MDEQ

Memo

To: Mark Ruppe *6/15/05 Gwinn* **From:** Joel Asher
Fax: 906 932-3577
Phone: 906 932-3540 **Pages:** 7
Re: Air Use Fee Questions **CC:**

Urgent For Review Please Comment Please Reply Please Recycle

•Comments:

Mark,

Regarding a payment plan for air use fees: While the AQD can't approve a structured payment plan for facilities, the AQD will cashier checks as they are submitted. However, a facility will become subject to late payment penalties of 5% per month on the remaining balance, if the fee is not paid in its entirety by the April 15th due date.

Act 451, Section 5522 (4) directs payment of air use fees to the emissions control fund. The uses of the fund are described in Section 5521. I have included copies of these sections.

If you have any further questions let me know.

Joel

Fixed 2/11/05 11 AM

state to delay action, the department shall notify the person by written notice that he or she must immediately discontinue the air pollution or take such other action as may be necessary to contain the imminent and substantial endangerment, or both. The written notice shall specify the facts that are the basis of the allegation. Within 7 days, the department shall provide the person the opportunity to be heard and to present any proof that the discharge does not constitute an imminent and substantial endangerment to the public health, safety, or welfare, or to the environment.

(2) Notwithstanding any other provision of this part, upon receipt of evidence that a person is discharging or causing to be discharged into the atmosphere, directly or indirectly, an air contaminant and the discharge constitutes an imminent and substantial endangerment to the public health, safety, or welfare, or to the environment, and it appears to be prejudicial to the interests of the people of the state to delay action, the attorney general may bring suit on behalf of the state in the appropriate circuit court to immediately discontinue the air pollution or take such other action as may be necessary to contain the imminent and substantial endangerment, or both.

(3) An order issued by the department under subsection (1) is effective upon issuance and shall remain in effect for a period of not more than 7 days, unless the attorney general brings a civil action to restrain the alleged endangerment pursuant to subsection (2) or section 5530 before the expiration of that period. If the attorney general brings such an action within the 7-day period, the order issued by the department shall remain in effect for an additional 7 days or such other period as is authorized by the court in which the action is brought.

(4) Prior to taking an action under subsection (1), the department shall attempt to notify the emergency management coordinator for the county in which the source is located who is appointed pursuant to the emergency management act, Act No. 390 of the Public Acts of 1976, being sections 30.401 to 30.420 of the Michigan Compiled Laws.

History: 1994, Act 451, Eff. Mar. 30, 1995.

324.5519, 324.5520 Repealed. 1998, Act 245, Imd. Eff. July 8, 1998.

Compiler's Note: The repealed sections pertained to submission of emission information to the department and payment of emission fees.

324.5521 Emissions control fund.

Sec. 5521. (1) The emissions control fund is created within the state treasury. The state treasurer may receive money from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments.

(2) Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund.

(3) Upon the expenditure or appropriation of funds raised through fees in this part for any purpose other than those specifically listed in this part, authorization to collect fees under this part is suspended until such time as the funds expended or appropriated for purposes other than those listed in this part are returned to the emissions control fund.

(4) Beginning October 1, 1994 and thereafter money shall be expended from the fund, upon appropriation, only for the following purposes as they relate to implementing the operating permit program required by title V:

(a) Preparing generally applicable rules or guidance regarding the operating permit program or its implementation or enforcement.

(b) Reviewing and acting on any application for a permit, permit revision, or permit renewal, the development of an applicable requirement as part of the processing of a permit, or permit revision or renewal.

(c) General administrative costs of running the operating permit program, including the supporting and tracking of permit applications, compliance certification, and related data entry.

(d) Implementing and enforcing the terms of any operating permit, not including any court costs or other costs associated with an enforcement action.

(e) Emissions and ambient monitoring.

(f) Modeling, analysis, or demonstration.

(g) Preparing inventories and tracking emissions.

(h) Providing direct and indirect support to facilities under the small business clean air assistance program created in part 57.

History: 1994, Act 451, Eff. Mar. 30, 1995;—Am. 1998, Act 245, Imd. Eff. July 8, 1998.

324.5522: Fee-subject facilities; air quality fees; calculation of facility emissions for previous year; annual report detailing activities of previous fiscal years; action by attorney general for collection of fees; applicability of section; condition.

