



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



C. HEIDI GREYER
DIRECTOR

January 3, 2017

Mr. Timothy Timmons
Meyer C. Weiner Company
700 Mall Drive
Portage, Michigan 49024

Mr. Rick Griffin, Deputy Fire Chief
Oshtemo Fire Department
7275 West Main Street
Kalamazoo, Michigan 49009

SRN / ID: U391612709; Kalamazoo County

Dear Mr. Timmons and Mr. Griffin:

VIOLATION NOTICE

On December 14, 2016, the Department of Environmental Quality (DEQ), Air Quality Division, performed an asbestos NESHAP (National Emission Standard for Hazardous Air Pollutants) complaint investigation at 947 North 9th Street, Kalamazoo, Kalamazoo County. The purpose of this investigation was to determine compliance with the requirements of Title 40 of the Code of Federal Regulations, 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, Meyer C. Weiner Company owns the subject facility and the Oshtemo Fire Department performed the intentional burn on this facility. The intentional burn took place on or about December 10, 2016. The National Emission Standard for Asbestos holds both the owner and operator equally liable for the violation.

During the investigation, staff observed the following: The former Wild Birds Unlimited store was burned to the ground with only the foundation and some fire damaged debris remaining on site. The liable parties had failed to provide a 10-working day notice prior to the intentional burn.

Process Description	Section Violated	Comments
Failed to provide 10-working day notice prior to the intentional burn for the facility located at 947 North 9 th Street, Kalamazoo, Kalamazoo County	40 CFR 61.145 (b)(3)(i)	Failure to provide the administrator with written notice.

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Please initiate the actions necessary to correct the cited violation and submit a written response to this violation notice by January 24, 2017, (which coincides with 21 calendar days from the date of this letter). The written response should include: the dates the violation occurred; an explanation of the causes and duration of the violation; whether the violation is ongoing; a summary of the actions that have been taken and are proposed to be taken to correct the violation, and the dates by which these actions will take place; and what steps are being taken to prevent a reoccurrence. The signed written response to this violation notice may be submitted by mail and directed to my attention at; DEQ AQD, P.O. Box 30260, Lansing, Michigan 48909 or scanned and emailed as an attachment to me at; dechyc@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 violation cited above and for the cooperation that was extended to me during my site visit. 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 517-749-2891; dechyc@michigan.gov; or DEQ AQD, P.O. Box 30260, Lansing, Michigan 48909-7760.

Sincerely,



Craig Dechy
Environmental Quality Analyst
Air Quality Division

cc: Ms. Lynn Fiedler, DEQ
Ms. Mary Ann Dolehanty, DEQ
Mr. Christopher Ethridge, DEQ
Ms. Mary Douglas, DEQ
Mr. Thomas Hess, DEQ
Ms. Karen Kajiya-Mills, DEQ