



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
LANSING



LIESL EICHLER CLARK  
DIRECTOR

April 2, 2019

Chief James Thomas  
Marcellus Fire & Ambulance  
P.O. Box 367  
Marcellus, Michigan 49067

Mr. Brian Bates  
52668 Maple Road  
Marcellus, Michigan 49067

SRN/ID: U141903646, Cass County

Dear Chief Thomas and Mr. Bates:

### VIOLATION NOTICE

**The Department of Environmental Quality (DEQ), Air Quality Division, (AQD) sent you a Violation Notice dated April 1, 2019, which contained an error (date) in the first line. This violation notice voids and supersedes that first notice.**

On March 27, 2019, the DEQ, AQD, performed an asbestos inspection located at 52668 Maple Road, Marcellus, in Cass County Michigan. 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 (Act 451).

According to our investigation, Marcellus Fire & Ambulance was the operator which conducted the Intentional Burn activities, and Mr. Brian Bates is the property owner of the address mentioned above. The National Emission Standard for Asbestos holds the *owner and operator* liable for all violations.

During the investigation, AQD staff observed the following:

I inspected the site and the structure was demolished by intentional burn and the debris was still on site. After searching the MDEQ Asbestos Notification System (ANS), I found no record of an Intentional Burn notification being submitted 10 business days prior to the burn activities. From information gathered, there was no asbestos survey conducted before the burn.

Process Description	Section Violated	Comments
Failure to provide 10 working day notification.	§61.145(b)(1)	Failure to provide 10 working day notification before demolition of a commercial building.
Failure to conduct asbestos survey prior to burn activities.	§61.145(a)	Failure to thoroughly inspect

Please initiate actions necessary to correct the cited violations and submit a written response to this violation notice by April 23, 2019 (which coincides with 21 calendar days from the date of this letter). The written response should include: the date(s) the violations occurred; an explanation of the causes and duration of the violations; whether the violations are ongoing; a summary of the actions that have been taken and are proposed to be taken to correct the violations, 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, from the *owner and operator*, may be submitted by mail and directed to my attention at: DEQ AQD, P.O. Box 30260, Lansing, Michigan 48909-7760. You must also include a copy to Mr. Jason Wolf, Enforcement Unit at the same mailing address. The response may be scanned and emailed to brownj9@michigan.gov and wolfj2@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 conversation. If you have any questions regarding this violation notice or the actions necessary to bring the property into compliance, please contact me at 517-599-7825; brownj9@michigan.gov; or the post office box address provided in the paragraph above.

Sincerely,



Jeremiah Brown  
Environmental Quality Analyst  
Air Quality Division

cc: Ms. Mary Ann Dolehanty, DEQ  
Dr. Eduardo Olaguer, DEQ  
Mr. Christopher Ethridge, DEQ  
Mr. Rex Lane, DEQ  
Mr. Jason Wolf, DEQ  
Ms. Karen Kajiya-Mills, DEQ