



Warner Norcross + Judd LLP

September 20, 2019

Via Email

Ms. Meg Sheehan
Department of Environment, Great Lakes and Energy
Air Quality Division
401 Ketchum Street
Suite B
Bay City, Michigan 48708

Re: Violation Notice to Pyramid Paving

Dear Ms. Sheehan:

Mr. Bruce Weiss of Pyramid Paving has requested our assistance in responding to the above-referenced violation notice of August 20, 2019. We hope this response satisfies the Air Quality Division's request that Pyramid address the cause and duration of the violations, whether the violations are ongoing and efforts undertaken to correct the violations.

Tuning and CO Emissions

With the beginning to the 2019 paving season, the West Branch facility had new management. Immediately, the facility was required to meet contractual obligations for an MDOT project on Interstate I-75. With the demands of this project at the outset of the paving season, facility management overlooked the need to conduct initial tuning and CO verification. The required tune-up was conducted immediately after the August inspection and CO monitoring is being conducted every two weeks as required by the permit.

Operation Outside of Permitted Hours

Under current practices within the paving industry and the requirements of MDOT, night time paving has become more and more prevalent and it is necessary, on occasion, to operate outside of a 5:00 am – 6:00 pm window. Pyramid Paving mistakenly understood that the prior permit modification authorized operation outside of these hours during the 2019 paving season. Pyramid Paving intends to promptly file a permit application to address the operating hour limitations.

It should also be noted that, as legal counsel for Pyramid Paving, that the underlying UAR for this operating hours limitation is Rule 225. It is not clear how this operating limitation, which bears no

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relation to summer daylight hours, has any rational relationship with assuring compliance with any Rule 225 requirements. On its face, this permit condition appears wholly arbitrary.

Silo Capture System

When the West Branch facility was initially permitted and constructed, the currently available capture systems that can be applied to silos were not available. The facility has an installed fan-assisted system that pulls emissions from the load out area of the silos and then directs the gas flow to the burner. At the time this system was installed, it was understood to be the accepted and approved method for HMA plants. At the time of the August inspection, the system was not in operation because of an electrical outage triggered by a lightning strike. It resumed operation shortly after the inspection and is currently in operation.

Tank Vapor Recovery System

At the time of the construction of this facility, Pyramid Paving was not aware of commercially available systems that could be applied to this application. Pyramid has now acquired an appropriate system that will be installed no later than the startup of the plant in the spring of 2020.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Steven C. Kohl

Steven C. Kohl

SCK/sck

Cc via email:

Ms. Jenine Camilleri

Mr. Bruce Weiss