

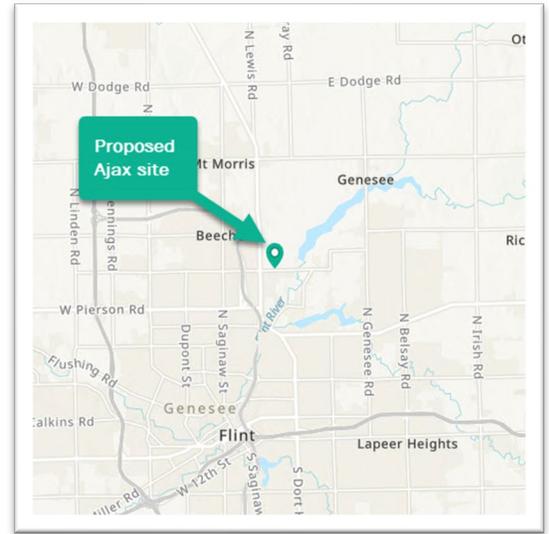
Environmental Justice Summary

AJAX MATERIALS CORPORATION – GENESEE TWP., GENESEE COUNTY, MICHIGAN

AJAX MATERIALS CORPORATION

The Michigan Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), received an application for a Permit to Install (PTI) for Ajax Materials Corporation (Ajax) on December 28, 2020. In the application, Ajax proposed to install equipment to make asphalt, which would be used for roads, driveways, parking lots and more. The type of facility is called a Hot Mix Asphalt (HMA) plant. Ajax proposed to locate the plant at 5088 Energy Drive, Flint, Michigan.

The AQD held a comment period for the proposed new plant from July 1 to September 22, 2021. All comments received were reviewed, considered, and regardless of the submittal method, carried equal weight.



WHAT IS THE HISTORY IN THE AREA?

The location Ajax proposed is zoned for industrial use by Genesee Township and is near existing industrial operations. These include Genesee Power, Universal Coatings, and RJ Torching. For more information about existing industry in this area, you may search the AQD's [Facility Specific Information](#) page or contact the Lansing District Office at 517-648-7547.

WAS ENVIRONMENTAL JUSTICE CONSIDERED FOR THE AJAX PERMIT?

Yes. In March 2021, AQD staff evaluated the proposed location of the new asphalt plant in the *United States Environmental Protection Agency's USEPA's EJSCREEN*. Ajax's proposed location was further evaluated using USEPAs EJ SCREEN because:

- Of its proximity to residential areas.
- Its proposed installation in an area with existing industrial companies with air permits, like Genesee Power, and Universal Coatings.
- There is a history of complaints in the area.
- The proposed location is in the vicinity of Genesee Power, a historic Title VI of the Civil Rights Act of 1964 complaint case from 1992.



The evaluation in EJSCREEN found the community within a 1-mile radius of the facility were higher than state averages for eight of the eleven Environmental Justice indicators. Those indicators included: particulate matter less than 2.5 microns, ozone, air toxics cancer risk, respiratory hazard, lead paint, Superfund proximity, hazardous waste, and wastewater discharge. Based on the findings, we notified the Office of Environmental Justice Public Advocate (OEJPA) of the application and to request assistance. The OEJPA engaged with the Michigan Advisory Council of Environmental Justice (MAC-EJ) of Ajax's proposal and shared information related to the public comment process.

PUBLIC PARTICIPATION, ENVIRONMENTAL JUSTICE AND TITLE VI CONSIDERATIONS

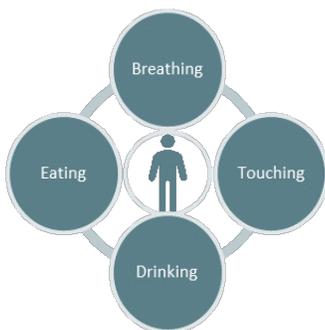


EGLE is committed to allowing the public to have meaningful engagement in the public participation process and achieving equity and transparency as we interact with the public. EGLE has established an updated [Public Participation Policy and Procedure](#), created a new [Nondiscrimination Policy](#), and developed its first [Limited English Proficiency Plan](#). All EGLE policies, procedures and guidance were followed during the public comment/hearing process for this proposed permit.

