

DELTA SOLID WASTE MANAGEMENT AUTHORITY

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terri@dswma.org

July 18, 2024

Michael Conklin
District Supervisor
Air Quality Division – Marquette District Office
Michigan Department of Environment, Great Lakes, and Energy

Mr. Conklin,

Thank you for the email in response to the Violation Notice response dated [June 25, 2024](#). I understand your concerns stated in the email, and would like to take this chance to respectfully respond.

Our staff was not grading the asbestos hole itself but grading around the area to increase the berm. It was not reported as (EUASBETOS in MI-ROP-N6035-2022 (SC VII.6) and 40 CFR Part 61 Subpart M, a notification at least 45 days prior to excavating or otherwise disturbing any ACWM that has been deposited at a waste disposal site and is covered must be submitted to the AQD Technical Programs Unit and appropriate AQD District Office) it was not intended for the operator to grade that close to the hole. As indicated on February 23, 2023 ACWM is in fact dropped into the asbestos hole and cover is pushed onto the bags to cover them each night, to avoid the health risk to employees. Occasionally strong winds and rain or animals foraging for food will inadvertently uncover bags.

Since the inspection on May 16, 2024, we have re-educated all of the operators and implemented new policy changes to ensure all ACWM is covered nightly. DSWMA staff are covering the bags and taking pictures they send to the office to be printed, dated, and attached to the asbestos manifest and ticket, and also saved in the computer. DSWMA staff are inspecting daily, whether or not asbestos has been deposited in the landfill that the wind or animals have not disturbed the cover previously placed.

As always, we strive to be compliant and follow requirements set forth by all departments the Michigan Department of Environment, Great Lakes and Energy.

Sincerely,



David Lundquist
Operations Manager
Delta Solid Waste Management Authority
5701 19th Ave N
Escanaba, MI 49829
(906)786-9056
david@dswma.org

From: [Terri Rabbitoy](#)
To: [Conklin, Michael \(EGLE\)](#)
Cc: [David Lundquist](#); [Yesmunt, Drew \(EGLE\)](#); [Wolf, Jason \(EGLE\)](#)
Subject: Re: DSWMA VN Response
Date: Friday, July 19, 2024 2:56:00 PM
Attachments: [Signed Violation Letter AQD 7-2024.pdf](#)

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abuse@michigan.gov**

Good Afternoon Mr. Conklin,

Please see attached letter from David Lundquist.

Thank you,

Terri Rabbitoy
Administration Manager
DSWMA

From: "Conklin, Michael (EGLE)" <ConklinM1@michigan.gov>
To: "David Lundquist" <david@dswma.org>
Cc: "Drew Yesmunt, EGLE" <YesmuntD@michigan.gov>, "Wolf, Jason (EGLE)" <WOLFJ2@michigan.gov>, "Terri Rabbitoy" <terri@dswma.org>
Sent: Tuesday, July 16, 2024 3:00:59 PM
Subject: DSWMA VN Response

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Hi Dave,

Thank you for the response to the Violation Notice dated June 25, 2024. I would like to clarify the activities mentioned in the response regarding the daily coverage of ACWM.

It was not communicated to AQD staff during the inspection that grading was occurring in the asbestos area and that being the reason ACWM bags were uncovered on May 16, 2024. Also, under EUASBETOS in MI-ROP-N6035-2022 (SC VII.6) and 40 CFR Part 61 Subpart M, a notification at least 45 days prior to excavating or otherwise disturbing any ACWM that has been deposited at a waste disposal site and is covered must be submitted to the AQD Technical Programs Unit and appropriate AQD District Office. Was there a notification, containing the following information in SC VII.6, submitted to the AQD 45 days prior?

DSWMA's response to the Violation Notice dated February 23, 2023, states a berm would be

constructed around the asbestos hole so ACWM could be dropped into the hole and not require workers to drive in to apply cover, posing a health risk. If re-grading of the berm was occurring, why would this be in the hole where ACWM is placed and not from the outside?

Looking at the pictures provided in the response and attached, the black bags photographed near the asbestos sign on May 16th are also seen in the picture from May 15th. This indicates they were not covered on May 15th as well.

Michael Conklin
District Supervisor
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Terri Rabitoy
Administration Manager
DSWMA