STATE OF WASHINGTON

PUGET SOUND AIR POLLUTION CONTROL AGENCY	)	**CIVIL PENALTY NOS. 8760, 8761, 8801 and 8929**
vs.	)	**CONSENT ORDER AND ASSURANCE OF DISCONTINUANCE**
ASH GROVE CEMENT COMPANY	)	

Puget Sound Air Pollution Control Agency (PSAPCA) issued and served to Ash Grove Cement Company (Ash Grove) the following Notice and Orders of Civil Penalties and Notices of Violation:

Notice and Order of Civil Penalty No. 8801 in the amount of $8,000.00, dated February 10, 1998, based on Notice of Violation Nos. 36863 and 36864, alleging that Ash Grove violated Section 9.11(a) of PSAPCA Regulation I on July 16, 1997 and September 8, 1997, by causing or allowing the emission of portland cement clinker which interfered with the enjoyment of life or property.

Amended Notice and Order of Civil Penalty No 8760 in the amount of $8,000.00, dated December 11, 1997, based on Notice of Violation No. 36861, alleging that Ash Grove violated Sections 9.15(c) and 9.20 of PSAPCA Regulation I on August 7, 1997, by causing or allowing five large holes in the shrink wrap covering clinker conveyor 531.030 with resulting dust emissions from the conveyor.

Notice and Order of Civil Penalty No. 8761 in the amount of $3,000.00, dated December 9, 1997, based on Notice of Violation Nos. 37062 and 37063 alleging that Ash Grove violated Sections 9.15(c) and 9.20 of PSAPCA Regulation I on July 16, 1997, by causing or allowing large holes in the shrink wrap temporary conveyor enclosure on the south conveyor from the clinker storage silos to the finish mill and continuous emissions of dust from the white fly ash silo locate on the south side of the six pack.

Notice and Order of Civil Penalty No. 8929 in the amount of $3,000.00, dated October 21, 1998, based on Notice of Violation No. 37075, alleging that Ash Grove violated Sections 9.15(a) and 9.20 of PSAPCA Regulation I on August 14, 1998, by causing or allowing dust emissions from finish mill #2 baghouse, and fugitive dust emissions in the yard between the clay shed and the truck dump area during loader activity.

Notice of Violation No. 37442 alleging that Ash Grove violated Section 9.11(a) of PSAPCA Regulation I on April 27, 1998.

626918

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Notice of Violation No. 37444 alleging that Ash Grove violated Section 9.11(a) of PSAPCA Regulation I on April 29, 1998.

Additionally, PSAPCA has expended, or been billed, the amount of $3,000.00 for analyzing particulate matter alleged to have resulted from Ash Grove emissions.

Ash Grove denies the violations alleged above. To avoid the expense and uncertainty of litigation, the parties enter into this Consent Order and Assurance of Discontinuance (AOD) to resolve the claims asserted in the above referenced Notices of Civil Penalties and Notices of Violation, and other disputes between the parties regarding fugitive emissions from Ash Grove's plant occurring prior to the effective date of this AOD. This AOD specifically resolves all claims regarding violations or alleged violations by Ash Grove of Regulation I, Sections 9.11(a), 9.15(c), and 9.20 and of WAC 173-400-040(2) and (8) arising subsequent to May 23, 1996, and prior to the effective date of this AOD.

To maintain compliance with PSAPCA Regulation I, sections 9.11(a), 9.15(c) and 9.20, Ash Grove agrees to the following:

1. Within 30 days of the effective date of this AOD, Ash Grove shall pay to PSAPCA the amount of $12,000.00 (twelve thousand dollars) in civil penalties for fugitive emissions from Ash Grove's plant occurring prior to the effective date of this AOD.

2. Within 60 days of the effective date of this AOD, Ash Grove shall submit to PSAPCA for review and comment, a study plan to investigate the source(s) of fugitive clinker emissions from the Seattle plant, and a list of potential projects to reduce fugitive clinker emissions. Projects shall be selected for study based on operational feasibility, cost and effectiveness in controlling fugitive emissions. Ash Grove shall give due consideration to any comments by PSAPCA and, where deemed reasonable by Ash Grove, incorporate any PSAPCA suggestions into the study plan. Within 30 days of receipt by Ash Grove of PSAPCA's written comments, Ash Grove shall retain a consultant to investigate the source(s) of fugitive clinker emissions, and to evaluate the feasibility and cost-effectiveness of the projects selected for study. The consultant shall complete the feasibility study and submit a written report within six months of the commencement of the study.

3. Within 7 days of Ash Grove's receipt of the above-referenced report Ash Grove shall forward a copy to PSAPCA. Within 60 days of Ash Grove's receipt of PSAPCA's comments on the report Ash Grove shall file with PSAPCA an implementation plan and schedule based on the report, including a notice of construction application for those cost-effective control projects that require PSAPCA approval under WAC 173-400-114. For cost-effective projects that do not require PSAPCA approval, Ash Grove's plan shall consist of a schedule for implementation of the project(s). Nothing in this AOD shall require Ash Grove to implement any project that Ash Grove determines to be technically infeasible or not cost-effective. PSAPCA reserves the right, however, to demand additional fugitive clinker control measures from Ash Grove, if PSAPCA determines that the measures selected by Ash Grove

for implementation will not achieve substantial progress in reducing the frequency and magnitude of particulate fallout events at Terminal 106.

4. Ash Grove shall implement a standard procedure for responding to fugitive dust complaints from neighbors. On each occasion on which Ash Grove receives timely notice from a neighbor of a fugitive dust complaint, Ash Grove shall investigate the situation, take any appropriate short term remedial measures, and advise the complainant and PSAPCA of any action or actions taken to resolve the complaint (including the actions described in this AOD).

Upon signing of this AOD by Ash Grove, PSAPCA agrees to take no further action with regard to Notice and Order of Civil Penalty Nos. 8760, 8761, 8801, and 8929, and further agrees to close, without further action, Notice of Violation Nos. 37442, 37444 and 37075, none of which are the subject of a Notice and Order of Civil Penalty.

Reservation of Rights

Nothing in this AOD shall preclude PSAPCA from taking other enforcement action for any future violation of PSAPCA regulations or future violations of Chapter 70.94 of the Revised Code of Washington.

Compliance with Other Laws

Nothing in this AOD shall be construed as excusing Ash Grove from compliance with any applicable federal, state, or local statutes, ordinances, or regulations, or from compliance with any permits. If any of the tasks described in this AOD are not yet complete when PSAPCA issues a Title V permit to Ash Grove for the Seattle plant, such tasks shall be included in the permit as methods to assure compliance with PSAPCA Regulation I, Sections 9.11(a), 9.15(c) and 9.20. This AOD shall not be construed as a determination that Ash Grove is out of compliance with Sections 9.11(a), 9.15(c) or 9.20, for the purposes of WAC 173-401-630(3) or WAC 173-401-510(2)(h).

Authority

The parties each represent and warrant that they have full power and actual authority to enter into this AOD and carry out all actions required of them by this AOD. All persons executing this AOD in representative capacities represent and warrant that they have full power to bind the parties for whom they are acting as representatives.

Full Understanding and Independent Legal Counsel

The parties each acknowledge, represent and agree that they have read this AOD and that they have been fully advised by their own legal counsel regarding their legal rights with respect thereto.

Effective Date and Term

This agreement shall take effect upon the date of signing by PSAPCA and shall terminate upon completion by Ash Grove of the projects described in the implementation plan to be submitted pursuant to Paragraph 3 above.

ASH GROVE CEMENT COMPANY

by _____

Date 12/9/98

Dennis J. McLerran
Air Pollution Control Officer

by James L. Nolan
Director - Compliance

Date 11/24/98

58882.02.SE (19FM021.DOC)
11/24/98 3:16 PM

ASH GROVE CEMENT COMPANY VS PUGET SOUND AIR POLLUTION CONTROL AGENCY	CIVIL PENALTY Nos. 8291, 8311 and 8355. CONSENT ORDER AND ASSURANCE OF DISCONTINUANCE

Puget Sound Air Pollution Control Agency (PSAPCA) issued and served the following Notices and Orders of Civil Penalties to Ash Grove Cement Company (Ash Grove):

No. 8291 dated the 24th day of January, 1996, in the amount of $4,000.00, for violating Section 9.15(c) of PSAPCA Regulation I on November 3, 1995, by causing or allowing the emission of fugitive dust from the clinker conveyor going from clinker silos to finish mill at 3801 East Marginal Way South in Seattle, Washington.

No. 8311 dated the 22nd day of February, 1996, in the amount of $3,000.00, for violating Sections 9.15(a) and 9.15(c) of PSAPCA Regulation I on December 20, 1995, by causing or allowing the emission of fugitive dust from the clinker storage shed building without using best available control technology at 3801 East Marginal Way South in Seattle, Washington.

No. 8355 dated the 23RD day of May, 1996, in the amount of $29,000.00, for violating Section 9.15(a) of PSAPCA Regulation I on May 15, August 25, September 12 and September 20, 1995, by causing or allowing the emission of fugitive dust without using the best available control technology at 3801 East Marginal Way South in Seattle, Washington.

Ash Grove denies the violations listed above. In order to avoid the expense and uncertainty of litigation, the parties enter into this Consent Order and Assurance of Discontinuance (AOD) to resolve these Civil Penalties and any and all other disputes between the parties regarding fugitive emissions from all portions of Ash Grove's plant (other than from the kiln cooler shroud) occurring prior to the date of this AOD. This AOD specifically resolves all alleged violations arising out of fugitive emissions prior to the date of this AOD, including but not limited to emissions occurring on or about May 15, August 25, September 12, September 20, November 3, and December 20, 1995, and February 9 and February 14, 1996. This AOD also resolves Notice of Violation Nos. 33673, 33680, 33764, 33765, 33924, 33925, and 34406.

To achieve compliance with PSAPCA Regulation I, Section 9.15(a), Ash Grove and PSAPCA agree to the following:

AGCS2M001439

HELLER EHRMAN WHITE & McAULIFFE
ATTORNEYS
6100 COLUMBIA CENTER
701 FIFTH AVENUE
SEATTLE, WASHINGTON 98104-7098

1. Specific Projects to Minimize Potential Fugitive Emissions

Ash Grove agrees to complete the projects listed below no later than May 31, 1996:

Project

A. Pan Conveyor
   1. Enclose tail section at south side of kiln discharge.

B. G-Cooler
   1. Enclose structure from the top pan conveyor discharge to top of diversion bin.
   2. Enclose discharge to belt 471.150 (conveyor from G-Cooler to clinker storage silos).
   3. Fabricate a cover/enclosure for dump truck to contain bin discharge.

C. Finish Mill
   1. Seal openings in porch section of belt 531.030 in the Finish Mill Tripper Room.
   2. Install solid flooring in porch section of belt 531.030.
   3. Air knife installation on belt 531.030.
   4. Connect Tripper room to building vacuum system.

D. Conveyors
   1. 531.030 Conveyor Belt (Clinker Silos to Finish Mill)
      a. Relocate V-Take Up pulley from transfer tower #12 to #2.
      b. Enclose V-Take Up pulley.
      c. Remove historic deposits from catch pan.
      d. Install partition screens where belt exits silos.

   2. 471.150 Conveyor Belt (G-Coolers to Clinker Silos)
      a. Enclose V-Take Up pulley

E. Clinker Silos
   1. Install solid flooring at discharge end of belt 471.150.
   2. Install belt spill catch pan and conduit to ground level.

F. Clinker Storage Shed Monitor
   1. Seal room with solid flooring.
   2. Enclose stairwell with partition screens to isolate area.
   3. Seal wall openings.

Ash Grove will make a good faith effort to complete all listed projects by May 31, 1996. Upon notice from Ash Grove, PSAPCA will agree to a reasonable extension of the completion date for any project.

2. Operation and Maintenance

HELLER EHRMAN WHITE & McAULIFFE
ATTORNEYS
6100 COLUMBIA CENTER
701 FIFTH AVENUE
SEATTLE, WASHINGTON 98104-7098

Ash Grove created a new position in April 1996 for inspection and preventive maintenance of the conveyor systems in the plant. The duties of this position include regularly inspecting material conveyors, identifying potential or existing conveyor system problems and promoting proper conveyor operation. Ash Grove will carry out appropriate repairs, maintenance, or improvements identified by the conveyor specialist or other plant employees. Such work will be done either by the conveyor specialist or through Ash Grove's existing work order system.