The AQD uses [USEPA EJSCREEN](#) to perform Environmental Justice and Limited English Proficiency evaluations for each application where public participation is considered. The EJSCREEN tool helps to identify which Environmental Justice indicators are higher for areas around a proposed or existing facility.

The AQD also strives to provide easy to understand information for the public. Everyone has a different level of familiarity with air quality rules, regulation, and procedures. We strive to offer information about proposed permits at different levels of technical content, while still meeting our regulatory requirements needed to talk about technical and legal information. We recently participated in a plain language project where several documents used in air permit public comment periods were changed for easier understanding. Both the Notice of Hearing and the Proposed Project Summary, which offers the plainest language version of the proposed project, have been simplified for broader audiences. Together, all the documents are intended to allow the public to have as high level or as deep of a dive as possible into the information regarding a proposal and to allow the utmost level of transparency.

WAS A CUMULATIVE ASSESSMENT DONE FOR THE AJAX PROJECT?



Yes, the AQD does look at cumulative impacts. An evaluation of the National Ambient Air Quality Standards (NAAQS) was done via computerized air dispersion modeling which considers the emissions from the proposed facility, nearby sources, and local background levels in the surrounding community. A NAAQS demonstration uses a cumulative modeling approach for a single pollutant to show the standard is met. Based on the model, the proposed project would comply with the NAAQS.

The AQD also conducted cumulative risk assessments for certain Toxic Air Contaminants. For asphalt plants, like Ajax, a limited cumulative risk assessment is routinely done because the mixture of asphalt fumes is regulated using a health-based screening level for the combined risk of cancer from multiple polycyclic aromatic hydrocarbons. This assessment was done for asphalt fumes, and the predicted outdoor air concentration the public might breathe was below the initial risk screening level. However, this type of cumulative risk assessment does have some limitations, for instance it does not typically consider existing background levels of these pollutants, as for most areas, this background data does not exist.

WAS TRANSLATION NEEDED?

The need for translation and a limited English proficiency evaluation are conducted for each application requiring public notice and comment. For the Ajax application, the need for translation services was also evaluated using USEPA's EJSCREEN in a 1-mile radius around the facility. With this information and following EGLE's [Limited English Proficiency Plan](#), it was found translation was not needed based on the analysis showing 0% of people living in linguistically isolated households. A household in which all members age 14 years and over speak a non-English language and also speak English less than "very well" is linguistically isolated.



Public notices, webpages and other announcements provided a phone number to call if a resident wanted to request translation services. This service was available throughout the public comment period.

PERMIT CONSIDERATIONS

During the review of the application, additional air modeling was completed for sources of fugitive emissions, not typically included for "[minor sources](#)" or applications proposing emissions below specific levels. Also, a short-term throughput limit on a ton of material processed per hour was included in the permit.