Sec. 5522. (1) For the state fiscal year beginning October 1, 2001, and continuing until September 30, 2005, the owner or operator of each fee-subject facility shall pay air quality fees as required and calculated under this section. The department may levy and collect an annual air quality fee from the owner or operator of each fee-subject facility in this state. The legislature intends that the fees required under this section meet the minimum requirements of the clean air act and that this expressly stated fee system serve as a limitation on the amount of fees imposed under this part on the owners or operators of fee-subject facilities in this state.

(2) The annual air quality fee shall be calculated for each fee-subject facility, according to the following procedure:

(a) For category I facilities, the annual air quality fee shall be the sum of a facility charge and an emissions charge as specified in subdivision (e). The facility charge shall be \$4,485.00.

(b) ~~For category II facilities~~, the annual air quality fee shall be the sum of a facility charge and an emissions charge as specified in subdivision (e). The facility charge shall be ~~\$1,795.00.~~

(c) For category III facilities, the annual air quality fee shall be \$250.00.

(d) For municipal electric generating facilities that are category I facilities and that emit more than 450 tons but less than 18,000 tons of fee-subject air pollutants, the annual air quality fee shall be the following amount, based on the number of tons of fee-subject air pollutants emitted:

(i) More than 450 tons but less than 4,000 tons, \$24,816.00.

*Used to
find fee of \$11,000*

(ii) At least 4,000 tons but not more than 5,300 tons, \$24,816.00 plus \$45.25 per ton of fee-subject air pollutant in excess of 4,000 tons.

(iii) More than 5,300 tons but not more than 12,000 tons, \$85,045.00.

(iv) More than 12,000 tons but less than 18,000 tons, \$159,459.00.

(e) The emissions charge for category I and category II facilities shall equal the emission charge rate of ~~\$45.25~~ multiplied by the actual tons of fee-subject air pollutants emitted. A pollutant that qualifies as a fee-subject air pollutant under more than 1 class shall be charged only once. The actual tons of fee-subject air pollutants emitted is considered to be the sum of all fee-subject air pollutants emitted at the fee-subject facility for the calendar year 2 years preceding the year of billing, but not more than the lesser of the following:

(i) 4,000 tons.

(ii) 1,000 tons per pollutant, if the sum of all fee-subject air pollutants except carbon monoxide emitted at the fee-subject facility is less than 4,000 tons.

(3) The auditor general shall conduct a biennial audit of the federally mandated operating permit program required in title V. The audit shall include the auditor general's recommendation regarding the sufficiency of the fees required under subsection (2) to meet the minimum requirements of the clean air act.

(4) After January 1, but before January 15 of each year beginning in 1995, the department shall notify the owner or operator of each fee-subject facility of its assessed annual air quality fee. Payment is due within 90 calendar days of the mailing date of the air quality fee notification. If an assessed fee is challenged under subsection (6), payment is due within 90 calendar days of the mailing date of the air quality fee notification or within 30 days of receipt of a revised fee or statement supporting the original fee, whichever is later. The department shall deposit all fees collected under this section to the credit of the fund.

(5) If the owner or operator of a fee-subject facility fails to submit the amount due within the time period specified in subsection (4), the department shall assess the owner or operator a penalty of 5% of the amount of the unpaid fee for each month that the payment is overdue up to a maximum penalty of 25% of the total fee owed.

(6) If the owner or operator of a fee-subject facility desires to challenge its assessed fee, the owner or operator shall submit the challenge in writing to the department. The department shall not process the challenge unless it is received by the department within 45 calendar days of the mailing date of the air quality fee notification described in subsection (4). A challenge shall identify the facility and state the grounds upon which the challenge is based. Within 30 calendar days of receipt of the challenge, the department shall determine the validity of the challenge and provide the owner with notification of a revised fee or a statement setting forth the reason or reasons why the fee was not revised. Payment of the challenged or revised fee is due within the time frame described in subsection (4). If the owner or operator of a facility desires to further challenge its assessed fee, the owner or operator of the facility has an opportunity for a contested case hearing as provided for under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(7) If requested by the department, by March 15 of each year, or within 45 days of a request by the department, whichever is later, the owner or operator of each fee-subject facility shall submit information regarding the facility's previous year's emissions to the

department. The information shall be sufficient for the department to calculate the facility's emissions for that year and meet the requirements of subpart Q of 40 C.F.R. part 51.

