



GRETCHEN WHITMER
GOVERNOR

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

LANSGING
LIESL EICHLER CLARK
DIRECTOR

December 30, 2020

UPS NEXT DAY DELIVERY

Mr. David Randall
5200 Morrish Road
Swartz Creek, Michigan 48473

Mr. Al Jory
RBF Construction
4140 Morrish Road
Swartz Creek, Michigan 48473

SRN/ID: U252003618; Genesee County

Dear Mr. Randall and Mr. Jory:

VIOLATION NOTICE

On December 16, 2020, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD) conducted a complaint investigation at 5203 Morrish Road, Swartz Creek, Genesee County. The purpose of this investigation 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, Mr. Randall is the owner of the former Swartz Creek Elevator and RBF Construction performed the demolition activities. The National Emission Standard for Asbestos (NESHAP) holds the *owner and operator* liable for all violations.

During the inspection, EGLE staff observed the following:

The former Swartz Creek Elevator was demolished and load-out of demolition debris was occurring. Both the owner and the operator failed to provide the Administrator with a 10-working day Notification of Intent to Renovate/Demolish prior to the demolition activities.

Process Description	Section Violated	Comments
On December 16, 2020, EGLE-AQD received a complaint regarding a demolition occurring at 5203 Morrish Road, Swartz Creek. Upon investigation, it was noted that no Notification of Intent to Renovate/Demolish was submitted to the Administrator.	40 CFR §61.145(b)(1)	Failure to provide the Administrator with written notice.

VIOLATION NOTICE

Mr. Randall and Mr. Jory

Page 2

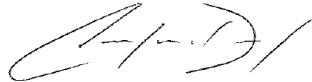
December 30, 2020

Please initiate actions necessary to correct the cited violation and submit a written response to this violation notice by January 20, 2021, (which coincides with 21 calendar days from the date of this letter). The written response should include: the date(s) 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 date(s) 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* to this violation notice, may be submitted by mail and directed to my attention at: EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760. You must also include a copy to Mr. Jason Wolf, Enforcement Unit at: EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760. The response may be scanned and emailed to DechyC@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 violation cited above and for the cooperation extended to me during my site visit. If you have any questions regarding the violation notice or the actions necessary to bring this facility into compliance, please contact me at 517-749-2891; DechyC@Michigan.gov; or the post office box address provided in the paragraph above.

Sincerely,



Craig W. Dechy
Environmental Quality Analyst
Air Quality Division

cc: Ms. Mary Ann Dolehanty, EGLE
Dr. Eduardo Olaguer, EGLE
Mr. Christopher Ethridge, EGLE
Ms. Karen Kajiya-Mills, EGLE
Mr. Brad Myott, EGLE
Mr. Jason Wolf, EGLE