



GRETCHEN WHITMER  
GOVERNOR

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



PHILLIP D. ROOS  
DIRECTOR

August 2, 2024

David Benecke  
Gerken Materials, Inc.  
9072 County Road 424  
Napoleon, OH 43545

SRN: B7068, Lenawee County

Dear David Benecke:

**VIOLATION NOTICE**

On July 11<sup>th</sup>, 2024, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), conducted an inspection of GMI HMA Plant 19 located at 2675 Treat Street, Adrian, Michigan. The purpose of this inspection was to determine GMI HMA Plant 19'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 783-79G.

During the inspection, staff observed the following:

Process Description	Rule/Permit Condition Violated	Comments
EUHMAPLANT	PTI No. 783-79G SC II.4	For October through December 2023, the facility exceeded their permit limit of 100,000 tons of HMA paving materials per 12-month rolling time period.
EUHMAPLANT	PTI No. 783-79G SC III.1, Appendix A: Fugitive Dust Control Plan	The facility does not have a 10-mph sign posted in the yard, as required in Appendix A.1.b

EUHMAPLANT	PTI No. 783-79G SC III.2, Appendix B: Preventative Maintenance Program for the Fabric Filter Dust Collector	The facility did not perform a yearly blacklight inspection before operations began for the paving season, as required in Appendix B.6
EUHMAPLANT	PTI No. 783-79G SC VI.3	Yearly CO monitoring took place over 27 minutes-permit calls for readings to be taken over a total time period of 30 minutes or longer.
EUHMAPLANT 225 ton per hour counter flow drum dryer/mixer	R 336.1201	The shell of the dryer/mixer was replaced, a new burner was installed, and a new blower system was installed without first obtaining a PTI. Please refer to VN dated 01/25/2024.

Please initiate actions necessary to correct the cited violations and submit a written response to this Violation Notice by August 23, 2024 (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 note, AQD issued a violation to GMI on January 25, 2024 for the installation of new process equipment without obtaining a PTI. As of the date of this letter, AQD has not received a PTI application from GMI and this violation remains unresolved.

Please submit the written response to Brian Merle at EGLE, AQD, Jackson District, at 301 E. Louis Glick Highway, Jackson, Michigan 49201 or MerleB2@Michigan.gov and submit a copy to Jenine Camilleri, Enforcement Unit Supervisor at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760.

If GMI 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.

Gerken Materials, Inc.

August 2, 2024

Page 2

Thank you for your attention to resolving the violations cited above and for the cooperation that was extended to me during my inspection of GMI. 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,

A handwritten signature in black ink, appearing to read "Brian Merle", with a long horizontal flourish extending to the right.

Brian Merle  
Environmental Engineer  
Air Quality Division  
517-643-7357

cc: Annette Switzer, EGLE  
Christopher Ethridge, EGLE  
Brad Myott, EGLE  
Jenine Camilleri, EGLE  
Scott Miller, EGLE