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AUG 17 2023

Air Quality Division  
Detroit Office



August 15, 2023

VIA E-MAIL AND U.S. MAIL

Tammy S. Bell  
Air Quality Division  
Michigan Department of Environment, Great Lakes and Energy  
3058 West Grand Boulevard, Suite 2-300  
Detroit, MI 48202-6058

Re: Notice of Violation, 12538 Goulburn, Detroit, Michigan

Dear Ms. Bell:

This letter is in response to the violation notice (Notice) which the Detroit Land Bank Authority (the DLBA) received from your office dated July 19, 2023, regarding the property located at, Detroit, Michigan 12538 Goulburn (Property). The Property is currently owned by the DLBA, and we understand that the DLBA's status as owner led to its receipt of the Notice. The Detroit Demolition Department oversees the demolition of properties owned by the DLBA, and we understand that the demolition contractor engaged by the City for the Property was Salenbien Trucking & Excavating (Salenbien) which was also a recipient of the Notice. This response is being submitted on behalf of the DLBA. The DLBA takes these allegations seriously and is committed to participating in their prompt resolution.

The Notice alleges that on June 29, 2023, and July 11, 2023, EGLE conducted inspections of the Property. The Notice states that on June 29, 2023, the house at the property had been demolished but the basement had not yet been removed and that asbestos-containing waste material remaining at the property was dry. The Notice states that on July 11, 2023, the basement was covered with poly, but dry asbestos-containing waste remained. The Notice alleged failure to adequately wet the asbestos-containing waste and failure to dispose of the waste as soon as practical.

Documents filed with EGLE prior to the demolition confirm that this was initially an ordered demolition, changed to an emergency demolition. The paperwork identifies the presence of asbestos-containing material in wallboard associated with the Property. The Notice did not

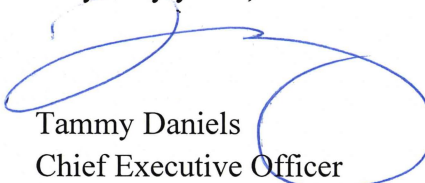
specifically identify wallboard in the materials observed at the Property during the inspections. However, it is our understanding that EGLE requires all debris from an emergency or ordered demolitions to be treated as asbestos containing if abatement was not conducted prior to the demolition. As a licensed demolition contractor, it is the DLBA's expectation that Salenbien would manage its demolition activities in accordance with applicable laws, including the Asbestos NESHAPs. To the extent that a violation may have occurred, it was the result of the failure of the demolition contractor to follow the requirements of the state and federal asbestos NESHAP, the City's Scope of Services for demolition contractors.

Salenbien has submitted a response to the Notice stating that its crew failed to follow the current EGLE guidelines. Salenbien stated that a car had been abandoned in a garage behind the home. The need to preserve the driveway to facilitate removal of the car prevented Salenbien from completing the demolition of the basement at that time, and it left the Property. Although water was to be used to keep any debris wet during the demolition, Salenbien acknowledges that its departure from the Property pending the removal of the car enabled the debris to dry out. It is our understanding that upon removal of the car, Salenbien returned to the Property on July 14, 2023, and completed the demolition, removing and properly disposing of the demolition debris. Salenbien has also committed to further educating itself on the current EGLE guidelines to prevent any recurrence of the alleged violations.

In response to the Notice and to prevent a recurrence of the alleged violations, the City also issued a Health and Safety Violation Notice to Salenbien via e-mail on July 5, 2023, a copy of which is attached, and reminded Salenbien of its obligations to confirm that the debris remained wet and to cover the debris with sheeting pending its removal. The City has also reported that it issued a Health and Safety Violation Notice to Salenbien on July 31, 2023.

We appreciate this Notice, as it assists the DLBA in working with the City to assess and address these alleged violations and take steps to prevent any such occurrence. As you know, addressing blight within the City has been a significant undertaking and mission for the DLBA. We appreciate your assistance in this endeavor and look forward to continuing our relationship with EGLE to complete this important work. Please let us know if you have any further questions with respect to this matter.

Very truly yours,



Tammy Daniels  
Chief Executive Officer  
Detroit Land Bank Authority

Encl.

**Warning: 12538 Goulburn-Uncovered Demo debris****Ron Crawford <crawfordro@detroitmi.gov>**

Wed 7/5/2023 5:31 PM

To: Andy Salenbien &lt;andy@salenbienexcavating.com&gt;

Cc: Nicole Hardaway-Johnson &lt;JohnsonNi@detroitmi.gov&gt;; Tom Fett &lt;fettt@detroitmi.gov&gt;; carla@salenbienexcavating.com &lt;carla@salenbienexcavating.com&gt;

Andy,

On Friday, June 30th, we received an email from Tammy Bell regarding a site visit at 12538 Goulburn. During her visit, she observed that there was debris scattered around the site and there was not a "regulated asbestos area" for this ordered demolition. According to Salesforce, Salenbien received an emergency NTP on June 13<sup>th</sup> and the property was knocked on June 14th. Which means that this ACWM demolished property had not been covered or loaded out for two (2) weeks.

In accordance with the Scope of Services for Residential Demolitions and the Contractors Discipline Policy, Section VI., Paragraph N: *"[i]f the Contractor is unable to load out the building debris (not hardfill, i.e. foundations or footings) within twenty-four (24) hours of knock down, the Contractor must ensure that all materials are adequately wet, and the Contractor must completely cover the debris with high-density polyethylene sheeting/liner until the debris is loaded off the site and transported for disposal. The Contractor must adequately secure the sheeting/liner to prevent wind interference and mitigate against dust migration."*

At this time, a 3D Health and Safety Violation (3D-HSV) will not be issued. This email serves as a warning notification of a compliance requirement.

Failure to comply with this notification may result in a 3D HSV.

Contact us if you have questions or need assistance.

Regards,

Ron Crawford  
Compliance and Program Analyst  
Detroit Demolition Department  
313-224-1861  
crawfordro@detroitmi.gov