

SUPPLEMENT to PERMIT No. 93-01A  
H & D Inc.  
South Fox Island, Michigan  
June 5, 2001

GENERAL CONDITIONS

1. The process or process equipment covered by this permit shall not be reconstructed, relocated, altered, or modified, unless a Permit to Install authorizing such action is issued by the Department, except to the extent such action is exempt from the Permit to Install requirements by any applicable rule. [R 336.1201(1)]
2. If the installation, reconstruction, relocation, or alteration of the equipment for which this permit has been approved has not commenced within 18 months, or has been interrupted for 18 months, this permit shall become void unless otherwise authorized by the Department. Furthermore, the person to whom this permit was issued, or the designated authorized agent, shall notify the Department via the Supervisor, Permit Section, Air Quality Division, Michigan Department of Environmental Quality, PO Box 30260, Lansing, Michigan 48909, if it is decided not to pursue the installation, reconstruction, relocation, or alteration of the equipment allowed by this Permit to Install. [R 336.1201(4)]
3. If this Permit to Install is issued for a process or process equipment located at a stationary source that is not subject to the Renewable Operating Permit program requirements pursuant to R 336.1210, operation of the process or process equipment is allowed by this permit if the equipment performs in accordance with the terms and conditions of this Permit to Install. [R 336.1201(6)(b)]
4. The Department may, after notice and opportunity for a hearing, revoke this Permit to Install if evidence indicates the process or process equipment is not performing in accordance with the terms and conditions of this permit or is violating the Department's rules or the Clean Air Act. [R 336.1201(8), Section 5510 of Act 451, PA 1994]
5. The terms and conditions of this Permit to Install shall apply to any person or legal entity that now or hereafter owns or operates the process or process equipment at the location authorized by this Permit to Install. If the new owner or operator submits a written request to the Department pursuant to R 336.1219 and the Department approves the request, this permit will be amended to reflect the change of ownership or operational control. The request must include all of the information required by subrules (1)(a), (b), and (c) of R 336.1219. The written request shall be sent to the District Supervisor, Air Quality Division, Michigan Department of Environmental Quality. [R 336.1219]
6. Operation of this equipment shall not result in the emission of an air contaminant which causes injurious effects to human health or safety, animal life, plant life of significant economic value, or property, or which causes unreasonable interference with the comfortable enjoyment of life and property. [R 336.1901]
7. The owner or operator of a source, process, or process equipment shall provide notice of an abnormal condition, start-up, shutdown, or malfunction that results in emissions of a hazardous or toxic air pollutant in excess of standards for more than one hour, or of any air contaminant in excess of standards for more than two hours, as required in this

- rule, to the District Supervisor, Air Quality Division. The notice shall be provided no later than two business days after start-up, shutdown, or discovery of the abnormal condition or malfunction. Written reports, if required, must be filed with the District Supervisor within 30 days, with the information required in this rule. [R 336.1912]
8. Approval of this permit does not exempt the person to whom this permit was issued from complying with any future applicable requirements which may be promulgated under Part 55 of Act 451, PA 1994 of the Federal Clean Air Act.
  9. Approval of this permit does not obviate the necessity of obtaining such permits or approvals from other units of government as required by law.
  10. Operation of this equipment may be subject to other requirements of Part 55 of Act 451, PA 1994, and the rules promulgated thereunder.
  11. Except as provided in subrules (2) and (3) or unless the special conditions of the Permit to Install include an alternate opacity limit established pursuant to subrule (4) of R 336.1301, a person shall not cause or permit to be discharged into the outer air from a process or process equipment a visible emission of density greater than the most stringent of the following. The grading of visible emissions shall be determined in accordance with R 336.1303. [R 336.1301]
    - a) A six-minute average of 20 percent opacity, except for one six-minute average per hour of not more than 27 percent opacity.
    - b) A visible emission limit specified by an applicable federal new source performance standard.
    - c) A visible emission limit specified as a condition of this permit to install.
  12. Collected air contaminants shall be removed as necessary to maintain the equipment at the required operating efficiency. The collection and disposal of air contaminants shall be performed in a manner so as to minimize the introduction of contaminants to the outer air. Transport of collected air contaminants in Priority I and II areas requires the use of material handling methods specified in R 336.1370(2). [R 336.1370]
  13. Except as allowed by Rule 285 (a), (b), and (c), permittee shall not substitute any fuels, coatings, nor raw materials for those described in the application and allowed by this permit, nor make changes to the process or process equipment described in the application, without prior notification to and approval by the Air Quality Division. [R 336.1201(1)]
  14. The Department may require the permittee to conduct acceptable performance tests, at the permittee's expense, in accordance with R 336.2001 and R 336.2003, under any of the conditions listed in R 336.2001. [R 336.2001]

