



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



KEITH CREAGH
DIRECTOR

May 27, 2016

CERTIFIED MAIL

Pastor Taurus Montgomery
Seventh-Day Adventist Church
749 Pipestone Street
Benton Harbor, Michigan 49022

Mr. Charles Pelley
Pelley Excavating
1990 Progressive Drive
Niles, Michigan 49120

SRN: U111606591; Berrien County

Dear Pastor Montgomery and Mr. Pelley:

VIOLATION NOTICE

On May 20, 2016, the Department of Environmental Quality (DEQ), Air Quality Division (AQD), received a complaint regarding a demolition at a vacant residential structure located at 341 Pipestone Street, Benton Harbor, Berrien County, Michigan. 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.

According to my investigation, Pastor Taurus Montgomery of the Seventh-Day Adventist Church is the owner of the property and Mr. Charles Pelley is the contractor who performed the demolition activities. The demolition occurred on or about May 20, 2016. The National Emission Standard for Asbestos holds both the owner and operator equally liable for violations.

During the investigation, staff observed the following: The subject property located at 341 Pipestone Street was a seven unit residential structure which had been demolished upon arrival. An asbestos survey was not performed on the property and a "Notification of Intent to Renovate/Demolish" was not submitted.

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Process Description	Section Violated	Comments
The seven unit residential structure was demolished upon arrival. The property was located at 341 Pipestone Street, Benton Harbor, Michigan, and demolished on or about May 20, 2016.	40 CFR 61.145(b)(1)	Failure to provide 10 working day notification to the AQD of intent to renovate/demolish prior to the demolition activities.
	40 CFR 61.145(a)	Failure to thoroughly inspect the affected facility where demolition or renovation operations will occur for the presence of asbestos.

Please initiate actions necessary to correct the cited violations and submit a written response to this violation notice by June 17, 2016, (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. 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 violations cited above. If you have any questions regarding the violation notification or the actions necessary to bring this facility into compliance, please 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. Teresa Seidel, DEQ
Ms. Heidi Hollenbach, DEQ
Ms. Mary Douglas, DEQ
Mr. Tom Hess, DEQ
Ms. Karen Kajiya-Mills, DEQ