



GRETCHEN WHITMER
GOVERNOR

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



DANIEL EICHINGER
ACTING DIRECTOR

January 11, 2023

VIA E-MAIL AND U.S. MAIL

James Plohg
Vice President of Operations
Titan Concrete
6497 East 10 Mile Road
Center Line, MI 48089

SRN: P1297, Macomb County

Dear James Plohg:

VIOLATION NOTICE

On December 21, 2022, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), conducted an investigation into dust complaints alleged against Titan Concrete located at 6497 East 10 Mile Road, Center Line, Michigan. The purpose of this inspection was to determine Titan Concrete’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 December 12, 2022, regarding fugitive dust attributed to Titan Concrete’s operations.

During the complaint investigation, staff observed the following:

Process Description	Rule/Permit Condition Violated	Comments
Roadways and plant yards	R 336.1901	Rule 901(b) states a person shall not cause or permit the emission of an air contaminant in quantities that cause unreasonable interference with the comfortable enjoyment of life and property. Fugitive dust originating from truck traffic across the facility plant yards and roadways was observed entering the atmosphere onto surrounding properties.
Concrete batch plant operations	R 336.1201	Concrete batch plant operations with potential to emit fugitive dust were performed without a permit to install.

James Plohg
Titan Concrete
Page 2
January 11, 2023

During this complaint investigation, AQD staff observed truck traffic between paved and unpaved portions of the plant yard generating fugitive dust and trucks leaving the facility generating track-out onto East 10 Mile Road. The plant yard was mostly dry and the site was not watering the plant yard to suppress fugitive dust. Titan Concrete staff cited freezing temperatures as preventing them from applying water to the yard. AQD staff advised that alternative dust suppressants should be applied in the case of freezing temperatures. The facility was performing concrete batch plant operations without a permit to install, which is a violation of Rule 201 of the administrative rules promulgated under Act 451.

A program for compliance may include a completed PTI application for the concrete batch plant process equipment. An application is available by request, or at the following website: www.michigan.gov/air.

Be advised that Rule 201, except as allowed in R 336.1202, R 336.1277 to R 336.1291, or R 336.2823(15), requires that a permit be obtained prior to installation, construction, operation, reconstruction, relocation, or alteration of any process or process equipment which may be a source of an air contaminant.

Per Rule 289(2)(d), the requirement of Rule 201 to obtain a permit to install does not apply to a concrete batch plant that meets the operating requirements listed in Rule 289(2)(d) and is not excluded from exemption per Rule 278.

The requirements under Rule 289(2)(d) include Rule 289(2)(d)(vii)(C)(1), which says that the dust on the site roadways and plant yard shall be controlled by applications of water, calcium chloride, or other approved dust control compounds as often as necessary to meet an opacity limit of 5%. Based on the fugitive dust and lack of dust suppressant application observed during the complaint investigation, the facility is not meeting this requirement.

Following this investigation, the department determined that Titan Concrete is not meeting the fugitive dust control requirements in Rule 289(2)(d)(vii). As stated in Rule 289(2)(d)(vii)(E), the facility should adjust the fugitive dust plan in Rule 289(2)(d)(vii) to address fugitive dust at all times of operation, including in the case of freezing temperatures. This plan should ensure that the facility complies with Rule 289(2)(d) and can avoid having to obtain a permit for the process. The facility should submit this fugitive dust plan to the AQD by February 1, 2023.

In the professional judgment of AQD staff, the fugitive dust observed was of sufficient intensity, frequency and duration so as to constitute a violation of Rule 901 of the administrative rules promulgated under Act 451.

Please initiate actions necessary to correct the cited violations and submit a written response to this Violation Notice by February 1, 2023 (which coincides with 21 calendar

James Plohg
Titan Concrete
Page 3
January 11, 2023

days from the date of this letter). The written response should include: the dates the violations occurred; an explanation of the causes and duration of the violations; whether the violations are ongoing; a summary of the actions that have been taken and are proposed to be taken to correct the violations 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 Titan Concrete 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 me during my inspection of Titan Concrete. If you have any questions regarding the violations or the actions necessary to bring this facility into compliance, please contact me at the number or email listed below.

Sincerely,



Noshin Khan
Environmental Engineer
Air Quality Division
586-536-1197; khann5@michigan.gov

cc: Annette Switzer, EGLE
Christopher Ethridge, EGLE
Brad Myott, EGLE
Jenine Camilleri, EGLE
Joyce Zhu, EGLE
Joe Jaskowski, EGLE
Melinda Steffler, EGLE
Eric Moore, EGLE