SPECIAL CONDITIONS  
 June 5, 2001  
 (32 Special Conditions)

1. The following table identifies the Emission Unit and Flexible Group designations for the H & D, Inc. (South Fox Island) equipment covered by this permit.

Emission Unit or Flexible Group ID	Equipment	Maximum Process Design Throughputs	Stack ID
EU001	One hot mix asphalt facility, consisting of the aggregate conveyors, drum mixer, and venturi wet scrubber	60 tons per hour conveyor 60 tons per hour ADM drum mixer 5,800 ACFM venturi wet scrubber	SV001
EUYARD	Fugitive dust sources associated with the hot mix asphalt facility, consisting of all plant roadways, the plant yard, all material storage piles, and all material handling operations except cold feed aggregate bins	Maximum 60 tons per hour to supply drum mixer	Fugitive Dust
FGPLANT	EU001, EUYARD	N/A	N/A

**FGPLANT**

**Pollutant Emission Restrictions**

2. The total emission rate from FGPLANT, including fugitive emissions, of each criteria pollutant as defined in the federal Clean Air Act shall not exceed 89.9 tons per rolling twelve-month time period from FGPLANT. [R336.1205(3)]
3. The total emission rate from FGPLANT, including fugitive emissions, of Hazardous Air Pollutants (HAPs) shall not exceed 8.9 tons per rolling 12-month time period for each individual HAP nor 22.49 tons per rolling twelve-month period for all HAPs combined. [R336.1205(3)]

**EU001**

**Pollutant Emission Restrictions**

4. The particulate emission from EU001 shall not exceed 0.04 grain per dry standard cubic foot of exhaust gases. [40 CFR, Part 60, Subparts A and I]
5. The emission rates from EU001 (excluding fugitive emissions) shall not exceed those in the following table. [R336.1205(3)]

Pollutant	Pounds per ton of Asphalt paving materials produced	Pounds/Hour	Tons/Year <sup>1</sup>
Particulate Matter (PM)	0.04 grain per dscf see Special Condition No. 4	1.2	1.0
Sulfur Dioxide (SO <sub>2</sub> )	0.16	9.6	8.0
Nitrogen Oxides (NO <sub>x</sub> )	0.12	7.2	6.0
Carbon Monoxide (CO)	0.201	12.1	10.1
Volatile Organic Compounds (VOC) <sup>2</sup>	0.058	3.5	2.9
Lead	1.50E-05	9.0E-04	8.0E-04

<sup>1</sup> based on a 12-month rolling time period and 100,000 tons HMA production

<sup>2</sup> nonmethane total hydrocarbons

6. The Hazardous Air Pollutant emission rates from EU001 (excluding fugitive emissions) shall not exceed the limits listed in the following table in any hour of operation. [R336.1225]

Hazardous Air Pollutant	Pounds per ton of Asphalt paving materials produced	Pounds/Hour
Benzene	1.2E-03	0.072
Toluene	2.9E-03	0.174
Ethylbenzene	2.4E-04	0.014
Xylene	4.0E-04	0.024
Naphthalene	6.5E-04	0.039
Formaldehyde	3.6E-03	0.216
Acrolein	2.6E-05	1.6E-03
Arsenic	1.1E-06	6.6E-05
Nickel	6.3E-05	3.8E-03
Manganese	1.1E-05	6.6E-04

7. The hydrogen chloride (HCl) emission rate from EU001 shall not exceed 0.36 pounds per hour nor 0.30 tons per year. The annual limit is based on a 12-month rolling time period as determined at the end of each calendar month. [R336.1225]

#### Production/Process Restrictions

8. The applicant shall not process more than 100,000 tons of asphalt paving materials from EU001 per 12-month rolling time period as determined at the end of each calendar month. A written record of the amount of material processed shall be kept on file for a

period of at least five years and made available to the Department upon request. [R336.1205]

