

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY
OFFICE OF THE DIRECTOR

In the matter of regulatory administrative
proceedings involving **Mueller Brass Company**,
a corporation organized under the laws of
the State of Michigan and doing business
at 302 Ashfield Street, in the City of Belding,
County of Ionia, State of Michigan

SIP Order: 2026-01

SRN: B1650

STIPULATION FOR ENTRY OF FINAL ORDER
By Consent

This proceeding results from provisions under Section 175A(d) of the federal Clean Air Act (CAA), Title 42 of the United States Code (U.S.C.), Section 7401 et seq., United States Environmental Protection Agency (USEPA), as amended, which requires states to include an approvable set of contingency provisions within their maintenance plans for the first and second 10-year periods following the redesignation of an area as an 'attainment area' for a National Ambient Air Quality Standard (NAAQS).

Extruded Metals, Inc. (Extruded) operated a brass rod manufacturing mill located at 302 Ashfield Street in Belding, Michigan (Plant) beginning in 1938. In 2007, Mueller Brass Company (Company) acquired Extruded, and the Plant continued to operate until 2019, producing rods for machining, thread rolling, and forging applications. On November 15, 2023, on behalf of the Plant, the Company submitted an air permit termination request letter to the Michigan Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD) to void Permit-to-Install No. 16-11. Prior to the cessation of operations at the Plant in 2019, the AQD identified the Plant as the sole contributor to nonattainment of the 2008 Lead NAAQS between 2008 and 2014 in Belding. Although the Plant is no longer permitted to operate in a manner that produces lead emissions and has not reported such emissions since 2019, there remains a potential risk of lead dust re-entrainment if the Company, or any future owner of the property, were to engage in demolition or construction-related activities. To mitigate such risk, additional protective measures, as outlined in the Compliance Program and Implementation Schedule of this Order, are being included within the Michigan State Implementation Plan for the second 10-year maintenance period (2027-2037) for the Belding area. The Company is the current owner of the property and all structures located at 302 Ashfield Street in Belding, Michigan.

The Company and EGLE stipulate as follows:

1. The Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, (NREPA), MCL 324.101 *et seq.*, is an act that controls pollution to protect the environment and natural resources in this State.
2. Article II, Part 55, Air Pollution Control, of the NREPA (Part 55), MCL 324.5501 *et seq.*, provides for air pollution control regulations in this State.
3. Executive Order 2019-06 renamed the Michigan Department of Environmental Quality to EGLE, and EGLE has all statutory authority, powers, duties, functions, and responsibilities to administer and enforce all provisions of Part 55.
4. The EGLE Director has delegated authority to the AQD Director to enter into this Order.
5. Part 55 of the NREPA, MCL 324.5503(f), provides EGLE, and therefore the AQD, with the authority to issue and enter into orders to control air pollution.
6. The resolution of this matter by this Order is proper and acceptable.
7. This Order becomes effective on the date of execution (Effective Date) by the AQD Director.

COMPLIANCE PROGRAM AND IMPLEMENTATION SCHEDULE

8. The Company shall not conduct any demolition, deconstruction, or construction related activities or projects that have the potential to disturb the structural integrity of the former facility, or the paved roads or soils on the property grounds (collectively "construction activity") unless the requirements of paragraphs 9 – 14 of this Order are satisfied.
9. The Company must submit the following to the AQD:
 - A. A notice of intent to pursue construction activity at least ninety (90) calendar days prior to the commencement of the construction activity.
 - B. A schedule that includes the proposed calendar dates on which the Company anticipates the construction activity will occur and the expected duration of all specified construction activity at least sixty (60) calendar days prior to the commencement of the construction activity.

C. A complete fugitive dust prevention plan addressing all on-site sources and pathways of potential lead re-entrainment for AQD approval, at least sixty (60) calendar days prior to commencement of the construction activity. The fugitive dust prevention plan shall follow the guidance established in EGLE's 2016 Managing Fugitive Dust Guide and the USEPA's 2022 Fugitive Dust Control Measures and Best Practices Document. Within thirty (30) calendar days of receiving the fugitive dust prevention plan from the Company, the AQD will in writing: (1) approve, in whole or in part, the submission; (2) approve, in whole or in part, the submission upon specified conditions; or (3) disapprove, in whole or in part, the submission, requiring the Company to correct the deficiencies. The Company shall, within thirty (30) calendar days or such longer time as specified by the AQD in such notice, address any requested changes or deficiencies and resubmit the plan for approval. Upon approval, the Plan shall be incorporated into and enforceable under this Order. Construction activity shall not commence unless an approved fugitive dust prevention plan is in place.

