

DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY DIVISION
ACTIVITY REPORT: Self Initiated Inspection

U4714278229854

FACILITY: JB Design		SRN / ID: U47142782
LOCATION: 7031 Munsell Road, Howell		DISTRICT: Lansing
CITY: Howell		COUNTY: LIVINGSTON
CONTACT: Phil Bartos , Owner		ACTIVITY DATE: 06/16/2015
STAFF: Nathaniel Hude	COMPLIANCE STATUS: Pending	SOURCE CLASS:
SUBJECT: Inspection as part of follow-up to a complaint. 5/14/15 anonymous Complaint of Odor, Opacity, Fallout, Fugitive Dust, and Open Burning		
RESOLVED COMPLAINTS:		

Self initiated inspection due to recent complaints from site.

Complaint Against: JB Design, Mr. Phil Bartos

SRN:

U47142782

Location: 7031 Munsell Road, Howell, MI 48843

County: Livingston

Township: Iosco

Complaint History

1. 4/30/14 Complaint- for Odors and Fugitive Dust; DEQ referred to Township zoning official Pat Davison who stated he would visit the property and discuss at the next township board meeting. Inspector: Dan McGeen
2. 4/28/15 Complaint- for Odor, Opacity, Fallout, and Fugitive Dust; DEQ letter to JB Design, dated 5/14/15, stating state rules. Inspector: Dan McGeen
3. 5/14/15 Complaint- for Odor, Opacity, Fallout, Fugitive Dust, and Open Burning; (same letter as #2) DEQ letter to JB Design, dated 5/14/15, stating state rules and discussion phone with township clerk Dan Delmarico. Inspector: Dan McGeen
4. 5/29/15 Attorney Letter received by MDEQ addressed to Dan McGeen. Letter from Mark E. Reizen, Esq. received stating unsubstantiated complaints, PM from sand blasting remains within 24 ft. area of his garage, spray painting outdoors does not exceed 20 to 25 ft. radius. An invitation to visit the residence is included.
5. Dan McGeen receives voicemail while out of office on June 9, 2015 from Mark Reizen to discuss letter. Mr. Reizen stated he would be out of office starting at 1200 that day but would be returning on June 15, 2015. Dan was unable to return Mr. Reizen's call due to the time he returned to the office on June 9th.
6. 6/10/15 DEQ, Nathan Hude assumes responsibility for complaint resolution.
7. 6/16/15, site visit at 7031 Munsell Road. Present: Phil Bartos, Mrs. Bartos, Mark Reizen, Pat Davison, and myself.

Investigation

June 11, 2015, research

- o Reviewed and printed all JB Design complaints and DEQ letter sent to JB Design on 5/14/15.
- o Reviewed aerial images of business location and made map using Yahoo and Google maps (the imagery age is unknown yet is believed to be older than 2014). Approximately 16 residential homes exist 0.5 miles of JB Design, primarily downwind of the prevailing wind direction (WSW to WNW). Assuming the building to the furthest south portion of the JB Design address is the location of activity, an estimated distance legend was created to estimate distances between JB design and the nearest residences.

- o Reviewed Iosco Township Ordinances through the township website.
 - § I found that #13- Anti-Blight and Anti-Nuisance Ordinance and #14- Solid Waste Disposal Ordinance, did not cover issues of Odor, Opacity, Fallout, and Fugitive Dust.
 - § Ordinance #15- Fire and Emergency Service requires a permit to be obtained through the Fowlerville Fire Department.
 - § Ordinance #18- Emergency Hazardous Material Spills does not cover issues of Odor, Opacity, Fallout, and Fugitive Dust.
- o Called FFD, 517-223-8561. Requested info on recent permits for address. Only one issued in the 7000 area of Munsell road; 10Apr15 for 7030 Munsell Rd, Last name: Duccett.
- o Reviewed Iosco Zoning Ordinances through the township website, listed as "draft".
 - § Article 6- Environmental Provisions
 - 6.3- Airborne Emissions
 - o 6.3.1- Smoke and Air Contaminants: It shall be unlawful for any person, firm, or corporation to permit the emission of any smoke or air contaminant from any source whatsoever to a density greater than that permitted by Federal Clean Air Standards and those standards promulgated by the Michigan Department of Environmental Quality according to Act 348 of 1965, either of which act may be amended or superseded from time to time. There shall not be discharged from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment or nuisance to the public or which endanger comfort, repose, health, or safety of persons or which cause injury or damage to business or property.
 - o 6.3.2- Odors: Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public shall be removed, stopped, or so modified as to remove the odor. Certain agricultural operations may be regulated under the State of Michigan, Department of Agriculture's Generally Accepted Agricultural Management Practices (GAAMPS) .
 - § Article 13- Non-Conforming Uses, Structures, and Lots
 - Does not apply due to grandfathered clauses
- o Called Iosco Township Hall (only open Thursdays 1300-1700). Spoke with the Zoning Inspector, Mr. Pat Davison. I asked about the zoning ordinances to which he informed me they would not go into effect for a couple of months. He also informed me that he went to the site after Dan McGeen contacted him by phone regarding the first complaint in April of 2014. Mr. Davison stated he was told that "the DEQ had been out here and stated that due to the amount of trees around the area, they would absorb any contaminants and that he was in compliance". I informed Mr. Davison that we had not been out to the property and that statement did not come from our office (I confirmed with Dan McGeen that he had never been to the site, nor had he spoken with any personnel employed by JB Design). I then informed Mr. Davison that JB Design's representation invited the DEQ out to his site to review the operation and invited him to the meeting to which he agreed to attend. Mr. Davison also stated that a

board meeting would be occurring on the next Tuesday and he would bring the situation to the board's attention. I concluded the phone call exchanging information for the purposes of coordinating a meeting within the next two weeks.

