



GRETCHEN WHITMER
GOVERNOR

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



PHILLIP D. ROOS
DIRECTOR

September 27, 2023

VIA USPS

Dennis Moore
Triple D Excavating
8142 East Eureka Road
Eau Claire, Michigan 49111

Brian Meyer
Friends in Faith Community Church
5801 Old Pipestone Road
Eau Claire, Michigan 49111

ID: U112305836; Berrien County

Dear Dennis Moore and Brian Meyer:

VIOLATION NOTICE

On September 15, 2023, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD) conducted an inspection of a commercial building located at 6626 East Main Street, Eau Claire, 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.

According to our investigation, Friends in Faith Community Church is the owner of the property and Triple D 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 6626 East Main Street was demolished and the debris was in the process of being removed from the site. After looking at the Asbestos Notification System it was determined that a 10-working day notification was not submitted prior to demolition activities. Based on the information from multiple sources, it was determined that an asbestos survey was not conducted prior to demolition due to the cost of having the survey done and possible abatement cost.

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.
Failure to thoroughly inspect for asbestos prior to demolition activities.	40 CFR §61.145(b)(1)	No survey was conducted of the structure before demolition.

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Please initiate actions necessary to correct the cited violations and submit a written response to this violation notice by October 18, 2023 (which coincides with 21 calendar days from the date of this letter). The written response should include: the date(s) 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 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 to Jeremy Howe, TPU Supervisor at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760; or scanned and e-mailed to HoweJ1@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 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: Annette Switzer, EGLE
Christopher Ethridge, EGLE
Brad Myott, EGLE
Monica Brothers, EGLE
Jeremy Howe, EGLE
Jason Wolf, EGLE