



GRETCHEN WHITMER
GOVERNOR

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



PHILLIP D. ROOS
DIRECTOR

January 25, 2024

Tammie D'Agostino
D.A. D'Agostino Custom Excavation & Trucking
2018 West Shawnee Road
Baroda, Michigan 49101

SRN: U112400390, Berrien County

Dear Tammie D'Agostino:

VIOLATION NOTICE

On January 9, 2024, the Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division (WRD), conducted an inspection of D.A. D'Agostino Custom Excavation & Trucking located at Cleveland Avenue (Parcel No. 11-22-0011-0014-07-6), Buchanan, Berrien County, Michigan. The purpose of this inspection was to determine D.A. D'Agostino Custom Excavation & Trucking 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 January 1, 2024, regarding open burning attributed to D.A. D'Agostino Custom Excavation & Trucking operations.

During the inspection, staff observed the following:

Process Description	Rule/Permit Condition Violated	Comments
Burn Pile	Rule 310	Open burning of garbage and construction debris

On January 9, 2024, WRD staff observed open burning of refuse and other waste material at D.A. D'Agostino Custom Excavation & Trucking.

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.

In order to comply with Rule 310, D.A. D'Agostino Custom Excavation & Trucking 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

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accordance with Part 115, Solid Waste Management, Section 11512(1) of Act 451. Additionally, if D.A. D'Agostino Custom Excavation & Trucking 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: <https://www.michigan.gov/egle/about/organization/air-quality/air-permits/new-source-review/guidance>.

Please initiate actions necessary to correct the cited violation and submit a written response to this Violation Notice by February 15, 2024 (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 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 Chance Collins at EGLE, AQD, Kalamazoo District, at 7953 Adobe Road, Kalamazoo, Michigan 49009 or CollinsC21@michigan.gov and submit a copy to Jenine Camilleri, Enforcement Unit Supervisor at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760.

If D.A. D'Agostino Custom Excavation & Trucking 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.

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Thank you for your attention to resolving the violation cited above and for the cooperation that was extended to me during my inspection of D.A. D'Agostino Custom Excavation & Trucking. 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, appearing to read 'Chance Collins', with a long horizontal flourish extending to the right.

Chance Collins
Environmental Quality Analyst
Air Quality Division
269-254-7119

cc: Annette Switzer, EGLE
Christopher Ethridge, EGLE
Brad Myott, EGLE
Jenine Camilleri, EGLE
Monica Brothers, EGLE
James Zellinger, EGLE
Lee Daniel, EGLE
Fred Sellers, EGLE
Jen Klang, EGLE
Ann Gilchrist, EGLE
Nathan Whitmyer, EGLE
Riley Walsh, EGLE
Megan Schaner, EGLE
Daniel Burlingame, EGLE