

STATE OF MICHIGAN  
DEPARTMENT OF NATURAL RESOURCES  
AIR POLLUTION CONTROL COMMISSION

In the matter of administrative proceedings involving DUNDEE CEMENT COMPANY, a corporation organized under the laws of the State of Delaware and doing business on Day Road, City of Dundee, County of Monroe, State of Michigan.	) ) ) ) ) ) ) ) ) ) ) )
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APC No. 16-1980

STIPULATION FOR ENTRY OF CONSENT ORDER  
AND  
FINAL ORDER

This proceeding resulted from allegations by the staff of the Air Quality Division of the Department of Natural Resources (hereinafter referred to as the "Staff"). The Staff alleges that Dundee Cement Company, a Delaware corporation (hereinafter referred to as the "Company"), located on Day Road, City of Dundee, County of Monroe, State of Michigan, is emitting particulate matter and visible emissions from its cement kiln stack that are in excess of allowable limits as established by Administrative Code 1980 AACRS, R 336.1301 and R 336.1331. The Company and the Michigan Air Pollution Control Commission (hereinafter referred to as the "Commission") agree to the termination of this proceeding by entry of a Final Order by consent.

The Company and the Commission agree as follows:

1. The Company admits that the Chief of the Air Quality Division of the Department of Natural Resources is authorized by resolution of the Commission adopted June 28, 1977, as agent of the Commission to enter into this Final Order by consent.
2. The Company stipulates that the Chief of the Air Quality Division of the Department of Natural Resources is charged with the investigation and enforcement of all orders, regulations, rules, standards and statutes of the State of Michigan concerning the emission and control of air contaminants.

3. The Company stipulates that the termination of this matter by a Final Order to be entered as a Consent Order is proper and acceptable.

4. The Company and the Commission agree this order is a replacement for "Stipulation for Entry of Consent Order and Final Order, APC No. 08-1979" (hereinafter "Order No. 08-1979") and changes paragraphs 4, 6, 8, 9, 10, 11, and 12 of Order No. 08-1979. This Order, upon entry, rescinds and supercedes Order No. 08-1979.

5. The Company and the Commission agree that the signing of this Stipulation is for settlement purposes only and does not constitute an admission by the Company that the law has been violated. Both the Commission and the Company agree that the particulate matter and visible emissions from the cement kilns should be abated. This shall be done in accordance with the following schedule:

- (a) After the effective date of this Order and until December 31, 1980, the particulate matter emissions from the Company's two cement kilns shall not exceed 0.65 pounds particulate per 1,000 pounds of exhaust gases.
- (b) By the effective date of this Order, the Company shall submit to Staff, pursuant to the Commission's rules, an application for an installation permit describing the air pollution control device(s) and/or other equipment (hereinafter referred to as "the kiln stack control equipment") to be used to control the kiln stack emissions, so as to comply with the emission limits specified in paragraphs 5(h) and 5(i).
- (c) By the effective date of this Order, the Company shall submit to the Staff evidence to substantiate that the kiln stack control equipment has been placed on order with the supplier.
- (d) By the effective date of this Order, the Company shall begin on-site installations of the kiln stack control equipment and shall notify the Staff in writing that this installation has begun.

- (e) By the effective date of this Order, the Company shall have completed installation of the kiln stack control equipment and shall notify the Staff in writing that this installation has been completed.
- (f) By the effective date of this Order, the Company shall have placed in operation the kiln stack control equipment and shall notify the Staff in writing that the kiln stack control equipment has been placed in operation.
- (g) By December 31, 1980, and after all kiln stack control equipment has been placed in operation, the Company shall complete the testing (conducted according to procedures approved by Staff) of the kiln stack control equipment and submit to the Staff the detailed report of the test data and results.
- (h) After December 31, 1980, the particulate matter emissions from the Company's two cement kilns shall not exceed 0.20 pounds per 1,000 pounds of exhaust gases.
- (i) After December 31, 1981, visible emissions (excluding water vapor) from the Company's cement kilns shall not exceed 20 percent opacity except that visible emissions of not more than 40 percent opacity (excluding water vapor) are allowed for not more than 3 minutes in any 60-minute period, but such emissions shall not be allowed on more than 3 occasions during any 24-hour period. The Company reserves the right to petition the Commission for an exception to the opacity limitations set forth in this paragraph based on economic and technological infeasibility.

6. The heat input to either kiln from petroleum coke shall not exceed 25 percent of the total heat input to that kiln.

7. Visible emissions from the truck loading facility shall not exceed 20 percent opacity except as specified in R 336.1301(1).

8. Particulate emissions from the truck loading facilities shall not exceed 0.15 pounds per 1,000 pounds of exhaust gases calculated on a dry gas basis.

9. Visible emissions from the clinker coolers shall not exceed 20 percent opacity except as specified in R 336.1301(1).

10. Prior to December 31, 1980, particulate emissions from the clinker coolers shall not exceed 0.3 pounds per 1,000 pounds of exhaust gases calculated on a dry gas basis; after December 31, 1980, such emissions shall be determined by the Commission and its rules.

