



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

manilla

REPLY TO THE ATTENTION OF:

JUN 25 1998

(AE-17J)

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Russell S. Broad, President
Elmer's Crane & Dozer, Inc.
3600 Rennie School Road
P.O. Box 6150
Traverse City, Michigan 49685-6150

RECEIVED
JUN 29 1998
AIR QUALITY CADILLAC

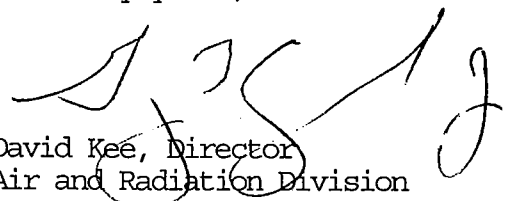
Re: Amended Notices of Violation
Cedarapids 1274 Plant
103-VSI Impact Service Plant
66" Spokane - VSI Plant

Dear Mr. Broad:

The enclosed Amended Notices of Violation (NOVs) are issued pursuant to Section 113(a)(1) of the Clean Air Act (Act), 42 U.S.C. § 7413(a)(1) to notify Elmer's Crane & Dozer, Inc. (Elmer's), that the Administrator of the United States Environmental Protection Agency (U.S. EPA) finds the Cedarapids 1274 Plant, the 103-VSI Impact Service Plant, and the 66" Spokane - VSI Plant, all of which are portable sand and gravel plants, to be in violation of the Michigan State Implementation Plan (SIP).

NOVs regarding these allegations originally were issued on March 31, 1997. Findings of Violations regarding Elmer's portable sand and gravel plants were also issued on that date. These Amended NOVs should clarify any apparent confusion by Elmer's that continued operation of plants before permits to operate had been issued violated the Michigan SIP.

Sincerely yours,

 FOR
David Kee, Director
Air and Radiation Division

Enclosures

cc: Timothy McGarry, Chief
Enforcement Unit
Air Quality Division
Michigan Department of Environmental Quality

~~James Denman~~, Supervisor
Cadillac District
Air Quality Division
Michigan Department of Environmental Quality

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:)
)
Elmer's Crane & Dozer, Inc.) AMENDED NOTICE
66" Spokane - VSI Plant) OF VIOLATION
Traverse City, Michigan)
) EPA-5-98-MI-26
)
PROCEEDINGS PURSUANT TO)
SECTION 113(a) (1) OF THE)
CLEAN AIR ACT,)
42 U.S.C. § 7413(a) (1) .)

Amended Notice of Violation

Pursuant to Section 113(a) (1) of the Clean Air Act (Act), 42 U.S.C. § 7413(a) (1), the State of Michigan and Elmer's Crane & Dozer, Inc., (Elmer's) are hereby notified that the Administrator of the United States Environmental Protection Agency ("U.S. EPA" or "Agency"), by authority duly delegated to the undersigned, finds Elmer's 66" Spokane Plant, located in Traverse City, Michigan, in violation of Section 113 of the Act and the Michigan State Implementation Plan (SIP) adopted under the Act.

This notice amends U.S. EPA's March 31, 1997 Notice of Violation ("NOV" or "Notice") for this facility to clarify the violations alleged and to ensure that there is no doubt or confusion regarding the specific violations which the Agency alleges to have taken place.

Michigan Air Pollution Control Commission Rule R336.1201 ("Michigan SIP Rule 201") pertaining to Permits to install, and Michigan Air Pollution Control Commission Rule R336.1208 ("Michigan SIP Rule 208") pertaining to Permits to operate, were approved as part of the Michigan SIP on May 6, 1980 at 45 FR 29790.

Michigan SIP Rule 201(1) provides that "a person shall not install, construct, reconstruct, relocate, alter or modify any process or process equipment ... which may be a source of an air contaminant, until a permit is issued by the commission. This shall be known as a permit to install, and shall cover construction, reconstruction, relocation, and alteration of equipment where such is involved. A person planning to install, construct, reconstruct, relocate or alter any process shall apply to the commission for a permit to install" MAC R336.1201.

Michigan SIP Rule 208(1) provides that "[b]efore the commission issues a permit to operate ..., a person shall not operate a process ... which may be a source of an air contaminant." MAC R336.1208(1).

Violations

1. From on or about April 30, 1993 through on or about November 4, 1996, Elmer's operated a process or processes at a portable sand and gravel plant designated as the 66" Spokane - VSI Plant (66" Spokane Plant) before a permit to operate had been issued by the State of Michigan. Elmer's continuing operation of a process or processes at the 66" Spokane Plant before a permit to operate had been issued constitutes a violation of Michigan SIP Rule 208(1).

6/25/98
Date

David Kee FOR
David Kee, Director
Air and Radiation Division



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

JUN 25 1998

(AE-17J)

Dennis Drake, Chief
Air Quality Division
Michigan Department of Environmental Quality
P.O. Box 30260
Lansing, Michigan 48909-7760

Re: Elmer's Crane & Dozer, Inc.
Cedarapids 1274 Plant
103-VSI Impact Service Plant
66" Spokane - VSI Plant
Traverse City, Michigan

Dear Mr. Drake:

Enclosed are copies of Amended Notices of Violation (NOV's) issued this date by the United States Environmental Protection Agency (U.S. EPA) to Elmer's Crane & Dozer, Inc. (Elmer's), Traverse City, Michigan for violations of the State Implementation Plan (SIP). The Amended NOV's have been issued pursuant to Section 113(a)(1) of the Act, 42 U.S.C. § 7413(a)(1), as amended.

NOV's regarding these allegations originally were issued on March 31, 1997. Findings of Violations regarding Elmer's portable sand and gravel plants were also issued on that date. These Amended NOV's should clarify any apparent confusion by Elmer's that continued operation of plants before permits to operate had been issued violated the Michigan SIP.

Sincerely yours,


David Kee, Director
Air and Radiation Division

Enclosures

cc: Timothy McGarry, Chief
Enforcement Unit
Air Quality Division
Michigan Department of Environmental Quality

~~Janis Denman~~, Supervisor
Cadillac District
Air Quality Division
Michigan Department of Environmental Quality