



GRETCHEN WHITMER
GOVERNOR

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

LANSING

LIESL EICHLER CLARK
DIRECTOR



November 17, 2022

VIA E-MAIL

Christopher Mowers
Saint Paul Lutheran Church
7721 M-36
Hamburg, Michigan 48189

Benjamin Mierzwa
Mierzwa Construction
2214 Garland Street
Sylvan Lake, Michigan 48320

SRN/ID: U472205151; Livingston County

Dear Christopher Mowers and Benjamin Mierzwa:

VIOLATION NOTICE

On November 7, 2022, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD) conducted an inspection at 7721 M-36, Hamburg, Livingston 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, Saint Paul Lutheran Church, owned the facility being demolished and Mierzwa Construction was the contractor performing 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 facility was in the process of being demolished. Some demolition debris remained on-site. Suspect green 9x9 floor tile was observed on concrete and was sampled from the debris piles and tested for asbestos. The test results indicated that the green 9x9 floor tile contained asbestos. The concrete with the 9x9 floor tile was projected to be crushed for the purpose of reuse. The facility's asbestos report, which was performed by Federal Environmental, did not include the sampling and testing of the green 9x9 floor tile.

Process Description	Section Violated	Comments
On 11/17/2022, an inspection was performed at 7721 M-36, Hamburg, Livingston County. The asbestos inspection failed to identify and sample the green 9x9 floor tile. The asbestos inspection was not deemed thorough.	40 CFR §61.145(a)(1)	Failure to thoroughly inspect prior to the commencement of demolition.

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Please initiate actions necessary to correct the cited violation and submit a written response to this violation notice by December 8, 2022, (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 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
Senior Environmental Quality Analyst
Air Quality Division

cc: Mary Ann Dolehanty, EGLE
Annette Switzer, EGLE
Christopher Ethridge, EGLE
Brad Myott, EGLE
Robert Byrnes, EGLE
Jeremiah Brown, EGLE
Jason Wolf, EGLE