



GRETCHEN WHITMER
GOVERNOR

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



LIESL EICHLER CLARK
DIRECTOR

January 15, 2020

UPS NEXT DAY DELIVERY

Ms. Jane Guzman
3014 Main Street
Marlette, Michigan 48453

Mr. Keith Pierson
K&J Excavating Company, Inc.
7528 Huron Line Road
Minden City, Michigan 48456

SRN/ID: U762000160; Sanilac County

Dear Ms. Guzman and Mr. Pierson:

VIOLATION NOTICE

On January 10, 2020, 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 3020 Main Street, Marlette, Sanilac 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, Ms. Guzman owns the subject facility and K&J Excavating Company, Inc., was the contractor performing 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 former commercial facility was in the process of being demolished. The contractor and owner had failed to have a thorough asbestos inspection done on the facility and did not submit a Notification of Intent to Renovate/Demolish to the administrator prior to the demolition activities.

Ms. Guzman and Mr. Pierson

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Process Description	Section Violated	Comments
Performed a drive-by inspection on the subject facility located at 3020 Main St., Marlette. No 10-day Notification of Intent to Renovate/Demolish was submitted to the administrator prior to the demolition.	40 CFR 61.145 (a)	Failure to thoroughly inspect.
	40 CFR 61.145 (b)(1)	Failure to provide a 10-working day notification.

Please initiate actions necessary to correct the cited violations and submit a written response to this violation notice by February 5, 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. 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 violations cited above and for the cooperation that was extended to me during my site visit and phone conversations. 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
Mr. Chris Hare, EGLE
Ms. Karen Kajiya-Mills, EGLE
Mr. Jason Wolf, EGLE