



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



Keith Creagh
DIRECTOR

January 27, 2016

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

CERTIFIED MAIL

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

SRN: U111513363 – Berrien County

Dear Ms. Montoya and Mr. Baldwin:

VIOLATION NOTICE

On January 22, 2016 the Department of Environmental Quality (DEQ), Air Quality Division, performed an asbestos National Emissions Standard for Hazardous Air Pollutants (NESHAP) inspection located at 668 Pearl Street, 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 December 3, 2015. The National Emission Standard for Asbestos holds both the owner and operator equally liable for violations.

During the investigation, staff observed the following:

- 1) Small pieces of cementitious asbestos (transite) on the ground and on the structure.
- 2) An unlabeled drum with cementitious asbestos and RACM duct wrap inside and none of the materials were wet.

Process Description	Section Violated	Comments
Violations observed while conducting an inspection at the address stated above	§61.145(c)(1)	Failure to remove RACM
	§61.145(c)(6)(i)	Failure to wet RACM that has been stripped
	§61.150(a)(1)(iii)	Failure to seal while wet
	§61.150(a)(1)(v)	No generator labels
	§61.150(b)(1)	Failure to deposit asbestos containing waste material as soon as practical

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Please initiate actions necessary to correct the cited violation and submit a written response to this violation notice by February 16, 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 517-559-7825; 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. Teresa Seidel, DEQ
Mr. Thomas Hess, DEQ
Ms. Karen Kajiya-Mills, DEQ
Ms. Mary Douglas, DEQ
Mr. Jason Wolf, DEQ