



GRETCHEN WHITMER
GOVERNOR

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



LIESL EICHLER CLARK
DIRECTOR

LANSING

September 1, 2021

UPS NEXT DAY DELIVERY

Mr. Tod Smith
Smith Equipment Rental & Trailer Sales
2349 South Otsego Avenue
Gaylord, Michigan 49735

SRN/ID: U692104766; Otsego County

VIOLATION NOTICE

Dear Mr. Smith:

On August 27, 2021, 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 2349 South Otsego Avenue, Gaylord, Otsego 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.

According to my investigation, Smith Equipment Rental & Trailer Sales owns the subject property and 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 had been demolished and removed from the site. Owner, Mr. Tod Smith, of Smith Equipment Rental & Trailer Sales, stated he had obtained all local permits and was not aware of the NESHAP requirements of conducting an asbestos survey and submitting a 10-day notice prior to demolition.

Process Description	Section Violated	Comments
On 8/27/21, staff performed an inspection at subject commercial demolition site at 2349 South Otsego Avenue, Gaylord.	40 CFR 61.145 (a)	Failure to thoroughly inspect. No asbestos building survey.
	40 CFR 61.145 (b)(1)	Failure to provide 10 working day notification prior to demolition.

VIOLATION NOTICE

Mr. Tod Smith

Page 2

September 1, 2021

Please initiate actions necessary to correct the cited violations and submit a written response to this violation notice by September 22, 2020, (which coincides with 21 calendar days from the date of this letter). 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.

Please submit the signed written response to Mr. Steven Kidder at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760 or scan and email 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 violations cited above and for the cooperation that was extended to me during our conversation about the site. If you have any questions regarding the violation notification or the actions necessary to bring this site 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. Shane Nixon, EGLE
Ms. Karen Kajiya-Mills, EGLE
Mr. Jason Wolf, EGLE