11. After the effective date of this Order, the Company shall implement the following malfunction abatement plan for air emission control devices:

(a) Electrostatic precipitators:

- (1) If one field of precipitator fails because of external equipment, that field shall be shut off and repairs performed.
- (2) If a failure occurs which results in loss of power to one or more fields resulting in noncompliance with allowable emissions, the one-half of the precipitator where the failure occurred shall be taken out of service and the necessary repairs shall be made promptly. During this repair period, the total exhaust gases from the kiln shall be directed through the operative half of its precipitator.
- (3) Neither kiln shall be started up if either half of the precipitator is out of service.

(b) Gravel bed filter:

- (1) If the malfunction is in one or more pods, those pods shall be taken out of service while repairs are being performed.
- (2) If the malfunction includes the entire gravel bed filter, the gravel bed filter shall be shut down and repaired. When the gravel bed filter is shut down, the kiln shall also be shut down.

(c) All fabric dust collectors:

- (1) If a malfunction occurs in one or more compartments, those compartments shall be taken out of service until repairs have been completed.
- (2) If a malfunction includes the entire collector, the collector shall be shut down and repaired. To prevent uncontrolled emissions during this repair, the dust source or exhaust fan shall be shut off.

12. After the effective date of this Order, the Company shall implement the following fugitive dust control measures:

- (a) Regular and frequent oil or chemical stabilization, or its equivalent, shall be applied commensurate with existing weather conditions to all permanent unpaved roads in the quarry.
- (b) Temporary unpaved roads in the quarry, when in use, shall be graded regularly and water shall be applied as required to control fugitive dust.
- (c) Paved roads on the plant site shall be swept daily, Monday through Friday, April through October, weather permitting.
- (d) Paved roads on the plant site shall be swept, twice weekly, November through March, weather permitting.

13. The Company has demonstrated to the satisfaction of the Commission that the operation of the Company's cement kilns at the Company's plant in Dundee, Michigan, pursuant to the requirements of this Order, will not prevent attainment or maintenance of the National Primary Ambient Air Quality Standards for particulate matter.

14. It is the express finding of the Commission that the Company's past actions and the requirements of paragraph 5 of this Order provide for compliance with the emission limitations set forth in paragraphs 5(h) and 5(i) of this Order within a reasonable time and also provide for the implementation of at least reasonably available control technology ~~as~~

as expeditiously as practicable. The past actions leading to the above finding include compliance with Performance Contract 873-03 which required the Company to install air pollution control equipment which was expected to control cement kiln emissions at or below the levels specified in paragraphs 5(h) and 5(i) and further include the recent company finding of organic substances in the raw materials at levels sufficient to impair the collection efficiency of the kiln emission control equipment, thereby making compliance with the emission levels specified in 5(h) and 5(i) technically infeasible by the currently installed control equipment.

15. The Company, the Commission, and the Chief of the Air Quality Division of the Department of Natural Resources agree that this Consent Order, any supporting data, and any necessary data that may be requested by the U.S. Environmental Protection Agency which is available to the Staff or provided by the Company shall be transmitted to the U.S. Environmental Protection Agency for approval as a revision to the Michigan State Implementation Plan.

16. The Staff and the Company do not regard this abatement program as a variance subject to the 12-month limitation specified in Section 22 of the Air Pollution Act, being MCLA 336.32. Approval of this abatement program is not a major state action for purposes of further environmental review pursuant to Executive Order 1974-4.

17. The Commission and the Company both acknowledge that a public hearing on this abatement program was held on October 21, 1980. Both the Commission and the Company consent to enforcement of this Stipulation and Final Order in the same manner and by the same procedures for all final orders entered pursuant to Section 16 of 1972 PA

257, MCLA 336.26, including enforcement pursuant to 1970 PA 127, MCLA 691.1201 et. seq.; MSA 14.528(201) et. seq.

Approved as to Form and Content:

*Gavella Smith*

DUNDEE CEMENT COMPANY

Dated: Nov 5, 1980

Approved as to Content:

*Robert P. Miller*

Robert P. Miller, Acting Chief  
AIR QUALITY DIVISION  
DEPARTMENT OF NATURAL RESOURCES

Dated: November 19, 1980

Approved as to Form:

*Stewart H. Freeman*

Stewart H. Freeman  
Assistant Attorney General  
DEPARTMENT OF ATTORNEY GENERAL

Dated: November 17, 1980

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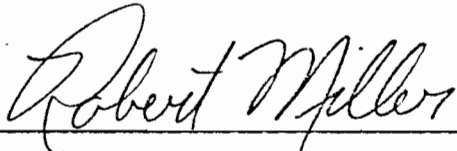
FINAL ORDER

This Commission having had opportunity to review the above stated Stipulation for Entry of Consent Order, and this Commission having authorized the Chief of the Air Quality Division of the Department of Natural Resources as agent of the Commission to enter into consent orders,

IT IS ORDERED that this Consent Order shall be entered in the record of this Commission as stated herein.

AIR POLLUTION CONTROL COMMISSION

By:



Robert P. Miller, Acting Chief  
Air Quality Division  
Department of Natural Resources

Dated: November 19, 1980

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