



GRETCHEN WHITMER  
GOVERNOR

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



LIESL EICHLER CLARK  
DIRECTOR

June 10, 2022

Robert Clancy, Owner  
Clancy Excavating Company  
29950 Little Mack Avenue  
Roseville, Michigan 48066

SRN: B1774, Macomb County

Dear Robert Clancy:

**VIOLATION NOTICE**

On June 3, 2022, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), conducted a complaint investigation of Clancy Excavating Company located at 29950 Little Mack Avenue, Roseville, Michigan, 48066. The purpose of this complaint investigation was to investigate a recent complaint which we received on June 3, 2022, regarding fugitive dust attributed to Clancy Excavating's storage pile operations.

During the complaint investigation, staff observed the following:

Process Description	Rule/Permit Condition Violated	Comments
Fugitive Dust	R 336.1901  PTI 589-87A – Appendix A: Nuisance Minimization Plan Fugitive Dust, III.A  Consent Judgement – 2021-154, Exhibit A	The height of the storage piles, in addition to the unloading of aggregate materials and work activity atop the storage piles, is causing unreasonable interference to human safety, animal life, plant life and property.

**- RULE 901.**

In the professional judgment of AQD staff, the fugitive dust plumes observed were of sufficient intensity, frequency and duration so as to constitute a violation of Rule 901 of the administrative rules promulgated under Act 451 and Appendix A: Nuisance Minimization Plan Fugitive Dust, Special Condition III.A of PTI number 589-87A.

AQD observed the fugitive dust plumes downwind of the facility near a residential area.

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**- CONSENT ORDER OR CONSENT JUDGMENT VIOLATIONS**

The cited Special Condition III.A of Appendix A: Nuisance Minimization Plan Fugitive Dust of PTI number 589-87A, is also enforceable as Exhibit A of Consent Judgement 2021-154.

Please initiate actions necessary to correct the cited violation and submit a written response to this Violation Notice by July 1, 2022 (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 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 Warren District, at 27700 Donald Court, Warren, Michigan 48092 and submit a copy to Jenine Camilleri, Enforcement Unit Supervisor at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760.

If Clancy Excavating Company 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 and for the cooperation that was extended to me during my complaint investigation of Clancy Excavating Company. If you have any questions regarding the violation the actions necessary to bring this facility into compliance, please contact me at the number or email listed below.

Sincerely,



Robert Joseph  
Environmental Engineer  
Air Quality Division  
586-506-9564; [josephr4@michigan.gov](mailto:josephr4@michigan.gov)

cc: Mary Ann Dolehanty, EGLE  
Dr. Eduardo Olaguer, EGLE  
Jenine Camilleri, EGLE  
Jeff Rathbun, EGLE  
Christopher Ethridge, EGLE  
Joyce Zhu, EGLE