

Response to Comments Document

APPLICANT DETAILS

Company: Edw. C. Levy Co. (Levy)

Location: 8941 West Jefferson, Detroit, Michigan

Application No.: APP-2023-0070

Permit No.: 135-23

Project Description:

Levy is proposing to construct a new facility to grind blast furnace slag into a granular form.

DECISION MAKER

The decision maker for this project is Chris Ethridge, Assistant Director of the Air Quality Division (AQD) for the Michigan Department of Environment, Great Lakes, and Energy (EGLE or Department).

PURPOSE

The purpose of the Response to Comments document is to discuss the public participation process for Levy's project, detail the comments received during the comment period and our responses, and discuss the changes made, if any.

PUBLIC PARTICIPATION PROCESS

The public participation process involved providing information for public review. This included a [summary of the proposed project](#), a [technical analysis of the application](#), and [proposed permit terms and conditions](#). As part of the public comment period, we held a virtual informational session; a virtual public hearing; and took written and verbal public comments on the application and the proposed permit.

Timeline:

On August 9, 2023, the public comment period was opened. Information about the public comment period was made available in the following ways:

- Copies of the [Notice of Air Permit Public Comment and Public Hearing](#) and supporting documents were posted at Michigan.gov/EGLEAirPublicNotice.
- Persons who had previously expressed interest in other air permits in the area of Levy's proposed location and had provided a complete email address were emailed information about the public comment period. This information was provided in English and Spanish.

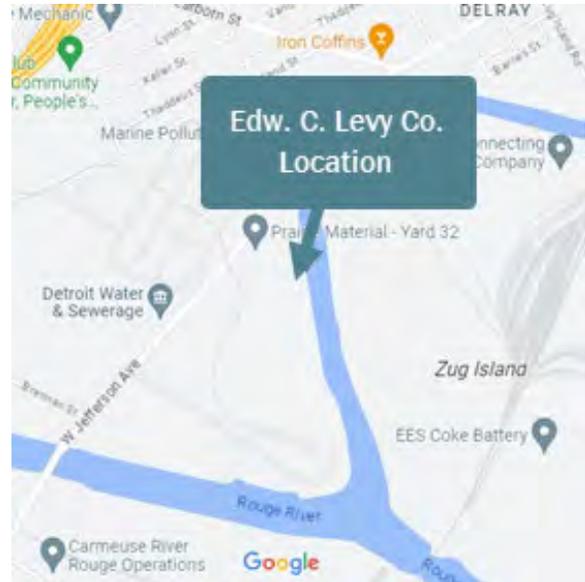


Figure 1: Location of Levy's proposed facility

- A notice announcing the public comment period, the virtual public informational session, and the virtual public hearing was placed in the Michigan Chronicle. The notice provided the following:
 - Information regarding the proposed action;
 - Where to find other information;
 - A telephone number to request additional information;
 - The date, time, and how to attend the virtual public informational session and public hearing;
 - The closing date of the public comment period; and
 - How to submit comments.

On September 12, 2023, the comment period was extended to October 23, 2023, and the virtual hearing was rescheduled to October 18, 2023. This was in response to multiple requests for a public hearing with simultaneous interpretation into Arabic, Spanish, and American Sign Language. An announcement was sent through EGLE's subscription service as well as via email in Arabic, English, and Spanish about the changes to the meeting and the comment period. This notice was sent to approximately 11,000 persons.

On October 9, 2023, an additional reminder about the virtual informational session and public hearing was sent through EGLE's subscription service in Arabic, English, and Spanish. This notice was sent to approximately 11,000 persons.

The public informational session was held online on October 18, 2023.

- Approximately 65 people attended. A panel of AQD staff were available to answer questions regarding the proposed project.
- Simultaneous interpretation services were provided in American Sign Language, Arabic, and Spanish during the entire informational session and hearing.
- The informational session began at 6:00 pm and concluded at approximately 7:00 pm. Immediately following the informational session, a virtual public hearing was held. The hearing began at 7:00 pm with Jenifer Dixon as the hearings officer and Chris Ethridge as the decision maker.
- Only comments on the proposed permit action were received.
- Six people provided verbal comments during the hearing. The public hearing concluded at 7:38 pm.

Due to technical difficulties with the Zoom platform during the public hearing, the comment period was extended a second time to October 31, 2023, to allow the public additional time to provide comments.

