



GRETCHEN WHITMER  
GOVERNOR

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



LIESL EICHLER CLARK  
DIRECTOR

February 14, 2020

UPS NEXT DAY DELIVERY

**VIOLATION NOTICE AND STIPULATED FINES**

Mr. Keith Wurst, President  
Berne Enterprises  
7190 Berne Road  
Pigeon, Michigan 48755

SRN: A1453; Huron County

Dear Mr. Wurst:

On May 30, 2019, the Michigan Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD) and Berne Enterprises (Company) entered into a Stipulation for Entry of Final Order by Consent AQD No. 2019-10, to resolve violations that had occurred at the Company's facility in Pigeon, Michigan.

On August 2, 2019, Berne Enterprises submitted an administratively complete permit application for Permit to Install (PTI) No. 129-19. The AQD did not receive the necessary information to approve the application within the required deadline. On January 23, 2020, the AQD received a notice that Berne Enterprises was withdrawing the application. Berne Enterprises continues to operate the four induction furnaces and four heat treat furnaces without a PTI, which is a violation of the Natural Resources Environmental Protection Act, MCL 324.5501, R 336.1201 (Rule 201).

Paragraph 11 of the Consent Order states the following:

"On and after the effective date of this Consent Order, except as otherwise provided by the administrative rules of Part 55, the Company shall not install, construct, reconstruct, relocate, alter, or modify any process or process equipment including control equipment pertaining thereto, which may emit an air contaminant, unless a permit to install which authorizes such action is issued by EGLE pursuant to Rule 201, the Company is issued a waiver pursuant to Rule 202 of the Michigan Air Pollution Control Rules, Mich Admin Code, R 336.1202, or the change is exempt from the requirements of Rule 201."

Furthermore, Paragraph 15 of the Consent Order reads, in part:

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“On and after the effective date of this Consent Order, if the Company fails to comply with paragraph 11 of this Consent order, the Company is subject to a stipulated fine of up to \$10,000.00 per violation per day.”

After reviewing the violations, the AQD has determined the amount of stipulated fines to be \$2,500.00. Please note that the AQD is using discretion and not seeking the full amount of \$10,000.00 allowed under the Consent Order.

The Company is hereby requested to submit the stipulated fines of \$2,500.00 in accordance with the provisions of Paragraph 11 of the Consent Order by March 14, 2020. To ensure proper credit, all payments shall include the Payment Identification Number AQD40214-S on the face of the check. Stipulated fines submitted under this Consent Order shall be made by check, payable to the “State of Michigan” and delivered to the Michigan Department of Environment, Great Lakes, and Energy, Accounting Services Division, Cashier’s Office, P.O. Box 30657, Lansing, Michigan 48909-8157

Sincerely,



Erin Moran  
Enforcement Unit  
Air Quality Division  
MoranE@Michigan.gov  
517-284-6769

cc: Mr. Neil Gordon, Department of Attorney General  
Mr. Chris Hare, EGLE  
Ms. Jenine Camilleri, EGLE