



GRETCHEN WHITMER
GOVERNOR

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



LIESL EICHLER CLARK
DIRECTOR

October 23, 2019

UPS NEXT DAY DELIVERY

Mr. Russ Denker
Denker Management, LLC
1765 Honey Creek Avenue NE
Ada, Michigan 49301

Mr. Chad Listerman
CL Trucking & Excavating, LLC
256 East Parmeter Road
Ionia, Michigan 48846

SRN / ID: U411909825; Kent County

Dear Mr. Denker and Mr. Listerman:

VIOLATION NOTICE

On October 17, 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) investigation at 2531 West Main Street, Lowell, Kent 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 (Act 451).

According to my investigation, Denker Management, LLC owns the subject facility and CL Trucking & Excavating, LLC, 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 facility was in the process of being demolished and the construction debris was being loaded-out for disposal. A notification was submitted to the Department of Labor & Economic Growth (LEO) for the removal of the asbestos containing material by Prime Contracting, LLC. However, no Notification of Intent to Renovate/Demolish was submitted to EGLE-AQD for the scheduled demolition activities.

Process Description	Section Violated	Comments
On 10/17/19, staff performed a drive-by inspection of a demolition occurring at 2531 West Main Street, Lowell. No Notification of Intent to Renovate/Demolish was submitted to EGLE-AQD.	40 CFR 61.145 (b)(1)	Failure to notify

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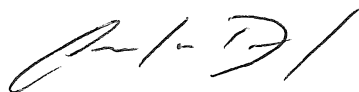
Please initiate actions necessary to correct the cited violation and submit a written response to this Violation Notice by November 13, 2019, (which coincides with 21 calendar days from the date of this letter). The written response should include: the dates the violation occurred; an explanation of 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. 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 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 phone conversation and site visit. 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; 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
Ms. Heidi Hollenbach, EGLE
Mr. Jason Wolf, EGLE
Ms. Karen Kajiya-Mills, EGLE