



GRETCHEN WHITMER
GOVERNOR

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



AARON B. KEATLEY
ACTING DIRECTOR

June 30, 2023

VIA EMAIL AND U.S. MAIL

Phil Burton
Burton Excavating
1396 East Easterday Avenue
Sault Ste. Marie, Michigan 49783

SRN: N2837, Chippewa County

Dear Phil Burton:

VIOLATION NOTICE

On June 8, 2023, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), conducted an inspection of Burton Excavating located at Radar Road Pit, Sault Ste. Marie, Michigan. The purpose of this inspection was to determine Burton 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 June 7, 2023, regarding fugitive dust attributed to Burton Excavating's operations.

During the inspection, staff observed the following:

Process Description	Rule/Permit Condition Violated	Comments
Unpermitted crushing equipment	R 336.1201	Source has been operating crushing equipment without a Permit to Install (PTI)

During this inspection, it was noted that Burton Excavating had installed and commenced operation of unpermitted equipment at this facility. The AQD staff advised Burton Excavating on June 8, 2023, that this is a violation of Rule 201 of the administrative rules promulgated under Act 451.

A program for compliance must include a completed PTI application for the crushing 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.

Please initiate actions necessary to correct the cited violation and submit a written response to this Violation Notice by July 20, 2023 (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 Burton 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. 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
906-202-0943

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