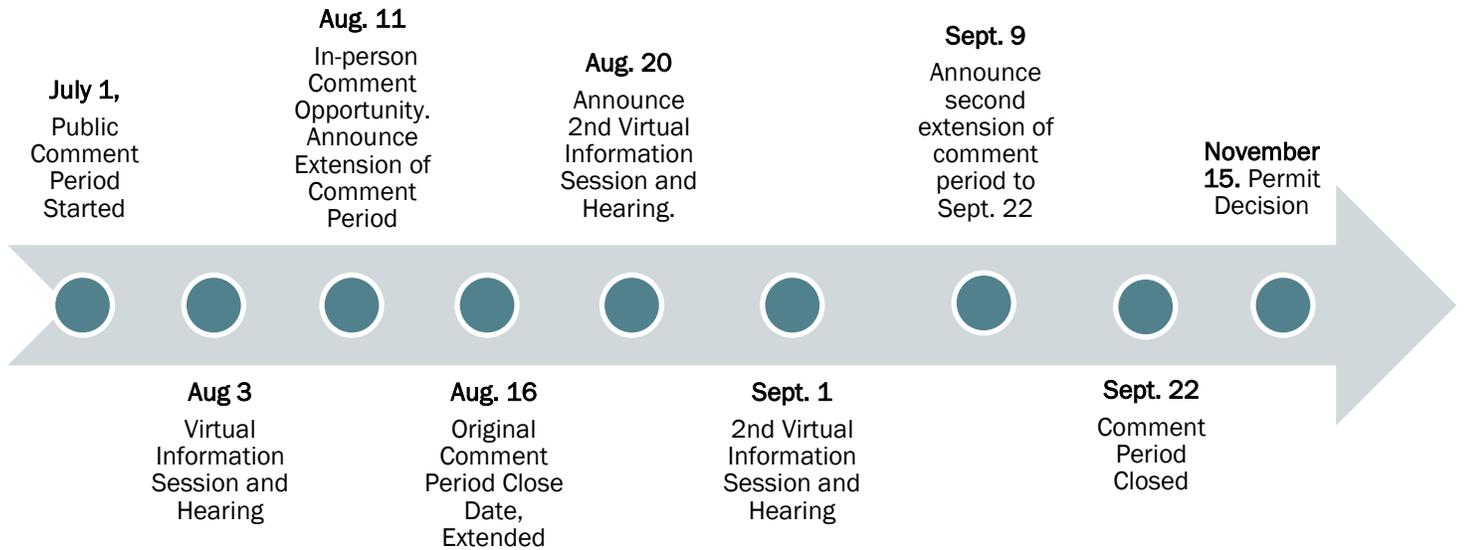
Other key permit requirements include:

- Emission control for loading asphalt into trucks – Reduce emissions and odors
- The use of a counterflow drum – Reduce emissions
- Routing of emissions and materials back through the heated zones – Reduce emissions and odors

PUBLIC COMMENT PERIOD

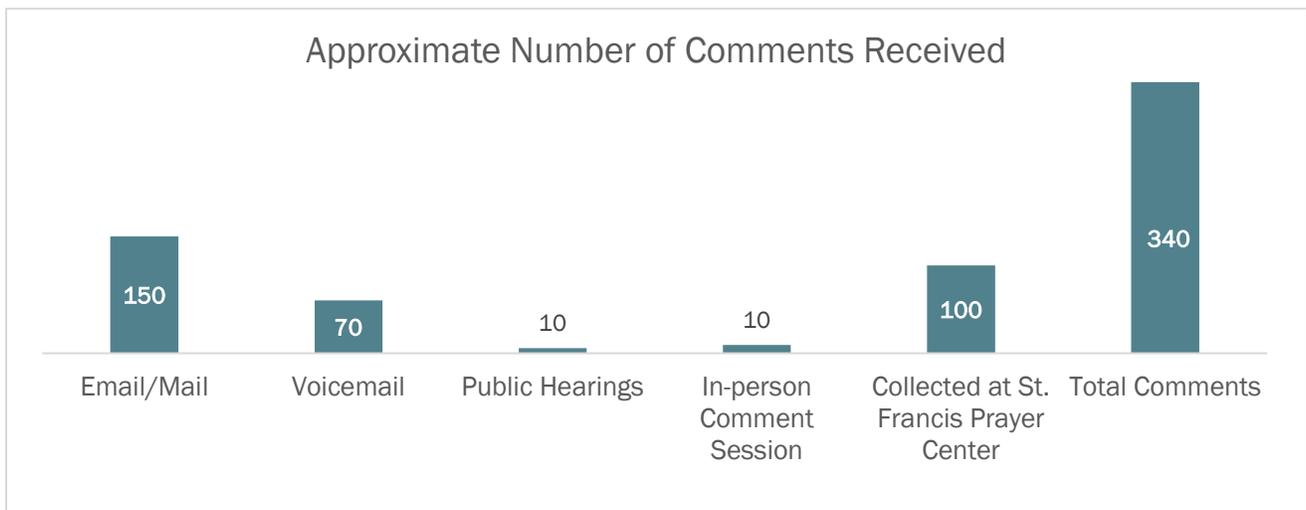
Due to the findings of our Environmental Justice evaluation, enhanced public outreach and a public comment period, beyond the minimum 30 days, was scheduled. This included enhanced outreach about the proposed permit. More details on the specific outreach efforts are further discussed below.

