



GRETCHEN WHITMER
GOVERNOR

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



PHILLIP D. ROOS
DIRECTOR

October 2, 2024

VIA EMAIL AND U.S. MAIL

Kyle Fortier
Bacco Construction Company
N3676 N US 2
Iron Mountain, Michigan 49801

SRN: P0781, Dickinson County

Dear Kyle Fortier:

VIOLATION NOTICE

On August 15, 2024, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), conducted an inspection (Inspection Report Enclosed) of Bacco Construction Co. Plant PUC-10250 located at Swede Road, Clark Township, Michigan. The purpose of this inspection was to determine Baco Construction Co. Plant PUC-10250'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 4-17.

During the inspection, staff observed the following:

Process Description	Rule/Permit Condition Violated	Comments
EUHMAPLANT	R 336.1910; R 336.1911; Special Condition III.2	Minimum of 15 spare filter bags were not housed onsite.
EUYARD	R 336.1371; R 336.1372; Act 451 324.5524; Special Condition III.1	Insufficient dust suppression had caused fugitive dust emissions of greater than 5% opacity on unpaved traveled surfaces.
EUACTANKS	R 336.1224; Special Condition III.1	Vapor condensation and recovery systems were not installed on the two asphalt cement tanks being operated.
EUHMAPLANT	R 336.1205(1)(a); R 336.1205(3); R 336.1224;	Record of fine tuning the drum dryer burner for

	R 336.1225; R 336.1702; Special Condition III.5; Special Condition VI.3; Special Condition VI.10	proper operation and performance was not available for the beginning of the 2024 paving season.
EUHMAPLANT	R 336.1205(1)(a); R 336.1205(3); R 336.1224; R 336.1225; R 336.1702; Special Condition VI.3	CO emissions reported after the burner tune-up conducted on 09/17/2024 were over 500 ppmv, indicating poor burner performance.

During the inspection, it was noted that the facility had not maintained a spare inventory of at least 15 filter bags for the fabric filter dust collector as required by the facility's preventative maintenance plan. This constitutes a violation of Rule 910 and 911 of the administrative rules promulgated under Act 451 and the operational requirements under EUHMAPLANT in Special Condition III.2 of PTI No. 4-17, which requires the facility to maintain a minimum of 15 filter bags onsite.

During the inspection, it was noted that fugitive dust from EUYARD was being emitted in excess of five percent opacity. This constitutes a violation of Rule 371 and 372 of the administrative rules promulgated under Act 451 and the operational requirements under EUYARD in Special Condition III.1 of PTI No. 4-17, which requires the facility to implement and maintain an acceptable fugitive dust control program, including maintaining fugitive dust emissions from unpaved travel surfaces at an opacity of five percent or less.

During the inspection, AQD staff observed the operation of two liquid asphalt cement storage tanks while the vapor condensation and recovery systems were not installed. This constitutes a violation of Rule 224 of the administrative rules promulgated under Act 451 and the operational requirements under EUACTANKS in Special Condition III.1 of PTI No. 4-17, which requires that the liquid asphalt cement storage tanks be operated with the vapor condensation and recovery systems installed and properly maintained.

Records of fine tuning the drum dryer burner at the start of the 2024 paving season were unavailable upon request. This constitutes a violation of Rule 205, 224, 255, and 701 of the administrative rules promulgated under Act 451 and the operational and recordkeeping requirements specified under EUHMAPLANT in Special Condition III.5, Special Condition VI.3, and Special Condition VI.10 of PTI No. 4-17, which requires fine tuning of the burner to occur at the start of each paving season to ensure proper operation of the burner. The records shall be kept on file and made available to the department upon request.

During the records review, the most recent burner fine tuning report from 9/17/2024 showed carbon monoxide emissions greater than 500 ppmv after the tune-up. This constitutes a violation of Rule 205, 224, 255, and 701 of the administrative rules

promulgated under Act 451 and the recordkeeping requirements specified under EUHMAPLANT in Special Condition VI.3, which requires the CO emissions from the burner be below 500 ppmv to ensure proper operation.

Please initiate actions necessary to correct the cited violations and submit a written response to this Violation Notice by October 22, 2025 (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 Drew Yesmunt at EGLE, AQD, Marquette District, at 1504 West Washington Street, Marquette, Michigan 49855 or YesmuntD@Michigan.gov and submit a copy to Jenine Camilleri, Enforcement Unit Supervisor at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760.

If Bacco Construction Co. 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 Bacco Construction Co. Plant PUC-10250. 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,



Drew Yesmunt
Environmental Engineer
Air Quality Division
906-251-8301

Enclosure

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