



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



C. HEIDI GREETHER
DIRECTOR

October 8, 2018

Mr. Jason Gatlin, Supervisor
Wakeshma Township
13988 South 42nd Street
Fulton, Michigan 49052

Mr. Leroy Fink
Fink's Excavating, LLC
10198 West VW Avenue
Vicksburg, Michigan 49097

SRN / ID: U391808839; Kalamazoo County

Dear Mr. Gatlin and Mr. Fink:

VIOLATION NOTICE

On October 2, 2018, the Department of Environmental Quality (DEQ), Air Quality Division, performed an asbestos NESHAP (National Emission Standard for Hazardous Air Pollutants) complaint investigation at 13984 E W Avenue, Fulton, Kalamazoo County. The purpose of this investigation 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, Wakeshma Township was the subject facility's controlling entity at the time of the demolition and Fink's Excavating, LLC, is the contractor who 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:

Demolition activities had taken place on the subject facility and the site was backfilled, graded and a lawn had grown in. No Notice of Intent to Renovate/Demolish was submitted to the administrator prior to the demolition activities.

Process Description	Section Violated	Comments
On 9/28/18 an email complaint regarding a demolition was received. On 10/2/18 a complaint investigation was performed at 13984 E W Avenue, Fulton, Kalamazoo County. It was determined that an asbestos inspection was not performed and a Notice of Intent to Renovate/Demolish was not submitted to the administrator.	40 CFR 61.145 (a)	Failure to thoroughly inspect.
	40 CFR 61.150 (b)(1)	Failure to provide the Administrator with notice of intention to demolish or renovate.

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Please initiate actions necessary to correct the cited violations and submit a written response to this violation notice by October 29, 2018, (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 DEQ, 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 Ms. Jenine Camilleri, Enforcement Unit Supervisor at DEQ, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760 or CamilleriJ@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 DEQ AQD, P.O. Box 30260, Lansing, Michigan 48909-7760.

Sincerely,



Craig Dechy
Environmental Quality Analyst
Air Quality Division

cc: Ms. Mary Ann Dolehanty, DEQ
Mr. Craig Fitzner, DEQ
Mr. Christopher Ethridge, DEQ
Ms. Mary Douglas, DEQ
Ms. Jenine Camilleri, DEQ
Ms. Karen Kajiya-Mills, DEQ