



GRETCHEN WHITMER  
GOVERNOR

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



LIESL EICHLER CLARK  
DIRECTOR

May 13, 2019

Mr. Esteban Blanco  
La Perla Produce and Mexican Market  
1231 Pipestone Road  
Benton Harbor, Michigan 49022

Mr. Michael Demski  
Deerpath Excavating, Inc.  
7183 Clawson Road  
Eau Claire, Michigan 49111

SRN / ID: U111905021; Berrien County

Dear Mr. Blanco and Mr. Demski:

### **VIOLATION NOTICE**

On May 3, 2019, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division, performed an asbestos NESHAP (National Emission Standard for Hazardous Air Pollutants) complaint investigation at 1225 Pipestone Road, Benton Harbor, Berrien 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, La Perla Produce and Mexican Market, owns the subject facility and Deerpath Excavating, Inc., performed the demolition activities. The National Emission Standard for Asbestos holds both the owner and operator equally liable for any violations.

During the inspection, staff observed the following:

Demolition activities had taken place at the former commercial facility with only the concrete slab of the building left to remove. Neither the owner or operator had a thorough asbestos inspection performed prior to the demolition activities and no Notification of Intent to Renovate/Demolish had been submitted to the administrator.

Process Description	Section Violated	Comments
On 5/3/19, staff received a complaint regarding demolition activities at 1225 Pipestone Road, Benton Harbor. Staff arrived on site on 5/6/19 and confirmed that a demolition of a commercial property had occurred.	40 CFR 61.145 (a)	Failure to thoroughly inspect for the presence of asbestos.
	40 CFR 61.145 (b)(1)(3)	Failure to provide the administrator with notice.

Please initiate actions necessary to correct the cited violations and submit a written response to this violation notice by June 3, 2019, (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. Craig Dechy at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760 or scan and email as an attachment to me at [Dechyc@michigan.gov](mailto:Dechyc@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](mailto: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 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 EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760.

Sincerely,



Craig Dechy  
Environmental Quality Analyst  
Air Quality Division

cc: Ms. Mary Ann Dolehanty, EGLE  
Dr. Eduardo Olaguer, EGLE  
Mr. Christopher Ethridge, EGLE  
Mr. Rex Lane, EGLE  
Mr. Jason Wolf, EGLE  
Ms. Karen Kajjya-Mills, EGLE