



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
CADILLAC DISTRICT OFFICE



LIESL EICHLER CLARK
DIRECTOR

July 26, 2022

CERTIFIED MAIL – Return Receipt Requested
7019-0160-0000-4133-4032

Bob Noonan, Manager
Kasson Sand and Gravel
10282 South Pierce Road
Maple City, Michigan 49664

SRN: B4383, Leelanau County

Dear Bob Noonan:

SECOND VIOLATION NOTICE

On September 10, 2021, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), conducted an inspection of Kasson Sand and Gravel, located at 10282 South Pierce Road, Maple City, Michigan. The purpose of the inspection was to determine Kasson Sand and Gravel's compliance with the requirements of the federal Clean Air Act; and Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended; the Air Pollution Control Rules; the conditions of Permit to Install (PTI) number 346-99.

On September 15, 2021, the AQD sent Kasson Sand and Gravel a Violation Notice citing a violation for installing new equipment without first updating PTI 346-99. The violation was discovered as a result of the inspection and your written response was requested. The response was received by the AQD on October 6, 2021 and stated that Kasson Sand and Gravel would undertake identifying all of the new equipment and update the PTI as necessary.

Following the receipt of that letter I have corresponded by email with Mr. John Berscheit of Reith-Riley Construction Co. Inc. several times in order to resolve the outstanding violation. Most recently, though I had received draft electronic versions of the updated permit, I again requested that the PTI updates be submitted in hard copy to both the AQD Cadillac District Office and the AQD Permits Section by July 18, 2022. As of this Date, the AQD still has not received an original signature hard copy of this permit update.

Additionally, some of the new equipment is subject to the requirements of 40 CFR Part 60, Subpart OOO, which includes visible emissions testing of the equipment and submittal of the test results within 30 days of the last test date. Based on my conversations with Mr. Berscheit, I understand that the required testing was conducted in October 2021, and June and July 2022. Therefore, I also requested that the test results be provided by August 6, 2022.

Bob Noona
Kasson Sand and Gravel
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Please be advised that continued operation of the new equipment, without an update to the PTI, is an ongoing violation of R 336.1201 and PTI 346-99. Please provide an original signature hard copy of the documents necessary to update PTI 346-99 and copies of the visible emissions test results from the October 2021, and June and July 2022, testing by August 10th, 2022 which corresponds to 14 days from the date of this letter. Failure to respond to this second violation notice in a way that will resolve the outstanding cited violation may result in escalated enforcement action by the AQD.

Please submit the above documents and written response to this Second Violation Notice to EGLE, AQD, Cadillac District, at 120 West Chapin Street, Cadillac, Michigan 49601 and submit a copy to Jenine Camilleri, Enforcement Unit Supervisor at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760. Additionally, a hard copy of the revised PTI should also be sent to Michigan Department of Environment, Great Lakes, and Energy, Air Quality Division – Permit Section, P.O. BOX 30260 Lansing, Michigan 48909-7760.

Be further advised that issuance of this Violation Notice does not preclude or limit EGLE's ability to initiate any other enforcement action under state or federal law as appropriate.

If you have any questions regarding the violation or the actions necessary to bring Kasson Sand and Gravel into compliance, please contact me at the number listed below.

Sincerely,



Kurt Childs
Senior Environmental Quality Analyst
Air Quality Division
231-878-2045 / ChildsK@Michigan.gov

cc: Brad Shearer, Rieth-Riley Construction
John Berscheid, Reith-Riley Construction
Mary Ann Dolehanty, EGLE
Dr. Eduardo Olaguer, EGLE
Jenine Camilleri, EGLE
Brad Myott, EGLE
Shane Nixon, EGLE

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Bob Noonan, Manager
Kasson Sand and Gravel
10282 S Pierce Rd
Maple City MI 49664

PS Form 3800, April 2015 PSN 7530-02-000-9047

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