Three persons attempted to attend the virtual meeting by phone but were unable to enter the meeting. All three were contacted by AQD staff on October 20, 2023. During these phone calls, staff offered apologies for the technical difficulties, offered to provide any additional information requested, and made sure these persons were aware of the comment period being extended.

In total, forty sets of comments were received during the comment period.

SUMMARY OF COMMENTS RECEIVED AND AQD'S RESPONSE

The remainder of this document is a listing of the comments received during the public comment period, including the virtual public hearing, and the Department's response. The first section lists changes to the [final permit terms and conditions](#), if any, and the basis for each change. The last section discusses the Department's response to all significant comments including those that resulted in changes to the final permit.

Changes to the final permit

The permit changes include the following requirements:

- All transfer points must be enclosed to reduce fugitive dust. References to uncovered conveyor transfer points were removed from the emission unit descriptions on pages 6 and 7 of the permit conditions.
- Crystalline silica was added to the list of compounds required to be sampled for in the slag upon the request of the AQD District Supervisor. (Special Condition V.2)
- Continuous monitoring and recordkeeping of the pressure drop of each bag filter system. Continuous monitoring is considered to be at least once every 15 minutes. (Special Conditions IV.2 and VI.7)
- An interim Malfunction Abatement Plan (MAP) must be submitted before beginning operation. The final MAP must be submitted within 60 days after initial startup. (Special Condition III.2)
- One dust collector stack (SV-DC-3 in section VIII of the permit conditions) is listed as venting horizontally as it was modeled.

Significant comments

This section summarizes the comments received during the comment period and changes, if any, to the final permit. The section is sorted by the type of comment, or what topic the comment was related to including:

- [Permit Process Review](#)
- [Toxics](#)
- [Dispersion Modeling](#)
- [Air Monitoring](#)
- [Process/Operational Limits](#)
- [Miscellaneous](#)
- [Public Participation](#)

A. Permit Review Process

1. Comment

Several commenters stated that Levy should not be allowed to operate at the proposed location. Many community members already experience health issues due to air pollution.

AQD Response:

The AQD reviews applications based on whether a company's proposal complies with all applicable state and federal regulations designed to protect human health and the environment. In this case, Levy's request to construct a new blast furnace slag grinding plant complies with the applicable regulations. The AQD does not have legal authority to deny a permit if the proposal complies with all applicable standards and the company is able to comply with their air permit requirements.

2. Comment

The proposed plant includes emissions of sulfur dioxide (SO₂) and volatile organic compounds (VOCs) in an area of nonattainment for SO₂ and ozone.

AQD Response:

The commentor is correct to state the area is in nonattainment for SO₂, however the area has recently been designated back into attainment for ozone. The application includes 0.06 tons per year (tpy) for SO₂ and 0.51 tpy for VOCs as a result of natural gas combustion in the dryer. The emissions are low enough to not need any additional nonattainment permit review.

3. Comment

AQD has not conducted an Environmental Justice screening for southwest Detroit.

AQD Response:

EGLE does not currently have a policy addressing environmental justice. During permit application review, the AQD followed all EGLE policies and procedures regarding public participation including a review for Limited English Proficiency. The United States Environmental Protection Agency's (USEPA's) EJSCREEN was used to evaluate a 1-mile radius around the facility to determine if translation services may be helpful. Based on the information from this evaluation, and in consultation with EGLE's [Limited English Proficiency Plan](#), it was determined that translation into Spanish may be helpful. After additional feedback from the community, information was also translated into Arabic.

This screening tool can help inform the department about community stressors. This information is used to better understand the community for better communication and engagement. The AQD strives to protect the health and welfare of all citizens of the State of Michigan. State and federal air quality standards have been established that are designed to be protective for all segments of society, including the most sensitive. The AQD has determined that the permit, as approved, will meet all applicable air quality standards.

4. Comment

Levy's application does not include an analysis of Best Available Control Technology.

AQD Response:

The comment does not specify what Best Available Control Technology (BACT) they are referring to. Two types of BACT are applicable to the application, VOC BACT and BACT for Toxics (T-BACT). The only source of VOCs is from the natural gas fired dryer. VOC BACT is met by only burning natural gas in the dryer. T-BACT is met through the use of bag filters.

