

SEPTAGE PROGRAM ADMINISTRATIVE ENFORCEMENT ACTIONS

Below is a listing of enforcement actions initiated by the Michigan Department of Environmental Quality and other Agencies. These actions include criminal charges, revocation of a septage waste business license to pump and transport septage waste, or other civil actions as appropriate. The actions are authorized under Part 117, Septage Waste Servicers, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

The actions were taken because of serious and/or repetitive violations of Part 117 and Part 31.

Name of Septage Business	Type of Violation	Outcome
<p>Mr. Edward H. Morris III A & E Rental 10611 North Leaton Road Clare, MI 48617</p> <p>DEQ Lic. No. 37-14, Exp. 5/12/15</p>	<p>Operating with an expired septage license. The A & E septage license expired on May 12, 2015, after DEQ written reminder in 2014 that the license was set to expire in 2015. DEQ notified A & E in writing again in 2015 that the license had expired.</p>	<p>This case originated from information provided to the DNR's Environmental Investigation Section from the Central Michigan District Health Department (CMDHD).</p> <p>September 7, 2016 – Suspect, Edward Henry Morris III, was sentenced for the initial charges of unlicensed septage hauler and unauthorized disposal to \$630 in fines and costs with 3 month probation.</p> <p>November 16, 2016 – Mr. Morris sentenced again on 2 new identical charges resulting in \$1,625 fines and costs with 12 month probation and 90 days suspended jail time as well as an additional \$1,500 fine and costs for violating his original probation.</p>
<p>Mr. Donald Chaffee Chaffee Excavating 477 East Thumb Lake Road Vanderbilt, MI 49795</p> <p>DEQ Lic. No. 69-02</p>	<p>The land application of septage on the DEQ authorized land site exceeds the agronomic application rate (AAR) specified for a given crop.</p>	<p>February 12, 2016 – DEQ & LHD reviewed Chaffee cropping plan and 2015 volume record. Staff noted the AAR was exceeded. DEQ recommends revocation of site permit, issuing a violation notice and/or having Chaffee voluntarily give up permit and find a site more suitable for land application.</p> <p>March 3, 2016 – Staff from Health Dept. of NW Michigan holds meeting with Chaffee to discuss enforcement and remedies. HD follows up with notice letter.</p> <p>May 18, 2016 – DEQ reviews & approves new land site permit application.</p>

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<p>Mr. Henry Rytlewski Henry and Sons 1482 North Waldo Road Midland, MI 48642</p> <p>DEQ Lic. No. 56-01</p>	<p>Chronic violation of Part 117 – November 2014. Disposing septage waste without screening, no incorporation after surface application, no uniform application at agronomic rates.</p>	<p>September 15, 2015 – Informal Office Conference involving DEQ, Health Dept. & Mr. Rytlewski in Lansing. Mr. Rytlewski decided not to land apply septage waste and voluntarily gave up his land site.</p>
<p>Mr. Randy Layman Layman's Septic Tank and Drain Cleaning LLC 18408 County Road 20 Alvordton, OH 43501</p> <p>DEQ Lic. No. 85-09</p>	<p>June 2012 – August 2015 – Pumping septage within a SWRF service area and storing and land applying the septage in Ohio.</p>	<p>August 25, 2015 – DEQ met with Mr. Layman and BHSCA officials to discuss this ongoing matter and to clarify the Part 117 requirements. Follow up letter summarizing the meeting sent the following day. Mr. Layman notified that continued violations may result in escalated enforcement, fines and license revocation.</p> <p>January 12, 2015 – DEQ document mailed to Mr. Layman outlining the requirements of Part 117 concerning the SWRF service area requirements. Layman advised that continued violations of this requirement may result in escalated enforcement.</p> <p>June 11, 2012 – DEQ email to Mr. Layman and Branch, Hillsdale, St. Joseph Community Health Agency ((BHSCA) officials summarizing the Part 117 requirements to dispose of septage waste pumped from within a SWRF service area at that or another DEQ authorized SWRF.</p>

