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To the staff of EGLE and all concerned,

I would like to start out by saying that Burton Excavating suffered a big loss with the passing of Phil Burton in the beginning of 2023. Phil's brother, Bruce Burton, is now making business decisions for the company. Bruce has been working hard to learn all the legal processes for running a business and to make sure that Burton Excavating is following all Environmental Laws and Codes. We were only just made aware of the need to obtain a permit to install the crushing equipment at an existing pit when Lauren Luce reached out regarding the violation at the beginning of June.

Burton Excavating began looking to get into crushing because of high demand in the local area. As a small company, we have been unable to purchase the crushed stone needed for our contracted projects. We started looking around for older equipment that we could make work with to produce the small quantity that we need. We purchased the majority of the equipment around 2019. Most of the equipment had to be reconditioned and conveyors fabricated to make everything work together. We had performed a few test runs with a lot of breakdowns and equipment failures.

In June, we teamed up with a local company and we were finally able to get the quality of product we wanted. This collaboration led to us moving the portable crusher to another site the second week of June 2023. On June 8, 2023, Burton Excavating was cited for failing to have a permit to install.

Our interpretation of Rule 201 in Part 55, and was confirmed by others in the crushing business, was that it only applied to operations that met or exceeded 150 tons per hour. We had investigated obtaining the air quality permit; however, when reading the requirements, it states "portable crusher over 150 tons per hour." Our crusher can, maybe, crush up to 100 tons per hour if we are lucky. This being said, we believed that we were in full compliance with Air Quality rules and regulations. In further investigation and clarification from Lauren Luce, we understand where Rule 201 does apply to our operation as the need for a permit to install is still needed regardless of the quantity.

The Soo Locks project has put a great strain on our community to produce crushed stone. This is why we teamed up with another crushing operation to utilize our machines for more than just what we need. We relied heavily on their knowledge as they have been in the business for over 20 years.

The equipment we have consists of Genset Tower (Generator for equipment) unknown year, Telesmith (Jaw Crusher) 1957, two feed conveyors, Feed Hopper unknown year, Cone Crusher unknown year, and Stacker. We do not have specific ways of measuring what we can make, but with weighing trucks we estimate we can make 100 tons per hour.

Thank you,

Robert Thompson
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