5. Comment

The application does not address emissions from the marine shipping terminal and railcar loading.

AQD Response:

Railcar and barge loading on site are not proposed by the application and are not allowed by the permit. Should Levy decide to add those operations in the future, an application will need to be submitted to modify the permit. A new permit would have to be approved and issued prior to any of these processes being done. Any new permit would also be required to meet all air quality rules and regulations.

6. Comment

The application does not address emissions from truck loading, unloading, and material stockpiles at Superior Material's plant.

AQD Response:

Superior Materials is considered a separate stationary source from Levy's proposed facility. The AQD cannot consider emissions of a separate facility in its permit decision.

7. Comment

The emissions calculations use the mean wind speed from the Detroit city airport when the Metro Detroit Airport or Windsor airport are closer and would be more accurate.

AQD Response:

The Detroit Metropolitan Airport is approximately 13 miles from the proposed facility. Coleman A. Young is 10 miles away and Windsor Airport is 9 miles away. All of the airports are sufficiently close to the facility to provide an accurate wind speed estimate at the facility and any differences between the locations will have a negligible effect on the emissions calculations.

8. Comment

The emissions calculations include moisture content obtained from AP-42 Table 13.2.4-1 when a moisture meter at the facility would be more accurate.

AQD Response:

While the AQD agrees that a moisture meter located at the facility would be a more accurate method of determining the moisture content of the incoming slag, the method proposed by Levy is sufficient to estimate emissions prior to commencing operation. The facility is not required to calculate emissions after start up, so the use of a moisture meter is not necessary.

9. Comment

A commenter stated that the application did not address particulate matter emissions from numerous activities and equipment including particulate generated while maintaining the dust collectors, while cleaning the floors, and from trucks after leaving the facility.

AQD Response:

While many of the sources of particulate matter listed by the commenter were evaluated and included in the permit, others refer to sources of particulate emissions that are not present at the facility or the AQD does not regulate. General Condition 12 of the permit requires that collected air contaminants shall be removed from the bag filters in a manner that minimizes the reintroduction to the outer air. Operations such as cleaning the floors at the facility are considered to be a very small contributor to emissions at the facility and are not practical to estimate in the permit application.

10. Comment

The application does not specify which type of baghouse will be used so the emissions estimates are not credible. The application also makes no mention of the three baghouses already present on site.

AQD Response:

The AQD does not require applicants to submit the exact type of bag filter that will be in use at the facility because that level of detail is often not available prior to construction of the facility. The facility's emissions calculations are based on manufacturer specifications, which the facility will be required to verify with a stack test once the equipment begins operating. If the facility is capable of utilizing existing control devices present at the facility, they are allowed to do so.

11. Comment

The filter specification sheet states that the control efficiency is 98% rather than the 99% claimed in various places in the application.

AQD Response:

The emissions calculations utilize the maximum outlet particulate matter concentrations as guaranteed by the manufacturer of the filters. Control efficiency of the filters was not used in the emissions calculations and any reference to a control efficiency is not relevant to the permit review.

12. Comment

The application does not address why the receiving area is not controlled.

AQD Response:

Fugitive particulate matter emissions from the unloading operations are estimated to be 0.1 tpy. This is because the raw material is received on site with an average of 8% moisture, which is expected to reduce any fugitive dust from the unloading process.

13. Comment

The AQD should address why the permit conditions include a limit on the slag received and a separate limit on the amount of finished product leaving the facility.

AQD Response:

The difference in the raw material and finished product limits is due to material removed by the magnetic separator and water removed in the slag dryer. Emissions calculations for the fugitive emissions from raw material receiving were based on 315,000 tpy and the emissions from final product loading were based on 250,000 tpy.

14. Comment

Levy's application makes unfounded assertions that "small amounts of fugitive dust may be generated" at certain parts of the process.

AQD Response:

Levy's permit application quantifies all sources of emissions from the facility using methods acceptable to the AQD. If fugitive dust is observed after the facility begins operation, additional steps can be taken, including but not limited to, modifying the fugitive dust plan.

B. Toxics

1. Comment

The AQD should use its authority under Rule 229 to conduct an analysis of the impact of Levy's proposed emissions on the soil and water. The review of the application should consider impacts on local schools, community gardens, and the river. A related comment requested that the AQD consider deposition resulting in the bioaccumulation of metals in fish and those that eat fish caught from the river.

