



GRETCHEN WHITMER
GOVERNOR

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



PHILLIP D. ROOS
DIRECTOR

September 11, 2023

Russell Cross
Cross Excavating & Demolition
52071 M-51 N
Dowagiac, MI 49047

SRN: P0060, Cass County

Dear Russell Cross:

VIOLATION NOTICE

On September 1, 2023, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), conducted an inspection of Cross Excavation & Demolition located at 52071 M-51 N, Dowagiac, Michigan. The purpose of this inspection was to determine Cross Excavation & Demolition 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; the conditions of Permit to Install (PTI) number 31-10; and to investigate a recent complaint which we received on July 17, 2023, regarding fugitive dust attributed to Cross Excavating & Demolition operations.

During the inspection, staff observed the following:

Process Description	Rule/Permit Condition Violated	Comments
Crusher and Screen	PTI #31-10 Special Condition 1.7	One crusher (626) and one screen (627) did not have properly operating water spray control.

- RULE 910: AIR CLEANING DEVICES

On September 1, 2023, the AQD staff observed operation equipment of one crusher and one screen that did not have properly operating water spray devices to control fugitive dust.

This constitutes a violation of Rule 910 of the administrative rules promulgated under Act 451, which requires that an air-cleaning device shall be installed, maintained, and operated in a satisfactory manner and in accordance with the administrative rules and existing law.

Russell Cross
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Please initiate actions necessary to correct the cited violation and submit a written response to this Violation Notice by October 2, 2023 (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 Rachel Benaway at EGLE, AQD, Kalamazoo District, at 7953 Adobe Road, Kalamazoo, Michigan 49009 or BenawayR@michigan.gov and submit a copy to Jenine Camilleri, Enforcement Unit Supervisor at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760.

If Cross Excavating & Demolition 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 Cross Excavating & Demolition. 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 "Rachel Benaway", with a stylized flourish at the end.

Rachel Benaway
Environmental Quality Analyst
Air Quality Division
269-370-2170

cc: Annette Switzer, EGLE
Christopher Ethridge, EGLE
Brad Myott, EGLE
Jenine Camilleri, EGLE
Monica Brothers, EGLE