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<p>Mr. Bruce Rostagno Northern Septic, Inc. 1406 Forbes Road Iron River, MI 49935</p> <p>DEQ Lic. No. 36-10</p>	<p>7/10/2015 – The EPA receives notice that Northern Septic, Inc. is pumping and transporting liquid industrial wastes without a license. EPA contacts the DEQ for follow-up.</p>	<p>7/22/15 – DEQ Office of Waste Management and Radiological Protection staff investigate complaint. DEQ confirms validity of complaint. Northern Septic is pumping and transporting carwash tank sludge without a liquid industrial waste license.</p> <p>8/4/15 – DEQ OWMRP issues notice of violation to Northern Septic, Inc. The VN does not preclude nor limit the DEQ's ability to initiate any other enforcement action under state or federal law as deemed appropriate.</p>
<p>Mr. Thomas Goetz Ann Arbor Portable Toilets LLC 2122 Tiplady Road Pinckney, MI 48169</p> <p>DEQ Lic. No. 47-20</p>	<p>June 2015 – Ann Arbor Portable Toilets operating with an expired septage waste license.</p>	<p>6/17/15 – DEQ conference in Lansing with Mr. Goetz. Issues discussed in detail. Mr. Goetz ordered to cease and desist until he submits and application for a new septage license.</p> <p>6/24/15 – Notice letter issued by DEQ. Septage waste license issued.</p>
<p>Mr. Wayne V. Wellman Jonnie-On-The-Spot & Welman's Septic Service 4963 Dixie Highway Saginaw, MI 48601</p> <p>DEQ Lic. No. 73-16</p>	<p>10/22/2014 – Bridgeport Charter Township Wastewater Treatment Plant officials witnessed a Wellman employee discharge septage waste from a pump truck to the floor drain.</p>	<p>10/23/2014 – Notice of Warning (NoW) issued by Bridgeport Township to Mr. Wellman. NoW assesses a \$500 fine and orders the installation of a restrictor to the sanitary sewer lead at the manhole to trap any illicit septage discharge. The fine must be paid by November 3, 2014, and the restrictor installed no later than November 23, 2014. Failure to do will result in the termination of access to the sanitary sewer and possible criminal consequences.</p>

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<p>Mr. Roger Turner Turner's Sewer & Septic Service 19808 Mt. Zion Road Cassopolis, MI 49031</p> <p>DEQ Lic. No. 14-34 Cass County</p>	<p>11/21/2013 – DEQ received complaint that Turner's Sewer & Septic Service was dumping septage on land that was not permitted for land application.</p>	<p>11/21/2013 – DEQ refers complaint to Van Buren County and Cass County District Health Department for investigation.</p> <p>12/19/2013 – Case referred to DNR law enforcement. Mr. Turner refused property access to the HD.</p> <p>6/25 & 6/26/2014 – DNR law enforcement observes septage on the land site in question. DNR interviews Turner. .</p> <p>9/5/2014 – 4th District Court Court in Cassopolis issued a warrant for Mr. Turner's arrest charging him with one count of disposing septage on land without a permit and one count failure to display the issued vehicle seals as required.</p> <p>10/16/14 – Turner pled guilty to one count of attempt disposal of septage on land without a permit. Failure to display vehicle seal was dismissed. Turner sentenced to a \$600 fine which he paid.</p>

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<p>Mr. Steve Zoscsak Ace-1 Septic Pumping and Port a Potty 3406 East Manales Road Fountain, MI 49410</p> <p>DEQ Lic. No. 53-12 Mason County</p>	<p>On July 26, 2013, the local health department called the DEQ Septage Waste Program to report that septage waste was being dumped directly into a wetland adjacent to the land application site permitted to Ace-1 Septic Pumping and Port a Potty.</p>	<p>July 30, 2013 – Staff from DHD #10 inspected the site confirming that septage waste was being dumped into the wetland.</p> <p>August 1, 2013 – DEQ makes a referral to the DNR Law Enforcement Division for investigation. While nearly 4000 gallons of septage had been dumped, DNR law enforcement and DEQ Water Resources Division staff determine the septage did not reach the Lincoln River. Charges are made against an employee of Ace-1 Septic who admitted to dumping in the wetland.</p> <p>August 23, 2013 – Notice Letter issued to Mr. Zoscsak outlining violations and clean-up requirements with timeline for completion.</p> <p>September 4, 2013 – Clean up completed and approved by DEQ.</p> <p>November 5, 2013 – The criminal case was prosecuted in the 79th District Court in Ludington. Subject pled guilty to two counts of illegal disposal of septage waste. The subject was fined \$580 and could face 90 days of discretionary jail time.</p>
<p>Mr. Tom McNair LaPew Sanitation 10999 Pope Road Jonesville, MI 49250</p> <p>DEQ Lic. No. 30-10 Hillsdale County</p>	<p>Pumping septage waste within the service area of a septage waste receiving facility and then land applying the waste. Secondly, pumping food establishment septage and land applying without taking the required soil samples for Cadmium and PCB as required under Part 117.</p>	

