



GRETCHEN WHITMER  
GOVERNOR

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



LIESL EICHLER CLARK  
DIRECTOR

September 17, 2019

VIA E-MAIL AND U.S. MAIL

Mr. James Mertes  
Payne & Dolan Inc. C21  
P.O. Box 781  
N3 W23650 Badinger Road  
Waukesha, Wisconsin 53187

SRN: N3512, Delta County

Dear Mr. Mertes:

**VIOLATION NOTICE**

On August 19, 2019, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), conducted an inspection of Payne & Dolan Inc. C21 located at 6799 Hiawatha Trail, Naubinway, Michigan. The purpose of this inspection was to determine Payne & Dolan Inc. C21 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; the Air Pollution Control Rules; and the conditions of Permit to Install (PTI) number 336-92T.

During the inspection, staff observed the following:

Process Description	Rule/Permit Condition Violated	Comments
Carbon Monoxide (CO) emissions monitoring	Special Condition 1.11 and 1.12	Facility was unable to produce records of the pounds of CO emitted per ton of asphalt from the production data associated with the date and time the burner check occurred.
Visible emission observations	Special Condition 1.7	Facility was unable to produce records of a logbook or sheet that includes the date and time of any visible emissions observed from the baghouse stack, along with corrective actions that followed.
Visual inspections on the interior components of the baghouse	Special Condition 1.7	Facility was unable to produce records of the date, time, and findings of all visual inspections on the interior components of the baghouse.

During this inspection, Payne & Dolan Inc. C21 was unable to produce emission and maintenance records.

This is a violation of (the recordkeeping and emission limitations) specified in Special Conditions 1.7 and 1.12 of PTI number 336-92T.

The conditions of PTI number 336-92T require that emission and maintenance records shall be made available for review upon request by the AQD staff.

Please initiate actions necessary to correct the cited violations and submit a written response to this Violation Notice by October 7, 2019 (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 recurrence.

Please submit the written response to EGLE, AQD, Marquette District Office, at 1504 West Washington Street, Marquette, Michigan 49855 and submit a copy to Ms. Jenine Camilleri, Enforcement Unit Supervisor at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760.

If Payne & Dolan Inc. C21 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 Payne & Dolan Inc. C21. 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,



Michael Conklin  
Environmental Engineer  
Air Quality Division  
906-202-0013

cc: Ms. Mary Ann Dolehanty, EGLE  
Dr. Eduardo Olaguer, EGLE  
Ms. Jenine Camilleri, EGLE  
Mr. Christopher Ethridge, EGLE  
Mr. Ed Lancaster, EGLE