



GRETCHEN WHITMER
GOVERNOR

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

EGLE
LIESL EICHLER CLARK
DIRECTOR

October 25, 2019

Mr. James P. Moore
Moore Bros. Enterprises, Inc.
58151 Park Place
P.O. Box 695
Dowagiac, MI 49047

SRN: U141909882 Cass County

Dear Mr. Moore:

VIOLATION NOTICE

On October 18, 2019, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), conducted an inspection of Moore Bros. Enterprises, Inc. located at 58151 Park Place, Dowagiac, Michigan. The purpose of this inspection was to determine Moore Bros. Enterprises, Inc. 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; and to investigate a recent complaint which we received on October 17, 2019, regarding fugitive dust/black smoke attributed to Moore Bros. Enterprises, Inc. operations.

During the inspection, staff observed the following:

Process Description	Rule/Permit Condition Violated	Comments
Open burning	Rule 310	Scorched solid waste materials in burn pit

- RULE 310: OPEN BURNING

On October 18, 2019, AQD staff observed

- the burn pit contained singed trash, including various metal objects.
- the complaint was accompanied by photographs of open burning in progress on the property emitting a considerable amount of black smoke.

This constitutes a violation of Rule 310 of the administrative rules promulgated under Act 451, which prohibits open burning of refuse, garbage, or any other waste material at any business or commercial operation.

R 336.1310, prohibiting open burning reads as follows:

- 1) Rule 310. (1) A person shall not cause or permit open burning of refuse, garbage, or any other waste materials, except for the burning of the following:
 - (a) Waste disposal of material from and at 1 or 2 family dwellings that does not contain plastic, rubber, foam, chemically treated wood, textiles, electronics, chemicals, or hazardous materials, if the burning does not violate any other department rules.
 - (b) Structures and other materials used exclusively for fire prevention training.

- (c) Trees, logs, brush, and stumps in accordance with applicable state and local regulations if the burning is not conducted within a Priority I area as listed in Table 33, a Priority II area as listed in Table 34, nor closer than 1,400 feet to an incorporated city or village limit and if the burning does not violate any other department rules.
 - (d) Bee keeping equipment and products, including frames, hive bodies, hive covers, combs, wax, and honey, if burned for bee disease control.
 - (e) Logs, brush, charcoal, and similar materials that are used in preparing food or for recreation.
 - (f) Wooden fruit or vegetable storage bins constructed from untreated lumber if both of the following requirements are met:
 - (i) The burning is conducted for disease or pest control
 - (ii) The burning is not conducted at any of the following locations:
 - (A) Within a priority I area as listed in table 33 or a priority II area as listed in table 34.
 - (B) In a city or village
 - (C) Within 1,400 feet outside the boundary of a city or village.
- 2) The exceptions specified in sub rule (1) of this rule do not authorize open burning if prohibited by local law or regulation.

The burning of material may also be an additional violation of Part 115, Solid Waste Management, of Act 451 which prohibits the disposal of solid waste other than at a licensed solid waste disposal, recycling, or composting facility.

Additional information and more can be found at EGLE's open burning web site at <http://www.michigan.gov/air> (under the "Compliance" Tab, choose the "Compliance Topics" dropdown, and then "Open Burning Information"). A list of licensed landfills is provided on EGLE's internet at www.michigan.gov/egle click on "Waste" (under the "Solid Waste" Tab, choose the "Solid Waste Information" dropdown, and then "Solid Waste Facilities"). A list of recycling centers is provided on EGLE's internet at:

www.michigan.gov/eglerecycling (under the "At Home" Tab, choose "Local Contacts"). In order to comply with Rule 310, Moore Bros. Enterprises, Inc. is advised to immediately discontinue any open burning.

EGLE encourages the reuse and the recycling of wastes whenever possible. However, any waste that cannot be reused or recycled must be properly disposed of in accordance with Part 115, Solid Waste Management, Section 11512(1) of Act 451. Additionally, if Moore Bros. Enterprises, Inc. decides to incinerate their waste, it must be incinerated in a properly designed incinerator. An approved permit must be obtained from EGLE before commencing installation of any incinerator. An application form is available by request, or at the following website: www.michigan.gov/air (in the shaded box on the upper right-hand side of the page)

Please initiate actions necessary to correct the cited violation and submit a written response to this Violation Notice by November 15, 2019 (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

James P. Moore
Moore Bros. Enterprises, Inc.
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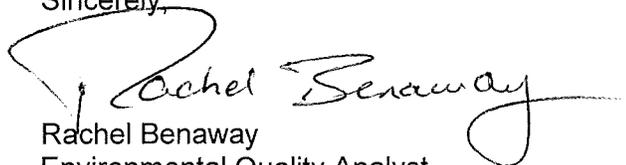
violation and the dates by which these actions will take place; and what steps are being taken to prevent a reoccurrence.

Please submit the written response to EGLE, AQD, Kalamazoo District, at 7953 Adobe Road, Kalamazoo, Michigan 49009 and submit a copy to Ms. Jenine Camilleri, Enforcement Unit Supervisor at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760.

If Moore Bros. Enterprises, Inc. 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 Moore Bros. Enterprises, Inc. 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 that reads "Rachel Benaway". The signature is written in a cursive style with a large, sweeping initial "R".

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

cc: Ms. Mary Ann Dolehanty, EGLE
Dr. Eduardo Olaguer, EGLE
Ms. Jenine Camilleri, EGLE
Mr. Christopher Ethridge, EGLE
Rex Lane, EGLE