



GRETCHEN WHITMER  
GOVERNOR

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



LIESL EICHLER CLARK  
DIRECTOR

January 14, 2020

UPS NEXT DAY DELIVERY

Mr. Brian Gibson  
Phillips Trucking & Excavating, Inc.  
8099 Morrish Road  
Swartz Creek, Michigan 48473

Mr. Gabe Schuchman  
Okemos Retail Management, LLC  
30200 Telegraph Road, Suite 205  
Bingham Farms, Michigan 48025

SRN/ID: U332000142; Ingham County

**VIOLATION NOTICE**

Dear Mr. Gibson and Mr. Schuchman:

On December 27, 2019, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), performed an asbestos NESHAP (National Emission Standard for Hazardous Air Pollutants) inspection at 2085 Grand River Avenue, Okemos, Ingham County, Michigan. 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 (Act 451).

According to my investigation, Okemos Retail Management, LLC, owns the subject property and Phillips Trucking & 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:

The subject commercial property was found to not have a Notification of Intent to Renovate/Demolish. The building structure was approximately 50 percent demolished and disposed of. In discussion with Mr. Brian Gibson of Phillips Trucking and Excavating, Inc., he stated his office staff had faxed in their 10-day notification. It was explained that EGLE-AQD doesn't accept notifications through fax, only through the online Asbestos Notification System, and that it was not on file. An asbestos building survey was completed, and a demolition permit was obtained from Meridian Township.

January 14, 2020

Process Description	Section Violated	Comments
On 12/27/19, staff performed an inspection derived from a complaint of demolition at 2085 Grand River Ave, Okemos, MI, a commercial property.	40 CFR 61.145 (b)(1)	Failure to provide 10 working day notification prior to demolition.

Please initiate actions necessary to correct the cited violation and submit a written response to this violation notice by February 4, 2020, (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.

Please submit the signed written response to Mr. Steven Kidder at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760 or scan and e-mail as an attachment to me at KidderS@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.

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 meeting at the site. 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 517-243-4492; KidderS@Michigan.gov; or EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760.

Sincerely,



Steven Kidder  
Environmental Quality Analyst  
Air Quality Division

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