



GRETCHEN WHITMER
GOVERNOR

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



LIESL EICHLER CLARK
DIRECTOR

April 14, 2022

Jeff Kresnak
Superior Asphalt
669 Century Avenue SW
Grand Rapids, Michigan 49503

SRN: P1162, Kent County

Dear Jeff Kresnak:

VIOLATION NOTICE

On March 17, 2022, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), conducted an inspection of Superior Asphalt located at 669 Century Avenue SW, Grand Rapids, Michigan. The purpose of this 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 (Act 451); the Air Pollution Control Rules; and to investigate a recent complaint which we received on March 16, 2022, regarding foul odors attributed to Superior Asphalt's operations.

During the inspection, staff observed the following:

Process Description	Rule/Permit Condition Violated	Comments
Bagela Asphalt Recycler	Rule 301	Visible emissions over 20% 6-minute average opacity standard at 38.96% opacity
Bagela Asphalt Recycler	Rule 911	Failure to operate in accordance with a required Malfunction Abatement Plan (MAP)

During this inspection it was noted that Superior Asphalt's Bagela Asphalt Recycler was emitting opacity in excess of emissions allowed by Rule 301 of the administrative rules promulgated under Act 451. The highest 6-minute average EPA Method 9 observation was noted to be 38.96%, which is above the 20% opacity standard. Enclosed is a copy of the instantaneous and six-minute average reading taken at Superior Asphalt.

Due to the excess emissions observed at Superior Asphalt and the lack of maintenance records submitted to the Air Quality Division, Superior Asphalt is in violation of Rule 911(4) of the administrative rules promulgated under Act 451. R 336.1911(4) states in part "...a person responsible for the preparation of a malfunction abatement plan shall implement the malfunction abatement plan required by subrule (1) of this

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rule.” As such the AQD requests that Superior Asphalt revise and resubmit a malfunction abatement plan that is more effective at minimizing emissions and operate in accordance with this plan.

Please initiate actions necessary to correct the cited violations and submit a written response to this Violation Notice by May 5, 2022 (which coincides with 21 calendar days from the date of this letter). The written response should include: the dates the violations occurred; an explanation of the causes and duration of the violations; whether the violations are ongoing; a summary of the actions that have been taken and are proposed to be taken to correct the violations and the dates by which these actions will take place; and what steps are being taken to prevent a reoccurrence.

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

If Superior Asphalt 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 violations cited above and for the cooperation that was extended to me during my inspection of Superior Asphalt. If you have any questions regarding the violations or the actions necessary to bring this facility into compliance, please contact me at the number listed below.

Sincerely,



Michael Cox
Environmental Quality Analyst
Air Quality Division
616-240-3607

cc: Mary Ann Dolehanty, EGLE
Dr. Eduardo Olaguer, EGLE
Jenine Camilleri, EGLE
Christopher Ethridge, EGLE
Heidi G. Hollenbach, EGLE