

**DEPARTMENT OF ENVIRONMENTAL QUALITY  
AIR QUALITY DIVISION  
ACTIVITY REPORT: On-site Inspection**

P053967798

<b>FACILITY:</b> WEBER SAND & GRAVEL INC.-NORTH BRANCH		<b>SRN / ID:</b> P0539
<b>LOCATION:</b> 4242 Fish Lake Road, NORTH BRANCH		<b>DISTRICT:</b> Lansing
<b>CITY:</b> NORTH BRANCH		<b>COUNTY:</b> LAPEER
<b>CONTACT:</b> Gregg Weber , President		<b>ACTIVITY DATE:</b> 06/21/2023
<b>STAFF:</b> Daniel McGeen	<b>COMPLIANCE STATUS:</b> Non Compliance	<b>SOURCE CLASS:</b> MINOR
<b>SUBJECT:</b> Unannounced inspection, conducted in response to a fugitive dust complaint received the previous day.		
<b>RESOLVED COMPLAINTS:</b> C-23-01540		

**On June 21,2023, the Michigan Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), conducted an unannounced inspection of Weber Sand & Gravel Inc. - North Branch, a portable non-metallic mineral processing plant with State Registration Number P0539. The inspection was in response to a complaint received on 6/20, discussed below:**

*C-23-01540; submitted on 6/19 and received on 6/20/2023, due to the state and federal holiday; the complainant alleged that there was heavy fugitive dust from the portable concrete crushing plant, and it was alleged that neighbors were breathing in dust.*

**Environmental contact:**

**Gregg Weber, President; 801-614-4783; [gregg.a.weber@gmail.com](mailto:gregg.a.weber@gmail.com)**

**EGLE, AQD contact:**

**Dan McGeen, inspector; 517-648-7547; [mcgeend@michigan.gov](mailto:mcgeend@michigan.gov)**

**Emission units:**

<b>Emission Unit ID*</b>	<b>Emission Unit Description</b>	<b>Permit to Install (PTI) No.</b>	<b>Compliance status</b>
<b>EUPROCESS</b>	<b>A combination of process equipment (screens, crushers, feeders, conveyors, etc.) located at 8134 W. County Line Road, New Lothrop, Michigan used to reduce larger materials down to smaller sizes, classify and sort materials into various types, material handling and transporting of material to storage areas. Control methods include equipment enclosures or enclosed within a building, water sprays, drop chutes and/or pant legs for transfer points.</b>	<b>69-23</b>	<b>Noncompliance</b>

EUTRUCKTRAFFIC	Truck traffic for delivery of material products to customers, truck traffic from quarry pit to processing area and loader traffic associated with processing equipment, storage pile handling and loading delivery trucks. All commercial truck areas and unpaved road portions from the quarry pit to the process area.	69-23	Noncompliance
EUSTORAGE	Open area stock piles of various materials and product types. Water spray of material products are used when necessary for material storage piles.	69-23	Noncompliance

\*An *emission unit* is any part of a stationary source that emits or has the potential to emit an air contaminant.

#### Regulatory overview:

This facility is considered a minor source of criteria pollutants, that is, those pollutants for which a National Ambient Air Quality Standard (NAAQS) exist. These include carbon monoxide, nitrogen oxides, sulfur dioxide, volatile organic compounds (VOCs), lead, particulate matter smaller than 10 microns (PM10), and particulate matter smaller than 2.5 microns (PM2.5). A major source of criteria pollutants has the potential to emit (PTE) of 100 tons per year (TPY) or more of any one of the criteria pollutants, and would be subject to the Renewable Operating Permit program.

This facility is also considered to be a minor or area source for hazardous air Pollutants (HAPs), because it has a PTE of less than 10 TPY for any single HAP and less than 25 TPY for all HAPs combined.