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<p>Mr. Gerald D. Gaultier Boardman Valley Construction P.O. Box 39 South Boardman, MI 49680</p> <p>DEQ Lic. No. 40-03 Kalkaska County</p>	<p>2013 cropping plans (CP) past due. All septage waste businesses were directed to submit their 2013 CP no later than January 11, 2013, in a DEQ Septage Waste Program memo dated November 28, 2012.</p>	<p>May 9, 2013 – Notice letter issued. Respondent notified that they are not authorized to land apply septage to sites without a 2013 cropping plan since it is a violation of the law. Respondent directed to submit cropping plans and soil analysis for nutrients and Cd and PCB if they pump food establishment septage (FES) to their LHD and DEQ for review and approval.</p>
<p>Mr. Robert J. Herman Carlisle Septic 68780 Garver Lake Road Edwardsburg, MI 49112</p> <p>DEQ Lic. No. 14-10 Cass County</p>	<p>2013 cropping plans (CP) past due. All septage waste businesses were directed to submit their 2013 CP no later than January 11, 2013, in a DEQ Septage Waste Program memo dated November 28, 2012.</p>	<p>May 9, 2013 – Notice letter issued. Respondent notified that they are not authorized to land apply septage to sites without a 2013 cropping plan since it is a violation of the law. Respondent directed to submit cropping plans and soil analysis for nutrients and Cd and PCB if they pump food establishment septage (FES) to their LHD and DEQ for review and approval.</p>
<p>Mr. Joseph F. Tomaski Gaylord Sewer & Septic Service 6528 Pyke School Road Gaylord, MI 49735</p> <p>DEQ Lic. No. 69-05 Otsego County</p>	<p>2013 cropping plans (CP) past due. All septage waste businesses were directed to submit their 2013 CP no later than January 11, 2013, in a DEQ Septage Waste Program memo dated November 28, 2012.</p>	<p>May 9, 2013 – Notice letter issued. Respondent notified that they are not authorized to land apply septage to sites without a 2013 cropping plan since it is a violation of the law. Respondent directed to submit cropping plans and soil analysis for nutrients and Cd and PCB if they pump food establishment septage (FES) to their LHD and DEQ for review and approval.</p>
<p>Mr. Gordon W. Hyrkas Gordy's Pumping 58999 Trap Rock Valley Road Calumet, MI 49913</p> <p>DEQ Lic. No. 31-05 Houghton County</p>	<p>2013 cropping plans (CP) past due. All septage waste businesses were directed to submit their 2013 CP no later than January 11, 2013, in a DEQ Septage Waste Program memo dated November 28, 2012.</p>	<p>May 9, 2013 – Notice letter issued. Respondent notified that they are not authorized to land apply septage to sites without a 2013 cropping plan since it is a violation of the law. Respondent directed to submit cropping plans and soil analysis for nutrients and Cd and PCB if they pump food establishment septage (FES) to their LHD and DEQ for review and approval.</p>

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<p>Mr. Scott Hutchinson Johnson Septic Tank Service 10061 E 16 Road Manton, MI 49663</p> <p>DEQ Lic. No. 83-09 Wexford County</p>	<p>2013 cropping plans (CP) past due. All septage waste businesses were directed to submit their 2013 CP no later than January 11, 2013, in a DEQ Septage Waste Program memo dated November 28, 2012.</p>	<p>May 9, 2013 – Notice letter issued. Respondent notified that they are not authorized to land apply septage to sites without a 2013 cropping plan since it is a violation of the law. Respondent directed to submit cropping plans and soil analysis for nutrients and Cd and PCB if they pump food establishment septage (FES) to their LHD and DEQ for review and approval.</p>
<p>Mr. Martin Dexter Marty's Septic Service 15313 100 Avenue Rodney, MI 49342</p> <p>DEQ Llic. No. 54-03 Mecosta County</p>	<p>2013 cropping plans (CP) past due. All septage waste businesses were directed to submit their 2013 CP no later than January 11, 2013, in a DEQ Septage Waste Program memo dated November 28, 2012.</p>	<p>May 9, 2013 – Notice letter issued. Respondent notified that they are not authorized to land apply septage to sites without a 2013 cropping plan since it is a violation of the law. Respondent directed to submit cropping plans and soil analysis for nutrients and Cd and PCB if they pump food establishment septage (FES) to their LHD and DEQ for review and approval.</p>
<p>Mr. Scott Stone Stone Construction and Septic, LLC 17773 US Highway 12 Edwardsburg, MI 49112</p> <p>DEQ Lic. No. 14-04 Cass County</p>	<p>2013 cropping plans (CP) past due. All septage waste businesses were directed to submit their 2013 CP no later than January 11, 2013, in a DEQ Septage Waste Program memo dated November 28, 2012.</p>	<p>May 9, 2013 – Notice letter issued. Respondent notified that they are not authorized to land apply septage to sites without a 2013 cropping plan since it is a violation of the law. Respondent directed to submit cropping plans and soil analysis for nutrients and Cd and PCB if they pump food establishment septage (FES) to their LHD and DEQ for review and approval.</p>
<p>Mr. John F. deVeaux, Sr. Yooper Septic and Waste Disposal Service LLC 13748 S-15 Road Rapid River, MI 49878</p> <p>DEQ Lic. No. 21-11 Delta County</p>	<p>2013 cropping plans (CP) past due. All septage waste businesses were directed to submit their 2013 CP no later than January 11, 2013, in a DEQ Septage Waste Program memo dated November 28, 2012.</p>	<p>May 9, 2013 – Notice letter issued. Respondent notified that they are not authorized to land apply septage to sites without a 2013 cropping plan since it is a violation of the law. Respondent directed to submit cropping plans and soil analysis for nutrients and Cd and PCB if they pump food establishment septage (FES) to their LHD and DEQ for review and approval.</p>

