



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
UPPER PENINSULA DISTRICT OFFICE



KEITH CREAGH
DIRECTOR

February 29, 2016

Mr. Stephen Hartman
Stephen Hartman Excavating, Inc.
8554 County Road 442
Manistique, MI 49854

SRN: U771601642, Schoolcraft County

Dear Mr. Hartman:

VIOLATION NOTICE

On February 26, 2016, the Department of Environmental Quality (DEQ), Air Quality Division (AQD), conducted an inspection of Stephen Hartman Excavating, Inc., located at 8554 County Road 442, Manistique, Michigan. The purpose of this inspection 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 which we received on February 25, 2016, regarding black smoke, foul odors, burned rubber odors attributed to Stephen Hartman Excavating, Inc., operations.

During the inspection, staff observed the following:

Process Description	Rule/Permit Condition Violated	Comments
Open Burning	Act 451, Rule 310	Burning of waste & refuse

On February 26, 2016, AQD staff observed open burning of refuse and other waste material at Stephen Hartman Excavating, Inc.

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

In order to comply with Rule 310, Stephen Hartman Excavating, Inc., is advised to immediately discontinue any open burning.

The DEQ 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 Act 451, Part 115, Solid Waste Management, Section 11512(1). Additionally, if Stephen Hartman Excavating, Inc., decides to incinerate their waste, it must be incinerated in a properly designed incinerator. An approved permit must be obtained from the DEQ before commencing installation of any incinerator. An application form is available by request, or at the following website:

http://www.deq.state.mi.us/aps/nsr_information.shtml

Please initiate actions necessary to correct the cited open burning violation and submit a written response to this Violation Notice by March 21, 2016 (which coincides with 21 calendar days from the date of this letter). The written response should include: the dates the open burning of waste and refuse occurred; an explanation of the causes and duration of the open burning of waste and refuse; whether the open burning of waste and refuse is ongoing; a summary of the actions that have been taken and are proposed to be taken to correct the open burning of waste and refuse and the dates by which these actions will take place; and what steps are being taken to prevent a reoccurrence.

If Stephen Hartman Excavating, 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 open burning violation cited above and for the cooperation that was extended to me during my inspection of Stephen Hartman Excavating, Inc. If you have any questions regarding the open burning violation or the actions necessary to bring this facility into compliance, please contact me at the number listed below.

Sincerely,



Joseph Scanlan
Upper Peninsula District
Air Quality Division
906-458-6405

cc/via e-mail: Ms. Lynn Fiedler, DEQ
Ms. Teresa Seidel, DEQ
Ms. Heidi Hollenbach, DEQ
Mr. Thomas Hess, DEQ
Mr. Dan W. Maki, DEQ