9. The applicant shall not process more than 60 tons per hour of asphalt paving materials from EU001. A written record of the amount of material processed shall be kept on file for a period of at least five years and made available to the Department upon request. [R336.1205]
10. The applicant shall limit the asphalt mixture to a maximum of 30 percent recycled asphalt product (RAP) material in EU001, based on a monthly average. [R336.1901]
11. The applicant shall not use any asbestos tailing or asbestos containing waste materials in EU001. [40 CFR, Part 61, Subpart M]
12. Applicant shall maintain the efficiency of the EU001 drum mix burner, by using the following methods for proper burner operation and performance, to control CO emissions. The two methods are as follows:
  - a) At the startup of the drum mix fuel burners, upon each paving season, and after every 500 hours of operation thereafter or malfunction of EU001 as shown by the CO emission monitoring parameters, which ever occurs first, the applicant shall fine tune the burners.
  - b) Monitor and record the CO emissions from EU001:
    - i) On an intermittent basis in a manner with instrumentation identified in a plan acceptable to the District Supervisor, Air Quality Division, and according to the schedule below:

Parameter	Monitoring Phase	Frequency*	Duration
CO emissions	Routine	One data set every 500 hours of operation	Until the District Supervisor approves an alternate schedule, proposed by the applicant in writing

*\* Each data set shall consist of at least eight CO readings. The data set shall be taken over a thirty minute or longer period.*

- ii) From production data associated with the date and time the emissions data were collected to calculate the pounds of CO emitted per ton of HMA produced.

The above data, and all calculations required by this condition, shall be kept on file for a period of at least five years from the time the data were collected and made available to the Air Quality Division upon request. Data collected by this method shall not supersede the results of a performance test meeting Department requirements. [R336.1205 and R336.1901]

13. The applicant shall conduct all necessary maintenance and make all necessary attempts to keep all components of the EU001 manufacturing process equipment in proper operating condition at all times. The owner or operator of EU001 shall maintain a log of all significant maintenance activities conducted and all significant repairs made to the manufacturing process equipment. This information shall be kept on file for five years and made available to the Air Quality Division upon request. [R336.1201(3)]
14. The applicant shall not relocate EU001 to any new geographical site in Michigan unless all the following criteria are met. [R336.1201 and R336.1901]
  - a) The plant shall not have any outstanding unresolved violations of any of the Michigan Department of Environmental Quality air pollution control rules, order, or permits; or Federal Air Quality regulations.
  - b) The installation of the asphalt plant at the geographical site shall be of a temporary nature lasting not more than 12 consecutive months.
  - c) A notice of intent to relocate along with a proposed site plan shall be provided to the district office not less than 21 days prior to the scheduled relocation identifying the proposed new geographical site and the probable duration at the new site. All residential or commercial establishments and places of public assembly within 1,000 feet of the proposed plant's site shall be clearly identified on the proposed site plan.
  - d) The asphalt plant shall not be located within 800 feet to a residential or commercial establishment or a place of public assembly unless prior written site approval is obtained from the Air Quality Division district office.
  - e) A copy of this approved permit and permit conditions shall be clearly posted in the operator's office or work station and the permit number shall be posted on the equipment where it is clearly visible from the operator's office or work station.
  - f) The Department's Delegation of Authority does not authorize us to approve any site where there is a known unresolved objection. Therefore, requests for site approval where there are known unresolved objections will continue to be handled by the Office of the Director of the Michigan Department of Environmental Quality.
15. The applicant shall not operate the asphalt plant at this location after June 1, 2003, unless the plant is relocating to this location from another geographical site per the relocation criteria in condition 14 above. [40CFR51.166(f)(4)]

#### **Particulate Control and Stack Parameters Requirements**

16. The applicant shall not operate EU001 unless the scrubber is installed and operating properly. [R336.1331, R336.1910]
17. The applicant shall equip and maintain the venturi scrubber with a pressure drop indicator to measure the pressure drop across the venturi scrubber. [R336.1331, R336.1910]
18. The applicant shall maintain a pressure drop of at least ten inches water gauge across the venturi scrubber. [R336.1331, R336.1910]

