

Good morning,

I am writing on behalf of the Michigan Manufacturers Association regarding significant concerns with Councilmember Santiago-Romero's proposed ordinance on fugitive dust, as drafted. I appreciate the opportunity to submit a summary, including suggested amendments, reflected by members operating within the City of Detroit.

MMA has served manufacturers and related industries for nearly 120 years. Our membership represents approximately 1,700 manufacturers located in every corner of the state including small, medium, and large manufacturers. Manufacturing represents Michigan's largest economic sector generating nearly 20 percent of the state gross domestic product. It drives Michigan's economy and provides livelihoods for more than 635,000 Michigan citizens and their families. Through our work, MMA and its members share a common goal to be good neighbors to the communities we support and where we work.

The opacity limits for onsite activities on page 29, lines 2-4, are unreasonably low and impossible to meet. Five percent opacity is barely visible to the human eye and out of line with state statute (MCL 324.5524 (2)). I ask that the City review the science behind opacity and establish standards consistent with EGLE and EPA, five percent for roads and parking lots, and the lower of 20% or as otherwise permitted for processing equipment.

Timing to implement corrective action measures is too short on page 31, lines 14-18. Receiving a correction order, identifying the corrective measure, obtaining BSEED approval, and implementing the corrective measure within two weeks is unrealistic for anything more than a minor issue. Indeed, the timeframe for acquiring and installing control equipment is dependent on a number of factors outside of a company's control. I ask that the timeframe to implement corrective actions be modified to within two weeks for minor corrective actions or as negotiated with BSEED for corrective actions requiring additional time to acquire and install control measures.

Further, should a company be unable to fulfill the new timeframe to install or add approved control measures, ceasing operations on page 32, lines 1-3, is an undue burden on the company and those it employs. The requirement for an existing company to shut down activities until BSEED approves a new fugitive dust plan should be removed from the ordinance. Further, in the event that BSEED does not reply within 30 days, the submitted plan should become the approved plan for continued operation.

Basing operation of the Fugitive Dust program should not be based on fines issued as this provides undue motivation, perceived or otherwise, to issue fines for continuity of funding on page 34, lines 5-22. Fines issued under the fugitive dust program should be placed into the general fund and appropriated as the Council sees fit through the budget process. Directly tying funding of the program to fines issued in the prior year is inappropriate.

Finally, high wind events classified as wind speeds of 20 mph on page 11, line 20, is overly restrictive and damaging to the City's economy. Again, the EGLE and EPA standard should be followed, lifting opacity related restrictions when winds are over 25 mph (MCL 324.5524 (2)).

I appreciate the opportunity to submit comments and the consideration of the Council. Please contact me should you have questions.

Sincerely,

Caroline