



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
SOUTHEAST MICHIGAN DISTRICT OFFICE



C. HEIDI GREYER  
DIRECTOR

November 21, 2017

Mr. Robert Clancy  
Clancy Excavating Company  
29950 Little Mack  
Roseville, Michigan 48066-2241

SRN: B1774, Macomb County

Dear Mr. Clancy:

**VIOLATION NOTICE**

On August 22, 2017, the Department of Environmental Quality (DEQ), Air Quality Division (AQD), conducted an inspection of Clancy Excavating Company (Clancy) located at 29950 Little Mack, Roseville, Michigan. The purpose of this inspection was to determine Clancy's compliance with the requirements of the federal Clean Air Act; Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451); the Air Pollution Control Rules; and the conditions of Permit to Install (PTI) number 589-87A dated September 23, 2015.

During the August 22, 2017 inspection, staff (Iranna Konanahalli, Senior Environmental Engineer, and Detective Eric Thorson, Environmental Crimes Investigator) observed the following:

Process Description	Rule/Permit Condition Violated	Comments
A Pioneer Jaw Crusher Model 2854 of design capacity 250, or greater, tons per hour installed about 1986 and associated nonmetallic mineral processing equipment have been operating since 1986. <sup>A</sup>	Violation Notices (VNs) dated July 2, 1998, August 26, 2014, June 3, 2016 and July 6, 2016.	All four VNs are incorporated by reference and recited since full compliance has never been achieved. <sup>B</sup>
An Eljay Cone Crusher Model 1313 of design capacity 250, or greater, tons per hour installed about 1986 and associated nonmetallic mineral processing equipment		

<p>have been operating since 1986.<sup>Δ</sup></p> <p>EU-PLANT (includes all equipment [screens, crushers, feeders, conveyors, etc.] at the plant, storage piles, paved and unpaved surfaces, etc.).</p>		
<p>Entire concrete crushing plant yard (EU-PLANT).</p>	<p>PTI No. 589-87A, SC EU-PLANT, IV.2.<sup>Θ</sup></p>	<p>Clancy Excavating Co. (Clancy) failed to install rumble strips within 90 days.<sup>Β</sup></p>
<p>Entire concrete crushing plant yard (EU-PLANT).</p>	<p>PTI No. 589-87A, SC EU-PLANT, III.1 and Appendix A.</p>	<p>Clancy Excavating Co. (Clancy) failed to comply with fugitive dust plan of Appendix A of PTI No. 589-87A (B1774).<sup>Ξ</sup></p>
<p><sup>Δ</sup> Clancy's crushing operation consists of one Primary Pioneer Jaw Crusher to crush for size reduction of incoming broken concrete, one Secondary Eljay Cone Crusher for size reduction of oversized crushed concrete from screener, one three-deck screener (only two of three decks are used), two conveyors (one for each screen size), etc. Each process equipment is NSPS 30 subject facility (§ 60.670). Each crusher is of design capacity greater than 150 tons per hour. The two crushers (Jaw and Cone) are constructed or modified after August 31, 1983. Mr. Doug Clancy previously stated that, in 1986, two old crushers were replaced with two new crushers covered by PTI No. 589-87.</p> <p><sup>Θ</sup> Clancy conducted VE readings (NSPS 000) on July 23, 2015, using Fishbeck (frc&amp;h Project No. G150286A15 August 2015). Clancy amended PTI No. 589-87 as PTI No. 589-87A dated September 23, 2015, to incorporate its plan of "rumble strips" for track-out dust control.</p> <p><sup>Β</sup> PTI No. 589-87A, SC EU-PLANT, IV.2 states: "Not later than 90 days after the date of issuance of this Permit to Install, the permittee shall equip each truck exit from EU-PLANT with rumble strips. The rumble strips shall be of sufficient length to effectively remove dirt from truck tires." AQD received the June 21, 2016, letter from Robert Clancy stating that Clancy was doing due diligence and the rumble strip concrete pad project was in engineering phase.</p> <p><sup>Β</sup> PTI No. 589-87A dated September 23, 2015, is a legally enforceable permit for the concrete crushing plant that, among other things, requires that a concrete pad with rumble strips shall be installed at each tuck exit within 90 days of issuance of the permit. The rumble strips shall be sufficiently long (minimum 25 feet). The strips shall have sufficient dimensions to cause vibrations on truck tires to release dirt before exiting the yard. The strips shall be frequently (at least twice per day) cleaned to remove trapped dirt at the strips such that the strips are effective on a continuous basis. All cleaning shall be on wet basis so as to control dust emissions.</p> <p><sup>Ξ</sup> Clancy prevented Ms. Cynthia Laurence from providing copies of the required logs and records during the August 22, 2017, inspection. She again stated, on November 13, 2017, that Clancy did not approve of sending the copies of the records in question to MDEQ-AQD.</p>		

Be further advised that issuance of this Violation Notice does not preclude or limit the DEQ's ability to initiate any other enforcement action under state or federal law as appropriate. Please be advised that knowingly and intentionally obstructing, impeding, interfering, hindering lawful executive branch government agency functions is against state and federal laws.

Please initiate actions necessary to correct the cited violations and submit a written response to this Violation Notice by December 12, 2017 (which coincides with 21 calendar days from the date of this letter). The written response should include: the dates the violations occurred; an explanation of the causes and duration of the

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violations; whether the violations are ongoing; a summary of the actions that have been taken and are proposed to be taken to correct the violations and the dates by which these actions will take place; and what steps are being taken to prevent a reoccurrence.

If Clancy believes the above observations or statements are inaccurate or do not constitute violations of the applicable legal requirements cited, please provide appropriate factual information to explain your position.

For your reference, attached are Violation Notices dated July 2, 1998, August 26, 2014, June 3, 2016 and July 6, 2016.

Thank you for your attention to resolving the violations cited above and for the cooperation that was extended to me during my inspection of Clancy. If you have any questions regarding the violations or the actions necessary to bring this facility into compliance, please contact me at the number listed below.

Sincerely,



Iranna Konanahalli  
Senior Environmental Engineer  
Air Quality Division  
586-753-3741 or [konanahalli@michigan.gov](mailto:konanahalli@michigan.gov)

cc/via e-mail: Ms. Lynn Fiedler, DEQ  
Ms. Mary Ann Dolehanty, DEQ  
Mr. Chris Ethridge, DEQ  
Mr. Thomas Hess, DEQ  
Ms. Joyce Zhu, DEQ  
Mr. Robert Joseph, DEQ