



GRETCHEN WHITMER
GOVERNOR

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



PHILLIP D. ROOS
DIRECTOR

August 9, 2023

VIA EMAIL AND U.S. MAIL

James Mertes
Payne and Dolan, Inc. – Portable Asphalt Plant Control 25
P.O. Box 781
N3 W23650 Badinger Road
Waukesha, Wisconsin 53187

SRN: N6297, Iron County

Dear James Mertes:

VIOLATION NOTICE

On June 15, 2023, a performance test was conducted at Payne and Dolan, Inc. – Portable Asphalt Plant Control 25 (Control 25) located in Iron River, Michigan. The purpose of the test was to determine Control 25’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; the Air Pollution Control Rules; and the conditions of Permit to Install (PTI) No. 218-97D.

The test results submitted indicate an exceedance of the following:

Process Description	Rule/Permit Condition Violated	Comments
EU001 – portable hot mix asphalt plant	Special Condition I.28 of PTI No. 218-97D, R 336.1225	Average test result for manganese: 90.28 micrograms per cubic meter

The conditions of PTI No. 218-97D restrict the emissions of manganese to 3.1 micrograms per cubic meter on an hourly basis. The average emission rate during the stack test on June 15, 2023, was 90.28 micrograms per cubic meter. This is an exceedance of the manganese emission limit in Special Condition I.28 of PTI No. 218-97D.

Please initiate actions necessary to correct the cited violation and submit a written response to this Violation Notice by August 30, 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 Michael Conklin at EGLE, AQD, Marquette District, at 1504 West Washington Street, Marquette, Michigan 49855 or ConklinM1@Michigan.gov and submit a copy to Jenine Camilleri, Enforcement Unit Supervisor at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760.

If Payne and Dolan 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,



Michael Conklin
District Supervisor
Air Quality Division
906-202-0013

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