



GRETCHEN WHITMER
GOVERNOR

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



DANIEL EICHINGER
ACTING DIRECTOR

April 19, 2023

VIA EMAIL

Brad Wood, General Manager
Champagne & Marx Excavating Inc.
1445 Liberty Road
Saginaw, Michigan 48604

SRN: N5531, Lapeer County

Dear Brad Wood:

VIOLATION NOTICE

On April 12, 2023, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), conducted an inspection of a portable mineral processing plant operated by Champagne & Marx Excavating Inc. (Champagne & Marx) located at the junction of I-69 and Wilder Road, Lapeer, Michigan. The purpose of this inspection was to determine Champagne & Marx'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 General Permit to Install (PTI) number 446-99, and to investigate high levels of fugitive dust observed while driving past the site.

During the inspection, staff observed the following:

Process Description	Rule/Permit Condition Violated	Comments
Primary crusher	General PTI No. 446-99, FGCRUSHING Special Condition (SC) 1.7	A water spray system was not installed on the primary crusher.
FGCRUSHING	General PTI No. 446-99, FGCRUSHING SC 1.6	The fugitive dust plan was not being followed for unpaved site roadways.

The AQD noted excessive opacity from the primary crusher and learned that the crusher was not equipped with a water spray system or water line for dust control. This constitutes a violation of General PTI No. 446-99, FGCRUSHING SC 1.7, which requires, in part, that each crusher and screen shall be equipped with a water spray, and the control equipment shall be properly operated as necessary to comply with all emission limits.

The primary crusher is subject to the opacity limit of 15 percent for crushers in General PTI 446-99, FGCRUSHING, SC 1.2b. Based upon instantaneous opacity observations before the plant stopped production, it is unlikely the crusher would have been able to comply with the opacity limit, had visible emission readings been conducted.

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Lastly, fugitive dust emissions from the unpaved on-site roadways were intermittently heavy, especially when winds were gusty. Although a water truck arrived at the site shortly before the AQD departed, it appeared that the fugitive dust plan for the plant was not consistently being followed. This is a violation of General PTI No. 446-99, FGCRUSHING SC 1.6, which requires that the permittee shall not operate FGCRUSHING unless the program for continuous fugitive emissions control for all facility roadways, the facility yard, all storage piles, and all material handling operations specified in Appendix A has been implemented and is maintained.

Please initiate actions necessary to correct the cited violations and submit a written response to this Violation Notice by May 10, 2023, (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, Lansing District, at Contitution Hall, 525 W. Allegan Street, First Floor South, Lansing, Michigan 48933 and submit a copy to Jenine Camilleri, Enforcement Unit Supervisor at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760.

If Champagne & Marx 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 Champagne & Marx. 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,



Daniel A. McGeen
Environmental Quality Analyst
Air Quality Division
517-648-7547

cc: Annette Switzer, EGLE
Christopher Ethridge, EGLE
Brad Myott, EGLE
Jenine Camilleri, EGLE
Robert Byrnes, EGLE