



GRETCHEN WHITMER
GOVERNOR

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



PHILLIP D. ROOS
DIRECTOR

May 7, 2024

Garrett Borek
Borek Excavating
5262 Phillips Road
Clifford, Michigan 48727

SRN: U79145911, Tuscola County

Dear Garrett Borek:

VIOLATION NOTICE

On April 29, 2024, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), conducted an inspection of Borek Excavating's gravel pit located at 4902 Snover Road, Silverwood, Michigan. The purpose of this inspection was to determine Borek Excavating'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 to investigate a recent complaint which we received on April 27, 2024 regarding fugitive dust attributed to a crusher being operated by Borek Excavating.

During the inspection, staff observed the following:

Process Description	Rule/Permit Condition Violated	Comments
Operating a crusher without a Permit-to-Install	Rule 201	Borek Excavating operated a crusher owned by D & L Equipment without obtaining a Permit to Install

During this inspection, it was noted that Borek Excavating had commenced operations with unpermitted equipment at this facility. Borek Excavating indicated the equipment was rented and could not provide a permit. This is a violation of Rule 201 of the administrative rules promulgated under Act 451.

A program for compliance may include a completed PTI application for the crusher process equipment. An application form is available by request, or at the following website: 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.

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Please initiate actions necessary to correct the cited violation and submit a written response to this Violation Notice by May 28, 2024 (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 Dillon King at EGLE, AQD, Bay City District, at 401 Ketchum Street, Suite B, Bay City, Michigan 48708 or KingD36@Michigan.gov and submit a copy to Jenine Camilleri, Enforcement Unit Supervisor at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760.

If Borek Excavating 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 Borek Excavating. 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,

A handwritten signature in black ink that reads "Dillon A. King". The signature is written in a cursive, flowing style.

Dillon King
Environmental Quality Analyst
Air Quality Division
989-274-9129

cc: Annette Switzer, EGLE
Christopher Ethridge, EGLE
Brad Myott, EGLE
Jenine Camilleri, EGLE
Gina McCann, EGLE