



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



DAN WYANT
DIRECTOR

February 11, 2016

CERTIFIED MAIL

Mr. Daniel Fette
Berrien County Community Development
701 Main Street
Saint Joseph, Michigan 49085

Ms. Katie Montoya
Berrien County Land Bank
701 Main Street
Saint Joseph, Michigan 49085

Mr. Dave Baldwin, Jr.
Trust Thermal Abatement, Inc.
210 South Water Street
Owosso, Michigan 48867

SRN: U111512045

Dear Mr. Fette, Ms. Montoya, and Mr. Baldwin

VIOLATION NOTICE

On February 4, 2016, the Department of Environmental Quality (DEQ), Air Quality Division, performed an asbestos NESHAP inspection at, 368 Brunson Avenue, Benton Harbor, Berrien County. The purpose of this inspection was to determine compliance with the requirements of Title 40 of the Code of Federal Regulations, Part 61, Subpart M (National Emission Standard for Asbestos), and Rule 942 of Part 55, Air Pollution Control of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

According to my investigation, Ms. Montoya is the responsible person for the subject property and Mr. Baldwin is the contractor who performed the abatement activities. The abatement occurred on or around January 25, 2016. The National Emission Standard for Asbestos holds both the owner and operator equally liable for violations.

During the investigation, staff observed the following:

The subject property had RACM (duct wrap TSI) abatement performed in two locations in the basement and no notification was submitted for the work performed.

Process Description	Section Violated	Comments
Failure to submit notification of abatement at the address stated above.	§61.145(b)(3)(i)	Failure to provide notice prior to asbestos work

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Please initiate actions necessary to correct the cited violation and submit a written response to this violation notice by March 3, 2016 (which coincides with 21 calendar days from the date of this letter). The written response should include: the date(s) 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 date(s) by which these actions will take place; and what steps are being taken to prevent a reoccurrence. The signed written response to this violation notice may be submitted by mail and directed to my attention at; DEQ AQD, P.O. Box 30260, Lansing, Michigan 48909-7760 or scanned and sent as an email attachment to brownj9@michigan.gov.

If you believe the above observations or statements are inaccurate or do not constitute a violation 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 extended to me during our meeting and emails. If you have any questions regarding the violation notice or the actions necessary to bring this facility into compliance, please contact me at 517-599-7825; brownj9@michigan.gov; or DEQ AQD, P.O. Box 30260, Lansing, Michigan 48909-7760.

Sincerely,



Jeremiah Brown
Environmental Quality Analyst
Air Quality Division

cc: Ms. Heidi Hollenbach, DEQ
Mr. Thomas Hess, DEQ
Ms. Karen Kajiya-Mills, DEQ
Ms. Mary Douglas, DEQ
Mr. Jason Wolf, DEQ