



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
LANSING



LIESL EICHLER CLARK
DIRECTOR

September 26, 2019

UPS NEXT DAY DELIVERY

Mr. Kenn Hartmann
Kalamazoo County Land Bank
1523 Riverview Drive, Suite A
Kalamazoo, Michigan 49004

Mr. Brian Tolson
Tolson Total Environmental
114 Emerson Street
Kalamazoo, Michigan 49001

SRN / ID: U391907905; Kalamazoo County

Dear Mr. Hartmann and Mr. Tolson:

VIOLATION NOTICE

On September 23, 2019, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), performed an asbestos NESHAP (National Emission Standard for Hazardous Air Pollutants) inspection at 510 Phelps Avenue, Kalamazoo, Kalamazoo County. The purpose of this inspection was to determine compliance with the requirements of Title 40 of the Code of Federal Regulations (40 CFR), 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 my investigation, the Kalamazoo County Land Bank owns the subject property and Tolson Total Environmental performed the abatement activities. The National Emission Standard for Asbestos holds both the *owner and operator* equally liable for any violations.

During the inspection, staff observed the following:

The subject residential property had a notification for the abatement of ducts and plaster walls and ceilings. However, during my inspection of the property, loose dry Thermal Systems Insulation (TSI) was noted on the basement floor in addition to open Regulated Asbestos Containing Materials (RACM) waste bags.

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Process Description	Section Violated	Comments
On 9/23/19, staff performed a post abatement inspection of a scheduled demolition at 510 Phelps Avenue, Kalamazoo Michigan, a residential property.	40 CFR 61.145 (c)(1)	Failure to remove all RACM.
	40 CFR 61.145 (c)(1)(iii)	Failure to wet.
	40 CFR 61.145 (c) (4)	Failure to properly contain.

Please initiate actions necessary to correct the cited violations and submit a written response to this violation notice by October 17, 2019, (which coincides with 21 calendar days from the date of this letter). The written response should include: the dates 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 dates by which these actions will take place; and what steps are being taken to prevent a reoccurrence.

Please submit the signed written response to Mr. Steven Kidder at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760 or scan and email as an attachment to me at Kidders@michigan.gov and submit a copy to Mr. Jason Wolf, Enforcement Unit at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760 or 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 violations cited above and for the cooperation that was extended to me during our meeting at the site. If you have any questions regarding the violation notification or the actions necessary to bring this facility into compliance, please feel free to contact me at 517-243-4492; kidders@michigan.gov; or EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760.

Sincerely,



Steven Kidder
Environmental Quality Analyst
Air Quality Division

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