19. The applicant shall maintain a water flow rate of at least 30 gallons per minute in the venturi scrubber. [R336.1331, R336.1910]
20. The exhaust gases from EU001 shall be discharged unobstructed vertically upwards to the ambient air from a stack with a maximum diameter of 38 inches at an exit point not less than 21 feet above ground level. [R336.1225, 40 CFR 52.21 (d)]

**Recycled Used Oil Restrictions & Specifications**

21. Applicant shall not burn in EU001 any hazardous waste (as defined in state or federal law), any blended fuel oil or specification recycled used oil (RUO) containing any contaminant that exceeds the following concentrations or for which the flash point, ash content, or acidity vary from the standards specified in the following table. [R336.1201(3) and R336.1225]

<u>Contaminant</u>	<u>Maximum Concentration Parts per million by weight</u>
Arsenic	5.0
Cadmium	2.0
Chromium	10.0
Lead	100.0
PCBs	1.0
Total Halogens	4000.0
Sulfur	1.0 % by weight
Minimum Flash Point	100 degrees F
Maximum Ash Content	1.0 % by weight
Acidity	Minimum pH =4; maximum pH = 10

22. Applicant shall obtain a copy of the oil analysis from the fuel supplier for each shipment of blended fuel oil or RUO used as fuel in EU001. The analysis shall include analyses of blended fuel oil's or RUO's content of arsenic, cadmium, chromium, lead, PCBs, and total halogens (all in units of parts per million by weight), sulfur (percent by weight), specific gravity, and higher heating value (Btu/pound). The analyses shall report the detection limit for each component analyzed. This information shall be kept on file for a period of at least five years and made available to the Air Quality Division upon request. [R336.1201(3) and R336.1225]
23. Complete copies of all EU001 fuel oil or RUO certification(s) as supplied by the fuel oil supplier and all fuel oil or RUO oil sampling analytical results obtained by the applicant, including QA/QC data, shall be kept on file for a period of at least five years and made available to Air Quality Division upon request. [R336.1201(3) and R336.1225]
24. Applicant shall not operate EU001 unless a Compliance Monitoring Plan for RUO (CMP) attached as Appendix C has been implemented by the applicant. All records required by the CMP shall be kept on file for a period of at least five years and made available to Air Quality Division upon request. [R336.1201(3) and R336.1225]

### **Record-keeping and Reporting**

25. Applicant shall monitor and keep records of the following production information for EU001 on the basis indicated for each item. These records shall be kept on file until the end of the paving season in which they were recorded and made available to the Air Quality Division upon request. [R336.1901]
- A. The virgin aggregate feed rate (continuous basis)
  - B. The RAP feed rate (continuous basis)
  - C. Information sufficient to identify all components of the asphalt paving material mixture. (continuous basis)
26. The applicant shall record the following items for each calendar day that EU001 is operated. These records shall be kept on file for a period of at least five years and made available to the Air Quality Division upon request. [R336.1205]
- a) The identification, type, and amounts (in gallons or cubic feet) of all fuels combusted.
  - b) Sulfur content (% by weight), specific gravity, and high heating value (HHV) of all fuel oils being combusted.
  - c) Tons of virgin hot mix asphalt produced.
  - d) Tons of hot mix asphalt containing RAP produced, including the average percent of RAP per ton of hot mix asphalt produced containing RAP.
  - e) Total hours of operation.
  - f) The quantity of RAP used in the hot mix asphalt paving material each calendar month.
27. The applicant shall calculate the actual emission levels for CO, SO<sub>2</sub>, NO<sub>x</sub>, VOCs, particulate matter, and lead from EU001 based on the most recent calendar year. If stack test results for the permitted facility exist for any of the aforementioned pollutant, those stack test results may be used to estimate pollutant emissions subject to the approval of the Air Quality Division. In the event that stack test results do not exist for a specific pollutant, the applicable emission factor listed in Special Condition No. 5 shall be used to estimate the emissions of a pollutant. [R336.1205]

### **Testing and Notification**

28. Within 60 days after achieving the maximum production rate, but not later than 180 days after the commencement of trial operation, federal Standards of Performance for New Stationary Sources require verification of particulate emission rates from EU001 by testing, at owner's expense, in accordance with 40 CFR, Part 60, Subparts A and I. Verification of emission rates includes the submittal of a complete report of the test results. Applicant shall notify the District Supervisor in writing within 15 days of the date of commencement of trial operation in accordance with 40 CFR, Part 60.7(a)(3). Stack testing procedures and the location of stack testing ports shall be in accordance with the applicable federal Reference Methods, 40 CFR, Part 60, Appendix A. No less than 30 days prior to testing, a complete stack-testing plan must be submitted to the Air Quality



Division. The plan shall include process specifications (such as fuel, exhaust airflow rate, and RAP content) at which the test will be conducted. The Air Quality Division prior to testing must approve the final plan.