Ash Grove will evaluate the need for a separate conveyor specialist position after six months, and from time to time thereafter if the position is retained. If at any time Ash Grove eliminates this position, Ash Grove agrees to continue performing the general responsibilities currently assigned to this position throughout the term of this order, and agrees to notify PSAPCA of how such responsibilities shall be carried out and by whom.

Within 30 days of execution of this AOD, Ash Grove agrees to file with PSAPCA a revision or addition to its current operating and maintenance plan to include preventive maintenance of the projects listed in paragraph 1, including inspection and cleaning of the new enclosures. Ash Grove agrees to implement the operating and maintenance plan, as revised or amended. Ash Grove will make its operating and maintenance plan available to PSAPCA upon request and will keep written records in accordance with the plan.

3. Payment by Ash Grove

Ash Grove agrees to pay $18,000.00 in civil penalties for fugitive emissions from all portions of Ash Grove's plant (other than from the kiln cooler shroud) occurring prior to the date of this AOD, and $6189.79 for PSAPCA's costs of conducting laboratory analysis of samples, for a total payment of $24,189.79, within 30 days of executing this AOD.

PSAPCA hereby suspends $18,000.00 of the civil penalties assessed in Civil Penalty Nos. 8291, 8311 and 8355 contingent upon Ash Grove completing the construction projects identified in paragraph 1 and submitting to PSAPCA revisions or additions to Ash Grove's operation and maintenance plan required by paragraph 2.

4. Reservation of Rights by PSAPCA

Nothing in this AOD precludes PSAPCA from taking other enforcement action for any future violation of PSAPCA regulations or chapter 70.94 RCW.

5. Compliance With Other Laws

Nothing in this agreement shall be construed as excusing Ash Grove from compliance with any applicable federal, state or local

HELLER EHRMAN WHITE & McAULIFFE
ATTORNEYS
6100 COLUMBIA CENTER
701 FIFTH AVENUE
SEATTLE, WASHINGTON 98104-7098

statutes, ordinances, or regulations, or from compliance with any permits.

6. Authority

The parties each represent and warrant that they have full power and actual authority to enter into this AOD and carry out all actions required of them by this AOD. All persons executing this AOD in representative capacities represent and warrant that they have full power to bind the parties for whom they are acting as representatives.

7. Full Understanding and Independent Legal Counsel

The parties each acknowledge, represent and agree that they have read this AOD and that they have been fully advised by their own legal counsel regarding their legal rights with respect thereto.

8. Termination

Either party may terminate this AOD at any time with or without cause by giving a 30 day written notice to the other party of such termination and by specifying the effective date of the termination; provided, that the termination shall be preceded by a face-to-face meeting between the parties.

If PSAPCA so terminates the AOD, the $18,000 suspended portion of the Civil Penalty shall not be due and payable and is canceled.

Ash Grove may choose to terminate this AOD under this clause and pay the $18,000 suspended portion of the Civil Penalty in lieu of continuing with this AOD.

9. Term

This agreement terminates upon issuance of an air operating permit under Title V of the federal Clean Air Act to Ash Grove for its plant at 3801 East Marginal Way South.

DATED this 23RD day of May, 1996.

James Nolan

DENNIS J. McLERRAN
Air Pollution Control Officer

ASH GROVE CEMENT COMPANY

BY: _____

ITS: _____

HELLER EHRMAN WHITE & McAULIFFE
ATTORNEYS
6100 COLUMBIA CENTER
701 FIFTH AVENUE
SEATTLE, WASHINGTON 98104-7098

statutes, ordinances, or regulations, or from compliance with any permits.

6. Authority

The parties each represent and warrant that they have full power and actual authority to enter into this AOD and carry out all actions required of them by this AOD. All persons executing this AOD in representative capacities represent and warrant that they have full power to bind the parties for whom they are acting as representatives.

7. Full Understanding and Independent Legal Counsel

The parties each acknowledge, represent and agree that they have read this AOD and that they have been fully advised by their own legal counsel regarding their legal rights with respect thereto.

8. Termination

Either party may terminate this AOD at any time with or without cause by giving a 30 day written notice to the other party of such termination and by specifying the effective date of the termination; provided, that the termination shall be preceded by a face-to-face meeting between the parties.

If PSAPCA so terminates the AOD, the $18,000 suspended portion of the Civil Penalty shall not be due and payable and is canceled.

Ash Grove may choose to terminate this AOD under this clause and pay the $18,000 suspended portion of the Civil Penalty in lieu of continuing with this AOD.

9. Term

This agreement terminates upon issuance of an air operating permit under Title V of the federal Clean Air Act to Ash Grove for its plant at 3801 East Marginal Way South.

DATED this 24th day of May, 1996.

ASH GROVE CEMENT COMPANY

BY: Henry Wellhelm 5/24/96

ITS: PLANT MANAGER

DENNIS J. McLERRAN
Air Pollution Control Officer

AGCS2M001443

HELLER EHRMAN WHITE & McAULIFFE
ATTORNEYS
6100 COLUMBIA CENTER
701 FIFTH AVENUE
SEATTLE, WASHINGTON 98104-7098

ASH GROVE CEMENT COMPANY VS **PUGET SOUND AIR POLLUTION CONTROL AGENCY**	CIVIL PENALTY NO. 8289 (amended) CONSENT ORDER AND ASSURANCE OF DISCONTINUANCE

Puget Sound Air Pollution Control Agency (PSAPCA) issued and served Notice and Order of Civil Penalty No. 8289 (amended) dated the 24th day of July 1996 in the amount of $6,000.00 to Ash Grove Cement Company. This penalty assessment was based upon violations of Article 9 of Regulation I in the following particulars:

N/V #s 33290, 33757 - June 22, 1995:
Caused or allowed the emission of an air contaminant (blue/white smoke) and fugitive dust for 6 minutes in an hour, of 30-85% opacity, from the top of the clinker cooler end of the kiln at 3801 East Marginal Way South in Seattle, Washington.

N/V # 33756 - June 29, 1995:
Caused or allowed the emission of an air contaminant (white smoke) and fugitive dust for 6 minutes in an hour, of 35-100% opacity, from the top of the clinker cooler end of the kiln at 3801 East Marginal Way South in Seattle, Washington.

Pursuant to RCW 70.94.435, Ash Grove Cement Company does hereby agree to pay $1,000.00 of Civil Penalty No. 8289 (amended) within 30 days of signing this order.

PSAPCA accepts this assurance of discontinuance and does hereby suspend $5,000.00 of Civil Penalty No. 8289 (amended) on the condition that the spring seal, as described in Ash Grove's letter dated January 5, 1996, is installed and operational on or before ~~December 1, 1996.~~ January 5, 1997 GJS.

If Ash Grove Cement Company does not comply with this condition, the suspended amount of $5,000.00 is immediately due and payable.

Failure to perform the terms of this order by Ash Grove Cement Company shall constitute grounds for PSAPCA to seek injunctive or other relief from Superior Court.

Dated this 31 day of July 1996.

Ash Grove Cement Company

by _____

Dennis J. McLerran
Air Pollution Control Officer

by Neal J. Shulman
Manager - Inspection

Seattle, Washington 98101-2038	)	**NO. 8289**
	)	***AMENDED***
VS	)	
	)	
ASH GROVE CEMENT COMPANY c/o Henrik Voldbaek, Plant Manager 3801 East Marginal Way South Seattle, Washington 98134-1147	))))	**NOTICE AND ORDER OF CIVIL PENALTY**

You are hereby notified that, pursuant to Chapter 70.94 RCW, you have violated Regulation I of the Puget Sound Air Pollution Control Agency and a penalty of **$6,000.00** is assessed against you. The violations are as follows:

On or about the 22nd and 29th days of June 1995, in King County, state of Washington, you violated Sections* 9.03(a) and 9.15(c) of Regulation I. Section 9.03(a) states: "It shall be unlawful for any person to cause or allow the emission of any air contaminant for a period or periods aggregating more than 3 minutes in any 1 hour, which is: (1) Darker in shade than that designated as No. 1 (20% density) on the Ringelmann Chart, as published by the United States Bureau of Mines; or (2) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in Section 9.03(a)(1)." Section 9.15(c) states: "It shall be unlawful for any person to cause or allow the emission of fugitive dust from any refuse burning equipment, fuel burning equipment, equipment used in a manufacturing process, or control equipment."

Date, Time	Description	N/V #s
6/22/95, 8:54 a.m.	Caused or allowed the emission of an air contaminant (blue/white smoke) and fugitive dust for 6 minutes in an hour, of 30-85% opacity, from the top of the clinker cooler end of the kiln (at shroud over cowling) at 3801 East Marginal Way South in Seattle, Washington.	33290, 33757

Date, Time	Description	N/V #
6/29/95, 8:19 a.m.	Caused or allowed the emission of an air contaminant (white smoke) and fugitive dust for 6 minutes in an hour, of 35-100% opacity, from the top of the clinker cooler end of the kiln (at shroud over cowling) at 3801 East Marginal Way South in Seattle, Washington.	33756

Such penalty is due and payable within thirty (30) days of receipt of this notice, unless within such time a request for hearing is filed. (See reverse side for both mitigation procedures and appeal procedures.)

Action will be commenced in court to recover such penalty unless one of the following three actions is taken: (1) the penalty is paid on or before 30 days after receiving this notice, (2) a request for mitigation is made to this Agency, or (3) a request for hearing is made to the Pollution Control Hearings Board of Washington and the Air Pollution Control Officer.

Dated this 24th day of July 1996.

Dennis J. McLerran
Air Pollution Control Officer

by Neal J. Shulman
Manager - Inspection

Certified Mail No. Z 704 779 431

PUGET SOUND AIR POLLUTION CONTROL AGENCY

CONSENT ORDER AND ASSURANCE OF DISCONTINUANCE

Puget Sound Air Pollution Control Agency (PSAPCA) issued and served to Ash Grove Cement Company (Ash Grove) the following Notices of Violation:

No. 36854, dated September 2, 1996, alleging that Ash Grove violated Section 9.11(a) of PSAPCA Regulation I on July 11, 1996, by causing or allowing the deposition of fugitive cement clinker dust on four vehicles parked at 48 So. Nevada Street in Seattle, Washington.

No. 36902, dated July 24, 1996, alleging that Ash Grove violated Section 9.11(a) of PSAPCA Regulation I on May 24, 1996, by causing or allowing the deposition of fugitive cement clinker dust on three vehicles parked at 48 So. Nevada Street in Seattle, Washington.

No. 36939, dated January 29, 1997, alleging that Ash Grove violated Section 9.11(a) of PSAPCA Regulation I on October 29, 1996, by causing or allowing the deposition of fugitive cement clinker dust on three vehicles parked at 48 So. Nevada Street in Seattle, Washington.

Ash Grove denies the violations listed above, and PSAPCA has not issued any civil penalties or factual findings with respect to the alleged violations. To avoid the expense and uncertainty of litigation, the parties enter into this Consent Order and Assurance of Discontinuance (AOD) to resolve the claims alleged in the above-referenced NOVs, and any and all other disputes between the parties regarding fugitive emissions from Ash Grove's plant, occurring prior to the effective date of this AOD. This AOD specifically resolves all claims for violation by Ash Grove of Regulation I, §§ 9.11(a) and 9.15, prior to the effective date of this AOD.

