



GRETCHEN WHITMER
GOVERNOR

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



PHILLIP D. ROOS
DIRECTOR

September 7, 2023

VIA E-MAIL

Jim Jabrocki
Jabrocki Excavating
117 South Reinburg Avenue
Scottville, Michigan 49454

Peter Oleszuzuk
Midwest V, LLC
409 Oak Street
Spring Lake, Michigan 49456

ID: U532305321; Mason County

Dear Jim Jabrocki and Pete Oleszuzuk:

VIOLATION NOTICE

On August 7, 2023, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD) conducted an inspection of a commercial building located at 209 South Main Street, Scottville, Mason 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.

According to our investigation, Midwest V, LLC is the owner of the property and Jabrocki Excavating performed the demolition activities at the site. The National Emission Standard for Asbestos (NESHAP) holds the *owner and operator* liable for all violations.

During the investigation, staff observed the following:

The subject structure located at 209 South Main Street was partially demolished and the debris was in the process of being removed from the site. After speaking with the field manager on-site, it was determined that an asbestos survey was conducted prior to demolition. After looking in the Asbestos Notification System, it was determined that no 10-working day notification was submitted prior to the start of the demolition activities.

| Process Description | Section Violated | Comments |
|---|----------------------|---|
| Failure to provide 10 working day notification. | 40 CFR §61.145(b)(1) | Failed to submit a 10-working day notification prior to demolition of subject building. |

Please initiate actions necessary to correct the cited violation and submit a written response to this violation notice by October 5, 2023 (which coincides with 28 calendar

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days from the date of this letter). The written response should include: the date(s) 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 date(s) by which these actions will take place; and what steps are being taken to prevent a reoccurrence. The *signed* written response from the *owner and operator* to this violation notice, may be submitted by mail and directed to my attention at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760. You must also include a copy to Jason Wolf, Enforcement Unit at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760. The response may be scanned and e-mailed to BrownJ9@Michigan.gov and 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 extended to me during our conversation. If you have any questions regarding the violation notice or the actions necessary to bring this facility into compliance, please contact me at 517-599-7825; e-mail at BrownJ9@Michigan.gov; or the post office box address provided in the paragraph above.

Sincerely,



Jeremiah Brown
Senior Environmental Quality Analyst
Air Quality Division

cc: Jared DeVoursney , West Wind
Annette Switzer, EGLE
Christopher Ethridge, EGLE
Brad Myott, EGLE
Shane Nixon, EGLE
Jeremy Howe, EGLE
Jason Wolf, EGLE