



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
JACKSON DISTRICT OFFICE



LIESL EICHLER CLARK
DIRECTOR

November 8, 2021

VIA EMAIL

Mr. William Snider
City of Benton Harbor
200 East Wall Street
Benton Harbor, Michigan 49022

Mr. Warren Menck
Third Generation Excavating
7192 Pike Road
Delton, Michigan 49046

SRN / ID: U112105962; Berrien County

Dear Mr. Snider and Mr. Menck:

VIOLATION NOTICE

On November 11, 2021, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division, performed an asbestos NESHAP (National Emission Standard for Hazardous Air Pollutants) inspection based upon an anonymous complaint at 535 Pipestone Street and 745 Pearl Street, Benton Harbor, Berrien County. The purpose of this inspection was to determine compliance with the requirements of Title 40 of the Code of Federal Regulations, 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, the City of Benton Harbor is the controlling entity of the subject facilities and Third Generation 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 complaint investigation, staff observed the following:

The subject facility at 535 Pipestone had been completely demolished and site graded. The subject facility at 745 Pearl Street was demolished with Third Generation Excavating onsite hauling off burnt debris. No notification of intent to demolish had been submitted. The sites were ordered demolished by the local governing agency due to structural and safety concerns.

Mr. William Snider and Mr. Warren Menck
City of Benton Harbor / Third Generation Excavating
Page 2
November 8, 2021

Process Description	Section Violated	Comments
On 11/1/21, staff performed a complaint investigation at 535 Pipestone St. and 745 Pearl St., Benton Harbor. During the inspection, staff observed that the properties had been demolished as ordered demolitions.	40 CFR 61.145 (b)(1)	Failure to provide notice of intent to demolish
	40 CFR 61.145 (c)(8)	No asbestos contractor/supervisor trained person onsite

Please initiate actions necessary to correct the cited violations and submit a written response to this violation notice by November 29, 2021, (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. Ivan Bell at EGLE, AQD, 301 East Louis Glick Highway, Jackson, Michigan 49201-1556 or scan and email as an attachment to me at Belli@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 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 517-582-0535; Belli@michigan.gov; or EGLE, AQD, 301 East Louis Glick Highway, Jackson, Michigan 49201-1556.

Sincerely,



Ivan Bell
Environmental Quality Analyst
517-582-0535
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