A. Projects to capture fugitive emissions

To achieve and/or maintain compliance with PSAPCA Regulation I, §§ 9.11(a) and 9.15, Ash Grove agrees to install steel shrouds and support structures to fully enclose conveyors 531.030 and 471.150, pursuant to the schedule set forth below:

1. Complete drawings, specifications and bid documents for installation of steel shrouds and support structures to enclose conveyor 531.030-- April 1, 1997

2. Execute contract(s) for fabrication of steel shrouds and support structures to enclose conveyor 531.030-- August 1, 1997

3. Complete construction of steel shrouds and support structures to enclose conveyor 531.030-- December 31, 1997.

04/09/97 14:49 FAX 206 447 0849 HEWM SEATTLE 003/005

4. Complete drawings, specifications and bid documents for installation of steel shrouds and support structures to enclose conveyor 471.150-- February 1, 1998

5. Execute contract(s) for fabrication of steel shrouds and support structures to enclose conveyor 471.150-- May 1, 1998

6. Complete construction of steel shrouds and support structures to enclose conveyor 471.150-- September 30, 1998.

PSAPCA recognizes that completion of the conveyor shrouds in accordance with the schedule set forth above depends, to some extent, on factors outside of Ash Grove's control, including weather conditions, the timely issuance of building permits and the timely performance of contractors and subcontractors. For good cause shown, PSAPCA will agree to a reasonable extension of the schedule set forth above.

B. Projects to eliminate potential sources of fugitive emissions

On or before December 31, 1997 Ash Grove agrees to pave an unpaved roadway running from the blending silos east to the edge of the existing pavement adjacent to the clinker silos, a distance of approximately 300 linear feet.

C. Reservation of Rights by PSAPCA

Nothing in this AOD precludes PSAPCA from taking other enforcement action for any future violation of PSAPCA regulations or chapter 70.94 RCW.

D. Compliance With Other Laws

Nothing in this agreement shall be construed as excusing Ash Grove from compliance with any applicable federal, state or local statutes, ordinances, or regulations, or from compliance with any permits. If any of the projects described in this AOD are not yet complete when PSAPCA issues a Title V permit to Ash Grove for the Seattle plant, such measures shall be included in the permit as methods to assure compliance with PSAPCA Regulation I, §§ 9.11(a) and 9.15. This AOD shall not be construed as a determination that Ash Grove is out of compliance with §§ 9.11(a) or 9.15, for purposes of WAC 173-401-630(3) or WAC 173-401-510(2)(h).

E. Authority

The parties each represent and warrant that they have full power and actual authority to enter into this AOD and carry out all actions required of them by this AOD. All persons executing this AOD in representative capacities represent and warrant that they have full power to bind the parties for whom they are acting as representatives.

F. Full Understanding and Independent Legal Counsel.

The parties each acknowledge, represent and agree that they have read this AOD and that they have been fully advised by their own legal counsel regarding their legal rights with respect thereto.

G. **Effective Date and Term**

This agreement shall take effect as of March 15, 1997. It shall terminate upon completion of the projects described in Section A, above.

ASH GROVE CEMENT COMPANY

BY: Henrik Voldbaek
HENRIK VOLDBAEK
Plant Manager

Date 3/20/97

James McLerran
DENNIS J. McLERRAN
Air Pollution Control Officer

Date 4/3/97

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ASH GROVE CEMENT COMPANY

"WESTERN REGION"

December 9, 1998

Mr. James Nolan
Director, Compliance Division
Puget Sound Air Pollution Control Agency
110 Union Street, Suite 500
Seattle, WA. 98101-2038

Re: Consent Order and Assurance of Discontinuance

Dear Jim:

Please find enclosed the signed AOD to resolve Civil Penalty Nos. 8760, 8761, 8801, 8929 and Notices of Violations Nos. 37442 and 37444.

Also, I am enclosing a copy of a letter with the accompanying analysis report that was sent to the U.S. Customs Service about a related issue.

Your cooperations in these matters have been greatly appreciated.

Yours truly,

Gerald J. Brown
Manager, Safety and Environment

Enclosures

cc:HV

AGCS2M001449

PLANT OFFICE: (206) 623-5596 • FAX: (206) 623-5355

PUGET SOUND AIR POLLUTION CONTROL AGENCY
KING COUNTY ▲ KITSAP COUNTY ▲ PIERCE COUNTY ▲ SNOHOMISH COUNTY

December 16, 1998

Ash Grove Cement Company
c/o Gerald J. Brown, Manager Safety and Environment
3801 East Marginal Way South
Seattle, WA 98134

Dear Mr. Brown:

Ash Grove Cement Company
Notices and Orders of Civil Penalty Nos. 8760, 8761, 8801 and 8929
and Notices of Violations Nos. 37442 and 37444

This Agency would like to acknowledge and thank you for the Consent Order and Assurance of Discontinuance that was signed on December 9, 1998. A conformed copy is enclosed for your records.

Thank you for your action to ensure compliance with Agency air pollution regulations and in joining with this Agency in efforts to achieve cleaner air.

Sincerely,

Neal J. Shulman
Manager – Inspection

cc: Jim Nolan, Director - Compliance

AGCS2M001450

Dennis J. McLerran, Air Pollution Control Officer
BOARD OF DIRECTORS
Margaret Pageler, City of Seattle, Board Chair
Janet Chalupnik, Member at Large
Edward D. Hansen, Mayor, Everett
Lynn S. Horton, Mayor, Bremerton
Dave Somers, Snohomish County Council
Ron Sims, King County Executive
Brian Ebersole, Mayor, Tacoma
Charlotte Garrido, Commissioner, Kitsap County
Doug Sutherland, Pierce County Executive

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STATE OF WASHINGTON

PUGET SOUND AIR POLLUTION CONTROL AGENCY	)	**CIVIL PENALTY NOS. 8760, 8761, 8801 and 8929**
vs.	)	**CONSENT ORDER AND ASSURANCE OF DISCONTINUANCE**
ASH GROVE CEMENT COMPANY	)	

Puget Sound Air Pollution Control Agency (PSAPCA) issued and served to Ash Grove Cement Company (Ash Grove) the following Notice and Orders of Civil Penalties and Notices of Violation:

Notice and Order of Civil Penalty No. 8801 in the amount of $8,000.00, dated February 10, 1998, based on Notice of Violation Nos. 36863 and 36864, alleging that Ash Grove violated Section 9.11(a) of PSAPCA Regulation I on July 16, 1997 and September 8, 1997, by causing or allowing the emission of portland cement clinker which interfered with the enjoyment of life or property.

Amended Notice and Order of Civil Penalty No 8760 in the amount of $8,000.00, dated December 11, 1997, based on Notice of Violation No. 36861, alleging that Ash Grove violated Sections 9.15(c) and 9.20 of PSAPCA Regulation I on August 7, 1997, by causing or allowing five large holes in the shrink wrap covering clinker conveyor 531.030 with resulting dust emissions from the conveyor.

Notice and Order of Civil Penalty No. 8761 in the amount of $3,000.00, dated December 9, 1997, based on Notice of Violation Nos. 37062 and 37063 alleging that Ash Grove violated Sections 9.15(c) and 9.20 of PSAPCA Regulation I on July 16, 1997, by causing or allowing large holes in the shrink wrap temporary conveyor enclosure on the south conveyor from the clinker storage silos to the finish mill and continuous emissions of dust from the white fly ash silo locate on the south side of the six pack.

Notice and Order of Civil Penalty No. 8929 in the amount of $3,000.00, dated October 21, 1998, based on Notice of Violation No. 37075, alleging that Ash Grove violated Sections 9.15(a) and 9.20 of PSAPCA Regulation I on August 14, 1998, by causing or allowing dust emissions from finish mill #2 baghouse, and fugitive dust emissions in the yard between the clay shed and the truck dump area during loader activity.

Notice of Violation No. 37442 alleging that Ash Grove violated Section 9.11(a) of PSAPCA Regulation I on April 27, 1998.

Notice of Violation No. 37444 alleging that Ash Grove violated Section 9.11(a) of PSAPCA Regulation I on April 29, 1998.

Additionally, PSAPCA has expended, or been billed, the amount of $3,000.00 for analyzing particulate matter alleged to have resulted from Ash Grove emissions.

Ash Grove denies the violations alleged above. To avoid the expense and uncertainty of litigation, the parties enter into this Consent Order and Assurance of Discontinuance (AOD) to resolve the claims asserted in the above referenced Notices of Civil Penalties and Notices of Violation, and other disputes between the parties regarding fugitive emissions from Ash Grove's plant occurring prior to the effective date of this AOD. This AOD specifically resolves all claims regarding violations or alleged violations by Ash Grove of Regulation I, Sections 9.11(a), 9.15(c), and 9.20 and of WAC 173-400-040(2) and (8) arising subsequent to May 23, 1996, and prior to the effective date of this AOD.

To maintain compliance with PSAPCA Regulation I, sections 9.11(a), 9.15(c) and 9.20, Ash Grove agrees to the following:

1. Within 30 days of the effective date of this AOD, Ash Grove shall pay to PSAPCA the amount of $12,000.00 (twelve thousand dollars) in civil penalties for fugitive emissions from Ash Grove's plant occurring prior to the effective date of this AOD.

2. Within 60 days of the effective date of this AOD, Ash Grove shall submit to PSAPCA for review and comment, a study plan to investigate the source(s) of fugitive clinker emissions from the Seattle plant, and a list of potential projects to reduce fugitive clinker emissions. Projects shall be selected for study based on operational feasibility, cost and effectiveness in controlling fugitive emissions. Ash Grove shall give due consideration to any comments by PSAPCA and, where deemed reasonable by Ash Grove, incorporate any PSAPCA suggestions into the study plan. Within 30 days of receipt by Ash Grove of PSAPCA's written comments, Ash Grove shall retain a consultant to investigate the source(s) of fugitive clinker emissions, and to evaluate the feasibility and cost-effectiveness of the projects selected for study. The consultant shall complete the feasibility study and submit a written report within six months of the commencement of the study.

3. Within 7 days of Ash Grove's receipt of the above-referenced report Ash Grove shall forward a copy to PSAPCA. Within 60 days of Ash Grove's receipt of PSAPCA's comments on the report Ash Grove shall file with PSAPCA an implementation plan and schedule based on the report, including a notice of construction application for those cost-effective control projects that require PSAPCA approval under WAC 173-400-114. For cost-effective projects that do not require PSAPCA approval, Ash Grove's plan shall consist of a schedule for implementation of the project(s). Nothing in this AOD shall require Ash Grove to implement any project that Ash Grove determines to be technically infeasible or not cost-effective. PSAPCA reserves the right, however, to demand additional fugitive clinker control measures from Ash Grove, if PSAPCA determines that the measures selected by Ash Grove

for implementation will not achieve substantial progress in reducing the frequency and magnitude of particulate fallout events at Terminal 106.

4. Ash Grove shall implement a standard procedure for responding to fugitive dust complaints from neighbors. On each occasion on which Ash Grove receives timely notice from a neighbor of a fugitive dust complaint, Ash Grove shall investigate the situation, take any appropriate short term remedial measures, and advise the complainant and PSAPCA of any action or actions taken to resolve the complaint (including the actions described in this AOD).

Upon signing of this AOD by Ash Grove, PSAPCA agrees to take no further action with regard to Notice and Order of Civil Penalty Nos. 8760, 8761, 8801, and 8929, and further agrees to close, without further action, Notice of Violation Nos. 37442, 37444 and 37075, none of which are the subject of a Notice and Order of Civil Penalty.

Reservation of Rights

Nothing in this AOD shall preclude PSAPCA from taking other enforcement action for any future violation of PSAPCA regulations or future violations of Chapter 70.94 of the Revised Code of Washington.

Compliance with Other Laws

Nothing in this AOD shall be construed as excusing Ash Grove from compliance with any applicable federal, state, or local statutes, ordinances, or regulations, or from compliance with any permits. If any of the tasks described in this AOD are not yet complete when PSAPCA issues a Title V permit to Ash Grove for the Seattle plant, such tasks shall be included in the permit as methods to assure compliance with PSAPCA Regulation I, Sections 9.11(a), 9.15(c) and 9.20. This AOD shall not be construed as a determination that Ash Grove is out of compliance with Sections 9.11(a), 9.15(c) or 9.20, for the purposes of WAC 173-401-630(3) or WAC 173-401-510(2)(h).

Authority

The parties each represent and warrant that they have full power and actual authority to enter into this AOD and carry out all actions required of them by this AOD. All persons executing this AOD in representative capacities represent and warrant that they have full power to bind the parties for whom they are acting as representatives.

Full Understanding and Independent Legal Counsel

The parties each acknowledge, represent and agree that they have read this AOD and that they have been fully advised by their own legal counsel regarding their legal rights with respect thereto.

