



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
KALAMAZOO DISTRICT OFFICE



KEITH CREAGH  
DIRECTOR

February 9, 2016

Mr. Chip Shaw  
Orchard Hill Landfill  
3290 Hennessey Road  
Watervliet, Michigan 49098

SRN: N5719, Berrien County

Dear Mr. Shaw:

**VIOLATION NOTICE**

On February 3, 2016, the Department of Environmental Quality (DEQ), Air Quality Division (AQD), conducted an investigation of vacant property located in the 3000 block of M-140, south of Watervliet, Michigan. The purpose of this investigation was to determine 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 administrative rules; and to investigate a recent complaint that the DEQ, AQD, received on February 3, 2016, regarding smoke and foul odors attributed to open burning operations.

During the investigation, staff of the AQD observed the following:

Process Description	Rule/Permit Condition Violated	Comments
Open burning of brush, trees, and stumps	Rule 336.1901 of Part 55 of Act 451	See comment below

Comment: In AQD staff's professional judgement, it was determined that the intensity of the smoke and odor being generated by the open burning was causing an unreasonable interference with the comfortable enjoyment of life and property at the residences directly downwind of the burning.

Please initiate actions necessary to correct the cited violation and submit a written response to this Violation Notice by February 29, 2016. 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.

If Orchard Hill Landfill and/or Best Way Disposal 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.

Mr. Chip Shaw  
Page 2  
February 9, 2016

Thank you for your attention to resolving the violation cited above. If you have any questions regarding the violation or the actions necessary to bring this complaint into compliance, please contact me at the telephone number listed below.

Sincerely,



Matt Deskins  
Environmental Quality Analyst  
Air Quality Division  
269-567-3542

MD:CF

cc: Ms. Lynn Fiedler, DEQ  
Ms. Teresa Seidel, DEQ  
Ms. Heidi Hollenbach, DEQ  
Mr. Thomas Hess, DEQ  
Ms. Mary Douglas, DEQ