



GRETCHEN WHITMER
GOVERNOR

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



LIESL EICHLER CLARK
DIRECTOR

June 13, 2019

Mr. Chris Fuchs
Buchanan Township
15235 Main Street
Buchanan, Michigan 49107

Mr. Charles Pelley
Pelley Excavating
1990 Progressive Drive
Niles, Michigan 49120

SRN / ID: U111905230; Berrien County

Dear Mr. Fuchs and Mr. Pelley:

VIOLATION NOTICE

On June 6, 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 16516 South Red Bud Trail, Buchanan, Berrien 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, Buchanan Township owns the subject property and Pelley Excavating performed the Ordered 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 property had been demolished as an Ordered Demolition and the site had been graded. However, transite style siding material was observed throughout the site and it was broken and crumbled due to the demolition activities.

Process Description	Section Violated	Comments
On 6/6/19, staff performed a post Ordered Demolition inspection at 16516 S. Red Bud Trail, Buchanan. During the inspection, staff observed broken and crumbled pieces of transite style siding throughout the site.	40 CFR 61.150 (a)(3)	Failure to adequately wet the material and ensure it remains wet until collected and contained
	40 CFR 61.150 (b)	Failure to properly dispose of asbestos containing waste

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Please initiate actions necessary to correct the cited violations and submit a written response to this violation notice by July 4, 2019, (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 recurrence.

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 our 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. Rex Lane, EGLE
Mr. Jason Wolf, EGLE
Ms. Karen Kajiya-Mills, EGLE