Effective Date and Term

This agreement shall take effect upon the date of signing by PSAPCA and shall terminate upon completion by Ash Grove of the projects described in the implementation plan to be submitted pursuant to Paragraph 3 above.

ASH GROVE CEMENT COMPANY

by _____

Date 12/9/98

Dennis J. McLerran
Air Pollution Control Officer

by James L. Nolan
Director - Compliance

Date 11/24/98

58882.02.SE (19FM02!.DOC)
11/24/98 3:16 PM

AGCS2M001454

PUGET SOUND AIR POLLUTION CONTROL AGENCY
a municipal corporation of the state of Washington
110 Union Street, Suite 500
Seattle, Washington 98101-2038

VS

ASH GROVE CEMENT COMPANY
c/o Henrik Voldbaek, Plant Manager
3801 East Marginal Way South
Seattle, Washington 98134

NO. 8801

NOTICE AND ORDER OF CIVIL PENALTY

You are hereby notified that, pursuant to Chapter 70.94 RCW and Notice of Violation Nos. 36863 and 36864, copies of which were previously provided to you or your agent, you have violated Regulation I, Section 9.11(a) of the Puget Sound Air Pollution Control Agency in the following particulars:

> On or about July 16, 1997 and September 8, 1997, at 3801 East Marginal Way South in the city of Seattle, King County, state of Washington, you caused or allowed the emission of portland cement clinker which interfered with the enjoyment of life or property in violation of Section 9.11(a).

Section 9.11(a) states: "It shall be unlawful for any person to cause or allow the emission of any air contaminant in sufficient quantities and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with enjoyment of life and property."

As a result of the foregoing violation(s), a penalty is assessed against you as follows:

For the violation(s) that occurred on or about:

July 16, 1997	$5,000.00	(NOV#36863)
September 8, 1997	$3,000.00	(NOV#36864)
TOTAL	**$8,000.00.**	

The full amount of this penalty is due and payable within thirty (30) days of receipt of this notice, unless within such time a request for hearing is filed. (See reverse side for both mitigation procedures and appeal procedures.)

In the event the full amount of this penalty is not paid on or before thirty (30) days of receipt of this notice, or a request for mitigation has not been made to this Agency, or a request for hearing has not been made to the Pollution Control Hearings Board of Washington and the Air Pollution Control Officer, action will be commenced in court to recover such penalty.

Dated this 10th day of February 1998.

Dennis J. McLerran
Air Pollution Control Officer

by Neal J. Shulman
Manager - Inspection

RECEIVED
FEB 11 1998
AGCW-SEATTLE

Certified Mail No. Z 116 155 101

ASH GROVE CEMENT COMPANY

"WESTERN REGION"

February 27, 1998

Mr. Neal Shulman
Puget Sound Air Pollution Control Agency
110 Union Street, Suite 500
Seattle, WA. 98101-2038

Re: Request for Mitigation, Notice and Order of Civil Penalty No. 8801

Dear Mr. Shulman:

Ash Grove Cement Co. respectfully disagrees that it violated Regulation I, Section 9.11(a) on July 16 or September 8, 1997 and requests that PSAPCA rescind Notice and Order of Civil Penalty # 8801. RCW 70.94.211 specifies procedures that a local air authority must follow prior to the commencement of any enforcement action. An NOV must state the facts alleged to constitute a violation, and it must offer the alleged violator an opportunity to meet with the authority prior to the assessment of civil penalties. The legislature enacted these requirements to ensure that the regulated community has a fair notice of an authority's concerns before the authority commences an enforcement action. In this instance, PSAPCA's NOVs contain only conclusory allegations of non-compliance, and PSAPCA did not offer to hear Ash Grove's response to the NOVs prior to assessment of civil penalties.

We understand that PSAPCA is willing to discuss the alleged violations on March 24. We urge PSAPCA to withdraw Notice No. 8801, and to discuss the alleged violations on a "clean slate", as required by RCW 70.94.211.

Yours truly,

Gerald J. Brown
Manager Safety and Environment

cc: HV

PUGET SOUND AIR POLLUTION CONTROL AGENCY
KING COUNTY ▲ KITSAP COUNTY ▲ PIERCE COUNTY ▲ SNOHOMISH COUNTY

March 24, 1998

Ash Grove Cement Company "Western Region"
c/o Gerald J. Brown, Manager Safety and Environment
3801 East Marginal Way S.
Seattle, WA 98134

Dear Mr. Brown:

Application for Relief (Remission or Mitigation)
Notice and Order of Civil Penalty No. 8801
Notice of Violation Nos. 36863 and 36864

On March 04, 1998, this Agency received your Application for Remission or Mitigation, requesting that we mitigate Civil Penalty No. 8801.

Your request will be evaluated according to Section 3.11(c) of PSAPCA's Regulation I. This regulation provides that a penalty will be mitigated only if you demonstrate extraordinary circumstances, such as the presence of facts or information not already considered in setting the original penalty.

The deadline for appealing the penalty will be suspended until we have responded to your request. We will provide you with a Notice of Disposition on Application for Relief, notifying you of the results of our review and explaining the appeal process. Once you receive this Notice of Disposition, you will have thirty (30) days to pay the penalty or appeal our decision.

Sincerely,

Neal J. Shulman
Manager – Inspection

cc: Laurie Halvorson, Agency Counsel
Accounting
Rick D. Hess, Senior Air Pollution Inspector
Fred L. Austin, Air Pollution Engineer
Elizabeth Gilpin, Air Pollution Inspector
Melissa McAfee, Air Pollution Inspector

Dennis J. McLerran, Air Pollution Control Officer
BOARD OF DIRECTORS
Commissioner, Kitsap County
Member at Large
Mayor, Everett
Mayor, Bremerton
Snohomish County Council
King County Executive
Mayor, Tacoma
City of Seattle
Pierce County Executive

PUGET SOUND AIR POLLUTION CONTROL AGENCY

Registration No **11339**

110 Union Street, Suite 500, Seattle, Washington 98101-2038
206-343-8800 / 1-800-522-3565 \ Fax 206-343-7522

No. **36863**

Cert. Mail No.:
Z 334 353 314

NOTICE OF VIOLATION

Date of Violation: July 16, 1997 at: 15:30

Name:	Responsible Person, Title:		
Ash Grove Cement Co.	Henrik Voldbaek Manager		
Location of Violation (Address):	**City:**	**Zip:**	**County:**
48 So. Nevada St./ Port of Seattle Terminal 106	Seattle	98134	King
Mailing Address:	**City, State:**	**Zip:**	**Phone:**
3801 E. Marginal Way So.	Seattle, WA.	98134	623-5596

RECEIVED
AUG 28 1997
AGCW-SEATTLE

DID UNLAWFULLY CAUSE OR ALLOW VIOLATION OF:
REGULATION I OF THE PUGET SOUND AIR POLLUTION CONTROL AGENCY FOR:

- ☐ Section 5.05(e) Failure to develop and implement an operation and maintenance plan.
- ☐ Section 6.03(a) Failure to obtain Notice of Construction approval prior to construction/installation/establishment of a source.
- ☐ Section 9.03(a) Visible emissions in excess of 20% opacity for periods aggregating more than 3 minutes/hour.
- X Section 9.11(a) Emission of air contaminant in quantities/characteristics/duration so as to be injurious or interfere with enjoyment of life/property.
- ☐ Section 9.12(b) Emission of odor-bearing air contaminants without use of best available control technology.
- ☐ Section 9.15(a) Emission of fugitive dust without use of best available control technology.
- ☐ Section 9.15(b) Deposition of mud, dirt, or debris from vehicle or load onto a paved public roadway.
- ☐ Section 9.15(c) Emission of fugitive dust from manufacturing process equipment or control apparatus.
- ☐ Section 9.16 Failure to apply VOC-containing material using spray equipment in an enclosed area with filtered exhaust and vertical stack.
- ☐ Section 9.20 Failure to operate and maintain equipment in good working order.
- ☐ Failure to meet Order of Approval No. , Condition No.
- ☐ Section
- ☐ Section

FACTS ALLEGED TO CONSTITUTE A VIOLATION Causing or allowing the deposition of portland cement clinker that unreasonably interfered with the enjoyment of life or property of four vehicle owners at 48 So. Nevada St./ P.O.S. Terminal 106 in Seattle, WA.

CORRECTIVE ACTION ORDER

Under the provisions of Section 3.09 of Regulation I and RCW 70.94.211 you are ordered to **submit a written report within ten (10) days of receipt of this Notice** describing the necessary corrective action you have taken or propose to take, including a schedule, to achieve continuous compliance with the regulations, **and** take the following necessary corrective action:

Issued By P. Gilpin Date/Time _____ Received By _____

Form No. 70-119b (Revised 12/95 [illegible])

AGCS2M001458

PUGET SOUND AIR POLLUTION CONTROL AGENCY

110 Union Street, Suite 500, Seattle, Washington 98101-2038
206-343-8800 / 1-800-522-3565 \ Fax 206-343-7522

tion No 11339 No. 36864

Mail No.: 2334353347

NOTICE OF VIOLATION

RECEIVED
SEP 26 1997
AGOW-SEATTLE

Date of Violation: Sept. 8, 1997 at: 15:10pm.

Name:	Responsible Person, Title:		
Ash Grove Cement Co.	Henrik Voldbaek Manager		
Location of Violation (Address):	City:	Zip:	County:
48 So. Nevada St./ P.O.S. Terminal 106	Seattle	98134	King
Mailing Address:	City, State:	Zip:	Phone:
3801 E. Marginal Way So.	Seattle, WA.	98134	(206) 623-5596

DID UNLAWFULLY CAUSE OR ALLOW VIOLATION OF:
REGULATION I OF THE PUGET SOUND AIR POLLUTION CONTROL AGENCY FOR:

- ☐ Section 5.05(e) Failure to develop and implement an operation and maintenance plan.
- ☐ Section 6.03(a) Failure to obtain Notice of Construction approval prior to construction/installation/establishment of a source.
- ☐ Section 9.03(a) Visible emissions in excess of 20% opacity for periods aggregating more than 3 minutes/hour.
- ☒ Section 9.11(a) Emission of air contaminant in quantities/characteristics/duration so as to be injurious or interfere with enjoyment of life/property.
- ☐ Section 9.12(b) Emission of odor-bearing air contaminants without use of best available control technology.
- ☐ Section 9.15(a) Emission of fugitive dust without use of best available control technology.
- ☐ Section 9.15(b) Deposition of mud, dirt, or debris from vehicle or load onto a paved public roadway.
- ☐ Section 9.15(c) Emission of fugitive dust from manufacturing process equipment or control apparatus.
- ☐ Section 9.16 Failure to apply VOC-containing material using spray equipment in an enclosed area with filtered exhaust and vertical stack.
- ☐ Section 9.20 Failure to operate and maintain equipment in good working order.
- ☐ Failure to meet Order of Approval No. , Condition No.
- ☐ Section
- ☐ Section

FACTS ALLEGED TO CONSTITUTE A VIOLATION Causing or allowing the deposition of Portland Cement Clinker that unreasonably interfered with the enjoyment of life or property of two vehicle owners at 48 So. Nevada St. / P.O.S. Terminal 106 in Seattle, WA.

CORRECTIVE ACTION ORDER

Under the provisions of Section 3.09 of Regulation I and RCW 70.94.211 you are ordered to **submit a written report within ten (10) days of receipt of this Notice** describing the necessary corrective action you have taken or propose to take, including a schedule, to achieve continuous compliance with the regulations, **and** take the following necessary corrective action:

Issued By: [illegible] Date/Time 9/22/97 Received By

AGCS2M001459

ASH GROVE CEMENT COMPANY

"WESTERN REGION"

October 1, 1997

Ms. Elizabeth Gilpin
Puget Sound Air Pollution Control Agency
110 Union Street, Suite 500
Seattle, WA. 98101-2038

Re: Notice of Violation No. 36864

Dear Ms. Gilpin:

As PSAPCA is aware on September 8, 1997, the plant was forced into an emergency shut down due to high vibration on the I. D. fan and a small breach in one of the kiln cooler tubes During the shut down, the build up on the fan was removed and the fan restored to provide minimal draft through the kiln system. Simultaneously, a patch was fabricated and installed to seal the tube. These repairs were performed as rapidly as possible and the shut down was limited to approximately 3 hours.

