



GRETCHEN WHITMER  
GOVERNOR

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



LIESL EICHLER CLARK  
DIRECTOR

May 3, 2019

Mr. Aaron Perrault, Owner  
L & L Aggregates  
506 South Charles Street  
Lansing, Michigan 48912

SRN: U33080620, Ingham County

Dear Mr. Perrault:

**VIOLATION NOTICE**

On April 25, 2019, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), conducted an inspection of L & L Aggregates located at 6153 Aurelius Rd, Lansing, Michigan. The purpose of this inspection was to determine L & L Aggregates' 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 recent complaints which we received on April 12, April 22, and April 25, 2019, regarding fugitive dust attributed to Stoneco and L & L Aggregates operations.

During the inspection, staff observed the following:

| Process Description             | Rule/Permit Condition Violated | Comments  |
|---------------------------------|--------------------------------|---|
| Paved and unpaved plant roadway | Rule 371                       | Paved and unpaved plant roads are not maintained according to L & L Aggregates' Fugitive Dust Control Plan. Fugitive Dust Control Plan is inadequate to ensure fugitive dust is controlled. |
| Plant yard truck traffic        | Rules 371 and 901              | Fugitive dust generated from truck traffic at scale house is leaving L & L's property and impacting adjacent property to the north.   |

On April 25, 2019, staff witnessed excessive fugitive dust generated from truck traffic in the plant yard near the scale house on L & L roadways and was leaving L & L's property and impacting an adjacent property. Additionally, excessive fugitive dust was observed on the unpaved plant roadway at the south of the yard, and the paved plant driveway just west of the railroad crossing.

These are violations of Air Pollution Control Rule 371, which require submittal and implementation of an effective fugitive dust plan, as well as a violation of Air Pollution Control Rule 901, which states that a person shall not cause or permit the emission of an air contaminant that causes an unreasonable interference with the comfortable enjoyment of life and property.

The violations documented during the April 25, 2019 investigation, demonstrate that the violations documented in the December 18, 2019, and April 5, 2019 violation notices are still ongoing and L & L Aggregates' previous attempts to address these violations have been inadequate. Additionally, the draft Fugitive Dust Control Plan submitted with L & L Aggregates Violation Notice response, and subsequent drafts submitted to AQD staff, have proved to be ineffective for addressing fugitive dust from the paved and unpaved portions of L & L Aggregates' property for both operating and non-operating seasons.

Please initiate actions necessary to correct the cited violations and submit a written response to this Violation Notice by May 24, 2019, (which coincides with 21 calendar days from the date of this letter). The written response should include:

- Specific dates by which L & L Aggregates will implement the appropriate dust control measures to mitigate fugitive dust from paved and unpaved roads and the plant yard. Department Rule 372 lists the typical control methods for controlling fugitive emissions resulting from roads and lots in industrial and commercial facilities. These include, but are not limited to, paving roads and lots, mechanically cleaning paved surfaces by vacuum sweeping, wet sweeping, or flushing, washing the wheels of every truck leaving the plant premises, treating the roads and lots with a dust suppressant compound which is approved by the department, and maintaining off-roads surfaces with gravel where trucks have frequent access;
- An updated Fugitive Dust Control Plan with appropriate control methods that addresses both paved and unpaved portions of the roads and plant yard; the dust control activities to take place during days when temperatures are at or below 32°F and there are dry, dusty conditions; the dust control activities to take place during days above 32°F; the frequency with which each chosen dust suppressant will be applied (note that a frequency of once per day may not be sufficient for controlling fugitive dust on hot or windy days); and locations where each type of dust control measure will be used;
- The Fugitive Dust Control Plan should also include a clause stating that daily records of dust control measures implemented onsite will be kept and include times, and what types of dust control were applied, and where;
- A compliance plan for actions that will be taken (include dates by which actions will take place) and a summary of the actions that have been taken to address the current, ongoing violations;
- The reasons why the paved and unpaved portions of the property have been ill-maintained, and steps to mitigate these types of situations in the future.

Mr. Aaron Perrault  
L & L Aggregates  
Page 3  
May 3, 2019

Please be advised that failure to respond in writing and identifying actions L&L will take or has taken to resolve the cited violations, in addition to providing an adequate Fugitive Dust Control Plan, may result in escalated enforcement action by the AQD.

Please submit the written response to EGLE, AQD, Lansing District, at Constitution Hall, First Floor South, 525 W. Allegan, P.O. Box 30242, Lansing, Michigan 48909 and submit a copy to Ms. Jenine Camilleri, Enforcement Unit Supervisor at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760.

If L & L Aggregates 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 the AQD staff during their inspection of L & L Aggregates. If you have any questions regarding these violations or the actions necessary to bring this facility into compliance, please contact me at the number listed below.

Sincerely,



Michelle Luplow  
Environmental Quality Analyst  
Air Quality Division  
517-284-6636

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