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MAR 23 2023
Air Quality Division
Detroit Office

March 17, 2023

Mr. Jerry Krawiec
Environmental Engineer
Air Quality Division
EGLE, Air Quality Division, Detroit District
3058 West Grand Boulevard, Suite 2-300
Detroit, Michigan 48202

Certified Mail: 7022 2410 0003 1986 2861

Re: US Silica – Rockwood Plant

Dear Mr. Krawiec,

This letter is regarding your letter dated March 6, 2023, which we received on March 10, 2023.

US Silica has been in communication concerning this matter with your office since it was first brought to our attention. In January, our local management team met with you and the Crystal Crossing neighborhood points of contact to the matters touched on in your letter which occurred in late December of 2022.

We understand from your letter that EGLE is alleging a violation of Michigan Rule R336.1901(b) and Permit PTI 150-08E General Condition No. 6. The Rockwood Plant (Plant) did address the unexpected and unusual events as explained in our February 6, 2023 letter to you.

US Silica takes this very seriously and we believe that this was an isolated event resulting from several unusual contributing factors that are unlikely to reoccur. The primary mechanism for dust control is the application of water to the Plant's various stockpiles and operational elements. The Plant conducted winterization activities before December, including draining the water lines that supply water to the sprayers at the silo, wheel wash, water truck and certain surface water systems. While these systems help to control the dust, if not properly shut off in the winter months, failures of these systems would contribute to hazardous safety conditions and would hamstring the Plant during its peak operating period if needing repairs due to freeze damage.

Also, when the dust conditions you identified occurred, the Plant was not operating but, rather, was shut down for the Christmas holiday.

The tailings pond (that is regularly dredged by a third-party contractor) did not have its regular water level due to the winterization and anticipation of winter freezing conditions. As a result, more of the tailings were exposed to the air and weather factors. We believe that this was the most significant factor that contributed to the recent event as the stockpiles at the Plant had the chemical Biosoyl Plus applied before the winterization due to long periods of inactivity at the stockpiles.

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Also, unusual and unexpected weather contributed. On December 23 and 24th of 2022, there were sustained high winds of 30 mph along with gusts above 40 mph. The weather was also warmer than past winters with the days leading up to December 23rd being close to 40 degrees F, which reduced ice and/or snow that would have provided additional control. The tailings pond, normally covered with water, does not receive an application of Biosoyl Plus and, as noted above, the water level in the tailings pond had dropped as winterization had left the Plant without a mechanism to add water. This and the unexpectedly warm December resulted in a lower than normal or ideal water level.

Upon being made aware, the Plant immediately reviewed its operations, identified the tailings pond as the most significant contributor and temporarily suspended the third-party contractor working at the tailings pond, to initiate flooding of the area to provide additional control. The Plant conducts a weekly meeting to review upcoming weather conditions, and manipulates the water level in the tailings pond to accommodate for extreme weather events.

The Plant has made a concerted effort over the last several years to establish more communication with the neighborhood that includes open house events, tours, visits and direct points of contact. The Plant has established with the neighborhood a point of contact through the homeowner's association (HOA) for these instances to directly connect with the Plant Manager. Despite the fact that the Plant closure, one of the two HOA liaisons did make contact with the Plant Manager on January 1, 2023. Some residents called the Plant directly on December 29, 30 and 31 and left messages as the Plant was still closed for the holiday. Upon receiving the HOA call, the Plant Manager promptly returned the messages (but was unable to connect with those three individuals) that had been left and coordinated individual neighborhood visits beginning on January 3rd.

While we understand that our Plant may have contributed to the dust issue in December, we believe that the exceptionally high, sustained winds in the area also caused particles from limestone/gravel roadways, roadway shoulders, agricultural fields and other operations in the area contributed to this event.

Our legal counsel informs us that the Rule and Permit condition you cite in your letter calls for citations when there is an unreasonable interference with the comfortable enjoyment of property. Given that calls came to our offices and our staff roughly a week after the high winds of the 23rd and 24th, it seems that any interference was minor and not unreasonable. The fact that this occurred in the winter while people were largely indoors, supports this same conclusion. Also, we understand that MCL 324.5527 provides that a sudden and unforeseeable event beyond the Plant's control provides a defense to an assertion of non-compliance.

US Silica – Rockwood Plant is committed to improving our operations where possible. As we said in our letter from five weeks ago, we are willing to work with the Department and the community to mitigate impacts from our operations. We believe that our prompt and substantial response, upon being made aware of this issue should be taken into consideration in the issuing any notice of violation and ask that you include that in your deliberations.



If you have any questions please contact me at spor@ussilica.com or by phone at (734) 379-9672.

Respectfully,



Shane Spor
Plant Manager

cc: David Olchawa, Director of Environmental