This facility is subject to 40 CFR Part 60, Subpart OOO - Standards of Performance for Nonmetallic Mineral Processing Plants. This New Source Performance Standard (NSPS) was updated in 2008. Table 3 to Subpart OOO sets a 12% opacity limit for affected facilities (as defined in Section 60.670 and 60.671 that commenced construction, modification, or reconstruction on or after 4/22/2008. Because the impact crusher TC was reported to be manufactured in 2016, it is subject to the NSPS 12% opacity limit for fugitive emissions.

Site-specific PTI 69-23 was issued on 5/25/2023, to relocate to 8134 W. County Line Road, New Lothrop, in Hazelton Twp., Shiawassee County. A site-specific PTI was needed, as the crusher was considered to not meet the 500-foot setback.

The site-specific PTI has stricter opacity limits than the AQD's general PTI for crusher, because the plant is allowed to be within 500 feet of a nearby business, commercial establishment, or place of public assembly.

#### Fee status:

This facility is considered a Category D fee-subject source, because it is subject to a NSPS, specifically 40 CFR Part 60, Subpart OOO.

The facility reports emissions each year through the Michigan Air Emission Reporting System (MAERS).

#### History:

On 6/27/2019, AQD inspected this portable crusher operating at a location in Flint. No water was being used for suppressing dust from the crusher. A Violation Notice (VN) was subsequently sent.

**Recent testing:**

The plant underwent opacity testing on 9/18/2017, according to the PTI application forms.

**Location:**

This current location was 8134 W. County Line Road, in New Lothrop, within Hazelton Township, Shiawassee County. The crusher was located near the south end of the site. To the north was a field, followed by the main portion of the Wheeler Trucking site. To the west were fields, and to the south and east were residential neighborhoods. The closest residences were roughly 300 feet to the southwest and southeast of the crusher. The use of a crusher general PTI would not have been an option for this site, because it requires, in part, a 500-foot setback from residences. The company therefore obtained site-specific PTI 69-23.

**Safety attire required:**

D. McGeen wore safety glasses with shields, hard hat, high visibility safety vest, and steel-toed boots, and had hearing protection available, if needed.

**Arrival:**

- Arrival time: 3:32 PM
- Visible emissions: excessive fugitive dust was seen at a distance, backlit by the sun.
- Weather conditions: Mostly sunny, hazy, and 90 degrees F, with winds 10-15 miles per hour out of the E

This was an unannounced inspection. AQD was represented by Dan McGeen. As he entered the site, he stopped to speak with employees of Wheeler Trucking, one of the companies which is said to be affiliated with this site. D. McGeen presented his credentials and explained the reason for the visit.

**Inspection:**

No water was in use for the plant, and opacity was excessive, on a fairly steady basis. Intermittent opacity was also excessive for front end loader traffic.

Although the plant finished all production at the site before D. McGeen could conduct Method 9D visible emission readings, numerous photos were taken, which showed frequent instances of excessive fugitive dust from parts of EUPROCESS. No violations of opacity limits were confirmed, however, due to the absence of actual opacity readings.

The attached photos are as follows:

1. IMG\_0812.JPG; overall view of plant.
2. IMG\_0814.JPG; dust from Terex Finlay feeder, primary crusher, and side conveyor, identified as ID # TF, TD, and TDS, respectively, in PTI 69-23.
3. IMG\_0817.JPG; closer view of crusher.
4. IMG\_0832.JPG; heavy opacity from Terex Finlay feeder (TF) and portable crusher (TC) just before shutdown.

The plant continued operating until the last of the remaining raw material storage pile had been used up. Weber Sand & Gravel personnel then spoke with D. McGeen. He expressed concern to Foreman Gage Webb about the excess opacity and fugitive dust which had been witnessed. He was advised that there was a water spigot at the site, but it did not have high enough pressure to be useful for the crusher.

The lack of water for the plant and lack of water or other acceptable dust suppressant for the plant yard, roadways, and storage piles were associated with a number of violations of PTI 69-23, as outlined in the table below. D. McGeen was not able to confirm violations of permit conditions limiting opacity, or visible emissions, as it was not possible to perform EPA Method 9D opacity readings prior to plant shut down.