These problems were not the result of improper maintenance or operation. Fans are regularly inspected and vibrations monitored. Fan vibration which caused the emergency shut down resulted from an uneven accumulation of material on the blades and the rate of build up is unpredictable. During each opportunity afforded by a shutdown, the fan blades are cleaned of material accumulation. Cooler tubes are also monitored by an infrared scanner for high temperature. When a localized hot spot is detected from the loss of insulating refractory, extra cooling air is applied externally to help the near molten material form a coating which insulates the metal shell. In this case, the internal coating did not form and the metal shell was breached before the kiln could be shut down.

Please let me know if you have any further question.

Yours truly,

Gerald J. Brown
Manager Safety and Environment

Copy: Henrik Voldbaek

ASH GROVE CEMENT COMPANY

"WESTERN REGION"

January 6, 1997

Mr. Neal Shulman
Puget Sound Air Pollution Control Agency
110 Union Street, Suite 500
Seattle, WA. 98101-2038

Re: Amended Notice and Order of Civil Penalty Nos. 8760 and 8761
Request for Mitigation

Dear Mr. Shulman:

Ash Grove Cement Co. requests mitigation for the Notice and Order of Civil Penalty Nos. 8760 and 8761. The penalty imposed is excessive in consideration of Ash Grove's effort to permanently eliminate fugitive dust, control dust during construction and the circumstances under which NOV 36861 and 37063 were issued. It is appropriate that there is no penalty because Ash Grove was acting on PSAPCA's urgings to permanently enclose the conveyer belts and employing a technology to wrap the conveyers that was known could not provide a totally reliable and complete enclosure. For this purpose, please consider the following:

1. On July 17,1996, Ash Grove voluntary committed to wrap the 531.030 and 471.150 conveyer belts with reinforced plastic product called Griffolyn TX 2150. This action was taken in an attempt to control fugitive dust from a possible emission source.

2. On March 20,1997, Ash Grove voluntary committed to PSAPCA in an AOD to install a permanent enclosure for 531.030 and 471.150 conveyer belts. In the AOD, Ash Grove specified the 531.030 conveyer enclosure would be complete by December 31, 1997 and the 471.150 enclosure to be complete by September 30, 1998. Despite this agreed time table, Ash Grove pressed to complete the installation as rapidly as possible and finished construction of the enclosures on both conveyers on December 22, 1997; 10 months ahead of schedule.

3. During construction, an 8 mil heat shrink plastic material was used to enclose or wrap the conveyer to provide a temporary structure intended to contain dust and dribble from belts. Its use was never intended to be indicative of normal operations. A temporary structure subject to weather extremes, construction and operational elements, it frequently sustained damage that required maintenance. This maintenance was performed by plant personnel and Pro-Tect Construction Services, the product suppler. Some difficulties beyond our control were encountered that resulted in delay but the repairs were completed as soon as possible.

Many delays were weather related. Typically after each storm or moderate wind event sections of the wrap were found torn loose on one or both of the conveyers usually near the highest elevations of the conveyer. Since repairs had to be performed from a personnel high lift, handling the relatively large sheets of the wrap posed a safety hazard. As such, most repairs required near calm wind conditions to safely handle the material. Area congestion from contractor activity, equipment and building material limited access at times to the section of belt needing repair. Also causing delays were contractor availability.

Despite these problems, best efforts were made to keep the structure wrap in repair and maintain its integrity to the highest degree possible. Records through August 1997 prior to the issuance of NOV 36861 show repairs were performed on:

Ash Grove	Pro-Tect Construction Services	
05/19/97	08/15/96	01/13/97
05/30/97	08/22/96	03/13/97
06/10/97	08/26/96	03/27/97
06/12/97	09/30/96	04/01/97
06/13/97	10/10/96	04/24/97
06/27/97	10/15/96	05/23/97
07/02/97	11/27/96	06/20/97
07/18/97	12/05/96	06/30/97
08/08/97		07/18/97
		08/28/97

Total 1997 material and contract labor only costs for shrink wrap repairs: $17,771.63

4. At the time NOVs were issued, construction was underway on the conveyer 531.030 enclosure and despite a demonstrated vigilance to maintaining the wrap, there were no reports of a tear prior to discovery. At that time NOV 36861 was issued construction was within about 100 feet of the location of the tear and a portion of wrap was being cleaned and removed in preparation for placing a enclosure section.

Ash Grove hopes that PSAPCA recognizes the sincere effort displayed to eliminate fugitive dust from these conveyers and requests that mitigation of the penalty imposed by this Notice and Order .

Yours truly,

Gerald J. Brown
Manager Safety and Environment

Copy: Henrik Voldbaek

PUGET SOUND AIR POLLUTION CONTROL AGENCY
KING COUNTY ▲ KITSAP COUNTY ▲ PIERCE COUNTY ▲ SNOHOMISH COUNTY

January 14, 1998

Ash Grove Cement Company
c/o Gerald J. Brown, Manager Safety and Environment
3801 East Marginal Way South
Seattle, WA 98134

Dear Mr. Brown:

Application for Relief (Remission or Mitigation)
Notice and Order of Civil Penalty Nos. 8760(amended) and 8761

On January 08, 1998, this Agency received your Application for Remission or Mitigation, requesting that we mitigate Civil Penalty Nos. 8760(amended) and 8761.

Your request will be evaluated according to Section 3.11(c) of PSAPCA's Regulation I. This regulation provides that a penalty will be mitigated only if you demonstrate extraordinary circumstances, such as the presence of facts or information not already considered in setting the original penalty.

The deadline for appealing the penalty will be suspended until we have responded to your request. We will provide you with a Notice of Disposition on Application for Relief, notifying you of the results of our review and explaining the appeal process. Once you receive this Notice of Disposition, you will have thirty (30) days to pay the penalty or appeal our decision.

Sincerely,

Neal J. Shulman
Manager – Inspection

cc: Laurie Halvorson, Agency Counsel
Accounting
Fred Austin, Air Pollution Engineer
Rick D. Hess, Senior Air Pollution Inspector
Melissa McAfee, Air Pollution Inspector
Elizabeth Gilpin, Air Pollution Inspector

Dennis J. McLerran, Air Pollution Control Officer
BOARD OF DIRECTORS

Commissioner, Kitsap County
Member at Large
Mayor, Everett

Mayor, Bremerton
Snohomish County Council
King County Executive

Mayor, Tacoma
City of Seattle
Pierce County Executive

PUGET SOUND AIR POLLUTION CONTROL AGENCY
a municipal corporation of the state of Washington
110 Union Street, Suite 500
Seattle, Washington 98101-2038

VS

ASH GROVE CEMENT COMPANY
c/o Henrik Voldbaek, Plant Manager
3801 East Marginal Way South
Seattle, Washington 98134

NO. 8760

AMENDED
NOTICE AND ORDER OF CIVIL PENALTY

You are hereby notified that, pursuant to Chapter 70.94 RCW and Notice of Violation No. 36861, a copy of which has been previously provided to you or your agent, you have violated Regulation I, Sections 9.15(c) and 9.20 of the Puget Sound Air Pollution Control Agency in the following particulars:

> On or about the 7th day of August 1997, at 3801 East Marginal Way South in the city of Seattle, King County, state of Washington, you caused or allowed five large holes in the shrink wrap covering clinker conveyor 531.030 and visible dust emissions from clinker conveyor in violation of Sections 9.15(c) and 9.20.

As a result of the foregoing violation(s), a penalty is assessed against you as follows:

> For the violation(s) that occurred on or about the 7th day of August 1997, wherein you caused or allowed emissions of fugitive dust from the manufacturing process,* and operation of equipment which was not in good working order in violation of Regulation I, Sections 9.15(c) and 9.20 of the Puget Sound Air Pollution Control Agency, a penalty is assessed against you in the amount of eight thousand dollars (**$8,000.00**).

The full amount of this penalty is due and payable within thirty (30) days of receipt of this notice, unless within such time a request for hearing is filed. (See reverse side for both mitigation procedures and appeal procedures.)

In the event the full amount of this penalty is not paid on or before thirty (30) days of receipt of this notice, or a request for mitigation has not been made to this Agency, or a request for hearing has not been made to the Pollution Control Hearings Board of Washington and the Air Pollution Control Officer, action will be commenced in court to recover such penalty.

Dated this 11th day of December 1997.

Dennis J. McLerran
Air Pollution Control Officer

RECEIVED
DEC 12 1997
AGCW-SEATTLE

by Neal J. Shulman
Manager - Inspection

Certified Mail No. P 383 133 237

PUGET SOUND AIR POLLUTION CONTROL AGENCY
a municipal corporation of the state of Washington
110 Union Street, Suite 500
Seattle, Washington 98101-2038

VS

ASH GROVE CEMENT COMPANY
c/o Henrik Voldbaek, Plant Manager
3801 East Marginal Way South
Seattle, Washington 98134

NO. 8760

NOTICE AND ORDER OF CIVIL PENALTY

You are hereby notified that, pursuant to Chapter 70.94 RCW and Notice of Violation No. 36861, a copy of which has been previously provided to you or your agent, you have violated Regulation I, Sections 9.15(c) and 9.20 of the Puget Sound Air Pollution Control Agency in the following particulars:

> On or about the 7th day of August 1997, at 3801 East Marginal Way South in the city of Seattle, King County, state of Washington, you caused or allowed five large holes in the shrink wrap covering clinker conveyor 531.030 and visible dust emissions from clinker conveyor in violation of Sections 9.15(c) and 9.20.

As a result of the foregoing violation(s), a penalty is assessed against you as follows:

> For the violation(s) that occurred on or about the 7th day of August 1997, wherein you caused or allowed emissions of fugitive dust without using best available control technology, and operation of equipment which was not in good working order in violation of Regulation I, Sections 9.15(c) and 9.20 of the Puget Sound Air Pollution Control Agency, a penalty is assessed against you in the amount of eight thousand dollars (**$8,000.00**).

The full amount of this penalty is due and payable within thirty (30) days of receipt of this notice, unless within such time a request for hearing is filed. (See reverse side for both mitigation procedures and appeal procedures.)

In the event the full amount of this penalty is not paid on or before thirty (30) days of receipt of this notice, or a request for mitigation has not been made to this Agency, or a request for hearing has not been made to the Pollution Control Hearings Board of Washington and the Air Pollution Control Officer, action will be commenced in court to recover such penalty.

Dated this 9th day of December 1997.

Dennis J. McLerran
Air Pollution Control Officer

by Neal J. Shulman
Manager - Inspection

RECEIVED
DEC 12 1997
AGCW-SEATTLE

Certified Mail No. P 298 992 249

ASH GROVE CEMENT COMPANY

"WESTERN REGION"

August 11, 1997

Ms. Elizabeth Gilpin
Puget Sound Air Pollution Control Agency
110 Union Street, Suite 500 Seattle, WA. 98101-2038

Re: Notice of Violation No. 37063 and No. 36861

Dear Ms. Gilpin:

Notice of Violation No. 37063
Repairs completed July 17, 1997

Notice of Violation No. 36861
Repairs completed August 8, 1997

Ash Grove Cement does not agrees with the allegation that holes were caused or allowed in the shrink wrap enclosing conveyer 531.030. The wrap is a temporary structure not indicative of normal operations. It is subject to weather, construction and operational elements necessitating frequent maintenance. Regardless, plant personnel have made and continue to make needed repairs as rapidly as possible. Additionally Pro-Tect Construction Services, the wrap's supplier, has been used frequently for repairs of large sections which exceed the current capabilities or compromise the safety of plant maintenance personnel.

Please let me know if you have any further question.

Yours truly,

Gerald J. Brown
Manager Safety and Environment

Copy: Henrik Voldbaek

AGCS2M001466

PLANT OFFICE (206) 623-5596 • FAX: (206) 623-5355

PUGET SOUND AIR POLLUTION CONTROL AGENCY

110 Union Street, Suite 500, Seattle, Washington 98101-2038
206-343-8800 / 1-800-552-3565 / Fax 206-343-7522

Registration No. 11339

Cert. Mail No. _____

No. 37063

NOTICE OF VIOLATION

Date of Violation: July 16, 1997 at 16:15 .m.