29. Rules 1001, 1003 and 1004 - Verification and quantification of odor emission rates from EU001 by testing, at owner's expense, in accordance with Department requirements, may be required for continued operation. Verification of emission rates includes the submittal of a complete report of the test results within not more than 120 days of the written notification requirement for such verification. If a test is required, no less than 60 days prior to testing, a complete stack sampling and odor threshold analysis plan using the Dynamic Dilution Method must be submitted to the Air Quality Division. The stack sampling plan shall include provisions for various fuel usage, plant operating conditions, and odor neutralizer system operation (if any). The plan must be approved by the Air Quality Division prior to testing. [R336.1901]
30. Within 90 days of operation after EU001 produces 90,000 tons of HMA, verification and quantification of hazardous air pollutants emission rates as listed below from EU001 by testing, at owner's expense, in accordance with Department requirements, will be required for continued operation. Verification of emission rates includes the submittal of a complete report of the test results. No less than 60 days prior to testing, a complete stack testing plan must be submitted to the Air Quality Division. The plan must be approved by the Air Quality Division prior to testing. [R336.1205(3), R336.2001, R336.2003, R336.2004]

<b>Hazardous Air Pollutants</b>
Benzene, toluene, ethylbenzene, xylene, naphthalene, formaldehyde, acrolein, arsenic, nickel, manganese

31. Written notification of construction and operation is required to comply with the federal Standards of Performance for New Stationary Sources, 40 CFR, Part 60.7. This notification shall be submitted to the District Supervisor, Air Quality Division within the time frames specified in 40 CFR, Part 60.7.

## **EUYARD**

### **Operating Restrictions**

32. The applicant shall not operate EU001 unless the Management Plan for the Control of Fugitive Dust for all plant roadways, the plant yard, all material storage piles, and all material handling operations specified in Appendix B has been implemented and is maintained. [R336.1371, R336.1372, and R336.1901]

## **APPENDIX B**

### **FUGITIVE DUST CONTROL PLAN**

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**Purpose:** This plan provides dust control strategies for the areas adjacent to and associated with the equipment operations involved in the manufacture of Hot Mix Asphalt (HMA) paving materials.

#### **1) SITE MAINTENANCE**

- a) Dust on all areas where vehicular traffic will travel shall be controlled, as necessary, by the application of water, sweeping, vacuuming, or other acceptable dust control agent.
- b) The speed of vehicles on the site will be limited to 10 miles per hour (MPH) or less. Signs will be posted to advise drivers of the speed limitation.
- c) Stock piling will be performed in a manner that minimizes freefall drop distance.
- d) Piles will be maintained to prevent fugitive dust. This includes the use of watering, covering and encrusting agents.

#### **2) MANAGEMENT OF ON-SITE ROADWAYS**

- a) All the roadways on which the hot mix asphalt haul vehicles will travel are paved with Hot Mix Asphalt. This includes the roadway on which the vehicles travel around the process equipment to be loaded with Hot Mix Asphalt paving materials.
- b) During the operating season, when necessary, the paved plant roads shall be treated with water, vacuumed, or swept in a manner that minimizes the introduction of the dust to the ambient air to control fugitive dust emissions and track-out dust.
- c) During the operating season, the unpaved travel surfaces shall be treated with water, or other acceptable dust control agents on a frequency sufficient to meet the visible emission opacity standard of 5% opacity specified in Michigan Act 451, Section 5524.
- d) Any aggregate spillage on roads shall be removed immediately.

#### **3) ON-SITE MANAGEMENT OF HAUL VEHICLES**

- a) **INCOMING TRUCKS:** All trucks entering the site to deliver aggregates will be required to have the loads covered.