The public comment period for the proposed Ajax permit started on July 1 and was originally set to close on August 16, 2021. The comment period for the proposed permit was extended twice, and officially closed on September 22, 2021, resulting in an 83-day comment period. During the public comment period over 340 comments were received, and approximately 150 people total attended the three events hosted by EGLE for the proposed permit. Those events were two virtual hearings and informational sessions on August 3 and September 1, and an in-person comment opportunity on August 11.



COMMENTS RECEIVED

The AQD welcomes comments from the public. There are many ways to submit comments during a comment period, in writing through the mail or email, at public hearings, and on the public comment voicemail. In addition, the AQD also held an in-person comment session and coordinated with the St. Francis Prayer Center to collect written comments for pick up by our staff. Below is a chart showing how they were sent to us. All comments received, no matter the method of submittal, carry the same weight and are considered by the AQD in making the decision-making process.



CHANGES MADE TO ADDRESS PUBLIC COMMENT

The AQD completes a thorough review of every permit application submitted and determines if what is proposed by a company meets the applicable rules and regulations before posting for public comment. Following public comment, the AQD may update our review and make changes based on comments or additional information received. The AQD made several changes to the permit conditions based on comments received, those included:

- Removal of the use of recycled used oil as a fuel
- A condition clarifying allowed materials and fuels
- Installation of rumble strips at the facility exit to lessen materials carried out by trucks
- Requirement for the emissions collected from the top of the storage silo be routed to the control device
- Requirements to limit site access
- Additional visible emission requirements
- Additional and more frequent stack testing
- More frequent recordkeeping on amount of recycled asphalt material
- Volatile organic compound emissions limit and associated recordkeeping
- The additional installation of a bag leak detection system
- Additional requirements in the fugitive dust plan

OUTREACH

Public Comment Period Announcement

The public comment period for the Ajax proposed permit opened on July 1. The following outreach was provided upon start of the comment period:

- Posted information to EGLE’s public comment webpage: [Michigan.gov/EGLEAirPublicNotice](https://www.michigan.gov/EGLEAirPublicNotice)
 - Notice of Hearing – Information about comment period dates and meetings
 - Proposed Project Summary – Plain language summary of project and interests in the area
 - Technical Fact Sheet – Summary of Technical review completed
 - Proposed Permit Conditions – Draft Permit conditions to review and consider
 - Letter to the Company – Announcing public comment period for the proposed permit
 - Letter to Interested Parties – Providing information about the comment period and how to participate in the process
- Emailed and mailed those who had expressed interest in nearby sources in the past (i.e., Genesee Power, Universal Coating, etc.) – Approximately 35 people
- Emailed subscription notification sent to our AQD and EJ Lists – Approximately 9,000 subscribers
- Posted in the EGLE Calendar the start of the comment period
- Notice placed in the Flint Journal
- Sent a copy of the Public Comment Documents to the Flint City Clerk’s Office and the Genesee County Clerk’s Office

Virtual Informational Session and Public Hearing

The first virtual informational session and public hearing were held on August 3, 2021, via Zoom. The public was able to join the online meeting and hearing online or by phone with both options being advertised in all outreach noted above. During the meeting, a presentation was given by AQD staff and there was an opportunity to answer questions from those who attended. Clear direction and multiple opportunities were given in addition to the hearing to provide comment on the record, i.e. via mail, email, or voicemail. EGLE also reminded those in attendance that the comment period would remain open, and comments could be provided in a number of ways.

