



GRETCHEN WHITMER
GOVERNOR

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



LIESL EICHLER CLARK
DIRECTOR

January 24, 2020

Mr. Sam Saleh
Berkshire Development, Inc.
750 Golf Crest Drive
Dearborn, Michigan 48214

ID: U821905456; Wayne County

Dear Mr. Saleh:

SUBJECT: Consent Order AQD No. 18-2013, Stipulated Fines and late payment letter

On December 30, 2013, the Michigan Department of Environment, Great Lakes, and Energy (EGLE), formally the Michigan Department of Environmental Quality, Air Quality Division (AQD), and Berkshire Development, Inc. (Company) entered into a Stipulation for Entry of Final Order by Consent AQD No. 18-2013 (Consent Order), to resolve violations of Section 112 of the federal Clean Air Act, 42 USC 7412, the federal National Emission Standards for Hazardous Air Pollutants (NESHAP), Title 40 of the Code of Federal Regulations, Part 61, Subpart M; Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, MCL 324.5501 *et seq.*, and Mich Admin Code, R 336.1942. In a Violation Notice dated October 23, 2019, the AQD cited the Company for violating terms and conditions of the Consent Order.

Paragraph 12 of the Consent Order, in part, puts forth the following conditions:

“On and after the effective date of this Consent Order, the Company shall fully comply with the asbestos NESHAP and with Michigan Administrative Code, 2008 AACCS, R 336.1942 (Rule 942)...”

Furthermore, Paragraph 17 of the Consent Order reads, in part:

“On and after the effective date of this Consent Order, if the Company fails to comply with paragraph 12 of this Consent Order, the Company is subject to stipulated fines of up to \$10,000.00 per violation per day.”

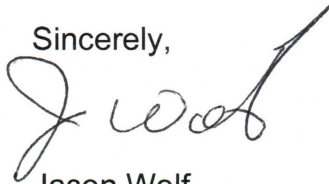
The Company failed to respond to multiple requests from EGLE to provide a response to the VN. After reviewing the Violation Notice, the AQD has determined the amount of stipulated fines to be \$25,000.00. Additionally, on May 29, 2019, EGLE sent the

enclosed interest penalty letter to the Company requesting the payment of the original settlement amount of \$10,000.00, agreed to in the Consent Order, including a late interest penalty for failing to timely pay the settlement amount. This balance remains unpaid. As a result, the interest penalty has increased to \$6,908.05.

Mr. Sam Saleh
Page 2
January 24, 2020

The Company is hereby requested to submit the original settlement amount of \$10,000.00, the interest penalty of \$6,908.05, and stipulated fines of \$25,000.00 in accordance with the provisions of Paragraph 15 of the Consent Order, by February 24, 2020. The total amount requested is \$41,908.05. To ensure proper credit, all payments shall include the Agreement Identification No. AQD40024-S on the face of the check. Stipulated fines submitted under this Consent Order shall be made by check, payable to the "State of Michigan" and mailed to the Michigan Department of Environment, Great Lakes, and Energy, Accounting Services Division, Cashier's Office, P.O. Box 30657, Lansing, Michigan 48909-8157.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Wolf', with a long, sweeping horizontal stroke extending to the right.

Jason Wolf
Enforcement Unit
Air Quality Division
WolfJ2@Michigan.gov
517-284-6772

Enclosure

cc: Mr. Neil Gordon, Department of Attorney General
Ms. Karen Kajiya-Mills, EGLE
Ms. Jenine Camilleri, EGLE



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LIESL EICHLER CLARK
DIRECTOR

May 29, 2019

Mr. Sam D. Saleh
Berkshire Development
750 Golf Crest
Dearborn, Michigan 48124

Dear Mr. Saleh:

SUBJECT: Berkshire Development Interest Penalty for AQD No. 18-2013

On December 30, 2013, the Michigan Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), and Berkshire Development (Company) entered into a Stipulation for Entry of Final Order by Consent (Consent Order) AQD No. 18-2013, to resolve violations resulting from failing to comply with the National Emission Standards for Hazardous Air Pollutants for asbestos (Asbestos NESHAP), Title 40 of the Code of Federal Regulations, Part 61, Subpart M.

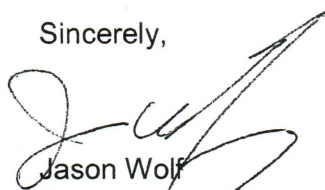
Per paragraph 16 of the Consent Order, the Company agreed to pay a settlement amount of \$10,000.00 to be made in six payments due between January 30, 2014 and February 1, 2015. To date we have no record of any payments. This has left a past due amount of \$10,000.00.

Per paragraph 19 of the Consent Order, the Company agreed to pay an interest penalty each time it fails to make a timely payment. This has resulted in an interest penalty in the amount of \$6,109.94. In accordance with the enclosed Consent Order, please submit a check payable to the State of Michigan in the amount of \$16,109.94, no later than June 28, 2019.

To ensure proper credit, all payments made pursuant to Consent Order AQD No. 18-2013 must include the Payment Identification Number AQD40024, on the front of the check and/or in the cover letter with the payment mailed to the Accounting Services Division, Cashier's Office for EGLE, P.O. Box 30657, Lansing, Michigan 48909-8157, or may be hand delivered to the Accounting Services Division, Cashier's Office for EGLE, 425 West Ottawa Street, Lansing, Michigan 48933.

If you have any questions regarding this letter, please contact me at 517-284-6772.

Sincerely,



Jason Wolf
Enforcement Unit
Air Quality Division
wolfj2@michigan.gov

cc: Mr. Neil Gordon, Department of Attorney General
Ms. Karen Kajiya-Mills, EGLE
Ms. Jenine Camilleri, EGLE