(8) By July 1 of each year, the department shall provide the owner or operator of each fee-subject facility required to pay an emission charge pursuant to this section with a copy of the department's calculation of the facility emissions for the previous year. Within 60 days of this notification, the owner or operator of the facility may provide corrections to the department. The department shall make a final determination of the emissions by December 15 of that year. If the owner or operator disagrees with the determination of the department, the owner or operator may request a contested case hearing as provided for under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(9) ~~By March 1 annually,~~ the department shall prepare and submit to the governor, the legislature, the chair of the standing committee of the senate and house of representatives with primary responsibility for environmental protection issues related to air quality, and the chairs of the subcommittees of the senate and house appropriations committees with primary responsibility for appropriations to the department a report that details the activities of the previous fiscal year funded by the fund for the department. This report shall include, at a minimum, all of the following as it relates to the department:

(a) The number of full-time equated positions performing title V and non-title V air quality enforcement, compliance, or permitting activities.

(b) All of the following information related to the permit to install program authorized under section 5505:

(i) The number of permit to install applications received by the department.

(ii) The number of permit to install applications for which a final action was taken by the department. The number of final actions should be reported as the number of applications approved, the number of applications denied, and the number of applications withdrawn by the applicant.

(iii) The number of permits to install approved that were required to complete public participation under section 5511(3) before final action and the number of permits to install approved that were not required to complete public participation under section 5511(3) prior to final action.

(iv) The average number of final permit actions per permit to install reviewer full-time equivalent position.

(v) The percentage and number of permit to install applications which were reviewed for administrative completeness within 10 days of receipt by the department.

(vi) The percentage and number of permit to install applications which were reviewed for technical completeness within 30 days of receipt of an administratively complete application by the department.

(vii) The percentage and number of permit to install applications submitted to the department that were administratively complete as received.

(viii) The percentage and number of permit to install applications for which a final action was taken by the department within 60 days of receipt of a technically complete application for those not required to complete public participation under section 5511(3) prior to final action, or within 120 days of receipt of a technically complete application for those which are required to complete public participation under section 5511(3) prior to final action.

(c) All of the following information for the renewable operating permit program authorized under section 5506:

(i) The number of renewable operating permit applications received by the department.

(ii) The number of renewable operating permit applications for which a final action was taken by the department. The number of final actions should be reported as the number of applications approved, the number of applications denied, and the number of applications withdrawn by the applicant.

(iii) The percentage and number of permit applications initially processed within the required time.

(iv) The percentage and number of permit renewals and modifications processed within the required time.

(v) The number of permit applications reopened by the department.

(vi) The number of general permits issued by the department.

(d) The number of letters of violation sent.

(e) The amount of penalties collected from all consent orders and judgments.

(f) For each enforcement action that includes payment of a penalty, a description of what corrective actions were required by the enforcement action.

(g) The number of inspections done on sources required to obtain a permit under section 5506 and the number of inspections of other sources.

(h) The number of air pollution complaints received, investigated, not resolved, and resolved by the department.

(i) The number of contested case hearings and civil actions initiated and completed, and the number of voluntary consent orders, administrative penalty orders, and emergency orders entered or issued, for sources required to obtain a permit under section 5506.

(j) The amount of revenue in the fund at the end of the fiscal year.

(10) The report under subsection (9) shall also include the amount of revenue for programs under this part received during the prior fiscal year from fees, from federal funds, and from general fund appropriations. Each of these amounts shall be expressed as a dollar amount and as a percent of the total annual cost of programs under this part.

(11) The attorney general may bring an action for the collection of the fees imposed under this section.

(12) This section does not apply if the administrator of the United States environmental protection agency determines that the department is not adequately administering or enforcing the renewable operating permit program and the administrator promulgates and administers a renewable operating permit program for this state.

History: 1994, Act 451, Eff. Mar. 30, 1995;—Am. 1998, Act 245, Imd. Eff. July 8, 1998; —Am. 2001, Act 49, Imd. Eff. July 23, 2001.

324.5523 Delegation granted by department to certain counties for issuance of permits and administration and enforcement of act, rules, and state implementation plan.