AQD Response:

The toxic air contaminants (TACs) that are emitted by the proposed equipment were compared to their Allowable Emission Rates (AERs) (as determined by R 336.1227(1)(a)). AERs are developed assuming that the TACs are emitted from a source with conservatively poor dispersion. None of Levy's proposed metal TAC emissions exceed 1% of their AERs. This shows that Levy's TAC emissions are very low relative to the AQD's health-based screening levels. Given the low emission rates and impacts of TACs, emissions from the

proposed equipment is not expected to contribute significantly to any soil or water deposition rates above any background rates of deposition in the area.

2. Comment

The MiEJScreen overall score for Delray is 100, meaning it is one of the most overburdened communities in the state. The AQD's established toxic air contaminant screening levels and the criteria pollutant national ambient air quality standards are not adequate for this area and cumulative impacts should be considered.

AQD Response:

Although the AQD does not have the ability to do cumulative impact analysis incorporating all ways a person may be exposed to pollutants, reviewing compliance with the USEPA National Ambient Air Quality Standards (NAAQS) does consider the existing presence of certain pollutants from nearby sources, including small sources, and the ambient (outdoor) air. The NAAQS are health-based standards designed to be protective of sensitive populations. The pollutants with NAAQS are carbon monoxide, lead, SO₂, ozone, nitrogen dioxide, particulate matter equal to or less than 10 microns (PM₁₀), and particulate matter equal to or less than 2.5 microns (PM_{2.5}). The AQD's review of Levy's proposal determined there would not be any exceedances of these standards.

The AQD's air toxics rules provide limited opportunities to combine multiple air toxics into the review and to account for background levels. Although unable to look at cumulative risk for air toxics in a way the commenters were referring to, the AQD does look at risk in the way our current process allows.

3. Comment

Levy should be required to analyze the slag periodically, either quarterly or semi-annually and the slag should include crystalline silica.

AQD Response:

The slag that will be processed at Levy's proposed plant is currently processed at Levy's Plant 6 location. The composition of the slag is not expected to vary significantly to warrant requiring regular testing. The permit conditions allow the AQD District Supervisor to request that the slag being processed at the plant be retested if there is reason to believe that the original slag analysis is no longer accurate.

Crystalline silica was added to the list of analytes that the AQD District inspector may request slag testing for. The comment claimed that blast furnace slag may contain up to 0.1% crystalline silica. As a conservative assumption, the AQD calculated an emission rate assuming that 5% of total PM emissions were crystalline silica. The estimated emission rate was compared to the AER for crystalline silica and determined to be acceptable.

Changes to the Final Permit

Crystalline silica was added to the list of compounds required to be sampled for in the slag upon the request of the AQD District Supervisor. (Special Condition V.2)

4. Comment

AQD's technical fact sheet has no information on manganese oxide emissions from the plant.

AQD Response:

Levy's application includes manganese emissions as determined from the slag analysis. Levy estimated the emissions of manganese from the facility to be 0.007 pounds per month. The AQD verified the emission factors and methods used in those estimates and compared the facility's manganese emissions to the AQD's screening level for "manganese and manganese compounds" and determined that the emissions would meet the AQD's screening level.

5. Comment

Levy's application states that surfactants may be used for dust suppression and chemical treatment of slag water will be used to reduce odors.

AQD Response:

The AQD believes that the comment is referring to section 4.4 of the fugitive dust control plan which quotes MCL 324.5524(3)(a)(v) where the act lists the acceptable methods of controlling fugitive dust. The application does not include the use of surfactants. Should Levy decide to use surfactants in the future, they may need to update the permit to do so.

6. Comment

The application does not address if slag is derived from stainless steel reducing slag, which may contain nickel, cadmium, chromium, and strontium.

AQD Response:

Levy provided results of analytical testing of the blast furnace slag that is currently processed at its Plant 6 location and will be processed at the proposed facility. The permit conditions include a condition that the AQD may request Levy to retest the slag. If Levy plans to process slag from other sources, they may be required to modify their permit.

7. Comment

Ground steel slag is dangerous to breathe.

