



GRETCHEN WHITMER
GOVERNOR

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



PHILLIP D. ROOS
DIRECTOR

July 16, 2024

VIA EMAIL

Isaac Bednaryczk
Bednaryczk Farms, LLC
8209 Van Dyke Road
Marlette, Michigan 48453

SRN: N7942, Lapeer County

Dear Isaac Bednaryczk:

VIOLATION NOTICE

On April 24, 2024, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), conducted an inspection of Bednaryczk Farms, LLC (Bednaryczk Farms) located at 8209 Van Dyke Road, Marlette, Michigan. The purpose of this inspection was to determine Bednaryczk Farms' 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 the conditions of Permit to Install (PTI) number 396-07.

During the inspection, staff observed the following:

Process Description	Rule/Permit Condition Violated	Comments
EU-AMMONIA	PTI 396-07 Special Condition III.(2)	Failure to document inspection and maintenance (I&M) program implementation
EU-AMMONIA	PTI 396-07 Special Condition III.(3)	Failure to maintain written emergency response plan (ERP)
EU-AMMONIA	PTI 396-07 Special Condition VI.(2)	Failure to maintain appropriate records

During this inspection and subsequent requests via email for records, Bednaryczk Farms was unable to produce sufficient inspection and maintenance records for the previous five years, and unable to provide a copy of the emergency response plan required by their permit. This is a violation of the recordkeeping requirements specified in Special Conditions III.(2), III.(3), and VI.(2) of PTI number 396-07.

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The conditions of PTI number 396-07 require that the permittee implement and maintain the inspection and maintenance program specified in Appendix A and an emergency response plan (to be reviewed, approved, and kept on file by the local fire department or county emergency response agency), and records to verify both requirements for a period of five years. Failure to do so violates rules **R 336.1901 & R 336.1201(3)**.

Below is the above cited rule/regulation.

R 336.1901 Air contaminant or water vapor; prohibition.

Rule 901. Notwithstanding the provisions of any other rule, a person shall not cause or permit the emission of an air contaminant or water vapor in quantities that cause, alone or in reaction with other air contaminants, either of the following: (a) Injurious effects to human health or safety, animal life, plant life of significant economic value, or property. (b) Unreasonable interference with the comfortable enjoyment of life and property.

R 336.1201 Permits to install.

Rule 201.(3) A permit to install may be approved subject to any condition, specified in writing, that is reasonably necessary to assure compliance with all applicable requirements.

Please initiate actions necessary to correct the cited violation and submit a written response to this Violation Notice by August 6, 2024, (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 Loren Hicks at EGLE, AQD, Lansing District, at 525 West Allegan St., First Floor South, Lansing, Michigan 48909 or HicksL3@michigan.gov and submit a copy to Jenine Camilleri, Enforcement Unit Supervisor at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760.

If Bednaryczk Farms, LLC 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 inspection of Bednaryczk Farms, LLC.

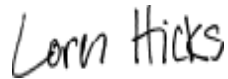
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If you have any questions regarding the violation or the actions necessary to bring this facility into compliance, please contact me at the number listed below.

Sincerely,

A handwritten signature in black ink that reads "Loren Hicks". The signature is written in a cursive, slightly slanted style.

Loren Hicks
Environmental Quality Analyst
Air Quality Division
517-897-0604

Enclosure

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

DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY DIVISION
ACTIVITY REPORT: On-site Inspection

N794272553

FACILITY: BEDNARYCZK FARMS LLC		SRN / ID: N7942
LOCATION: 8209 VAN DYKE RD, MARLETTE		DISTRICT: Lansing
CITY: MARLETTE		COUNTY: LAPEER
CONTACT: Isaac Bednaryczk ,		ACTIVITY DATE: 04/24/2024
STAFF: Loren Hicks	COMPLIANCE STATUS:	SOURCE CLASS: MINOR
SUBJECT:		
RESOLVED COMPLAINTS:		

On April 24, 2024 EGLE-AQD, represented by L. Hicks & D. McGeen, conducted a scheduled inspection of Bednaryczk Farms, which was last inspected by the AQD in 2016, for the purposes of assessing permit compliance and response to a prior violation notice. This facility is a family-run farm, with a single 30,000-gallon anhydrous ammonia storage tank and associated handling processes, nurse tanks and applicator tanks. The last inspection report indicated permit non-compliance due to the lack of proper signage, and a violation notice was issued at that time; part of this inspection's purpose was to verify compliance with that notice. L. Hicks and D. McGeen arrived at Bednaryczk Farms on April 24, 2024 at about 10:15 a.m. No odors or visible emissions were noted on arrival or during the inspection; however, it's worth noting that the weather conditions were very gusty. We met with Rodney & Isaac Bednaryczk on site and discussed some preliminary checks prior to inspecting the tank itself. No changes to equipment, in process, of suppliers, etc., and no leaks or accidental releases since the last inspection were reported to us at that time. We were able to verify that the signage required to be put in place by the past violation notice has since been posted. The equipment seemed to be in overall good working condition; however, I did notice that there was some dead vegetation and standing water around the tank transfer area, some streaking and discoloration on nurse tanks, some visible rust on tanks, some flaking paint, and posted identification, warning labels, or decals were somewhat faded. One tank had a gauge that was missing a needle, and some hoses didn't have caps on the ends. When asked about the old paint and faded signs, they indicated that they had plans in place to address these issues imminently. We went through the permit's process equipment requirements together and determined that they appear to be met. They do not currently have a respirator with an ammonia-type cannister & refill cannisters as part of their available PPE even though this was strongly recommended in 2016; however, they indicated they were willing to obtain one. We went through their process requirements together and determined that they appeared to be met. I was informed that they have a current emergency response plan on file with their local fire department, but that they had been declined regular meetings and have not documented them since. We recommend that they annually mail an updated copy of their plan to their local fire department and keep a dated copy for their own records. I wasn't shown any records on site, but I put in a request via email shortly after the site inspection was concluded. (Nurse tank inspection and maintenance records are performed and kept at the users' discretion, but storage tank inspection and maintenance records are required at least bi-annually, although higher frequency is strongly recommended.) I have stayed in contact via weekly email with Isaac Bednaryczk from the time of the inspection to work with him on getting the necessary records (pertaining to their inspection and maintenance records and their emergency response plan). By June 28, 2024, Isaac had sent me the records they had available that I would need to complete the inspection report. They provided a sample of the discretionary daily inspection and maintenance records for the nurse and applicator tanks (the first page of Appendix A), approximately one per

year going back to 2019; they also provided some mandatory inspection and maintenance records for the storage tank, also approximately one per year going back to 2019. There were samples of Spring inspections conducted for every year from 2019-2024, and additionally one Fall inspection in 2020. PTI 396-07 Part III.(2) requires that the permittee operate EU-AMMONIA according to the inspection and maintenance program specified in Appendix A, and Appendix A requires that the permittee conduct inspections and complete the corresponding form at least twice per year (prior to spring and fall application seasons). Inspection and maintenance records were provided for annual inspections but are insufficient to meet the biannual requirement stated in the inspection and maintenance program found in Appendix A. Additionally, they were not able to locate or provide a copy of their emergency response plan at the time of writing. I reached out to the Marlette Fire Department to see if I could obtain a copy of that record from them, but I was unable to reach anyone from the department at this time. To date, monitoring and record keeping method requirements are not being met on two counts: their records are lacking the required inspection and maintenance reports and an emergency action plan. This violates special conditions III.(2), III.(3), and VI.(2); a violation notice will be issued for these two instances of insufficient records.

NAME Loren HicksDATE 07/10/2024SUPERVISOR RB