Compliance check with selected special conditions (SC) in PTI 69-23:

PTI 69-23, SC No.	Requirement	Comments	Complies?
EUPROCESS SC II.1	The permittee shall not process any asbestos tailings or waste materials containing asbestos in EUPROCESS pursuant to the National Emission Standards for Hazardous Air Pollutants, 40 CFR Part 61, Subpart M.	There was no sign of any suspected asbestos containing material in the raw material storage pile that was being fed into the crusher.	Yes
EUPROCESS SC III.2	The permittee shall not operate EUPROCESS unless the nuisance minimization plan for fugitive dust for all plant roadways, the plant yard, all material storage piles, and all material handling operations specified in Appendix B is implemented and maintained.	No water being used for the nonmetallic mineral crushing plant, and no water or other dust suppressant was being used for the plant roadways or yard.	No
EU PROCESS SC IV.1	The permittee shall not operate any portion of EUPROCESS unless the equipment's specified control device is installed, maintained, and operated in a satisfactory manner as listed in Appendix A.	The specified control devices of water sprays and residual moisture were not being used for the crusher, power screen, or conveyors.	No
EUPROCESS SC IV.2	The permittee shall install and maintain a belt scale on EUPROCESS which continuously shows the daily throughput rate for EUPROCESS.	AQD was shown a scale with a digital readout that indicated 3,511.67 tons had been processed.	Yes

<p><b>EUPROCESS SC V.1</b></p>	<p><b>Requires visible emissions observations pursuant to 40 CFR Part 60, Subparts A and OOO, Standards of Performance for Nonmetallic Mineral Processing Plants.</b></p>	<p><b>This test of opacity, or visible emissions, is a one-time test required for a subject facility that has been constructed, modified, or reconstructed. This mineral processing plant passed opacity testing on 9/18/2017, as stated in the permit application, although two conveyors were said to not be subject to Subpart OOO, due to being stacker conveyors.</b></p>	<p><b>Yes</b></p>
<p><b>EUPROCESS SC VIII.</b></p>	<p><b>NA</b></p>	<p><b>NA</b></p>	<p><b>NA</b></p>
<p><b>EUPROCESS SC IX.1</b></p>	<p><b>Within 45 days of issuance of this permit (issued on 5/25/2023), the permittee shall label all equipment using the company ID Numbers in Appendix A, according to a method acceptable to the AQD District Supervisor. Labels shall be in a conspicuous location on the equipment. Within seven days of completing the labeling, the permittee shall notify the AQD District Supervisor, in writing, as to the date the labeling was completed.</b></p>	<p><b>Labels were verified on:</b></p> <ul style="list-style-type: none"> <li>• Terex &amp; Finlay Feeder, ID #: TF</li> <li>• Impact Crusher, ID #: TC</li> <li>• Superior TS130 36" X 130' Conveyor, ID # TS130; the "T" was obscured by rust, but faintly visible</li> <li>• Terex &amp; Finlay 52" X 28" Conveyor, ID #: TDC</li> <li>• Power screen 42" X 40' Conveyor; ID #: PSF</li> <li>• Power screen 5' X 20' Screen; ID #PSS, appeared to be labeled PSO</li> <li>• Power screen 32" X 34' Conveyor; ID #: PSFC</li> </ul> <p><b>Some process equipment was stored onsite, and was not being used, as the products being made here did not require them, D. McGeen was informed. Therefore, he did not check for labels on the following:</b></p> <ul style="list-style-type: none"> <li>• Carter 36" X 40' Conveyor, C40</li> <li>• Carter 36" X 60' Conveyor, C60</li> <li>• Powerscreen 42" X 40' Conveyor, PSUS</li> <li>• Grassan 30" X 100' Conveyor; C7</li> </ul> <p><b>Neither D. McGeen nor Weber employees could find a label on a Superior 36" X 50' Conveyor, ID # PT3, although a plate with serial # 2564 and Model 36X50PFI was found. The company is still within the allowed 45 days to ensure that</b></p>	<p><b>Yes</b></p>

