



GRETCHEN WHITMER
GOVERNOR

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



LIESL EICHLER CLARK
DIRECTOR

September 23, 2022

VIA EMAIL AND U.S. MAIL

Cory Pangborn
Bichler Concrete & Gravel
6851 County 426 M.5 Road
Escanaba, Michigan, 49849

SRN: D0066, Delta County

Dear Cory Pangborn:

VIOLATION NOTICE

On September 21, 2022, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), conducted an inspection of Bichler Concrete & Gravel located at 6851 County 426 M.5 Road, Escanaba, Michigan. The purpose of this inspection was to determine Bichler Concrete & Gravel'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; the conditions of General Permit to Install (PTI) No. 79-00; and to investigate a recent complaint which we received on September 21, 2022, regarding fugitive dust attributed to Bichler Concrete & Gravel's operations.

During the inspection, staff observed the following:

Process Description	Rule/Permit Condition Violated	Comments
Truck traffic on haul road	Special Condition 1.2h	Visible emissions from truck traffic on haul road exceeded 5% opacity limit.
Fugitive dust emissions	Special Condition 1.6, R 336.1901(b)	Fugitive dust emissions affecting nearby residences.

During this inspection it was noted that Bichler Concrete & Gravel's haul road processes were emitting opacity in excess of the limit allowed by Special Condition 1.2h of General PTI No. 79-00.

In the professional judgment of AQD staff, the fugitive dust observed was of sufficient intensity, frequency, and duration so as to constitute a violation of Rule 901 of the administrative rules promulgated under Act 451 and Special Condition 1.6 of General PTI No. 79-00.

Cory Pangborn
Bichler Concrete & Gravel
Page 2
September 23, 2022

AQD staff observed visible emissions from truck traffic on haul roads in excess of 5% opacity. Previous complaints regarding fugitive dust emissions have been received and investigated. Bichler Concrete & Gravel has responded with a written commitment to mitigate the fugitive dust issue. Based on the inspection performed, the facility appears to not be following its commitment to controlling fugitive dust on roadways.

Please initiate actions necessary to correct the cited violation and submit a written response to this Violation Notice by October 13, 2022 (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 EGLE, AQD, Marquette District, at 1504 West Washington Street, Marquette, Michigan 49855 and submit a copy to Jenine Camilleri, Enforcement Unit Supervisor at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760.

If Bichler Concrete & Gravel 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 Bichler Concrete & Gravel. 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,



Lauren Luce
Environmental Quality Analyst
Air Quality Division
906-202-9843

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