D. A fenceline air monitoring plan for the continuous measurement of particulate matter with a diameter of 10 microns and smaller (PM₁₀) for AQD approval. The plan shall include the instrumentation to be used, method detection limits, quality assurance protocols, and the data reporting and submittal format at least sixty (60) calendar days prior to the commencement of the construction activity. Within thirty (30) calendar days of receiving the fenceline air monitoring plan from the Company, the AQD will in writing: (1) approve, in whole or in part, the submission; (2) approve, in whole or in part, the submission upon specified conditions; or (3) disapprove, in whole or in part, the submission, requiring the Company to correct the deficiencies. The Company shall, within thirty (30) calendar days or such longer time as specified by the AQD in such notice, address any requested changes or deficiencies and resubmit the plan for approval. Upon approval, the Plan shall be incorporated into and enforceable under this Order. Construction activity shall not commence unless an approved fenceline air monitoring plan is in place.

10. Following written approval of the fenceline air monitoring plan from the AQD, the Company must operate a temporary fenceline PM₁₀ continuous monitor for at least 2 weeks before commencing any construction activity with the purpose of establishing a representative background concentration. All hourly PM₁₀ data collected by the fenceline monitoring must be sent to the AQD through the MiEnviro Portal at the end of each day during the designated 2-week period in a format that is acceptable to the AQD. Throughout the 2-week initial monitoring period, the Company will evaluate the background concentration data and will determine the thresholds which trigger specific actions that will

apply to the Company, or future owner of the property, throughout the duration of the activity in the following manner:

A. The Company will establish the baseline threshold for PM₁₀, at ten (10) percent above the highest hourly background ambient air concentration of PM₁₀ that was recorded during the 2-week period prior to the construction activity. The Company will notify the AQD in writing of the proposed baseline threshold. This baseline threshold will only apply following the Company's receipt of a written notice of approval from the AQD.

B. The Company will establish the elevated action threshold for PM₁₀, at twenty (20) percent above the highest hourly average ambient air concentration of PM₁₀ recorded during the 2-week period prior to the construction activity. The Company shall notify the AQD of the established elevated action threshold. This elevated action threshold will only apply following the Company's receipt of a written notice of approval from the AQD.

C. If the AQD determines the data collected during the 2-week period prior to the construction activity is not representative of normal background conditions, the AQD may require additional monitoring prior to the commencement of construction activity.

11. Upon commencing construction activity, the Company shall submit to the AQD a comprehensive daily report of the fence-line hourly PM₁₀ values in a format acceptable to the AQD. The report shall include written confirmation that neither the baseline nor the elevated action thresholds were exceeded during the 24-hour period.

12. Upon commencing construction activity, the Company shall notify the AQD within forty-eight (48) hours of the exceedance of either the baseline or elevated action thresholds established in paragraph 10 of this Order. This notification shall include:

A. All hourly monitoring values that indicate the action threshold for PM₁₀ was exceeded.

B. An explanation of all activities that were believed to have contributed to the exceedance.

C. All additional and achievable mitigative measures, not included in the fugitive dust prevention plan required in paragraph 9.C. of this Order, that the Company implemented to correct the exceedance as expeditiously as practicable, and will continue to implement throughout the duration of the activity.

Furthermore, the Company shall submit to the AQD on a daily basis all hourly monitoring values recorded following the exceedance until the data demonstrates that the hourly values have been consistently maintained below the baseline threshold for the entirety of a 48-hour time period.

13. The Company is required to update their fugitive dust abatement plan within two (2) calendar days of providing the AQD with the notification described in paragraph 12 of this Order. This updated plan shall detail the additional measures taken to address the exceedance and is subject to AQD approval. Within two (2) calendar days of receiving the updated fugitive dust abatement plan from the Company, the AQD will in writing: (1) approve, in whole or in part, the submission; (2) approve, in whole or in part, the submission upon specified conditions; or (3) disapprove, in whole or in part, the submission, requiring the Company to correct the deficiencies. The Company shall, within two (2) calendar days or such longer time as specified by the AQD in such notice, address any requested changes or deficiencies and resubmit the plan for approval. Upon approval, the updated Plan shall be incorporated into and enforceable under this Order. At a minimum, the updated plan shall consider the following measures:

- A. use of water mister-type dust control devices on exteriors of potentially contaminated structures
- B. periodic wetting of storage piles containing debris
- C. increased road washing and vacuum sweeping
- D. installation of temporary physical barriers around the activity site to block fugitive dust emissions

14. If the elevated action threshold, as established in paragraph 10 of this Order, is exceeded, or if air concentrations of PM₁₀ are not sustained below the baseline threshold for a period of twelve (12) continuous hours following the last measured exceedance of the baseline threshold, the Company shall immediately halt all construction activity at the site. Construction activity at the site may not resume until PM₁₀ concentrations have been reduced and remain below the baseline threshold for forty-eight (48) hours (on a continuous basis).