Name	Responsible Person, Title		
Ash Grove Cement Co.	Henrik Voldback Manager		
Location of Violation (Address)	**City**	**Zip**	**County**
3801 E Marginal Way So.	Seattle	98134	King
Mailing Address	**City, State**	**Zip**	**Phone**
As Above	Seattle, WA	98134	(206) 623-5596

DID UNLAWFULLY CAUSE OR ALLOW VIOLATION OF:

REGULATION I OF THE PUGET SOUND AIR POLLUTION CONTROL AGENCY FOR:

- ☐ Section 5.05(e) Failure to develop and implement an operation and maintenance plan.
- ☐ Section 6.03(a) Failure to obtain Notice of Construction approval prior to construction/installation/establishment of a source.
- ☐ Section 9.03(a) Visible emissions in excess of 20% opacity for periods aggregating more than 3 minutes/hour.
- ☐ Section 9.11(a) Emission of air contaminant in quantities/characteristics/duration so as to be injurious or interfere with enjoyment of life/property.
- ☐ Section 9.12(b) Emission of odor-bearing air contaminants without use of best available control technology.
- ☐ Section 9.15(a) Emission of fugitive dust without use of best available control technology.
- ☐ Section 9.15(b) Deposition of mud, dirt, or debris from vehicle or load onto a paved public roadway.
- ☐ Section 9.15(c) Emission of fugitive dust from manufacturing process equipment or control apparatus.
- ☐ Section 9.16 Failure to apply VOC-containing material using spray equipment in an enclosed area with filtered exhaust and vertical stack.
- ☑ Section 9.20 Failure to operate and maintain equipment in good working order.
- ☐ Failure to meet Order of Approval No._____, Condition No._____
- ☐ Section_____
- ☐ Section_____

FACTS ALLEGED TO CONSTITUTE A VIOLATION Causing or allowing large holes in the shrink wrap temporary conveyor enclosure (so. conveyor from the clinker storage silos to the finish mill) at 3801 E. Marginal Way So in Seattle.

CORRECTIVE ACTION ORDER

Under the provisions of Section 3.09 of Regulation I and RCW 70.94.211 you are ordered to **submit a written report within ten (10) days of receipt of this Notice** describing the necessary corrective action you have taken or propose to take, including a schedule, to achieve continuous compliance with the regulations, **and** take the following necessary corrective action:

AGCS2M001467

Issued By: [signature] Air Pollution Inspector

7/30/97 10:15 am Date/Time

Received By: [signature] Signing this Notice is not an admission of guilt

PUGET SOUND AIR POLLUTION CONTROL AGENCY)
a municipal corporation of the state of Washington)
110 Union Street, Suite 500)
Seattle, Washington 98101-2038)
)
VS)
)
ASH GROVE CEMENT COMPANY)
c/o Henrik Voldbaek, Plant Manager)
3801 East Marginal Way South)
Seattle, Washington 98134)

NO. 8761

NOTICE AND ORDER OF CIVIL PENALTY

You are hereby notified that, pursuant to Chapter 70.94 RCW and Notice of Violation Nos. 37062 and 37063, copies of which have been previously provided to you or your agent, you have violated Regulation I, Sections 9.15(c) and 9.20 of the Puget Sound Air Pollution Control Agency in the following particulars:

On or about the 16th day of July 1997, at 3801 East Marginal Way South in the city of Seattle, King County, state of Washington, you caused or allowed continuous emission of dust from the white fly ash silo located on the south side of the six pack, in violation of Sections 9.15(c) and 9.20. (NOV 37062)

On or about the 16th day of July 1997, at 3801 East Marginal Way South in the city of Seattle, King County, state of Washington, you caused or allowed large holes in the shrink wrap temporary conveyor enclosure on the south conveyor from the clinker storage silos to the finish mill, in violation of Section 9.20. (NOV 37063)

As a result of the foregoing violations, penalties are assessed against you for the violation(s) that occurred on or about July 16, 1997 as follows:

$1,500.00 for Notice of Violation No. 37062
$1,500.00 for Notice of Violation No. 37063

TOTAL PENALTY: $3,000.00

The full amount of this penalty is due and payable within thirty (30) days of receipt of this notice, unless within such time a request for hearing is filed. (See reverse side for both mitigation procedures and appeal procedures.)

In the event the full amount of this penalty is not paid on or before thirty (30) days of receipt of this notice, or a request for mitigation has not been made to this Agency, or a request for hearing has not been made to the Pollution Control Hearings Board of Washington and the Air Pollution Control Officer, action will be commenced in court to recover such penalty.

Dated this 9th day of December 1997.

RECEIVED
DEC 12 1997
AGCW-SEATTLE

Dennis J. McLerran
Air Pollution Control Officer

by Neal J. Shulman
Manager - Inspection

Certified Mail No. Z 334 353 218

PUGET SOUND AIR POLLUTION CONTROL AGENCY

110 Union Street, Suite 500, Seattle, Washington 98101-2038
206-343-8800 / 1-800-552-3565 / Fax 206-343-7522

Registration No. 11339

Cert. Mail No. _____

No. 37062

NOTICE OF VIOLATION

Date of Violation: July 16th, 1997 at 15:55 p.m.

Name	Responsible Person, Title		
Ash Grove Cement Co.	Henrik Voldbaek Manager		
Location of Violation (Address)	**City**	**Zip**	**County**
3801 E. Marginal Way So.	Seattle	98134	King
Mailing Address	**City, State**	**Zip**	**Phone**
As Above	Seattle, WA.	98134	(206) 623-5596

DID UNLAWFULLY CAUSE OR ALLOW VIOLATION OF:

REGULATION I **OF THE PUGET SOUND AIR POLLUTION CONTROL AGENCY FOR:**

- ☐ Section 5.05(e) Failure to develop and implement an operation and maintenance plan.
- ☐ Section 6.03(a) Failure to obtain Notice of Construction approval prior to construction/installation/establishment of a source.
- ☐ Section 9.03(a) Visible emissions in excess of 20% opacity for periods aggregating more than 3 minutes/hour.
- ☐ Section 9.11(a) Emission of air contaminant in quantities/characteristics/duration so as to be injurious or interfere with enjoyment of life/property.
- ☐ Section 9.12(b) Emission of odor-bearing air contaminants without use of best available control technology.
- ☐ Section 9.15(a) Emission of fugitive dust without use of best available control technology.
- ☐ Section 9.15(b) Deposition of mud, dirt, or debris from vehicle or load onto a paved public roadway.
- ☑ Section 9.15(c) Emission of fugitive dust from manufacturing process equipment or control apparatus.
- ☐ Section 9.16 Failure to apply VOC-containing material using spray equipment in an enclosed area with filtered exhaust and vertical stack.
- ☑ Section 9.20 Failure to operate and maintain equipment in good working order.
- ☐ Failure to meet Order of Approval No._____, Condition No._____
- ☐ Section_____
- ☐ Section_____

FACTS ALLEGED TO CONSTITUTE A VIOLATION Causing or allowing the continuous emission of dust from the white fly ash silo located on the south side of the six pack at 3801 E. Marginal Way So in Seattle.

CORRECTIVE ACTION ORDER

Under the provisions of Section 3.09 of Regulation I and RCW 70.94.211 you are ordered to **submit a written report within ten (10) days of receipt of this Notice** describing the necessary corrective action you have taken or propose to take, including a schedule, to achieve continuous compliance with the regulations, **and** take the following necessary corrective action:

AGCS2M001469

Issued By: Elizabeth Dilgn, Air Pollution Inspector — 7/30/97 10:15 AM Date/Time — Received By: _____ Signing this Notice is not an admission of guilt

Form No. 70-119 (Revised 12/95 cbc)

ASH GROVE CEMENT COMPANY

"WESTERN REGION"

August 12, 1997

Ms. Elizabeth Gilpin
Puget Sound Air Pollution Control Agency
110 Union Street, Suite 500 Seattle, WA. 98101-2038

Re: Notice of Violation No. 37062

Dear Ms. Gilpin:

A inspection of the fly ash system was conducted to determine the caused this emission. A small hole was discovered in the material transfer line. The caused attributed to material abrasion within the pipe. The system was shut down until repairs could be performed. A patch was applied to the line and repairs completed on July 18, 1997.

Please let me know if you have any further question.

Yours truly,

Gerald J. Brown
Manager Safety and Environment

Copy: Henrik Voldbaek

AGCS2M001470

PLANT OFFICE: (206) 623-5596 • FAX: (206) 623-5355

PUGET SOUND AIR POLLUTION CONTROL AGENCY

110 Union Street, Suite 500, Seattle, Washington 98101-2038
206-343-8800 / 1-800-552-3565 / Fax 206-343-7522

Registration No. 11339

Cert. Mail No. _____

No. 37062

NOTICE OF VIOLATION

Date of Violation: July 16th, 1997 at 15:55 m.

Name	Responsible Person, Title		
Ash Grove Cement Co.	Henrik Voldback Manager		
Location of Violation (Address)	**City**	**Zip**	**County**
3801 E. Marginal Way So.	Seattle	98134	King
Mailing Address	**City, State**	**Zip**	**Phone**
As Above	Seattle, WA.	98134	(206) 623-5596

DID UNLAWFULLY CAUSE OR ALLOW VIOLATION OF:

REGULATION I **OF THE PUGET SOUND AIR POLLUTION CONTROL AGENCY FOR:**

- ☐ Section 5.05(e) Failure to develop and implement an operation and maintenance plan.
- ☐ Section 6.03(a) Failure to obtain Notice of Construction approval prior to construction/installation/establishment of a source.
- ☐ Section 9.03(a) Visible emissions in excess of 20% opacity for periods aggregating more than 3 minutes/hour.
- ☐ Section 9.11(a) Emission of air contaminant in quantities/characteristics/duration so as to be injurious or interfere with enjoyment of life/property.
- ☐ Section 9.12(b) Emission of odor-bearing air contaminants without use of best available control technology.
- ☐ Section 9.15(a) Emission of fugitive dust without use of best available control technology.
- ☐ Section 9.15(b) Deposition of mud, dirt, or debris from vehicle or load onto a paved public roadway.
- ☑ Section 9.15(c) Emission of fugitive dust from manufacturing process equipment or control apparatus.
- ☐ Section 9.16 Failure to apply VOC-containing material using spray equipment in an enclosed area with filtered exhaust and vertical stack.
- ☑ Section 9.20 Failure to operate and maintain equipment in good working order.
- ☐ Failure to meet Order of Approval No._____, Condition No._____
- ☐ Section_____
- ☐ Section_____

FACTS ALLEGED TO CONSTITUTE A VIOLATION Causing or allowing the continuous emission of dust from the white fly ash silo located on the south side of the six pack at 3801 E Marginal Way So in Seattle

CORRECTIVE ACTION ORDER

Under the provisions of Section 3.09 of Regulation I and RCW 70.94.211 you are ordered to **submit a written report within ten (10) days of receipt of this Notice** describing the necessary corrective action you have taken or propose to take, including a schedule, to achieve continuous compliance with the regulations, **and** take the following necessary corrective action:

AGCS2M001471

Issued By: Elizabeth Dilger / Air Pollution Inspector — 7/30/97 10:15 am Date/Time — Received By: _____ Signing this Notice is not an admission of guilt

Form No. 20.110 (Revised 12/95 ...)

ASH GROVE CEMENT COMPANY

"WESTERN REGION"

August 11, 1997

Ms. Elizabeth Gilpin
Puget Sound Air Pollution Control Agency
110 Union Street, Suite 500 Seattle, WA. 98101-2038

Re: Notice of Violation No. 37063 and No. 36861

Dear Ms. Gilpin:

Notice of Violation No. 37063 ✓
Repairs completed July 17, 1997

Notice of Violation No. 36861
Repairs completed August 8, 1997

Ash Grove Cement does not agrees with the allegation that holes were caused or allowed in the shrink wrap enclosing conveyer 531.030. The wrap is a temporary structure not indicative of normal operations. It is subject to weather, construction and operational elements necessitating frequent maintenance. Regardless, plant personnel have made and continue to make needed repairs as rapidly as possible. Additionally Pro-Tect Construction Services, the wrap's supplier, has been used frequently for repairs of large sections which exceed the current capabilities or compromise the safety of plant maintenance personnel.

