



September 2, 2021

Mr. Michael Conklin  
Environmental Engineer  
Air Quality Division—MEGLE  
1504 West Washington Street  
Marquette, Michigan 49855

RE: Violation Notice SRN: N2657, Delta County  
Payne and Dolan Control 28  
August 31, 2021

Dear Mr. Conklin:

This letter is in response to the above-referenced Violation Notice, dated August 31, 2021. It is also a follow up to our previous telephone conversations regarding records prior to the Violation Notice issuance.

I will address each of the alleged violations separately below:

**Carbon Monoxide (CO) emissions monitoring**

It is not possible to calculate actual CO emissions by using simple industry- standard portable instrumentation. This type of calculation would require collecting stack air flow data similar to what is done during a formal stack test. We discussed estimating the data based on typical air flow rates. However, we decided with you during our August 27, 2021 conference call that it may be easier just to modify the permit language to match current language in other asphalt plant air permits, which do not require this calculation. I have prepared a permit wording change request that will be submitted to MEGLE today.

**HAP Emissions from Asphalt Plant**

As we discussed, HAP emission rates have not been determined for this plant yet. The previous permit writer, Dave Riddle from the then MDEQ, purposely did not write a due date for the HAP testing requirement. Payne and Dolan held approximately 10 portable asphalt plant permits in Michigan in the early to mid- 2000's. However, only two portable plants consistently operated in Michigan. The rest operated primarily in Wisconsin but

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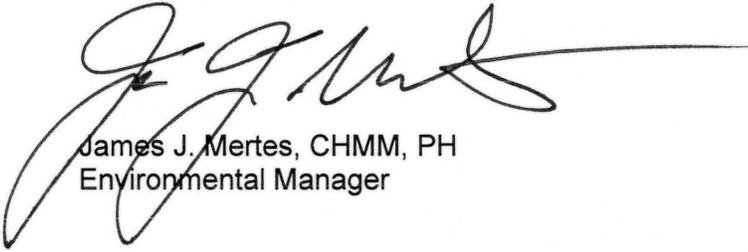
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Waukesha, WI 53187  
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[www.payneanddolan.com](http://www.payneanddolan.com)

are available when needed for Michigan work. Working closely with MDEQ, we agreed that we would test the plants that were consistently in Michigan first before testing the other plants. After we tested three plants, MDEQ changed their policy on HAP testing and they were no longer requiring it. I have prepared a permit wording change request that will be sent to MEGLE today to eliminate the HAP testing language.

Should you have any questions regarding this letter or any component thereof, please do not hesitate to contact me at 262-524-1849.

Sincerely,



James J. Mertes, CHMM, PH  
Environmental Manager

cc Ms. Jenine Camilleri, Enforcement Unit Supervisor, MEGLE--AQD, PO Box 30260,  
Lansing, Michigan 48909-7760