



GRETCHEN WHITMER
GOVERNOR

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



LIESL EICHLER CLARK
DIRECTOR

June 12, 2019

Mr. Allen Sumner
Jack and the Beanstalk Lawn and Landscape
6033 Richfield Road
Flint, Michigan 48506

Dear Mr. Sumner:

**SUBJECT: Compliance Communication
Jack and the Beanstalk Lawn and Landscape
Complaint at 5405 Henderson Road, Davison, Michigan 48423**

On May 6, 2019, Department of Environment, Great Lakes, and Energy (EGLE), Materials Management Division (MMD) and Air Quality Division (AQD), inspected the property located at 5405 Henderson Road, Davison, Michigan 48423 (Property), in response to a complaint that composting, open dumping, and open burning activities are taking place on the above-mentioned residential property. The inspection was conducted to evaluate compliance with Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), Michigan Compiled Laws 324.11501 to 324.11540, and Part 55, Air Pollution Control, of the NREPA.

Ms. Jill Coulter and Mr. Aaron Hiday of the MMD, and Mr. Dan McGeen of the AQD, participated in the inspection and were accompanied on-site by Mr. Allen Sumner, the owner of the Property. The inspection consisted of an interview and visual site evaluation. At the time of the inspection, MMD staff observed piles of cement, asphalt, dirt, and dirt mixed with leaves and grass clippings. Open burning of construction and demolition debris was also observed in an area where remains of burnt wood, scrap metal, and ash remained.

During our inspection and discussion, you stated that the piles of dirt were from an area where a natural swimming pond was built on the Property. Other activities that you informed us of during our conversation were:

- Bringing in grass clippings from your lawn care service and adding it to the compost pile observed on the property.
- One cement pile and one asphalt pile have been brought in from different projects done on other properties that you own.
- The cement is being used for increased drainage and to reduce the amount of mud on your lot.

Disposition of solid waste is regulated by Part 115, and it must be disposed of at a properly licensed landfill. The accumulation and burial of regulated solid waste are in violation of the following NREPA rules and regulations:

Part 115, Section 11506 (1) states "Solid waste" means garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, municipal and industrial sludges, solid commercial and solid industrial waste, and animal waste other than organic waste generated in the production of livestock and poultry.

Part 115, Section 11505 (5) states "Rubbish" means nonputrescible solid waste, excluding ashes, consisting of both combustible and noncombustible waste, including paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, demolished building materials, or litter of any kind that may be a detriment to the public health and safety.

Part 115, Administrative Rule R.299 4102(g) states "Construction and demolition waste" means waste building materials, packaging, and rubble that results from construction, remodeling, repair, and demolition operations on houses, commercial or industrial buildings, and other structures. Construction and demolition waste includes trees and stumps which are more than 4 feet in length, and 2 inches in diameter, and which are removed from property during construction, maintenance, or repair...

Part 115, Administrative Rule 299.4128, states that open dumping and open burning is prohibited.

Part 115, Section 11521(1)(c) states that yard clippings shall be managed by the following means:

- (c) Composted at a composting facility containing not more than 200 cubic yards of yard clippings if decomposition occurs without creating a nuisance.

Please document that the compost material has been reduced below 200 cubic yards or you will need to register as a composting facility.

Jack and the Beanstalk Lawn and Landscape should take immediate action to achieve and maintain compliance with the terms and conditions of the NREPA.

The evidence of open burning which was seen constitutes a violation of the federal Clean Air Act; Part 55 of the NREPA, and Rule 310 of the Michigan Air Pollution Control Rules.

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.

To be in compliance with state law, Jack and the Beanstalk Lawn and Landscape is advised to refrain from further open burning of inappropriate materials.

Please submit a corrective action plan (CAP) to EGLE by July 11, 2019. At a minimum, the CAP shall include:

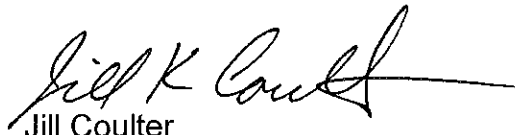
1. A report detailing the removal of the demolition debris and the reduction or removal of the compost material.
 - a. The report should include photo documentation that the demolition debris have been removed
 - b. The report should also include information on how and when the removed waste was properly disposed of.
2. A report detailing the method of solid waste disposal chosen as an alternative to open burning.

EGLE anticipates and appreciates your cooperation in resolving this matter. For questions in regard to Part 115 please contact Ms. Coulter at 517-243-1680 or CoulterJ5@Michigan.gov, or Mr. Hiday at 517-282-7546 or HidayA@Michigan.gov.

Please submit a written response to EGLE, AQD, Lansing District, P.O. Box 30242, Lansing, Michigan 48909, and submit a copy to Ms. Jenine Camilleri, Enforcement Unit Supervisor at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760.

Should you require further information in regard to Part 55, please contact Mr. McGeen at 517-241-3571 or McgeenD@Michigan.gov. All parties may be reached by mail at EGLE, Lansing District Office, P.O. Box 30242, Lansing, Michigan 48909-7742.

Sincerely,



Jill Coulter
Environmental Quality Analyst
Materials Management Division



Daniel A. McGeen
Environmental Quality Analyst
Air Quality Division

cc: Mr. Lonnie Lee, EGLE
Ms. Mary Ann Dolehanty, EGLE
Dr. Eduardo Olaguer, EGLE
Ms. Jenine Camilleri, EGLE
Mr. Christopher Ethridge, EGLE
Mr. Brad Myott, EGLE
Mr. Larry Bean, EGLE
Mr. Jeff Spencer, EGLE
Mr. Aaron Hiday, EGLE