



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



C. HEIDI GREYER
DIRECTOR

February 22, 2018

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

SRN / ID: U111800342; Berrien County

Dear Mr. Hanson:

SECOND 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 subject 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 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 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.

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On January 23, 2018, the AQD issued you a Violation Notice citing a violation discovered as a result of an inspection and requested your written response by February 21, 2018. The violation has been reiterated above for your convenience. As of this date we have not received a response with an adequate compliance plan addressing the violation that occurred on or about October 13, 2017.

Please be advised that failure to respond in writing and identifying actions you will take or have taken to resolve the cited violation may result in escalated enforcement action by the AQD. Please provide the information requested in our January 23, 2018, letter by March 4, 2018, which corresponds with 10 calendar days from the date of this letter. 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 our phone conversations. If you have any questions regarding this violation notification or actions necessary to bring the 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, MDEQ
Ms. Mary Ann Dolehanty, MDEQ
Mr. Christopher Ethridge, MDEQ
Ms. Mary Douglas, MDEQ
Mr. Thomas Hess, MDEQ
Ms. Karen Kajiya-Mills, MDEQ