



GRETCHEN WHITMER  
GOVERNOR

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



LIESL EICHLER CLARK  
DIRECTOR

June 22, 2021

VIA E-MAIL

Mr. Cory Pangborn  
Bichler Concrete and Gravel  
6851 County 426 M.5 Road  
Escanaba, Michigan 49829

SRN: D0066, Delta County

Dear Mr. Pangborn:

**VIOLATION NOTICE**

On June 21, 2021, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), investigated a new crusher owned by Bichler Concrete and Gravel located at 6851 County 426 M.5 Road, Escanaba, Michigan. The purpose of this investigation was to determine Bichler Concrete and Gravel'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.

During the investigation, staff discovered the following:

<b>Process Description</b>	<b>Rule/Permit Condition Violated</b>	<b>Comments</b>
Unpermitted Portable Nonmetallic Mineral Crusher operating in Perkins, Michigan on June 21, 2021	R 336.1201 a person shall not install, construct, reconstruct, relocate, or modify any process or process equipment, including control equipment pertaining thereto, which may emit any of the following, unless a permit to install that authorizes such action is issued by the department.	Bichler Concrete and Gravel purchased and operated a portable nonmetallic mineral crusher with out obtaining a permit to intall. The crusher was operating in Perkins, Michigan.

During this investigation, it was noted that Bichler Sand and Gravel had installed and commenced operation of unpermitted equipment at this facility. The AQD staff advised Bichler Concrete and Gravel on June 21, 2021, that this is a violation of Rule 201 of the administrative rules promulgated under Act 451.

A program for compliance may include a completed PTI application for the nonmetallic mineral crusher process equipment. An application form is available by request, or at the following website: [www.michigan.gov/air](http://www.michigan.gov/air) (in the shaded box on the upper right-hand side of the page).

Be advised that Rule 201 requires that a permit be obtained prior to installation, construction, operation, reconstruction, relocation, or alteration of any process or process equipment which may be a source of an air contaminant.

Please initiate actions necessary to correct the cited violation and submit a written response to this Violation Notice by July 13, 2021 (which coincides with 21 calendar days from the date of this letter). The written response should include: the dates the violation occurred; an explanation of the causes and duration of the violation; whether the violation is ongoing; a summary of the actions that have been taken and are proposed to be taken to correct the violation and the dates by which these actions will take place; and what steps are being taken to prevent a recurrence.

Please submit the written response to EGLE, AQD, Marquette District, at 1504 West Washington Street, Marquette, Michigan 49855 and submit a copy to Ms. Jenine Camilleri, Enforcement Unit Supervisor at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760.

If Bichler Concrete and Gravel 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.

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

Sincerely,



Sydney Hewson  
Senior Environmental Quality Analyst  
Air Quality Division  
906-236-3995

cc: Ms. Mary Ann Dolehanty, EGLE  
Dr. Eduardo Olaguer, EGLE  
Ms. Jenine Camilleri, EGLE  
Mr. Christopher Ethridge, EGLE  
Mr. Edward Lancaster, EGLE