

Post —
Manila
Lakeland
Asphalt B 4253

October 2, 2018

Mr. Rex Lane
MDEQ-AQD
Kalamazoo District Office
7953 Adobe Road
Kalamazoo, Michigan 49009-5026



Re: Response to MDEQ-AQD Notice of Violation

Dear Mr. Lane,

This letter is a follow-up to our September 19, 2018 letter. In that letter we indicated that Lakeland Asphalt ("Lakeland") intends to comply with the NSPS Subpart OOO for Non-mineral Processing Plants. Upon further reflection, we have re-evaluated the applicability of Subpart OOO standard to the screener-crusher (ASTECS ProSizer 3100) and at this time we do not believe that it is applicable.

40 CFR Part 60 Subpart OOO, 40 CFR §60.670(c)(2) states as follows:

Facilities at the following plants are not subject to the provisions of this subpart:

Portable sand and gravel plants and crushed stone plants with capacities, as defined in §60.671, of 136 megagrams per hour (150 tons per hour) or less

Furthermore, pursuant to 40 CFR §60.671, the term "capacity" means *the cumulative rated capacity of all initial crushers that are part of the plant.*

The ASTEC ProSizer 3100 does not have a rated capacity of 150 tons per hour and therefore is not subject to regulation under NSPS Subpart OOO under the express terms of 40 CFR §60.670(c)(2). In support of our position we have included with this letter two separate documents from the manufacturer (ASTECS) regarding the ProSizer 3100. First, we've included a page 11 excerpt from the ProSizer 3100 manual which states that the Horizontal Shaft Impactor (HSI) is capable of processing 75 to 100 tons per hour. Second, is an August 16, 2018 memo from ASTEC re-iterating that the maximum process capability of the ProSizer 3100 is 70 – 100 tph. Based on the foregoing, we do not believe that NSPS Subpart OOO is applicable.

Notwithstanding the foregoing, Lakeland intends to apply for a permit-to-install (PTI) for the ASTEC ProSizer 3100. While we still believe that this unit may fall under an applicable permitting exemption, we are willing to resolve this matter by submitting an application for a PTI. It is our understanding that during the course of a conversation you had with our consultant, Bruce Connell (Environmental Partners), the Department is willing to allow the use of the General Permit, so long as there are no unresolved violations with Subpart OOO. As discussed above, Lakeland does not believe that there are any outstanding Subpart OOO violations, and plans to submit an application for a General Permit.

To move forward with the permit application, we will first need concurrence on the part of the Department, that NSPS OOO does not apply to the asphalt screener-crusher plant. We look forward to your response

and further working to resolve this outstanding issue. If you have questions, please contact me, Laura Williams at 269-964-1720, or Bruce Connell with Environmental Partners Inc. at 616-928-9127.

Warmest Regards,

Laura Williams, Sales Manager
Lakeland Asphalt Corp."

Cc: Ms. Mary Ann Dolehanty, MDEQ-AQD
Mr. Craig Fitzner, MDEQ-AQD
Ms. Mary Douglas, MDEQ-AQD
Mr. Christopher Ethridge, MDEQ-AQD
Ms. Janine Camilleri, MDEQ-AQD