AQD Response:

Slag is typically made up of a mixture of metal oxides and silicon dioxide. Levy provided laboratory analysis of the slag that will be processed at the proposed facility. The emissions from the process were compared to the AQD's health-based screening levels for TAC's and all screening levels were met.

8. Comment

A commenter expressed concern over the facility's proposed use of "ePTFE" (expanded polytetrafluoroethylene) filters and the possibility of the filters being a source of PFAS emissions.

AQD Response:

Levy is expected to operate the bag filters properly which includes maintaining conditions as recommended by the filter manufacturer. When operated properly, the filters are not expected to break down in a manner that would emit any PFAS compounds.

C. Dispersion Modeling

1. Comment

Several commenters mentioned the current air quality in southwest Detroit and expressed concerns over Levy's proposal deteriorating the air quality further.

AQD Response

Computer modeling was used in review of the application to ensure all applicable state and federal air quality standards will be met. The modeling was based upon specific parameters included as conditions in the permit, including emission limits, production limits, and exhaust stack parameters. As long as Levy operates in compliance with the requirements in the permit, they will comply with all applicable state and federal air quality standards on an on-going basis. The permit requires Levy to keep emissions and operational records to show that they are operating within the permit limits. If they are found to be exceeding their allowed operating parameters, they will be cited in violation. If this occurs, the AQD may take enforcement action against the facility.

2. Comment

The dispersion modeling utilized the Allen Park reference monitoring station as a representative background location; however, the nearby Trinity station is more representative of the air quality at the Levy's proposed location.

AQD Response

Per USEPA guidance, the background monitor used in the modeling demonstration should be an upwind monitor, devoid of the effects of nearby sources explicitly included in the model. The Trinity monitor is clearly influenced by many of the large sources included in the modeling analysis. Thus, the upwind monitor, Allen Park, was specifically chosen as it represents the background air before it is impacted by the sources included in the model.

If the background monitor can be considered to be an "on-site" monitor, then nearby sources don't need to be included in the modeling analysis because their exact impact will be known at the proposed facility location and that monitor used for background. A review of Design Value concentrations at all nearby monitors show that monitor concentrations vary significantly, even over short distances. This is because the presence of particulate sources in the immediate area of a monitor highly influences that monitor's Design Value. Since the

Trinity monitor is nearly a mile away from the proposed Levy facility, that monitor cannot be considered an “on-site” monitor for purposes of modeling.

The USEPA has defined the Significant Impact Level (SIL) for annual PM_{2.5} as 0.2 ug/m³. Per USEPA guidance, impacts below the SIL will not be considered to cause or contribute to any violations of the NAAQS or Prevention of Significant Deterioration (PSD) Increment. The only exception to this guidance is if the Design Value is close to the standard and even an insignificant impact could cause a violation. Since the Trinity monitor, at 11.7 ug/m³, is very close to the NAAQS standard of 12 ug/m³, the Levy contribution at the monitor location was checked, even though the Trinity monitor is outside the SIL footprint.

The footprint of the area exceeding the SIL is small, covering just the immediate area around the facility. Modeling shows that the Levy contribution to the Trinity monitor would be approximately 0.015 ug/m³. Adding this value to the current Design Value of 11.7 ug/m³ would not exceed the current 12 ug/m³ NAAQS threshold. As such, we can be confident that the Levy facility will not cause or contribute to an exceedance of the annual PM_{2.5} NAAQS.

The USEPA reviewed the modeling and concurred with the methodology and results.

3. Comment

The use of air monitoring data from 2020 skews the average low. Data from 2023 should be used instead. Monitoring data from the first half of 2023 indicated that PM_{2.5} concentrations have been higher than past years.

AQD Response

The AQD uses the most recent full years of data. We will not be able to use 2023 data until the year is over and the data is thoroughly analyzed, and quality checked. Meteorological data from this year will also undergo a rigorous quality control process before it is complete. Those processes typically aren't completed until midway through the following year.

4. Comment

Future emissions resulting from additional truck traffic crossing the Gordie Howe International Bridge should be considered in the modeling results.

AQD Response

The Gordie Howe International Bridge construction is expected to be completed in 2025. The AQD has no authority to require applicants to consider mobile source emissions due to projects unrelated to the proposed facility. It should be noted that three additional air monitoring sites were added near the Gordie Howe International Bridge in 2018 in order to evaluate the air quality before, during, and after the construction.