Please let me know if you have any further question.

Yours truly,

Gerald J. Brown
Manager Safety and Environment

Copy: Henrik Voldbaek

AGCS2M001472

SEATTLE, WA 98134 • PLANT OFFICE: (206) 623-5596 • FAX: (206) 623-5355

110 Union Street, Suite 500, Seattle, Washington 98101-2038
206-343-8800 / 1-800-552-3565 / Fax 206-343-7522

Registration No. 11339

Cert. Mail No. _____

No. 36861

NOTICE OF VIOLATION

Date of Violation: August 7, 1997 at 10:40 a.m.

Name	Responsible Person, Title		
Ash Grove Cement Co.	Gerald Brown Manager		
Location of Violation (Address)	**City**	**Zip**	**County**
3801 E. Marginal WAY So.	Seattle	98134	King
Mailing Address	**City, State**	**Zip**	**Phone**
As Above	Seattle, WA.	98134	623-5596

DID UNLAWFULLY CAUSE OR ALLOW VIOLATION OF:

REGULATION I OF THE PUGET SOUND AIR POLLUTION CONTROL AGENCY FOR:

- ☐ Section 5.05(e) Failure to develop and implement an operation and maintenance plan.
- ☐ Section 6.03(a) Failure to obtain Notice of Construction approval prior to construction/installation/establishment of a source.
- ☐ Section 9.03(a) Visible emissions in excess of 20% opacity for periods aggregating more than 3 minutes/hour.
- ☐ Section 9.11(a) Emission of air contaminant in quantities/characteristics/duration so as to be injurious or interfere with enjoyment of life/property.
- ☐ Section 9.12(b) Emission of odor-bearing air contaminants without use of best available control technology.
- ☐ Section 9.15(a) Emission of fugitive dust without use of best available control technology.
- ☐ Section 9.15(b) Deposition of mud, dirt, or debris from vehicle or load onto a paved public roadway.
- ☑ Section 9.15(c) Emission of fugitive dust from manufacturing process equipment or control apparatus.
- ☐ Section 9.16 Failure to apply VOC-containing material using spray equipment in an enclosed area with filtered exhaust and vertical stack.
- ☑ Section 9.20 Failure to operate and maintain equipment in good working order.
- ☐ Failure to meet Order of Approval No._____, Condition No._____
- ☐ Section_____
- ☐ Section_____

FACTS ALLEGED TO CONSTITUTE A VIOLATION Causing or allowing large holes in shrink wrap (5) and visible dust emissions from the clinker conveyer #531.030 at 3801 E. Marginal WAY in Seattle

CORRECTIVE ACTION ORDER

Under the provisions of Section 3.09 of Regulation I and RCW 70.94.211 you are ordered to **submit a written report within ten (10) days of receipt of this Notice** describing the necessary corrective action you have taken or propose to take, including a schedule, to achieve continuous compliance with the regulations, **and** take the following necessary corrective action: Record shrink wrap holes and tears in conveyer maintenance logs and document corrective actions taken including dates and times.

Issued By: [signature] Air Pollution Inspector

8/7/97 10:45 a.m. Received By: [signature]
Date/Time

Signing this Notice is not an admission of guilt

Form No. 70-119 (Revised 12/95 cbc)

AGCS2M001473

PUGET SOUND AIR POLLUTION CONTROL AGENCY
KING COUNTY ▲ KITSAP COUNTY ▲ PIERCE COUNTY ▲ SNOHOMISH COUNTY

October 21, 1998

Certified Mail No. Z 580 038 929

OCT 2 2 1998

Ash Grove Cement Company
c/o Henrik Voldbaek, Plant Manager
3801 East Marginal Way South
Seattle, WA 98134

Ash Grove Cement Company - Civil Penalty # 8929
Consent Order/Assurance of Discontinuance

Enclosed is a Civil Penalty in the amount of $3,000.00 for Notice of Violation No. 37075. This Notice of Violation was issued for causing or allowing dust emissions.

We propose to settle this penalty by the terms set out in the enclosed CONSENT ORDER AND ASSURANCE OF DISCONTINUANCE. We agree to suspend $2,000.00 of the penalty if you comply with the terms of the Consent Order, and you pay the remaining $1,000.00 of the penalty.

If this CONSENT ORDER AND ASSURANCE OF DISCONTINUANCE is acceptable to you, please sign and return the order and remit the $1,000.00 penalty to us within thirty (30) days of receipt of this order. If you would like to discuss this offer or propose a different settlement, please call me at (206) 689-4078.

Sincerely,

Neal J. Shulman
Manager - Inspection

kes

Enclosures

AGCS2M001474

Dennis J. McLerran, Air Pollution Control Officer
BOARD OF DIRECTORS
Margaret Pageler, City of Seattle, Board Chair
Janet Chalupnik, Member at Large
Edward D. Hansen, Mayor, Everett
Lynn S. Horton, Mayor, Bremerton
Dave Somers, Snohomish County Council
Ron Sims, King County Executive
Brian Ebersole, Mayor, Tacoma
Charlotte Garrido, Commissioner, Kitsap County
Doug Sutherland, Pierce County Executive

110 Union Street, Suite 500, Seattle, Washington 98101-2038 ▲ (206) 343-8800 ▲ (800) 552-3565 ▲ FAX:(206) 343-7522
printed on recycled paper

PUGET SOUND AIR POLLUTION CONTROL AGENCY)
a municipal corporation of the state of Washington)
110 Union Street, Suite 500)
Seattle, Washington 98101-2038) **NO. 8929**
)
VS)
)
ASH GROVE CEMENT COMPANY) **NOTICE AND ORDER**
c/o Henrik Voldbaek, Plant Manager) **OF CIVIL PENALTY**
3801 East Marginal Way South)
Seattle, Washington 98134)

You are hereby notified that, pursuant to Chapter 70.94 RCW and Notice of Violation No. 37075, a copy of which has been previously provided to you or your agent, you have violated Regulation I, Sections 9.15(a) and 9.20 of the Puget Sound Air Pollution Control Agency in the following particulars:

> On or about the 14th day of August 1998, at 3801 East Marginal Way South in the city of Seattle, King County, state of Washington, you caused or allowed dust emission from finish mill #2 baghouse, and fugitive dust emissions in the yard between clay shed and truck dump area during loader activity with no control measures applied, in violation of Sections 9.15(a) and 9.20.

As a result of the foregoing violations, a penalty is assessed against you as follows:

> For the violations that occurred on or about the 14th day of August 1998, wherein you caused or allowed emissions of fugitive dust, and operation of equipment not in good working order, in violation of Regulation I, Section 9.15(a) and 9.20 of the Puget Sound Air Pollution Control Agency, a penalty is assessed against you in the amount of three thousand dollars **($3,000.00)**.

The full amount of this penalty is due and payable within thirty (30) days of receipt of this notice, unless within such time a request for hearing is filed. (See reverse side for both mitigation procedures and appeal procedures.)

In the event the full amount of this penalty is not paid on or before thirty (30) days of receipt of this notice, or a request for mitigation has not been made to this Agency, or a request for hearing has not been made to the Pollution Control Hearings Board of Washington and the Air Pollution Control Officer, action will be commenced in court to recover such penalty.

Dated this 21st day of October 1998.

Dennis J. McLerran
Air Pollution Control Officer

by Neal J. Shulman
Manager - Inspection

Certified Mail No. Z 580 038 929

ASH GROVE CEMENT COMPANY VS **PUGET SOUND AIR POLLUTION CONTROL AGENCY**	CIVIL PENALTY NO. 8929 CONSENT ORDER AND ASSURANCE OF DISCONTINUANCE

Puget Sound Air Pollution Control Agency (PSAPCA) issued and served Notice and Order of Civil Penalty No. 8929 dated the 21st day of October 1998 in the amount of $3,000.00 to Ash Grove Cement Company. This penalty assessment was based upon violations of Article 9 of Regulation I in the following particulars:

> On or about the 14th day of August 1998, at 3801 East Marginal Way South in the city of Seattle, King County, state of Washington, Ash Grove Cement Company caused or allowed dust emission from finish mill #2 baghouse, and fugitive dust emissions in the yard between clay shed and truck dump area during loader activity with no control measures applied, in violation of Sections 9.15(a) and 9.20.

Pursuant to RCW 70.94.435, Ash Grove Cement Company does hereby agree to an assurance of discontinuance from violation of Section 9.15(a) and 9.20, Regulation I, and does agree to pay $1,000.00 of Civil Penalty No. 8929 within 30 days of the date of this Order.

Ash Grove Cement Company further agrees to keep written records of visual inspections of each of the finish mill #1 and #2 baghouse exits, and log any emissions detected and corrective actions taken. Visual observations shall be conducted through at least one complete cleaning cycle of all compartments of each baghouse. The visual inspections shall be conducted on each day of operation, for a period of two years from the date of this Consent Order.

PSAPCA accepts this assurance of discontinuance and does hereby suspend $2,000.00 of Civil Penalty No. 8929 if no unexcused violations of Section 9.15(a) or 9.20 of Regulation I or the conditions listed above occur within two (2) years of the date of this Consent Order. If any such unexcused violations occur within this two-year period, the suspended amount of $2,000.00 is immediately due and payable.

Failure to perform the terms of this order by Ash Grove Cement Company shall constitute grounds for PSAPCA to seek injunctive or other relief from Superior Court.

Dated this _____ day of _____ 1998.

_____
Ash Grove Cement Company

Dennis J. McLerran
Air Pollution Control Officer

by Neal J. Shulman
Manager - Inspection

110 Union Street, Suite 500, Seattle, Washington 98101-2038
206-343-8800 / 1-800-552-3565 / Fax 206-343-7522 Melissa McAfee

Registration No. 11339

Cert. Mail No. _____

No. 37075

NOTICE OF VIOLATION

Date of Violation: 8 - 14, 19 98 at 1:57-2:48 p.m.

Name	Responsible Person, Title		
Ash Grove Cement Co.	Gerald Brown, Safety + Env. Mgr.		
Location of Violation (Address)	**City**	**Zip**	**County**
3801 - E. Marginal Wy S	Seattle	98134-1113	KING
Mailing Address	**City, State**	**Zip**	**Phone**
Same	, WA		206-623-5596

DID UNLAWFULLY CAUSE OR ALLOW VIOLATION OF:

REGULATION I **OF THE PUGET SOUND AIR POLLUTION CONTROL AGENCY FOR:**

- ☐ Section 5.05(e) Failure to develop and implement an operation and maintenance plan.
- ☐ Section 6.03(a) Failure to obtain Notice of Construction approval prior to construction/installation/establishment of a source.
- ☐ Section 9.03(a) Visible emissions in excess of 20% opacity for periods aggregating more than 3 minutes/hour.
- ☐ Section 9.11(a) Emission of air contaminant in quantities/characteristics/duration so as to be injurious or interfere with enjoyment of life/property.
- ☐ Section 9.12(b) Emission of odor-bearing air contaminants without use of best available control technology.
- ☑ Section 9.15(a) Emission of fugitive dust without use of best available control technology.
- ☐ Section 9.15(b) Deposition of mud, dirt, or debris from vehicle or load onto a paved public roadway.
- ☐ Section 9.15(c) Emission of fugitive dust from manufacturing process equipment or control apparatus.
- ☐ Section 9.16 Failure to apply VOC-containing material using spray equipment in an enclosed area with filtered exhaust and vertical stack.
- ☑ Section 9.20 Failure to operate and maintain equipment in good working order.
- ☐ Failure to meet Order of Approval No._____, Condition No._____
- ☐ Section_____

AGCS2M001477

- ☐ Section_____

FACTS ALLEGED TO CONSTITUTE A VIOLATION Dust emissions from finish mill #2 baghouse and fugitive dust emissions in yard between clay shed + truck dump area during loader activity with no control measures applied

CORRECTIVE ACTION ORDER

Under the provisions of Section 3.09 of Regulation I and RCW 70.94.211 you are ordered to **submit a written report within ten (10) days of receipt of this Notice** describing the necessary corrective action you have taken or propose to take, including a schedule, to achieve continuous compliance with the regulations, **and** take the following necessary corrective action:

Fifteen (15) MM 8-14-98

Findings from investigation of #2 finish mill baghouse and corrective actions taken; and written yard cleaning/dust management program including records to show it is implemented + persons responsible for implementation

Issued By: M M. [signature] Air Pollution Inspector

8/14/98 1530 Date/Time

Received By: Michael D. Dunger Signing this Notice is not an admission of guilt

Form No. 70-119 (Revised 12/95 cbc)

ASH GROVE CEMENT COMPANY

"WESTERN REGION"

September 3, 1998

Ms. Melissa McAfee
Puget Sound Air Pollution Control Agency
110 Union Street, Suite 500 Seattle, WA. 98101-2038

Re: NOV # 37075

Dear Mr. McAfee:

On Friday Aug. 14th you requested information about Finish Mill #2 sweep dust collector and the yard-cleaning program.

