



GRETCHEN WHITMER
GOVERNOR

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



PHILLIP D. ROOS
DIRECTOR

March 28, 2024

VIA E-MAIL

Joel Bittner
61005 Red Arrow, LLC
61005 Red Arrow Highway
Hartford, Michigan 49057

SRN/ID: U112401733; Berrien County

Dear Joel Bittner:

VIOLATION NOTICE

On March 12, 2024, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD) performed an asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP) inspection at 8690 Lake Avenue, Watervliet, Berrien County. 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, 61005 Red Arrow, LLC owns the subject property and self-performed the demolition activities. The NESHAP 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 reconstructed in late 2023. A notification of intent to demolish had not been submitted and a thorough asbestos inspection had not been completed. Some demolition debris was observed scattered around the footprint of the building indicating suspected asbestos containing building materials had been disturbed.

Process Description	Section Violated	Comments
On 3/12/24, staff performed an inspection at 8690 Lake Ave., Watervliet. During the inspection, staff observed a building that had been demolished. Neither a notification nor a survey had been performed.	40 CFR 61.145 (a)	Failure to thoroughly inspect for asbestos containing materials.
	40 CFR 61.145 (b)(1)	Failure to provide 10 working day notification.

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Please initiate actions necessary to correct the cited violations and submit a written response to this violation notice by April 19, 2024. 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 from the owner and operator may be submitted by mail to Jeremy Howe, TPU Supervisor at EGLE, AQD, P.O. Box 30260 Lansing, Michigan 48909 -7760 and must include a copy to Jason Wolf, Enforcement Unit at the same address. The response may be scanned and emailed as an attachment to HoweJ1@Michigan.gov and 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. 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 517-582-0535; Belli@Michigan.gov; or EGLE, AQD, 301 East Louis Glick Highway, Jackson, Michigan 49201-1556.

Sincerely,



Ivan Bell
Senior Environmental Quality Analyst
Air Quality Division

cc: Annette Switzer, EGLE
Christopher Ethridge, EGLE
Brad Myott, EGLE
Jeremy Howe, EGLE
Monica Brothers, EGLE
Jason Wolf, EGLE