



GRETCHEN WHITMER
GOVERNOR

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

LANSING

LIESL EICHLER CLARK
DIRECTOR



November 10, 2021

UPS NEXT DAY DELIVERY

Mr. Vern Little
City of Pinconning
208 Manitou Street
Pinconning, Michigan 48650

Mr. Walter Garbulinski
Walt's Trucking & Excavating
2386 Tower Beach Road
Pinconning, Michigan 48650

SRN/ID: U092106022; Bay County

VIOLATION NOTICE

Dear Mr. Little and Mr. Garbulinski:

On October 22, 2021, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD) performed an asbestos NESHAP (National Emission Standard for Hazardous Air Pollutants) inspection based on an anonymous complaint at 229 South Kaiser Street and 1795 East Erikson Road, Pinconning, Bay County, Michigan. The purpose of this inspection was to determine compliance with the requirements of Title 40 of the Code of Federal Regulations (40 CFR), 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.

According to my investigation, the City of Pinconning owns the subject property and Walt's Trucking & Excavating performed the demolition activities. The National Emission Standard for Asbestos holds both the *owner and operator* equally liable for any violations.

During the complaint inspection, staff observed the following:

Walt's Trucking & Excavating had been contracted by the City of Pinconning to demolish 229 South Kaiser Street, Pinconning. The subject commercial property had been demolished and mostly removed from the site, except for an area of concrete slab that contained floor tile and black floor mastic. Walt's Trucking & Excavating and the City of Pinconning did not complete an asbestos survey prior to demolition and did not submit a 10-day notification.

At 1795 East Erikson Road, Pinconning, Walt's Trucking & Excavating dumped concrete slab and block to be used as a base to build up a road. Walt's Trucking and Excavating owns the property.

VIOLATION NOTICE

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Process Description	Section Violated	Comments
On 10/22/21, staff performed an inspection of demolition and dumping at 229 S. Kaiser Street and 1795 E. Erikson Rd, Pinconning, MI.	40 CFR 61.145 (b)(1)	Failure to provide 10 working day notification prior to demolition.
	40 CFR 61.145 (a)	Failure to thoroughly inspect. No asbestos building survey.

Please initiate actions necessary to correct the cited violations and submit a written response to this violation notice by December 1, 2021, (which coincides with 21 calendar days from the date of this letter). The written response should include: the dates the violations occurred; an explanation of the causes and duration of the violations; whether the violations are ongoing; a summary of the actions that have been taken and are proposed to be taken to correct the violations, and the dates by which these actions will take place; and what steps are being taken to prevent a reoccurrence.

Please submit the signed written response to Mr. Steven Kidder at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760 or scan and email as an attachment to me at KidderS@Michigan.gov and submit a copy to Mr. Jason Wolf, Enforcement Unit at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760 or WolfJ2@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 violations cited above and for the cooperation that was extended to me during our conversations about the site. 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 517-243-4492; e-mail at KidderS@Michigan.gov; or EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760.

Sincerely,



Steven Kidder
Environmental Quality Analyst
Air Quality Division

cc: Ms. Mary Ann Dolehanty, EGLE
Dr. Eduardo Olaguer, EGLE
Mr. Christopher Ethridge, EGLE
Mr. Chris Hare, EGLE
Ms. Karen Kajiya-Mills, EGLE
Mr. Jason Wolf, EGLE