



GRETCHEN WHITMER  
GOVERNOR

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



LIESL EICHLER CLARK  
DIRECTOR

January 14, 2020

Mr. Jason Fountain  
Fountain Trucking Inc  
19500 E South Caribou Lake Road  
De Tour, Michigan 49725

SRN: U172100053, Chippewa County

Dear Mr. Fountain:

### **VIOLATION NOTICE**

On January 7, 2021, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), conducted an inspection of Fountain Trucking Inc located at 19500 E South Caribou Lake Road, De Tour, Michigan. The purpose of this inspection was to determine Fountain Trucking Inc's compliance with the requirements of the federal Clean Air Act; Part 55, Air Pollution Control; Part 115 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 5, 2021, regarding open burning and unauthorized demolition activities attributed to Fountain Trucking Inc operations.

On January 7, 2021, EGLE staff observed open burning of refuse and demolition waste such as particle board, treated lumber, metal objects, rebar, and siding, at Fountain Trucking Inc. EGLE staff also observed unauthorized demolition of the River Bend Lodge located at 625 Ontario Street, De Tour Village, Chippewa County. These activities constitute violations of Rules 310 and 942 of the administrative rules promulgated under Part 55.

Rule 310 prohibits open burning of refuse, garbage, or any other waste material at any business or commercial operation.

Rule 942 states that a person that is subject to the provisions of 40 CFR Part 61, National Emission Standard for Hazardous Air Pollutants (NESHAP for Asbestos), Subpart M shall comply with those provisions. According to our investigation, Lands End Management owns the River Bend Lodge and Fountain Trucking Inc performed the demolition activities at the facility. The NESHAP for Asbestos holds both the owner and operator equally liable for violations.

In order to comply with Rule 310, Fountain Trucking Inc is advised to immediately discontinue any open burning of refuse and other waste material. If Fountain Trucking 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](http://www.michigan.gov/air) (in the shaded box on the upper right-hand side of the page)

In addition, this is a violation of the regulations concerning solid waste disposal under Part 115, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, and rules promulgated thereunder. Please be advised that the unauthorized solid waste disposal is a violation of Section 324.11512(1) of Part 115, which states, "A person shall dispose of solid waste at a disposal area licensed under this part unless a person is permitted by state law or rules promulgated by the department to dispose of the solid waste at the site of generation." In addition, Part 115, Rule 128(1), states, "A person shall not dispose of solid waste in an open dump, except as provided in the act."

EGLE encourages the reuse and the recycling of waste whenever possible. However, any waste that cannot be reused or recycled must be properly disposed of in a Type II Landfill in accordance with Part 115.

| <b>Process Description</b>         | <b>Section Violated</b>                  | <b>Comments</b>   |
|------------------------------------|--|---|
| Open burning                       | R 336.1310(1)                            | Open burning of refuse, garbage and/or other waste materials  |
| Solid waste disposal               | R 324.11512(1)                           | Unauthorized solid waste disposal   |
| Demolition of Commercial Structure | 40 CFR 61.145(b)(1)<br>R 336.1942(1)     | Failure to provide 10 working day notification prior to demolition of commercial structure                                  |
|                                    | 40 CFR 61.145(b)(4)(vi)<br>R 336.1942(1) | Failure to estimate the amount of Regulated Asbestos-Containing Material (RACM) prior to demolition of commercial structure |
|                                    | 40 CFR 61.145(c)(1)<br>R 336.1942(1)     | Failure to remove RACM prior to demolition of commercial structure  |

Please initiate actions necessary to correct the cited violations and submit a written response to this Violation Notice by February 3, 2021 (which coincides with 21 calendar days from the date of this letter). The written response should include: the dates the violations occurred; an explanation of the causes and duration of the violations; whether the violations are ongoing; a summary of the actions that have been taken and are proposed to be taken to correct the violations and the dates by which these actions will take place; what steps are being taken to prevent a reoccurrence; and copies of the receipts, from a licensed recycler for the recycling, and copies of the receipts from a licensed disposal area for the remainder of the solid waste.

Please submit the written response to EGLE, AQD, Marquette District, at 1504 West Washington Street, Marquette, Michigan 49855 and submit a copy to Ms. Jenine Camilleri, Enforcement Unit Supervisor at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760.

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

Sincerely,



Michael Conklin  
Environmental Engineer  
Air Quality Division  
906-202-0013

cc: Ms. Mary Ann Dolehanty, EGLE  
Dr. Eduardo Olaguer, EGLE  
Ms. Jenine Camilleri, EGLE  
Mr. Christopher Ethridge, EGLE  
Ms. Karen Kajiya-Mills, EGLE  
Detective Elton Luce, EIS  
Mr. Phil Roycraft, EGLE  
Mr. Ed Lancaster, EGLE  
Mr. John Ozoga, EGLE  
Mr. Jason Wolf, EGLE  
Ms. Carolyn St. Cyr, EGLE  
Mr. Joseph Scanlan, EGLE