		all equipment is labeled, as the PTI was issued on 5/25/2023.	
<b>EUTRUCKTRAFFIC SC III.1</b>	<b>The permittee shall not operate EUTRUCKTRAFFIC unless the nuisance minimization plan for 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 maintained.</b>	<b>Loader traffic was operating with periodic excessive opacity, without water or other acceptable dust suppressant being used to control dust from the plant roadways or the plant yard.</b>	<b>No</b>
<b>EUTRUCKTRAFFIC SC IV.</b>	<b>NA</b>	<b>NA</b>	<b>NA</b>
<b>EUTRUCKTRAFFIC SC V.</b>	<b>NA</b>	<b>NA</b>	<b>NA</b>
<b>EUTRUCK TRAFFIC SC VI.</b>	<b>NA</b>	<b>NA</b>	<b>NA</b>
<b>EUTRUCKTRAFFIC SC VII.</b>	<b>NA</b>	<b>NA</b>	<b>NA</b>
<b>EUTRUCKTRAFFIC SC VIII.</b>	<b>NA</b>	<b>NA</b>	<b>NA</b>
<b>EUTRUCKTRAFFIC SC IX.</b>	<b>NA</b>	<b>NA</b>	<b>NA</b>
<b>EUSTORAGE SC III.1</b>	<b>The permittee shall not operate EUSTORAGE unless the nuisance minimization plan for 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 maintained.</b>	<b>Visible emissions were excessive when concrete from the raw material storage pile was fed into the feeder for the crusher, and water had not been used to suppress dust from the raw materials.</b>	<b>No</b>

EUSTORAGE SC IV.	NA	NA	NA
EUSTORAGE SC V.	NA	NA	NA
EUSTORAGE SC VI.	NA	NA	NA
EUSTORAGE SC VII.	NA	NA	NA
EUSTORAGE SC VIII.	NA	NA	NA
EUSTORAGE SC IX.	NA	NA	NA

Post-inspection follow up:

Company President Gregg Weber left a voicemail message for D. McGeen on 6/21, requesting a call, as Wheeler Trucking had evidently called him and recommended contacting AQD. On 6/23/2023, D. McGeen and G. Weber spoke by phone to discuss the inspection, and the pending Violation Notice (VN) for PTI 69-23, EUPROCESS SC III.2 and IV.1, EUTRUCKTRAFFIC SC III.1, and EUSTORAGE SC III.1.

D. McGeen was assured that the Davison, Genesee County site the plant was going to next, under site -specific PTI 70-23, has a water supply, and so the company does not expect any issues with dust control. G. Weber explained that in their contracts, they specify that the site owner is responsible for water supply.

Lastly, D. McGeen mentioned that most but not all of the process equipment appeared to be labeled, although it was still within the 45 day period the company has to label all equipment. G. Weber indicated that all the equipment is believed to be labeled, in part because it has previously undergone opacity testing. It is possible that AQD and Weber staff may have overlooked finding a label on one or two conveyor belts, as one label, TS130, had been partially obscured by rust. It is AQD's understanding that the company will follow up on this.

Conclusion:

During the inspection, there was no water being used for the crusher, and no water or other acceptable dust suppressant being used for the site itself. This resulted in several instances of noncompliance with PTI 69-23. A VN is being sent, requesting a written response with a corrective action program.



**Image 1(1)** : Overall view of plant.



**Image 2(2)** : Dust from Terex Finlay feeder, primary crusher, and side conveyor, identified as ID # TF, TD, and TDS, respectively, in PTI 69-23.



**Image 3(3)** : Closer view of crusher.



**Image 4(4) :** Heavy opacity from Terex Finlay feeder (TF) and portable crusher (TC) just before shutdown.

NAME David R. [Signature]

DATE 7/5/2023

SUPERVISOR RB