- b) **OUT-GOING TRUCKS:** All trucks leaving the site with HMA paving materials will be required to cover their loads prior to leaving the site. A sign shall be posted to advise drivers of this requirement.

#### **4) MANAGEMENT OF FRONT-END LOADER OPERATIONS**

- a) The front-end loader operator shall be directed to avoid overfilling the bucket of the loader and the feed hoppers to prevent spillage, and to minimize the drop height of the material when loading the feed hoppers or transferring material to stockpiles.

#### **5) RECORD-KEEPING**

- a) Records of dust control activities on travel surfaces and other surfaces where fugitive dust emissions occur shall be kept on file and made available to MDEQ staff upon request until the end of the paving season. The records will indicate the date, time, what was observed or the reason for the dust control activity (routine or other), and what action was taken. The record shall be maintained in the Operations Logbook.

#### **6) FUGITIVE EMISSIONS FROM PROCESS EQUIPMENT AND CONTROL EQUIPMENT**

- a) Any fugitive emissions from leak(s) and malfunction(s) from any transfer system, storage bin, mixer, hopper, or control equipment shall be immediately corrected to prevent further fugitive emissions.

Appendix C

# **Compliance Monitoring Plan**

**for the Characterization of**  
**RECYCLED USED OIL**  
**at**  
**Hot Mix Asphalt Facilities**

**Purpose:** This Compliance Monitoring Plan (CMP) describes the requirements for combusting recycled used oil (RUO) in the hot mix asphalt facility. Each Purchase Order that is executed by a facility for the purchase of recycled used oil shall be accompanied by specific requirements that the supplier must meet. The requirements include RUO characterization information, Quality Assurance/Quality Control (QA/QC) data, and a demonstration that the RUO supplied does not exceed the allowable levels for RUO properties and constituents listed in this CMP, the Permit to Install special conditions, and 40 CFR 279.11.

In Michigan, used oil management is regulated by the Michigan Department of Environmental Quality (MDEQ) by several divisions under various Parts of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451), Act 207 of 1941, and the applicable Administrative Rules. In addition to the MDEQ regulations, used oil management may be subject to requirements of other agencies including, but not limited to the U.S. Environmental Protection Agency, the U.S. Department of Transportation, the Michigan Department of Consumer and Industry Services, and the local fire authorities. Information concerning applicable regulations may be obtained from the MDEQ Environmental Assistance Center at (517) 373-9400.

## **REQUIREMENTS FOR SUPPLIERS OF RECYCLED USED OIL**

A certificate of analysis shall be provided by the supplier upon delivery of each truckload of recycled used oil accepted for use as fuel at the facility. Each batch of RUO shall have a unique certificate of analysis. A batch is a quantity of used oil, contained in one storage unit (i.e., a tank, tanker truck, barge, etc.) where no additional oil is put into the storage unit after testing. If additional oil is added to a storage unit, a new certificate of analysis is necessary. Information to be presented on the certificate of analysis shall include:

- A unique batch identification number
- Date of delivery
- Dates of performance of analyses
- Analytical methods used
- Specific Gravity or API Gravity
- Higher Heating Value (in Btu per pound)
- Flash Point (in degrees Fahrenheit)
- Results of analyses for arsenic, cadmium, chromium, lead, sulfur, polychlorinated biphenyls (PCBs), and total halogens.
- The AQD recommends that the appropriate allowable levels for RUO properties and constituents be listed on the certificate of analysis to simplify verification.

### **ALLOWABLE LEVELS**

Allowable levels for RUO properties and constituents are listed in the Permit to Install special conditions and below:

PROPERTY/CONSTITUENT	ALLOWABLE LEVEL
Higher Heating Value	17,000 Btu per pound, minimum
Flash Point	100 degrees Fahrenheit, minimum
Arsenic	5.0 ppm, maximum
Cadmium	2.0 ppm, maximum
Chromium	10.0 ppm, maximum
Lead	100.0 ppm, maximum
Sulfur	1.0 percent, maximum
Polychlorinated Biphenyls (PCBs)	1.0 ppm, maximum
Total Halogens	4,000 ppm, maximum

### **ON-SITE RUO CHARACTERIZATION PROGRAM**

Upon receipt of each shipment of RUO by the facility, a check shall be made to ensure no exceedances of the allowable levels for RUO properties and constituents are identified by the supplier's analytical results. A representative sample shall be screened for Total Halogens using U.S. EPA SW-846 Method 9077 (Chlor-D-Tect 1000) and the screening results recorded. If the certificate of analysis shows an exceedance of an allowable level or the screening shows an exceedance of the allowable level for Total Halogens, the shipment shall not be accepted by the facility.