- o Sent email to Mr. Reizen accepting invitation to JB Designs stating the weeks of 15Jun and 29Jun were open. Visit scheduled for June 16, 2015.

June 16, 2015, site visit

I arrived on site at 1325 and drove back to Mr. Bartos pole barn. Everyone was already onsite and in the barn. We introduced one another and discussed the history of the complaints; I informed them that they were all anonymous. Phil explained that they believed the complainants name was Ed. Ed was a former friend who had lived with them for two years. Within the past year, they asked Ed to leave their house, to which he did and moved down the road. From that point on, their friendship dissolved and they believed was the reason why Ed began to complain. Phil stated that the properties to the east consisted of vacant property his sister owns, followed by property his son owns, and then Ed's property.

We discussed the operation. Phil stated that he performs sandblasting and painting as a hobby and not as a business. He rebuilds cars, trucks, and fabricates vehicles for racing in the sand track adjacent to his house and pole barn. He has a paint booth he and Ed built inside the pole barn with filters and ventilation. The sandblasting, he admitted to performing outside.

At this point, we reviewed and I provided copies to everyone rules 901, 301, 310, 331, 281 (c) and (d), 285 (k)(1)(vi), 287, and 201. I told him that if he could not comply with any of the exemptions included in rules 285 and 287 that he would have to get a permit which would require more containment through rule 201. I told him, bottom line, he has to bring all sand blasting activities inside and no visible emission can exit the building. I explained that by doing so, would stop any complaints and allow him to operate without the stress or worry of future complaints and compliance issues. I also informed him that if he continued to operate outside, it would result in a Violation Notice. Pat also informed them of future township environmental rules that would be coming into effect later this year. Pat stated under the current ordinance, that as long as he did not earn >10% of his total income on any business activities, he was able to perform his operation without being considered a business. Phil stated that any income he receives does not come close to 10% and he mostly does sandblasting and painting for friend as favors.

Phil understood of the rules and the reasoning as I explained it. The visit was very cordial and they received my information in a pleasant manner. I made sure that he and Mark understood that sandblasting cannot be conducted outside nor can dust escape or be visibly escaping the building when sandblasting.

Since the caller was listed as anonymous, I am unable to call and follow-up with them. At this point, I am considering the complaint as closed/resolved pending future complaints.

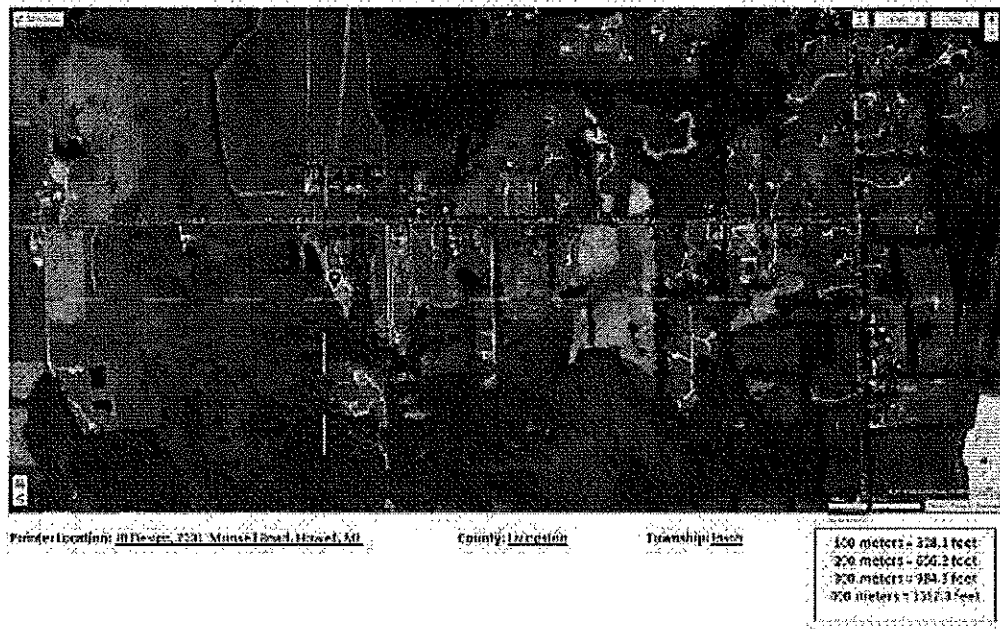


Image 1(Area Map) : Map of site with estimated distances in cardinal directions

NAME *A. H. H.*

DATE 6/24/15

SUPERVISOR *B. M.*