

June 17, 2022

EGLE
AQD Warren District
27700 Donald Court
Warren, Michigan 48092

RE: RESPONSE TO EGLE VIOLATION NOTICE DATED JUNE 10, 2022

To Whom It May Concern:

We at Clancy Excavating and Crushed Concrete Co. are very upset to hear that there may have been a complaint towards us. We take daily operation of our facility, the safety of our employees and our relationship with our neighbors very seriously. We are aware that there are commercial and residential properties bordering our facility, we strictly operate our facility to be within the guidelines that have been provided to us.

We have taken the following positive steps: Installed and maintain rumble strips which all vehicles must drive over before exiting. Watering a chloride solution on truck routes and loader operating areas, several times a day with a water truck and creating one-way traffic pattern keeping speeds to a minimum.

We have been in the recycling business, at this site, since before 1963. Over the past 60 years not much has changed we have always run a clean operation. For operating at this site, for so long, we have had very few complaints over the years, so why now? Why after all these years is there suddenly complaints? What has changed?

What has changed, is the fact that our neighbor to the south leases out his property to other contractors. Because this is a temporary site it is my understanding that they have ***different or no guidelines***, they practice absolutely **no** dust control, have **no** rumble strips for exiting (which some days over 100 trucks exit), **do not** monitor truck speeds and often work past normal operating hours up to 9:00 pm at times.

On our north side is another contractor who has a large topsoil screening operation going on. They also have several trucks entering and exiting their facility hauling dirt, broken concrete, broken asphalt, brick, building debris etc. again **absolutely no guidelines to follow.**

In our type of business, recycling broken concrete back into a useable product, we have to have the raw material on hand, such as broken concrete, in order to generate a new product. Over the years, sometimes we have very little and sometimes we have more than you can crush at one time. In the last two years, with staff shortages, equipment failures, the MDOT M-59 & M-3 projects, our raw materials have grown to where it is necessary to have larger than normal storage piles, which are still within the guidelines.

We have immediately taken Mr. Robert Joseph's advice and stopped letting trucks dump over the edge, to minimize the drop distance, on extremely warm days and have increased our watering schedule.

We take this violation very seriously and feel we are not causing "unreasonable interference" to human safety, animal life or plant life. In fact, we have an abundance of wildlife all around including deer, racoons, rabbits, hawks and the occasional bald eagle. Additionally, there is over half a million dollars' worth of nursery stock within 150' of this pile.

Again, we do take these charges seriously and welcome scheduled or non-scheduled visits from Mr. Joseph and/or EGLE representatives. In fact, I did recently have the opportunity to give Mr. Joseph a tour of our facility while it was in full operation. While riding on a golf cart with no seatbelts, we went to the very top of the pile in question to observe what was happening in the area. I seriously doubt, Mr. Joseph, would have agreed to this if he felt his life in anyway was in danger. What does concern me is he saw first hand from this observation point my explanation of what is really going on at ours and adjacent facilities. If he had objections or concerns, why didn't he raise them at that time?

We have not been in business for, this many years, to be a nuisance to our community. We pride ourselves in being good partners to the business and residential neighborhood. Clancy's has complied with all the requests from EGLE and feel we have met our responsibilities.

Sincerely,


Douglas J. Clancy

Cc: Jenine Camilleri EGLE
Robert Joseph, EGLE
Mary Ann Dolehanty, EGLE
Dr. Eduardo Olaguer, EGLE
Jeff Rathbun, EGLE
Christopher Ethridge, EGLE
Joyce Zhu, EGLE
Marc K. Shaye, Esq