Finish Mill #2 sweep dust collector
F/M #2 was shut down on 2 different occasions on Friday Aug. 14th because of reported dust emissions from Finish Mill #2 sweep dust collector. The first time was approx. 9:30am. Upon verification the mill was shut down. Maintenance introduced visolight through the D/C and found (2) broken bags. These bags were replaced by P.M. maintenance. Once the repairs were made and the mill was put back on line. Jim Langley, P.M. Supervisor did not observe any dusting from this dust collector after the repairs were made.

At 2:30pm the #2 mill sweep dust collector was seen puffing dust intermittently and the mill was shut down immediately to investigate and make repairs. Ozzie Woodcock, Maintenance Supervisor, Jim Langley, P.M. Supervisor, John Hoffman. Jr., Bill Nichols were involved with assessing the condition. Visolight was introduced through D/C one more time and no obvious problem areas were detected. 8-9 bags that were suspect were blank off.

Yard-cleaning program
The yard-cleaning program is outlined on the attached O&M Plan. It consists of utilizing the water truck and the road sweeper to clean roadways as needed. Records indicate that the water truck has operated a total of 73 miles between 10/97 and 08/27/98. All miles traveled within the plant. The travel distances during plant cleaning vary and typically range between .5 miles for single trips to 6.5 miles for multiple passes through the plant. This translates to 146 single trips between the above dates Written records of the water truck operation as stated in the plan cannot be located beyond 9/22/97 indicating either the operator failed to record this information or the pages of the log book were lost.

The operator of the road sweeper was not required by the plan to record dates of operation so the actual dates of operation are not available. Records of the odometer reading show that the mileage on 12/02/97 was 398 and on 08/27/98 was 713. Between these dates, the sweeper traveled 315 miles. All miles traveled within the plant.

Corrective Action

1. Administrative action has been taken to insure proper records are maintained for the water truck operation.
2. A written record showing the dates of operation for the road sweeper is now required. This is reflected in the attached revised plan.
3. The responsibility for the water truck and road sweeper operation is now under the Shipping Department.
4. Additional water truck and road sweeper operators will be trained for each shift.
5. All equipment operators and supervisors have been instructed to request the water truck or road sweeper to eliminate dust condition when noticed.

Please call me if I can be of further assistance.

Sincerely yours,

Gerald J. Brown
Manager, Safety and Environment

encl. O&M plan

cc: HV

ASH GROVE CEMENT COMPANY
SEATTLE PLANT
OPERATION AND MAINTENANCE PLAN

(1) PERIODIC INSPECTION OF ALL EQUIPMENT AND CONTROL EQUIPMENT

Dust Collectors

The Dust Collector Specialist is dedicated to dust collector inspection, PM and repair. This individual is a member of the Preventive Maintenance Team of the Maintenance Department. Routine inspections including observations for visual emissions are scheduled monthly by the Maintenance Supervisor.

a. The D/C specialist will inspect all dust collectors at least once per month. This includes the kiln baghouse finish mill sweep and separator dust collectors and the coal mill dust collectors.

b. Inspections will include as a minimum the following items:

   1. External Inspection will be done with the dust collector operating to include a check for visible emissions, pressure readings, compartment and hopper panels and seams, door components, coatings, dampers, cleaning system components, tipping/feeder valve components, fan components, duct work and instrumentation

   2. Internal Inspection Internal inspections will be done with the dust collector locked out of service to include bags, cages, bag clamps, thimbles, venturis, tubesheets, tensioning components, baffling, ground straps, blowpipes, traveller components, shaker components, hose components, compartment and hopper panels, coatings, and seams.

c. Emissions related deficiencies noted during inspections will be reported immediately using the plant work order system and assigned a top priority.

d. Repairs necessary to reduce excessive emissions will be scheduled in accordance with section 3.

CEMS

The CEMS is inspected and maintained as necessary by the Instrumentation/Electrical Team of the Maintenance Department.

(2) MONITORING AND RECORDING OF EQUIPMENT AND CONTROL EQUIPMENT

Automatic calibrated checks are made daily on the main stack monitors (CEMS) for CO, SO2, NOx, opacity, flow rates and oxygen levels. A Relative Accuracy Test Audit (RATA) is conducted during one quarter of each year and a Compressed Gas Audit (CGA) is done during each of the remaining three calendar quarters. Copies of the yearly RATA is provided to PSAPCA. The CGA results are included on the CEM Monthly Summary report.

(3) PROMPT REPAIR OF ANY DEFECTIVE EQUIPMENT OR CONTROL EQUIPMENT

a. Investigation into the cause of an emission will begin immediately.

b. Repairs or corrective action for minimizing emission during the event including slowing or shutting down the unit will begin when the cause is found.

c. Work orders generated for plant dust collectors are entered into the Equipment Maintenance Management Administration (EMMA) computerized system. All deficiencies affecting the ability of the dust collector to maintain permitted dust emission levels will be assigned top repair priority.

d. Repairs on defective equipment will be completed prior to reuse of the malfuncting dust collector.

e. A follow up inspection of the repaired dust collector will be completed immediately after restart of the system to verify repairs are affected.

AGCS2M001481

ASH GROVE CEMENT CO.
Seattle Plant
Appendix A
PSAPCA NOC No 7381
June 1998

KILN START UP/SHUTDOWN and MAINTENANCE PROCEDURES

KILN START UP - PREHEATING

1. Start the main baghouse.
2. Follow the designated preheating guidelines for increasing kiln temperature, decreasing oxygen and for kiln rotation.
3. Adjust the air flow and fuels to increase stage 5 exit temperature and decrease kiln inlet oxygen in accordance with the preheat guidelines.
4. Feed is added to the kiln when the 5th stage exit gas temperature is between 1,300 and 1,700 degrees F. Preheat ends with the introduction of feed to the kiln.

KILN START UP - FEED INTRODUCTION

1. When the kiln is prepared for feed as per the preheating guideline, start the kiln main drive and assure the ID fan is running at the appropriate speed..
2. After the kiln is on main drive, start the kiln feed at 75 tons per hour with sorbent added as necessary, to control sulfur dioxide emissions to below permit level.
3. Maintain the temperature of the material stream, increase the feed rate and adjust the draft and the fuel to achieve normal production levels.
4. Estimated START UP time: 24 hours following a successful initial feeding of the kiln as defined by #2 above.

KILN SHUT DOWN

1. Stop the feed, shut off the fuel and reduce the draft. For emergency shut downs, retain as much heat as possible in the kiln to ease restart after the cause of the emergency is corrected.
2. The kiln is rotated in accordance with the guidelines to prevent thermal warpage of the kiln shell and shock to the refractory that could cause failure of either. During these rotations feed material inside the kiln is discharged. All turns are to be made on the auxiliary drive and should be approximately 100 degrees of rotation.
3. Cooling air flow is adjusted after the fire is taken off the kiln. The temperature must be decreased in a manner protective of the kiln system and refractories.
4. If a situation such as a critical position of the kiln is encountered, heavy rains begin or similar event, the kiln may be rotated continuously for protection of the shell until the situation clears.
5. The baghouse will remain in operation.
6. A cool down period is required before entry is made into the kiln.

MAIN BAGHOUSE MAINTENANCE PROCEDURES

MONITORING PERFORMANCE

1. Main Baghouse temperatures and pressures in the baghouse are continuously monitored by the control room while performance is checked by an opacity monitor on the kiln stack.
2. Condition of the baghouse components are inspected routinely to prevent failures during operation.

TROUBLE SHOOTING

1. Efforts to repair deficiencies will begin immediately upon detection.
2. Once a problem is identified and located, individual compartment(s) containing the defective equipment can be isolated for repairs without shutting down the entire baghouse.
3. Baghouse inlet and blow back dampers are closed and secured to isolate the compartment(s) containing the problem.
4. Compartment(s) doors are opened and the cell is allowed to cool for safe entry.
5. Once the repairs are completed, the compartment(s) is returned to operation.

(5) CONTROL MEASURES TO BE EMPLOYED TO ASS...
SECTION 9.15 OF REGULATION I

Stock Piles

Water sprays are used as necessary to control fugitive emissions. The spray system is checked for operation prior to receiving raw material by the Production Supervisor..

Road Maintenance

A water truck for washing roads along with road sweepers are operated as needed to control fugitive emissions from plant vehicle traffic. The Production Department normally operates this equipment and schedules needed maintenance as indicated by the pre-operation check list performed by the operator.

Conveyor Systems

a. A Conveyor Specialist is dedicated for inspection and maintenance of the plant conveyor systems. As a member of the Preventive Maintenance Team his/hers duties include regularly inspection of conveyors, identifying potential or existing conveyor system problems and promoting proper conveyor operation. The Maintenance Supervisor schedules routine inspections.

1. The Conveyor Specialist will inspect all conveyors at least once per month.
2. Inspections will include as a minimum the following items:
   a. Inspection will be done with the conveyor operating and will include:
      1. Scrapers (both primary and precleaning if applicable),
      2. Side and tail skirting,
      3. Impact, troughing, tracking and return rollers,
      4. Hopper and chute leakage,
      5. Belt tracking.
3. Work orders for necessary repairs are entered into the Equipment Maintenance Management Administration (EMMA) computerized system.

b. Where used to prevent carry back to control fugitive emissions, the belt cleaning devices such as the Air Knife will operate automatically when the belt is running. To insure proper operation, the devices are checked at least monthly by maintenance by maintenance for defects.

c. Where provided to contain or reduce dust emissions, enclosures and 531.030

Rev 8/98

ASH GROVE CEMENT COMPANY

"WESTERN REGION"

August 26, 1998

Ms. Melissa McAfee
Puget Sound Air Pollution Control Agency
110 Union Street, Suite 500
Seattle, WA. 98101-2038

Re: MAIN BAGHOUSE MAINTENANCE PLAN

Dear Ms. McAfee:

As discussed, we are establishing a major maintenance routine for the main baghouse to complement regular maintenance. Historically, a complete changeout of the bags within the main dust collector was performed about every two years. In the interim, regular maintenance is performed including replacing the occasional broken bags that occurred. About this two-year mark with a majority of aging bags remaining in the main baghouse, we would begin see a increase in the number of random bag failures. To avoid repeating this pattern the following action are underway:

MAIN BAGHOUSE MAJOR REBAGGING / MAINTENANCE PLAN

Purpose: The purpose of the major rebagging and maintenance is to ensure the continued envornmental soundness of the system. As always, we strive to take a proactive approach with these types of projects.

Scope: In August 1998, we will begin a systematic change out of the 120 bags in each of the 10 compartments. The 11th compartment was changed out in December of 1997. At the same time of the rebagging , we will perform a thorough structural metal evaluation of each of the compartments, to include metal thickness testing, and make repairs as required. For six of the compartments this year, we will replace the single entry doors with a new double sealing type door. This represents a complete retrofit of these doors since five of the eleven compartments have already been changed to the new type.

Schedule: Work is to begin the week of August 24. The plan is to begin work normally on Wednesday of the week and complete the work by Thursday. We will have only one compartment off line at a time. The project will attempt to complete one compartment every two weeks. During the process, we will maintain our opacity limit. We will follow the manufacturer's guidance for the installation and operation of the new bags. This schedule for major rebagging of the main baghouse and structural metal evaluation will be performed on each compartment before the end of the anticipated service life of the bags.

If you have any comments please call.

Yours truly,

Gerald J. Brown
Manager, Safety and Environmental

cc: HV
CA