



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING DISTRICT OFFICE



C. HEIDI GRETHER
DIRECTOR

November 28, 2017

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Mr. Jim Novak
Novak's Supply & Equipment
3620 Van Dyke Road
Almont, Michigan 48003

SRN: U441708621, Lapeer County

Dear Mr. Novak:

SUBJECT: Open Burning Notification Letter

The Department of Environmental Quality (DEQ), Air Quality Division (AQD) received a complaint alleging past open burning of solid waste at the Summers Road gravel pit located north of the intersection of Summers Road and Bowers Road, Imlay City. This burning is alleged to have included demolition debris from houses and debris from renovation of a school building. If this burning is for waste disposal from a business, it may be a violation of Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451). The purpose of this letter is to determine Novak's Supply & Equipment's compliance with R 336.1310 adopted pursuant to Act 451.

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 1400 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.

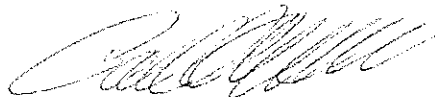
The burning of material may also be an additional violation of Section 115 of Act 451, which prohibits the disposal of solid waste other than at a licensed solid waste disposal, recycling, or composting facility.

In order to comply with state law, Novak's Supply & Equipment is advised to refrain from additional open burning. Please notify this office, in writing, of the alternative method of solid waste disposal Novak's Supply & Equipment by December 20, 2017.

Additional information can be found at the DEQ's open burning web site at <http://www.michigan.gov/deqair> (under the "Compliance" Tab, choose the Compliance Topics" dropdown, and then "Open Burning Information"). A list of licensed landfills is provided on the DEQ internet at www.michigan.gov/deqwaste (under the "Solid Waste" Tab, choose the "Solid Waste Information dropdown, and then "Solid Waste Facilities"). A list of recycling centers is provided on the DEQ internet at www.michigan.gov/deqrecycling (under the "At Home" Tab, choose "Local Contacts").

If you have any questions or comments, you may contact me at the telephone number listed below or at mcgeend@michigan.gov. The AQD appreciates your time and cooperation in settling this matter in a timely manner.

Sincerely,



Daniel A. McGeen
Environmental Quality Analyst
Air Quality Division
517-284-6638

DAM:TG

cc/via email: Mr. Larry Bean, DEQ