5. Comment

Levy's application does not take into consideration the impact of sources of air pollution such as the Canadian wildfires.

AQD Response

Events such as wildfires are not able to be accounted for in the modeling.

6. Comment

The USEPA has determined that the current NAAQS for PM_{2.5} is not protective of human health. The AQD should use its authority under Rule 901 to deny the permit application.

AQD Response

The AQD cannot predict, with any certainty, either when a new standard might be in place, or what that new standard might be. When a new standard is announced, there will be work done to determine the attainment status of all areas in the state. This is likely to take some time and be implemented over several years. Additionally, Rule 901 requires that the injurious effects to human health be attributable to a specific facility. Levy's contribution to the existing PM_{2.5} concentration in the area is expected to be very small.

7. Comment

The contributions of emissions from mobile sources have not been adequately addressed by the modeling. Mobile source contributions to PM_{2.5} emissions are higher in southwest Detroit than at the Allan Park monitor.

AQD Response

Mobile source emissions are picked up by the multiple ambient air monitoring stations in the vicinity and are included in the background concentration used in the modeling. The AQD does not have the ability to reliably speciate the source of emissions at monitoring sites when determining background concentrations for modeled emissions.

8. Comment

A commenter stated that the AQD was manipulating air monitoring data to ensure that Levy's proposal meets the NAAQS.

AQD Response

This is not true. Levy's emissions were modeled consistent with AQD policy and USEPA guidelines. As discussed in a previous comment, USEPA guidance recommends using an upwind monitor for regional background that is not influenced by sources explicitly included in the modeling analysis. This will minimize "double-counting" the effects of nearby sources' emissions in the modeling analysis. The USEPA reviewed and approved the use of the Allen Park monitor for regional background concentration.

All air monitoring data is collected in accordance with the federal reference methods, quality assured, and is publicly available.

9. Comment

The application states in the discussion of the air dispersion modeling methodology that the AQD instructed Levy that there are no increment consuming sources in the area.

AQD Response

A review of nearby sources did not reveal any significant increase in area increment consuming sources since the baseline dates of September 14, 2012, for PM2.5 and July 24, 1999, for PM10. In fact, the area has seen a decrease of particulate emissions since this time freeing up area increment. This can happen when sources are removed, or emissions are decreased in an area. The PM10 and PM2.5 emissions from the proposed facility were modeled and compared to the PSD Class II increments without considering the increase of available increment.

10. Comment

The AQD added the emissions from nine nearby stationary sources in the modeling analysis, excluding dozens of stationary sources of PM2.5 within 6 miles of Levy's proposed facility.

AQD Response

The modeling conducted includes the emissions of several large stationary sources in the area modeled at their full potential to emit. Inclusion of all sources of PM2.5 within a 6 mile radius of the facility is not practical and would not be expected to significantly contribute to background concentrations near the facility. Nearby large sources that would have a significant impact at the Levy facility were included in the model. Per USEPA guidelines, remaining sources that are small or far away are assumed be accounted for in the background concentration.

11. Comment

The modeling did not include increases to mobile source pollution from trucks and ships as a result of the proposed facility.

AQD Response

The AQD does not have an accurate way to forecast additional mobile source emissions as a result of a permit application. The AQD can only consider emissions generated at the proposed stationary source.

D. Air Monitoring

1. Comment

A commenter requested that air quality monitors should be installed on and around the property that Levy will operate.

AQD Response

When siting an air monitoring station, factors such as population density, current air quality, and degree of industrial activity are used. Air monitoring stations are used to determine ambient concentrations of specific pollutants in regional or geographic areas and are not used to determine whether individual facilities are in compliance with their respective permit limits. The AQD currently operates four (4) robust air monitoring stations in the Delray area. There are also nearby air monitoring stations in the SW Detroit 48217 zip code, River Rouge, and Dearborn. Additionally, Marathon operates four (4) air monitoring stations on their facility property and one to the south at Mark Twain School.

2. Comment

The AQD should utilize the PM2.5, PM10, and TSP data to characterize levels or risk to fugitive dust and toxics in the area, including background levels at the proposed facility.

AQD Response

The AQD utilizes background data in determining if the modeled impacts from the facility will cause or contribute to a violation of the NAAQS. While not made readily available to the public, the AQD is happy to give more detail on the modeling data upon request.

