

Air Enforcement: U.S. Environmental Protection Agency and Romulus, Michigan Hot Mix Asphalt Plant Operator Enter into Consent Agreement



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The United States Environmental Protection Agency (“EPA”) and Ajax Materials Corporation (“AMC”) entered into a February 28th Consent Agreement and Final Order (“CAFO”) addressing alleged air permit violations. See Docket No. CAA-05-2018-0006.

AMC is described as the operator of a hot mix asphalt plant (“Plant”) in Romulus, Michigan.

The CAFO states that the Plant consists of a number of pieces of equipment that generate air pollution and are subject to certain air regulatory requirements. The equipment is described as including:

. . . a 700 ton per hour hot mix asphalt counterflow drum dryer/mixer that uses a fabric filter dust collector to control emissions of particulate matter referred to as EUHMAPLANT.

The AMC EUHMAPLANT is stated to be an affected facility under the Clean Air Act New Source Performance Standards Subpart A and the New Source Performance Standards for Hot Mix Asphalt Facilities because it is part of a hot mix asphalt facility that commenced construction or modification after June 11, 1973. 40 C.F.R. § 60.90.

Alleged violations referenced in the CAFO include:

- On five occasions on November 4, 2015, the Plant allegedly failed to limit the opacity from the EUHMAPLANT to less than 20 percent as a six-minute average, in violation of the opacity limit specified in the relevant regulations and permit
- Failure to maintain and operate the EUHMAPLANT fabric dust collector in a satisfactory manner at all times
- Violation of Permit No. 310-06B Appendix B Item 5 by failing to:
 - Cease operations when no certified visible emissions readings had occurred within 60 minutes of visible emissions that appeared to be in excess of the opacity limit
 - Determine the cause of the visible emissions before operating the plant again
 - Correct the visible emissions prior to operating the plant again
- Failing to follow the Preventative Maintenance Program specified in Appendix B of the permit

A June 29, 2016, performance test to measure particulate matter and visible emissions from EUHMAPLANT is described as demonstrating compliance with emission limits for particulate matter and opacity.

AMC neither admits nor denies the factual allegations in the CAFO.

A civil penalty of \$68,707 is assessed.

[A copy of the CAO can be downloaded here.](#)