



GRETCHEN WHITMER  
GOVERNOR

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

PHILLIP D. ROOS  
DIRECTOR



VIA EMAIL AND U.S. MAIL

September 20, 2023

Dear James Mertes:

James Mertes  
Payne & Dolan  
P.O. Box 781  
Waukesha, Wisconsin, 53187

SRN: P1204, Marquette County

**VIOLATION NOTICE**

On September 5, 2023, the Michigan Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), conducted an inspection of Payne & Dolan C40 located at County Road NC, Sands Township, Michigan. The purpose of this inspection was to determine Payne & Dolan C40'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 the conditions of Permit to Install (PTI) number PTI No. 33-21.

During the inspection, staff observed the following:

Rule/Permit Condition Violated	Process Description
Source has an unpermitted asphalt cement tank.	EUACTANKS – asphalt cement tanks and associated heater
Comments	Rule 336.1201

This process is also subject to the federal New Source Performance Standards for Hot Mix Asphalt Facilities. These standards are found in Title 40 of the Code of Federal Regulations Part 60, Subpart I.

During this inspection, it was noted that Payne & Dolan had installed and commenced operation of unpermitted equipment at this facility. PTI No. 33-21 includes two (2) asphalt cement tanks covered under EUACTANKS, however, three (3) asphalt cement tanks were installed on-site. The AQD staff advised Payne & Dolan on September 18, 2023, that this is a violation of Rule 201 of the administrative rules promulgated under Act 451.

A program for compliance must include a completed PTI application for the hot mix asphalt process equipment. An application form is available by request, or at the following website: [www.michigan.gov/air](http://www.michigan.gov/air).

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 October 11, 2023 (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 reoccurrence.

Please submit the written response to Lauren Luce at EGLE, AQD, Marquette District, at 1504 West Washington Street, Marquette, Michigan 49855 or [LuceL1@Michigan.gov](mailto:LuceL1@Michigan.gov) and submit a copy to Jenine Camilleri, Enforcement Unit Supervisor at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760.

If Payne & Dolan 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 inspection of Payne & Dolan C40. 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,



Lauren Luce  
Environmental Quality Analyst  
Air Quality Division  
906-202-0943

cc: Annette Switzer, EGLE  
Christopher Ethridge, EGLE  
Brad Myott, EGLE  
Jenine Camilleri, EGLE  
Michael Conklin, EGLE