Information was provided before and after the virtual informational session and hearing to inform the public, which included:

- Provided reminders for the virtual meeting:
 - Twitter
 - GovDelivery email notification sent to our AQD and EJ Lists
- Information posted on the EGLE Calendar
- Information about how to attend the virtual meeting could be found: Michigan.gov/EGLEAirPublicNotice
- Zoom platform was used, which does not offer live closed-captioned translation,
- Recording of the meeting is posted at YouTube.com/c/MichiganEGLE, which allows for closed-caption translation on the recording after the event.

In Person Comment Opportunity

Based on feedback received during the comment period, the AQD held an in-person comment opportunity. This was not a hearing, rather an opportunity for community members to attend in-person and provide comment for those lacking internet access or the ability to join virtually. The event took place on August 11 at the Genesee Township Hall. This location was chosen because it was a public venue, it was close to the proposed Ajax site, had internet access, and it did not have unenforceable COVID 19 restrictions in place.

It was an opportunity for the public to meet one-on-one with staff for questions and for staff to help anyone wanting to make a comment do so using various methods, such as:

- All attendees were asked to provide contact information, so:
 - Residents could be contacted regarding the permit decision,
 - To inform residents of any potential future actions in the vicinity
- All attendees were provided with a comment sheet (for written comments), and an information sheet describing the session and what was available, as well as a clean pen.
- Staff were available in-person and online for any questions.
- QR codes were provided for anyone wishing to scan directly to the AQD Public Notice page or to open an email with public notice address and required information ready to go.
- 3 stations were set up with computers and phones
 - Computers were used to demonstrate how to submit an email or typed comment and to show anyone interested how to find things on the website. AQD staff were available to walk people through the presentation from the Aug 3 meeting, if they missed it.
 - Phones were used to allow anyone interested the ability to call into the public comment voicemail and leave their comments verbally.
- Announcements for the In-Person Comment Session were done via:
 - Twitter
 - Email subscription notification sent to our AQD and EJ Lists (which includes media members)
 - Emailed and mailed interested parties an announcement about the opportunity.
 - This announcement was a flier containing the same information as the other notifications.
- Information about the meeting was posted at: Michigan.gov/EGLEAirPublicNotice

Second Virtual Informational Session and Public Hearing

A second virtual informational session and public hearing was scheduled for September 1, 2021. This additional virtual public hearing was added based on continuing high interest in the proposed project.

- Information was provided about the second virtual informational session and hearing by:

- Direct emails to all previous attendees of meetings/interested parties (if we had an email address)
- For those without emails, telephone calls were made
- Email subscription notifications were sent to the AQD and EJ lists
- A media advisory was sent
- While an in-person hearing was considered, protecting the community and AQD staff from exposure due to the risks of COVID 19 took precedence when it came to deciding how to hold this additional hearing (i.e. whether virtual or in-person).
- Intended as an additional opportunity for the public to voice comments in front of their peers.

Comment period extensions

The Natural Resources and Environmental Protection Act requires public comment periods be held for a minimum of 30 days. Recently, while holding virtual informational sessions and hearings, the AQD has allowed for extended comment periods up to 45 days or more. Due to interest in the proposed project two extensions were granted for the public comment period first until September 7, and then until September 22, 2021. The public comment period for Ajax lasted a total of 83 days.

EGLE promotes the equitable treatment and meaningful involvement of Michigan’s residents regarding the development, implementation, and enforcement of laws, regulations, and policies. Equitable treatment means that no group of people bears a disproportionate share of the negative consequences resulting from governmental, industrial, or commercial operations and policies. Meaningful involvement means all people have an opportunity to participate in decisions that affect their environment and/or health.

EGLE does not discriminate on the basis of race, sex, religion, age, national origin, color, marital status, disability, political beliefs, height, weight, genetic information, or sexual orientation in the administration of any of its programs or activities, and prohibits intimidation and retaliation, as required by applicable laws and regulations.