



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
JACKSON DISTRICT OFFICE



KEITH CREAGH  
DIRECTOR

July 12, 2016

**CERTIFIED MAIL – 7007 3020 0002 7737 4542**  
**RETURN RECEIPT REQUESTED**

Mr. Kenneth P. Nowicki, President  
M & M Excavating, Inc.  
17 Old State Road  
Gaylord, Michigan 49735

SRN: U381608050, Ostego County

Mr. Erich Hetke, Project Manager  
Terra  
5100 W. Michigan Avenue  
Kalamazoo, Michigan 49006

Kalamazoo County

Mr. Kent Maurer, Airport Manager  
Jackson County Airport  
3606 Wildwood Avenue  
Jackson, Michigan 49202

Jackson County

Dear Mr. Nowicki, Mr. Hetke, and Mr. Maurer:

**VIOLATION NOTICE**

On June 30, 2016 and July 6, 2016, the Department of Environmental Quality (DEQ), Air Quality Division (AQD), conducted an inspection of the Jackson County Airport Construction Project sites located near the intersection of Glasgow Road and West Michigan Avenue and at the Jackson County Airport, 3606 Wildwood Avenue, Jackson, Michigan. The purpose of this inspection was to determine M & M Excavating, Inc.'s, Terra's, and Jackson County Airport'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 27, 2016, regarding fugitive dust attributed to M & M Excavating, Inc.'s, Terra's, and Jackson County Airport's operations.

During the inspection, staff observed the following:

<b>Process Description</b>	<b>Rule/Permit Condition Violated</b>	<b>Comments</b>
Soil excavation and transport activities near the intersection of Glasgow Road and West Michigan Avenue and at the Jackson County Airport.	R 336.1901 (Rule 901)	The soil excavation and the transport activities generated excessive amounts of fugitive dust that adversely impacted neighboring residential and commercial properties.

Fugitive dust near the intersection of Glasgow Road and West Michigan Avenue on June 30, 2016, and at the Jackson County Airport on June 30, 2016 and July 6, 2016, was of sufficient intensity, frequency and duration so as to constitute a violation of Rule 901. Fugitive dust from both sites was impacting and settling upon the neighboring residential and commercial properties.

Rule 901 states in part;

"A person shall not cause or permit the emission of an air contaminant in quantities that cause injurious effects to human health, property, or the unreasonable interference with the comfortable enjoyment of life and property".

Please initiate actions necessary to correct the cited violation and submit a written response to this Violation Notice by August 4, 2016. 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.

If M & M Excavating, Inc., Terra, and Jackson County Airport believe 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. Please note that you will also receive a separate Violation Notice from the DEQ Water Resources Division.

Thank you for your attention to resolving the violation cited above and for the cooperation that was extended to me during my inspection of the Jackson County Airport construction sites. 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,

A handwritten signature in black ink, appearing to read "Michael M. Gabor". The signature is fluid and cursive, with a large initial "M" and a stylized "G" at the end.

Michael M. Gabor  
Environmental Quality Analyst  
Air Quality Division  
517-780-5496

cc: Mr. Scott Miller, DEQ

cc/via e-mail: Ms. Lynn Fiedler, DEQ  
Ms. Teresa Seidel, DEQ  
Ms. Heidi Hollenbach, DEQ  
Mr. Thomas Hess, DEQ