Verification of the supplier certificate of analysis information, by testing, at owner's expense, in accordance with Department requirements will be required. Random monthly sampling and analysis shall be conducted for each supplier of RUO for the first 12-months from the date of the first delivery of RUO, by the supplier. Thereafter, sampling and analysis shall be conducted not less than once per calendar quarter in which RUO is received for each supplier of RUO.

**Sampling:** Samples shall be taken at the time of delivery from the delivery truck, prior to mixing with oil in the on-site storage tank, and labeled with the batch identification number. Sufficient RUO shall be collected to provide two samples, each of sufficient volume for the required analyses. If one of the two samples is sent to an independent laboratory for analysis, the second sample shall be kept available for duplicate analysis. Sample collection, handling, and storage shall be in accordance with the Quality Assurance Plan to be provided by the independent laboratory. Samples shall be kept available for not less than five months from the date of collection.

**Analysis:** The purpose of the analysis of the RUO sample is the verification of the information provided in the supplier certificate of analysis. The required analyses are listed in the section of this CMP titled "Requirements for Suppliers of Recycled Used Oil." Results of the analyses shall be reported to the facility within the appropriate sample holding time for each analytical method to provide the opportunity for analysis of the duplicate sample.

Laboratory: A Quality Assurance Plan (QAP) shall be developed by any independent laboratory used by the facility for RUO analysis. A copy of the QAP shall be submitted by the facility to the AQD, District Office 60 days prior to the use of that laboratory. Detailed in the QAP will be the QA/QC procedures, sample handling, storage, and chain of custody procedures, analytical methods for all analyses, a description of the laboratory instrumentation, and the instrumental detection limits. The analytical methods used by the independent laboratory must be consistent with the methods used by the RUO supplier's laboratory. A list of acceptable QA/QC requirements may be obtained from AQD, Compliance Support Unit in Lansing. The facility shall maintain a copy of the approved QAP on site.

### **EXCEEDANCES OF ALLOWABLE LEVELS**

All exceedances of allowable levels will be reviewed by the AQD for enforcement actions. In addition to possible enforcement actions the facility shall take all appropriate actions described in Step 1 and Step 2 below to address the exceedance.

#### **ACTIONS TO BE TAKEN:**

##### ***STEP 1***

If the laboratory analytical results reported under the on-site RUO characterization program show that an allowable level has been exceeded, the facility shall notify the AQD, District Office verbally within two business days after receiving these analytical results. The verbal notification shall be followed by a written report of the results within five business days after making the verbal report.

At the option of the facility, the duplicate sample may be analyzed within the appropriate sample holding time for each analytical method after the facility receives the results showing an exceedance of any allowable level. Analysis may be performed solely for that property or constituent for which an exceedance is identified.

Upon receipt of the laboratory results for the duplicate sample, the facility shall notify the AQD, District Office verbally within two business days of receiving them. The verbal notification shall be followed by a written report of the results within five business days after making the verbal report.

##### ***STEP 2***

When an exceedance of an allowable level is identified the facility shall:

- Notify the RUO supplier that an exceedance has occurred.
- Provide copies of the laboratory analytical results to the RUO supplier.
- Inform the RUO supplier of the required increase in sampling frequency described below.
- Explain the requirement for discontinuing RUO deliveries if a second exceedance occurs within six months.

Increase in Sampling Frequency: When an exceedance occurs, samples from three of the next six loads of RUO received from the supplier shall be collected and analyzed in accordance with the on-site RUO characterization program contained in this CMP. Thereafter, monthly random sampling shall continue for the next 12-months from the date of receipt of the load from which the exceedance occurred.

