



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
GRAND RAPIDS DISTRICT OFFICE



LIESL EICHLER CLARK
DIRECTOR

February 7, 2019

Mr. Jeff Kresnak
Superior Asphalt Inc.
6900 East Paris Avenue SE
Caledonia, Michigan 49316

SRN: N8295, Kent County

Dear Mr. Kresnak:

SECOND VIOLATION NOTICE

On December 12, 2018, the Department of Environmental Quality (DEQ), Air Quality Division (AQD), conducted an inspection of Superior Asphalt Inc, located at 6900 East Paris Avenue SE, Caledonia, Michigan. The purpose of the inspection was to determine Superior Asphalt'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; the Air Pollution Control Rules; and to investigate a complaint which we received on December 12, 2018, regarding foul odors attributed to Superior Asphalt's operations.

On January 11, 2019, the AQD sent Superior Asphalt a Violation Notice citing the violation discovered as a result of the inspection and requested your written response by February 1, 2019. A copy of that letter is enclosed for your reference.

The AQD received your response on February 1, 2019 which indicated that Superior Asphalt disagrees with the Rule 901 violation "based on the fact that paving operations were taking place at the plant site and that paving operations are not considered part of the facility air permit requirements." The response letter implies that the violation letter was issued based upon one complaint investigation. This is inaccurate. The AQD based the violation notice on multiple odor investigations related to multiple complaints the AQD received throughout the year. During the multiple complaint investigations, the AQD established that the odors emitted by Superior Asphalt Inc. were of sufficient frequency, duration and intensity to constitute a violation of Rule 901.

During the December 12, 2018 odor investigation, the AQD informed you of the multiple complaints and odor investigations. You were also made aware that during the multiple investigations, strong asphalt odors associated with Superior Asphalt Inc. were observed off-site in residential areas and that these observations are factored into a Rule 901 violation. While conducting the past complaint investigations, the AQD also often informed the Plant Manager, Tony Stepek, of the complaints and the AQD's odor observations.

Mr. Jeff Kresnak
Superior Asphalt Inc.
Page 2
February 7, 2019

While the AQD was on site, you indicated that the workers were placing thick layers of asphalt in the yard in order to produce large bricks of asphalt. You also indicated that this asphalt was sold as square "football sized" pieces which can be reheated and placed as a road patch. In the response letter, it is indicated that Superior Asphalt Inc. believes that the odors observed on December 12, 2018 were caused by paving on site. The production of these bricks does not appear to be normal paving operations but instead appears to be the manufacturing of a product. This manufacturing operation also appears to emit air contaminants including odors. Per the requirements of Rule 278a, please provide a demonstration that this process is exempt from Rule 201 air permitting, or if a Permit to Install is needed.

Please provide a written response indicating what actions will be taken to address the Rule 901 violation. Please be advised that failure to respond in writing and identifying actions Superior Asphalt Inc. will take or has taken to resolve the cited violation may result in escalated enforcement action by the AQD. Please provide the information requested in our January 11, 2019 letter by February 14, 2019, which corresponds to 7 days from the date of this letter.

Please submit the written response to the DEQ, AQD, Grand Rapids District, at 350 Ottawa Avenue NW, Unit 10, Grand Rapids, Michigan 49503 and submit a copy to Ms. Jenine Camilleri, Enforcement Unit Supervisor at the DEQ, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760.

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.

If you have any questions regarding the violation or the actions necessary to bring Superior Asphalt Inc. into compliance, please contact me at the number listed below.

Sincerely,



Tyler Salamasick
Environmental Quality Analyst
Air Quality Division
616-558-1281

cc: Ms. Mary Ann Dolehanty, DEQ
Dr. Eduardo Olaguer, DEQ
Mr. Christopher Ethridge, DEQ
Ms. Jenine Camilleri, DEQ
Ms. Heidi Hollenbach, DEQ