



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
LANSING



C. HEIDI GREYER  
DIRECTOR

January 26, 2018

Mr. Ted Hanson  
City of Benton Harbor  
200 East Wall Street  
Benton Harbor, Michigan 49002

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

SRN / ID: U111800342; Berrien County

Dear Mr. Hanson and Mr. Pelley:

**VIOLATION NOTICE**

On January 18, 2018, the Michigan Department of Environmental Quality (MDEQ), Air Quality Division (AQD), performed an asbestos NESHAP (National Emission Standard for Hazardous Air Pollutants) inspection at 707 Pavone Street, Benton Harbor, Berrien County. The purpose of this inspection 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, the City of Benton Harbor owns the subject facility and Pelley Excavating performed the ordered demolition. The ordered demolition took place on or about October 13, 2017. The National Emission Standard for Asbestos holds both the owner and operator equally liable for any violations.

During the inspection, staff observed the following:

The facility had been demolished and the site had been graded. The owner stated that the property was demolished as an ordered demolition. The owner or contractor had failed to submit a 10-day notification to the administrator for the demolition of the residential facility.


Process Description	Section Violated	Comments
During field inspections staff observed a demolition at 707 Pavone Street, Benton Harbor, Berrien County. A 10-day notification was not submitted to the administrator for the subject facility's demolition.	40 CFR 61.145 (b)(1)	Failure provide the administrator with written notice of intention to demolish or renovate.

Please initiate actions necessary to correct the cited violation and submit a written response to this violation notice by February 23, 2018, (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](mailto: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 our phone conversation. 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](mailto: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, MDEQ  
Ms. Mary Ann Dolehanty, MDEQ  
Mr. Christopher Ethridge, MDEQ  
Ms. Mary Douglas, MDEQ  
Mr. Thomas Hess, MDEQ  
Ms. Karen Kajiya-Mills, MDEQ