GENERAL PROVISIONS

15. The Company shall electronically submit all reports, plans, specifications, schedules, notifications or any other submittals required by this Order through the

MiEnviro Portal. A cover letter with each submittal shall identify the specific paragraph and requirement of this Order that the submittal is intended to satisfy.

16. This Order in no way affects the Company's responsibility to comply with any other applicable state, federal, or local laws or regulations, including without limitation, any amendments to the CAA, 42 U.S.C., Section 7401 *et seq.*, Part 55, or their rules and regulations, or the State Implementation Plan.

17. The AQD has the authority to seek statutory fines for any violation of this Order.

18. This Order, along with any supporting documentation required by the USEPA shall be submitted to the USEPA for approval as part of the maintenance plan for the Belding lead attainment area in accordance with Section 175A of the CAA. This Order shall become effective immediately upon entry, except this Order shall have no effect on the federally approved State Implementation Plan unless and until the maintenance plan (including this Order) is formally approved by the USEPA.

19. This compliance program is not a variance subject to the 12-month limitation specified in Section 5538 of Part 55, MCL 324.5538.

20. This Order shall remain in full force and effect until maintenance plan obligations for the Belding attainment area are no longer required due to the conclusion of the second maintenance period that was made effective by the USEPA's 2017 approval of the AQD's redesignation request for the Belding lead area. These second maintenance plan obligations will no longer be applicable following the last day of the second maintenance period (July 31, 2037). Thereafter, this Order shall terminate only upon written notice of termination issued by the AQD Director. Prior to issuance of a written notice of termination, the Company shall submit a request to the AQD Director, consisting of a written certification that the Company has fully complied with all the requirements of this Order. The AQD Director reserves the right to terminate this Order in lieu of receiving a written request for termination from the Company and may independently determine that the terms and conditions of this Order have been met.

21. The terms and conditions of this Order shall be binding on the Company, its successors, and assigns. In the event the Company sells or transfers the property and structures located at 302 Ashfield Street in Belding, Michigan, it shall give notice to any purchaser or transferee of the existence of this Order in connection with such sale or transfer. Within thirty (30) calendar days of such transaction, the Company shall notify the AQD Grand Rapids District Supervisor, in writing, of such sale or transfer, the identity and address of any purchaser or transferee, and confirm that notice of this Order has been given to the purchaser or transferee.

22. Section 5530 of Part 55, MCL 324.5530, may serve as a source of authority but not a limitation under which this Order may be enforced. Further, Part 17 of the NREPA, MCL 324.1701 *et seq.*, and all other applicable laws and any other legal basis or applicable statute may be used to enforce this Order.

23. The Company stipulates that it will take all lawful actions necessary to fully comply with this Order, even if the Company files for bankruptcy in the future and shall not discharge its compliance obligations under bankruptcy law.

24. The public was notified of a 30-day public comment period on this Order, which began on October 5, 2026.

The undersigned certifies that they are fully authorized by the Company to enter into this Order and to execute and legally bind the Company to it.

Mueller Brass Company

Print Name and Title

Signature

Date

Approved as to Content:

Approved as to Form:

Annette Switzer, Director
AIR QUALITY DIVISION
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES,
AND ENERGY

Margaret Bettenhausen, First Assistant
AIR AND WATER SECTION
ENVIRONMENT, NATURAL RESOURCES,
AND AGRICULTURE DIVISION
DEPARTMENT OF ATTORNEY GENERAL

Dated: _____

Dated: _____

FINAL ORDER

The Director of the Air Quality Division having had opportunity to review this Order and having been delegated authority to enter into Orders by the Director of the Michigan Department of Environment, Great Lakes, and Energy pursuant to the provisions of Part 55 of the NREPA and otherwise being fully advised on the premises,

HAS HEREBY ORDERED that this Order is approved and shall be entered in the record of EGLE as a Final Order.

MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY

Annette Switzer, Director
Air Quality Division

Effective Date: _____