



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
GRAND RAPIDS DISTRICT OFFICE



LIESL EICHLER CLARK  
DIRECTOR

January 15, 2019

Mr. John Powell  
Powell's Excavating and Septic Inc.  
20544 M-82  
Howard City, Michigan 49329

SRN: U591900089, Montcalm County

Dear Mr. Powell:

**VIOLATION NOTICE**

On January 3, 2019, the Department of Environmental Quality (DEQ), Air Quality Division (AQD), conducted an investigation of Powell's Excavating and Septic Inc.'s job site located at 20449 M-82, Howard City, Michigan. The purpose of this investigation was to determine the site's 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 3, 2019, regarding black smoke and alleged open burning of construction debris attributed to Powell's Excavating and Septic Inc.'s operations.

During the inspection, staff observed the following:

Process Description	Rule/Permit Condition Violated	Comments
Open burning of trees and brush	Rule 310	Burning took place within 1400 feet of the Village of Howard City

On January 3, 2019, AQD staff observed open burning of brush material at 20449 M-82, Howard City. This constitutes a violation of Rule 310 of the administrative rules promulgated under Act 451, which prohibits open burning of land clearing brush within 1400 feet of an incorporated city or village limit.

In order to comply with Rule 310, Powell's Excavating and Septic Inc. is advised to immediately discontinue any open burning at this location.

The DEQ 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.

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Additionally, if Powell's Excavating and Septic Inc. decides to incinerate their waste, it must be incinerated in a properly designed incinerator. An approved permit must be obtained from the DEQ before commencing installation of any incinerator. An application form is available by request, or at the following website:  
[www.michigan.gov/deqair](http://www.michigan.gov/deqair) (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 February 5, 2019 (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 the DEQ, AQD, Grand Rapids District, at 350 Ottawa Avenue NW, Unit 10, Grand Rapids, Michigan 49503 and submit a copy to Ms. Jenine Camilleri, Enforcement Unit Supervisor at the DEQ, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760.

If Powell's Excavating and Septic 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 violation cited above and for the cooperation that was extended to me during my inspection of Powell's Excavating and Septic Inc. 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,



Tyler Salamasick  
Environmental Quality Analyst  
Air Quality Division  
616-558-1281

cc: Ms. Mary Ann Dolehanty, DEQ  
Dr. Eduardo Olaguer, DEQ  
Mr. Christopher Ethridge, DEQ  
Ms. Jenine Camilleri, DEQ  
Ms. Heidi Hollenbach, DEQ