3. Comment

AQD should monitor fugitive dust using cameras and sensors to provide real time monitoring along the fence line and on access roads.

AQD Response

Levy is required to monitor for visible emissions once per day that the facility is in operation. Additional monitoring of fugitive dust is not necessary to ensure that the facility is meeting its permitted visual opacity limits.

4. Comment

AQD should report PM10 measurements in their existing PM2.5 monitoring network.

AQD Response

The AQD conducts filter-based sampling for PM10 every six days at the SW Detroit air monitoring site on Waterman Street and at the Dearborn air monitoring site at Salina School. The Dearborn site also measures real-time PM10 data which is available on the DEQMIAIR.ORG website. All AQD air monitoring data is publicly available on [our website](#), published in the Annual Air Quality Report, through the USEPA Air Quality System (AQS) database, and by request. Additionally, Marathon operates four air monitoring sites which include continuous PM10 measurements that are reported in real-time to their website and through the USEPA AQS database.

E. Process/Operational Limits

1. Comment

A commenter stated that all operations at the proposed facility should be enclosed, all truck loading must be contained within enclosed conveyor chutes, and all roadways on-site must be paved, and any run-off ditches must be designed to prevent dust from seeping into soils and river.

AQD Response

Levy's application proposed all slag handling operations be enclosed and controlled by baghouse dust collectors, with the exception of three conveyor transfer points not fully enclosed. The permit will require Levy to fully enclose these three transfer points. Truck loading operations are performed pneumatically and are controlled by a dust collector. All plant roadways will be paved and controlled with water sprays as necessary. Levy is expected to comply with all regulations designed to protect soil and water quality.

Changes to the Final Permit

References to uncovered conveyor transfer points were removed from the emission unit descriptions on pages 6 and 7 of the permit conditions.

2. Comment

A commenter requested that Levy be required to submit the MAP prior to permit issuance and the AQD should incorporate the MAP into an appendix.

AQD Response

A MAP is designed to incorporate site-specific equipment parameters to prevent, detect, and correct malfunctions or equipment failures. The plan is updated as needed to ensure that it accurately reflects the operations on-site. The AQD does not think that incorporating the MAP into the permit conditions is necessary, however, a requirement was added that Levy submit an interim MAP to the AQD Detroit District office prior to beginning operation. The final MAP will be required to be submitted within 60 days after initial startup.

Changes to the Final Permit

An interim MAP must be submitted before beginning operation. The final MAP must be submitted within 60 days after initial startup. (Special Condition III.2)

3. Comment

The AQD should require Levy to use two bag filters in series for better containment and to prevent breakthrough in the event that one bag filter fails. Pressure drop reading should be recorded continuously, rather than once per day.

AQD Response

Levy's proposal includes 11 baghouses which the facility is required to record pressure drop continuously and a daily visible emission reading. Both pressure drop and visible emissions are sufficient to detect a malfunction. Additional control is not necessary to meet the applicable regulations. In the event of a bag filter failure, Levy is required to take corrective action.

Changes to the Final Permit

Continuous monitoring and recordkeeping of the pressure drop of each bag filter system. Continuous monitoring is considered to be at least once every 15 minutes. (Special Conditions IV.2 and VI.7)

4. Comment

Levy should be required to test a representative bag filter system prior to startup and all baghouses within 30 days of startup.

AQD Response

The facility cannot perform a stack test prior to startup because there will be no emissions to measure. The AQD believes that testing of a representative bag filter system within 180 days following commencement of trial operations is sufficient to verify that the facility is meeting their permitted limits.

5. Comment

Levy should be required to shut the entire plant down if a bag filter is not operating properly.

AQD Response:

The AQD does not have the authority to require the facility to shut down if a single piece of equipment is not operating properly. If a piece of equipment is found not to be operating properly, the facility will be required to correct the issue.

6. Comment

The assumption that 1.3% of total Particulate Matter is PM10 and PM2.5 is inaccurate.

AQD Response:

Levy's assumption is based on the results of particle size distribution testing conducted by the facility.

7. Comment

AQD should justify delays in confirming stack emissions.

AQD Response:

The AQD requires testing be completed at maximum production. Facilities are often not able to reach full production immediately upon beginning operation. The facility must also submit a test protocol to the AQD, which must be approved prior to testing.

