



GRETCHEN WHITMER
GOVERNOR

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



LIESL EICHLER CLARK
DIRECTOR

October 11, 2019

UPS NEXT DAY DELIVERY

Mr. John Gast
Lake Charter Township
3220 Shawnee Road
P.O. Box 818
Bridgman, Michigan 49106

Mr. Doug Hartzler
Hartzler Excavating, Inc.
10736 Gast Road
Bridgman, Michigan 49106

ID: U111909456; Berrien County

Dear Mr. Gast and Mr. Hartzler:

VIOLATION NOTICE

On October 2, 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) complaint investigation at 10759 Gast Road, Bridgman, Berrien 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, Lake Charter Township owns the subject property and Hartzler Excavating, Inc., 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 had been destroyed by fire during the demolition preparations and site clearing. The demolition debris was in the process of being loaded out for disposal. Non-friable asbestos containing floor tile was segregated from the debris pile and was being prepared for disposal in a poly-lined roll off container. The owner and the contractor failed to provide a 10-working day notification to the administrator prior to the demolition activities.

VIOLATION NOTICE

Mr. Gast and Mr. Hartzler

Page 2

October 11, 2019

Process Description	Section Violated	Comments
On 10/1/19, staff received a complaint regarding a demolition. On 10/2/19, staff visited the site and noted the demolition of a facility adjacent to Lake Township Park. The purpose of the demolition was for the expansion of the Township Park.	40 CFR 61.145 (b)(1)	Failure to notify.

Please initiate actions necessary to correct the cited violation and submit a written response to this Violation Notice by November 1, 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
Mr. Rex Lane, EGLE
Mr. Jason Wolf, EGLE
Ms. Karen Kajiya-Mills, EGLE