Discontinuing RUO Deliveries: If a second load of recycled used oil from the same supplier has an exceedance within six months after the first exceedance, the facility shall immediately discontinue accepting RUO deliveries from that supplier. If a supplier is terminated as a result of a second exceedance within six months, the facility shall notify the AQD, District Office in writing within ten business days that RUO deliveries from the supplier have been discontinued.

### **REPORTING REQUIREMENTS**

Upon request from the AQD, District Supervisor and solely for those quarters in which RUO was delivered to the facility, summaries, based on calendar quarters, supplier certificates of analysis and the analytical results obtained from the on-site RUO characterization program shall be provided to the AQD, District Supervisor no later than thirty (30) days following the last day in the calendar quarter. Each quarterly summary shall include the following information:

- RUO supplier's name for each delivery;
- Date of each delivery and sample;
- Batch identification number;
- Whether an allowable level for RUO properties and constituents was exceeded (for each sample) and identification of which allowable level(s), if any, were exceeded.

### **RECORDKEEPING REQUIREMENTS**

Copies of the supplier certificates of analysis, the analytical results obtained from the on-site RUO characterization program, and quarterly summaries as described above shall be kept on file for a period of at least two years from the date of receipt and made available to the AQD upon request.

### **INSPECTIONS**

If an AQD inspector visits the facility to collect samples of the RUO, sufficient RUO shall be provided to the inspector for the required analyses listed in this Compliance Monitoring Plan.

### **RECYCLED USED OILS WITH HALOGEN CONCENTRATIONS OVER 1,000 PPM**

An Addendum to this Compliance Monitoring Plan contains additional requirements for Recycled Used Oil with halogen concentrations over 1000 parts per million (ppm). The use as a fuel of RUO containing greater than 1,000 ppm halogens must be specifically allowed in the Special Conditions of the Air Use Permit for the facility.

## **Compliance Monitoring Plan Addendum**

### ADDITIONAL REQUIREMENTS FOR RECYCLED USED OIL WITH GREATER THAN 1,000 PPM HALOGENS

#### **Maximum Allowable Halogen Concentration**

The maximum concentration of total halogens in each batch of recycled used oil (RUO) accepted for use as fuel at the facility shall not exceed 4,000 ppm. The use as a fuel of RUO containing greater than 1,000 ppm halogens must be specifically allowed in the Special Conditions of the Air Use Permit to Install for the facility. For Permits to Install in which RUO containing up to 4,000 ppm halogens is approved for use as a fuel, the allowable level for total halogens listed as 1,000 ppm in the Compliance Monitoring Plan (CMP) is changed to 4,000 ppm.

#### **Rebuttable Presumption for Used Oil**

Used oil containing more than 1,000 ppm total halogens is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in 40 CFR Part 261, Subpart D.

As stated in the federal Standards for the Management of Used Oil (40 CFR 279.10(b)(1)(ii) and 40 CFR 279.63) and Michigan's Hazardous Waste Management Rules (Part 111 of the Administrative Rules, Rule 809(2)(b) [R299.8909(2)(b)]), a person may rebut the presumption by demonstrating that the used oil does not contain hazardous waste.

For each batch of recycled used oil accepted for use as fuel, the facility shall comply with Michigan Department of Environmental Quality, Waste Management Division requirements providing for used oil, once sufficiently reclaimed, to be managed as a product, thereby eliminating the need for further management as a regulated liquid industrial waste. In accordance with the provisions of 40 CFR 279.63(d), records of analyses conducted or information used to comply with the requirements shall be kept on file for a period of at least three years and made available to the AQD upon request.

#### **Additional Analytical Requirements**

The following analytical requirements are in addition to those contained in the CMP. Results of analyses for the halogenated solvents listed below shall be included on the certificate of analysis to be provided by the RUO supplier and as part of the on-site RUO characterization program.

The maximum allowable level of 100 ppm is established for each of the following hazardous halogenated compounds listed by the U.S. EPA as a hazardous spent solvent (i.e., EPA Hazardous Waste Numbers F001 and F002).

List of Halogenated Solvents: carbon tetrachloride; chlorobenzene; 1,2-dichlorobenzene; dichlorodifluoromethane; methylene chloride; tetrachloroethylene; 1,1,1 trichloroethane; 1,1,2-trichloroethane; 1,1,2-trichloro-1,2,2- trifluoroethane; trichloroethylene; and trichlorofluoromethane.