



GRETCHEN WHITMER
GOVERNOR

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



LIESL EICHLER CLARK
DIRECTOR

October 28, 2020

Nick's Mechanical
6621 West Division Street
Cadillac, MI 49601

SRN: U832003739 , Wexford County

To Whom It May Concern:

VIOLATION NOTICE

On October 21, 2020 EGLE Air Quality Division (AQD) staff observed open burning within 1400 feet of an incorporated city at Nick's Mechanical located at 6621 West Division Street, Cadillac Michigan. This constitutes a violation of Rule 310 of the administrative rules promulgated under 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 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.

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

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In order to comply with Rule 310, Nick's Mechanical 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 accordance with Part 115, Solid Waste Management, Section 11512(1) of Act 451. Additionally, if Nick's Mechanical 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 (in the shaded box on the upper right-hand side of the page).

Please initiate actions necessary to correct the cited violation and submit a written response to this Violation Notice by November 18, 2020 (which coincides with 21 calendar days from the date of this letter) acknowledging that open burning activities have ceased.

Please submit the written response to EGLE-AQD, at 120 West Chapin Street, Cadillac, Michigan 49601 and submit a copy to Ms. Jenine Camilleri, Enforcement Unit Supervisor at EGLE-AQD, P.O. Box 30260, Lansing, Michigan 48909-7760.

If Nick's Mechanical 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 violation cited above. 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,



Kurt Childs
Senior Environmental Quality Analyst
Air Quality Division
231-878-2045

cc: Ms. Mary Ann Dolehanty, EGLE
Dr. Eduardo Olaguer, EGLE
Ms. Jenine Camilleri, EGLE
Mr. Christopher Ethridge, EGLE
Mr. Shane Nixon, EGLE
Mr. Phil Roycraft, EGLE
Detective Holly Pennoni, EGLE