

September 14, 2018

DEQ, AQD, Southeast Michigan District  
27700 Donald Court  
Warren, Michigan 48092



**RE: Response to August 30<sup>th</sup>, 2018 Violation Letter**

Mr. Adam Bognar,

On Friday August 10<sup>th</sup>, 2018, a representative of the Department of Environmental Quality (DEQ) Air Quality Division (AQD) conducted an inspection of Lee Transportation, Inc., located at 631 Cesar E Chavez, Pontiac, Michigan. The purpose of this inspection was to determine Lee Transportation Inc.'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 to investigate a recent complaint which we received on August 2, 2018 regarding sand blasting attributed to Lee Transportation Inc.'s operations.

The sand blasting and grinding/sanding operations that were viewed by the DEQ AQD staff were for a one-time, non-production related project. Lee Transportation Inc. was hired to remove an existing walking bridge located in the Pontiac area and to move the bridge to the Lee Transportation Inc. site to have re-fabrication and maintenance work done on the structure by Lee Industrial Contracting before re-installing the structure. This was the work that was taking place onsite during the recent complaint and onsite inspection.

Lee Industrial Contracting hired Blastek, 12857 Canal View Dr., Wayland, MI 49348 to conduct sand blasting of the bridge structure from 7-16-18 through 7-24-18 (intermittently due to weather conditions). Lee Industrial Contracting conducted additional re-fabrication work, including grinding, sanding, and painting inside of our facility after sand blasting operations had been completed by the sub-contractor.

Lee Transportation Inc. believes that this one-time, non-production related work is exempt from the requirement to obtain an air permit under Rule 285 of Act 451 based on Michigan Air Pollution Control Rule R 336.1285(2)(l)(vi) which states, in part:

*R 336.1285 Permit to Install Exemptions; Miscellaneous Rule 285.*

(1) This rule does not apply if prohibited by R 336.1278 and unless the requirements of R 336.1278a have been met.

(2) The requirement of R 336.1201(1) to obtain a permit to install does not apply to any of the following:

(I) The following equipment and any exhaust system or collector exclusively serving the equipment:

(vi) Equipment used for carving, cutting, routing, turning, drilling, machining, sawing, surface grinding, sanding, planing, buffing, sand blast cleaning, shot blasting, shot peening, or polishing ceramic artwork, leather, metals, graphite, plastics, concrete, rubber, paper board, wood, wood products, stone, glass, fiberglass, or fabric which meets any of the following:

(A) Equipment used on a non-production basis.

(B) Equipment that has emissions that are released only into the general in-plant environment

(C) Equipment that has externally vented emissions controlled by an appropriately designed and operated fabric filter collector that, for all specified operations with metal, is preceded by a mechanical pre-cleaner.

Lee Transportation Inc. believes that the onsite operation cited in the Notice of Violation letter specifically qualifies for the exemption listed under R 336.1282(2)(I)(vi)(A) which states that equipment used on a non-production basis is exempt. Relative to our construction services, Lee does not engage in any type of production related activities to our customers. Therefore, Lee Transportation Inc. does not believe that a violation of the applicable legal requirements specified in the Notice of Violation letter have occurred.

If you have additional questions or need additional information, please contact Robert Friebe at 248-332-4646 or robertfriebe@leecontracting.com.

Best regards,

Robert Friebe



Cc: PHI Environmental Consulting