



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



C. HEIDI GREYHER
DIRECTOR

September 20, 2016

Mr. Tim Burgess
Muskegon County Land Bank
173 East Apple Avenue
Muskegon, Michigan 49442

SRN / ID's: U611606280
U611606733
U611606734

Dear Mr. Burgess:

SECOND VIOLATION NOTICE

On June 8 and June 27, 2016, the Department of Environmental Quality (DEQ), Air Quality Division, performed an asbestos NESHAP (National Emission Standard for Hazardous Air Pollutants) inspection at 2121 Sanford Street and at 2828 Baker Street and also at 2916 Baker Street, Muskegon, Muskegon County, Michigan. The purpose of these inspections 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.

On July 7, 2016, the AQD sent you a Violation Notice citing violations discovered as a result of these inspections and requested your written response by July 28, 2016. A copy of that letter is enclosed for your reference. We have not received your response addressing the items in that Violation Notice.

Please be advised that failure to respond in writing and identifying 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, may result in escalated enforcement action by the AQD. Please provide the information requested in our July 7, 2016, letter by September 30, 2016, which corresponds to 10 days from the date of this letter.

Be further advised that issuance of this Violation Notice does not preclude or limit the DEQ's ability to initiate any other enforcement action under state or federal law as appropriate.

Mr. Tim Burgess
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If you have any questions or require further information regarding the violations or the actions necessary to bring your property into compliance, please contact me at 517-599-7825; brownj9@michigan.gov; or DEQ AQD, P.O. Box 30260, Lansing, Michigan 48909-7760.

Sincerely,

A handwritten signature in black ink that reads "Karen Mills for Jeremiah Brown". The signature is written in a cursive style.

Jeremiah Brown
Environmental Quality Analyst
Air Quality Division

Enclosure

cc: Ms. Lynn Fiedler, DEQ
Ms. Mary Ann Dolehanty, DEQ
Mr. Chris Ethridge, DEQ
Ms. Heidi Hollenbach, DEQ
Mr. Tom Hess, DEQ
Ms. Karen Kajiya-Mills, DEQ



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



KEITH CREAGH
DIRECTOR

July 7, 2016

CERTIFIED MAIL

Mr. Tim Burgess
Muskegon County Land Bank
173 East Apple Avenue
Muskegon, Michigan 49442

Mr. Douglas Melching
Melching Incorporated
16942 Woodlane Drive
Nunica, Michigan 49448

SRN: U611606280; U611606733; U611606734

Dear Mr. Burgess and Mr. Melching:

VIOLATION NOTICE

On June 8, 2016, and June 27, 2016, the Michigan Department of Environmental Quality (DEQ), Air Quality Division (AQD), performed an asbestos inspection at 2121 Sanford Street and at 2828 Baker Street and also at 2916 Baker Street, Muskegon, Muskegon 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.

According to my investigation, Mr. Tim Burgess of the Muskegon County Land Bank is the responsible person for the subject property, and Mr. Douglas Melching of Melching Incorporated is the responsible person for the abatement activities at this location. The abatement occurred on or around June 6 & June 20, 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 properties had been abated and regulated asbestos-containing material (RACM) was not completely removed and the subject houses were scheduled for demolition.

Process Description	Section Violated	Comments
RACM left behind after abatement activities	§61.145(c)(1)	Failure to remove RACM

Mr. Tim Burgess
Mr. Douglas Melching
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July 7, 2016

Please initiate actions necessary to correct the cited violation and submit a written response to this violation notice by July 28, 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 from both owner and operator to this violation notice may be submitted by mail and directed to my attention at; DEQ AQD, P.O. Box 30260, Lansing, Michigan 48909 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. Lynn Fiedler, DEQ
Ms. Teresa Seidel, DEQ
Ms. Heidi Hollenbach, DEQ
Ms. April Lazzaro, DEQ
Mr. Tom Hess, DEQ
Ms. Karen Kajiya-Mills, DEQ