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<p>Mr. John R. Sexton 1895 Bennett Road Topinabee, MI 49791</p> <p>DEQ Lic. No. 16-06 Cheboygan County</p>	<p>Violation of the 2012 cropping plan. The respondent exceeded the agronomic application rate by 9,000 gallons.</p>	<p>January 15, 2013 - Notice Letter (NL) issued to respondent ordering respondent to submit a written summary describing why the AAR was exceeded, what will be done to remedy the site and how this problem will be avoided in the future.</p> <p>January 21, 2013 – Respondent replied satisfactorily in writing to all the requirements outlined in the NL. Case is closed.</p>
<p>Mr. Victor Bloom DeForest & Bloom Septic Tanks & Concrete 7994 Houghton Rd Central Lake, MI 49622</p> <p>DEQ Lic. No. 05-05 Antrim County</p>	<p>Improper land application of septage at site ID# 2(A) on Dawson Rd, Section 21.</p>	<p>January 14, 2013 – Health Department of Northwest Michigan order to immediately cease any further land application until such time of being able to demonstrate the required protocols are in place to properly land apply septage as required. Advance planning will be necessary to demonstrate this.</p>
<p>Robert Rasch Rent A John – DBA AAA Portable Toilets Inc. 5475 South State Street Ann Arbor, MI 49108</p> <p>DEQ Lic. No. 81-08 Washtenaw County</p>	<p>Poor record keeping and disposal of septage waste at an unauthorized location.</p>	<p>October 22, 2012 – Complaint investigated by Washtenaw County Department of Public Health (WCDPH) based on complaint received. DEQ copied on complaint investigation.</p> <p>January 14, 2013 – Notice of Informal Conference issued to respondent.</p> <p>April 2, 2013 – Violation Notice issued summarizing allegations and outcome of Informal Conference. Respondent ordered to submit records to DEQ and WCDPH from April 1 – July 31, 2013. Ordered to obtain 5 CSE credits no later than October 1, 2013. Failure to comply may result in escalated enforcement including but not limited to license suspension, revocation or other action.</p>

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<p>Mr. Ron Richards Richards Septic Service, Inc. 1560 Greenville Road Greenville, MI 48838</p> <p>DEQ Lic. No. 59-01 Montcalm County</p>	<p>Failure to incorporate land applied septage with the soil at their DEQ authorized land application site.</p>	<p>August 20, 2012 – Notice Letter issued by the Mid-Michigan District Health Department. Mr. Richards ordered to incorporate immediately. Follow up inspection scheduled for August 24, 2012.</p> <p>August 27, 2012 – Follow up letter issued documenting Richards Septic Service incorporated septage with the soil.</p>
<p>Mr. Clint Sumner Michigan Disposal P.O. Box 210406 Auburn Hills, MI 48321</p> <p>Former DEQ Lic. No. 63-82 Oakland County</p>	<p>Failure to pay annual fees.</p> <p>Failure to present license to health department staff.</p>	<p>August 7, 2012 - Oakland County HD issued a warning letter after Mr. Sumner failed to comply with requests to schedule an inspection of his vehicle.</p> <p>August 9, 2012 – DEQ contacted Mr. Sumner who confirmed that he is out of business. DEQ contacted the disposal facilities that Michigan Disposal used and the Oakland Count HD.</p>