



GRETCHEN WHITMER
GOVERNOR

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



LIESL EICHLER CLARK
DIRECTOR

CERTIFIED MAIL

ENFORCEMENT NOTICE

In the matter of:

Kassouni Manufacturing, Inc.
815 South Front Street
Belding, Michigan 48809-2235

Site Identification Number: MIK 196 055 853; WDS ID: 414642

ATTENTION: Mr. Van Kassouni, Owner

This Enforcement Notice is to advise you of the commencement of an escalated enforcement action against Kassouni Manufacturing, Inc. (KMI). This letter follows the July 3, 2019, July 24, 2019, July 29, 2019, and September 12, 2019, Violation Notices (VNs) issued by the Michigan Department of Environment, Great Lakes, and Energy (EGLE), Materials Management Division (MMD) and Air Quality Division (AQD). The VNs detailed violations of Part 111, Hazardous Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), MCL 324.11101 *et seq.*; Part 121, Liquid Industrial By-Products, of the NREPA, MCL 324.12101 *et seq.*; the corresponding requirements under Subtitle C of the federal Resource Conservation and Recovery Act of 1976; Part 55, Air Pollution Control, of the NREPA, MCL 324.5501 *et seq.*; and the administrative rules or regulations promulgated pursuant to these acts.

Based upon site visits and inspections conducted by EGLE staff in June, July, and August of 2019, EGLE alleges that KMI's operational failures have resulted in numerous violations along with fires that resulted in chlorine gas releases to the ambient air from KMI on June 22, 2019, and July 19, 2019. KMI is requested to immediately undertake all actions necessary to resolve all violations identified in this Enforcement Notice and the VNs listed above.

Please be advised that EGLE is reviewing KMI's August 14, 2019, and August 30, 2019, response to VNs and anticipates additional information will be submitted to MMD from KMI by October 11, 2019, as requested in the September 12, 2019, VN issued by MMD.

The violations referenced herein, as well as any additional violations discovered hereafter as part of EGLE's ongoing evaluation of KMI's compliance with applicable state and federal air quality and waste rules and regulations, are deemed to be significant and require formal resolution through entry of a legally enforceable agreement. Pursuant to MCL 324.11151, EGLE proposes entry of an Administrative Consent Order as an appropriate means of resolving this matter.

EGLE is providing KMI with an opportunity to formally resolve the alleged violations through the entry of an Administrative Consent Order that will include a compliance program and payment of an appropriate monetary penalty pursuant to Section 11151 of Part 111, MCL 324.11151; and Section 5528 of Part 55, MCL 324.5528.

Be advised that failure to respond to this Enforcement Notice may result in withdrawal of this settlement offer and may subject KMI to further enforcement proceedings including, but not limited to, the assessment of additional civil fines, the cost of surveillance and enforcement, and referral of the matter to the Michigan Department of Attorney General (MDAG) for commencement of civil litigation. Be further advised that this Enforcement Notice does not preclude or limit EGLE's ability to initiate any other enforcement action under state or federal law as appropriate.

Please contact Melinda Shine at 517-256-9062, or by email at ShineM@Michigan.gov, no later than October 11, 2019, to schedule a meeting to discuss the resolution of this matter. EGLE suggests such a meeting be convened before the end of October of 2019.

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

By: Alexandra Clark
Alexandra Clark, Manager
Enforcement Section
Materials Management Division

Date: 9-26-19

By: Jehine Camilleri
Jehine Camilleri, Supervisor
Enforcement Unit
Air Quality Division

Date: 9-25-19

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cc: Mr. Tom O'Malley, KMI
Ms. Julie Morris, United States Environmental Protection Agency, Region 5
Ms. Sarah Marshall, U.S. Environmental Protection Agency, Region 5
Ms. Polly Synk, MDAG
Ms. Liesl Eichler Clark, Director, EGLE
Mr. Aaron B. Keatley, Chief Deputy Director, EGLD
Mr. Jack Schinderle, EGLE
Ms. Mary Ann Dolehanty, EGLE
Ms. Elizabeth M. Browne, EGLE
Dr. Eduardo Olaguer, EGLE
Mr. Chris Ethridge, EGLE
Ms. Heidi Hollenbach, EGLE
Mr. Lonnie Lee, EGLE
Mr. Fred Sellers, EGLE
Ms. Kaitlyn DeVries, EGLE
Ms. Krista Hettich, EGLE
Mr. Jeff Rathbun, EGLE
Ms. Melinda Shine, EGLE
Mr. Jon Vrugink, EGLE