8. Comment

The use of pressure drop is not sufficient to detect all types of filter failures. The AQD should require continuous emissions monitoring or continuous opacity monitoring.

AQD Response:

In addition to continuous pressure drop monitoring, Levy is required to check for visible emissions from the facility once per calendar day that the facility is in operation. Continuous emissions or opacity monitoring are not considered necessary to determine compliance with the permit limits.

F. Miscellaneous**1. Comment**

A comment was received requesting that Levy representatives work with members of the Southwest Detroit community to determine acceptable routes for the truck traffic that will be entering and leaving the facility.

AQD Response

The AQD encourages facilities, such as Levy, to engage with their local communities. However, the AQD has no regulatory authority to compel facilities to work with local community members.

2. Comment

Several concerns were raised over violations received by a nearby Levy plant. Requesting that Levy's application be denied until the violations at the other facility are resolved.

AQD Response

The AQD does not have the legal authority to deny issuance of a permit if the applicant has demonstrated that they will comply with all of the applicable regulatory requirements that they are subject to. In order to have the ability to deny permits based on non-compliance, the rules would have to be changed. The AQD is currently working to get the nearby facility into compliance with all state and federal rules and regulations.

3. Comment

A commenter requested that the AQD consider cumulative impact bills that are currently being considered by the legislature.

AQD Response

The AQD cannot consider legislation that has not been fully enacted into permitting or other department decisions.

4. Comment

A commenter stated that no dumping or digging into rivers and streams should be allowed.

AQD Response

Levy's proposal does not include adding to or removing anything from any rivers or streams.

5. Comment

Several comments, both in favor and against, the use of barge loading on-site were received.

AQD Response

The application does not include barge loading operations. A permit application will need to be submitted should Levy decide to include those operations in the future.

G. Public Participation

1. Comment

The use of Zoom and other digital technologies is a barrier to meaningful participation in public hearings for many residents and AQD should consider a return to in-person meetings. AQD should provide better access to frequently requested permit materials. There were significant technical difficulties with the public hearing and a second, in-person, hearing should be held.

AQD Response

The AQD understands that some community members may not have access to the internet. The AQD also understands that access to information about air quality actions in communities is very important. To help all interested persons, including those without internet access take part in the public participation process, copies of documents are made available in a variety of locations. Comments can be submitted by United States Postal Service and by voicemail during the public comment process.

We understand that the technical issues with calling into the meeting were frustrating. We have been working with Zoom to resolve the issues for any future meetings. A recording of the [information session and public hearing](#) were made available, and the public comment period was extended to allow additional time for those who were unable to participate in the hearing.

2. Comment

AQD's letter to the applicant states that the intent was to approve the application with a hearing only if requested. AQD is trying to stifle public input on the application and should have held a definite hearing.

AQD Response

It is often difficult to gauge public interest in new facilities. Additionally, public hearings require significant resources to prepare. The AQD makes significant effort to notify communities of potential permitting actions and encourages the public to provide comments throughout the public comment period.

3. Comment

AQD should include complete modeling data and maps in public comment documents.

AQD Response

In certain cases, modeling data and maps can be a helpful tool in communicating how the emissions from the facility will impact the surrounding area, however, the creation of such maps require additional staff time and resources. It can be difficult to determine what information would most effectively communicate the level of detail about the permit review that there is public interest in. This information can be provided upon request.

4. Comment

The public information session should have included graphics showing the facility layout, how baghouses work, and the nature of controls to reduce fugitives. AQD should also describe ambient levels of criteria and toxic pollutants through the use of tables and bar graphs.

AQD Response

The AQD strives to make documents and presentations accessible to all levels of education and ability. While graphs and tables may be an efficient method of obtaining information for some, they can be very difficult for others. AQD staff are always happy to explain concepts in more detail and answer questions about equipment and controls and will take these comments into consideration for future actions.

5. Comment

AQD should consider a checklist when preparing for public comments to address important topics such as ambient standards, health risks, and cumulative impacts. AQD should also review USEPA guidance on plain language and public interactions.

AQD Response

The AQD thanks this commenter for their feedback. AQD staff are constantly working to improve the information provided to the public and interact with the public more effectively.

PREPARED BY: JACOB YOUNG

517-582-5218

YoungJ30@Michigan.gov