Sec. 5523. (1) A county in which a city with a population of 750,000 or more is located may apply for a delegation from the department to issue state permits and administer and enforce the applicable provisions of this part, rules promulgated under this part, the clean air act, and the state implementation plan. After a public hearing, the department shall grant the

delegation if the department finds that the county's application demonstrates all of the following:

(a) That the county program complies with the applicable provisions of this part, the rules promulgated under this part, the clean air act, and the state implementation plan.

(b) That the county has, and will continue to have, the capacity to carry out the applicable provisions of this part, rules promulgated under this part, the clean air act, and the state implementation plan including, but not limited to, adequate and qualified staff to do all of the following:

(i) Monitor ambient air at locations specified by the department using equipment and procedures specified by the department.

(ii) Process and review applications for installation permits, operating permits, tax exemptions, and construction waivers pursuant to sections 5505 and 5506, part 59, and the clean air act, demonstrating a thorough knowledge of permit applicability, procedures, and regulations by developing permits that are free of significant errors and inaccuracies as defined in the performance standards section of the annual contract between the department and participating counties.

(iii) Perform necessary sampling and laboratory analyses.

(iv) Conduct regular and complete inspections and record reviews of all significant sources of air pollution.

(v) Respond to citizen complaints related to air pollution.

(vi) Notify sources of identified violations of applicable provisions of this part, rules promulgated under this part, the clean air act, and the state implementation plan and conduct appropriate enforcement, up to and including administrative, civil, and criminal enforcement.

(vii) Perform dispersion modeling analyses, collect emissions release information, and develop necessary state implementation plan demonstrations.

(viii) Carry out other activities required by this part, rules promulgated under this part, the clean air act, and the state implementation plan.

(c) That the county has adequate funding to carry out the applicable provisions of this part, rules promulgated under this part, the clean air act, and the state implementation plan. This shall include identification of funding from air quality fees and any federal, state, or county funds along with an identification of the activities that are funded by each funding source. The county funding shall be sufficient to provide the required grantee match for any federal air pollution grant.

(d) That the county has performed in accordance with the terms of the most recent contract, if any, between the state and the county that describes the work activities and program to be carried out by the county. This shall be demonstrated through state audit reports and the county's prompt and permanent correction of any deficiencies identified in state audit reports.

(e) That the county program contains provisions for public notice and public participation consistent with this part, the rules promulgated under this part, and the clean air act.

(f) That the county has the capacity to administer the state air quality fee program in the manner prescribed in section 5522 for all fee-subject facilities subject to this part, located within the county, and subject to the delegated program of the county. This shall include an



JENNIFER M. GRANHOLM
GOVERNOR

*Mack
Co*

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
UPPER PENINSULA DISTRICT OFFICE



STEVEN E. CHESTER
DIRECTOR

Bak

August 19, 2003

Ms. Susan Wolfe, Office Manager
Globe Industries
100 Mill Street
Ironwood, Michigan 49938

Ms. Wolfe:

SUBJECT: Michigan Air Use Permit for a Non-Metallic Mineral Crusher

This letter is in response to our discussion during the air quality inspection of your facility on August 8, 2003.

Any non-metallic mineral crushers, of any age, that operate in Michigan are required to obtain an air use permit from the Air Quality Division (AQD) of the Department of Environmental Quality (DEQ). Crushers manufactured or modified after August 31, 1983 will also be subject to the New Source Performance Standards Subpart 000. I have included information regarding the process for obtaining a general air use permit. This can also be found on the DEQ website (www.michigan.gov/deg). If you are planning to operate a portable crusher you will need to submit relocation notices (form EQP5757) each time the unit is moved in Michigan.

There is no cost for applying for an air use permit. At present there is a yearly fee of \$1795.00. If you do not operate your crusher in the state for a billed year you may submit a request to cancel the fee for that year. Any operation during the year will require payment of the annual air quality fee. An additional charge of \$45.25 will be billed for each ton of air pollutant emitted. It has been determined that crushing 40,000 tons of material produces one ton of air pollutant.

Please review the attached information to determine if you wish to apply for an air use permit. Be aware that severe penalties are incurred for those facilities found to be operating in the state of Michigan without a valid permit.

If you have any questions, do not hesitate to contact me.

Sincerely,

Joel E. Asher
Environmental Quality Analyst
Air Quality Division
906 346-8502

Attachments

cc: Mr. Brian Brady, DEQ, AQD, Upper Peninsula District Supervisor