



GRETCHEN WHITMER  
GOVERNOR

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

LANSING

**EGLE**  
LIESL EICHLER CLARK  
DIRECTOR

February 23, 2022

UPS NEXT DAY DELIVERY

Mr. Mathew Randall  
Diesel Pro's, LLC  
5200 South Morrish Road  
Swartz Creek, Michigan 48473

Mr. Brett Jory  
RBF Construction, Inc.  
4140 Morrish Road  
Swartz Creek, Michigan 48473

SRN/ID: U252201093; Genesee County

Dear Mr. Randall and Mr. Jory:

**VIOLATION NOTICE**

On February 22, 2022, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD) conducted a complaint investigation at 5200 South Morrish Road, Swartz Creek, Genesee 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.

According to my investigation, Diesel Pro's, LLC, owns the facility being demolished and RBF Construction, Inc., was the operator performing the demolition activities. The National Emission Standard for Asbestos (NESHAP) holds the *owner and operator* liable for all violations.

During the inspection, EGLE staff observed the following:

The former commercial garage was demolished, and RBF Construction, Inc., was on-site breaking up the remaining concrete slab. No Notification of Intent to Renovate/Demolish was provided to the administrator prior to the demolition activities.

Process Description	Section Violated	Comments
A verbal complaint was received on 2/18/22. The complainant was concerned that the demolition was not performed correctly. The complainant indicated that the demolition was complete. Site investigation was performed on 2/22/22.	40 CFR §61.145(a)(1)  40 CFR §61.145(b)(1)	Failure to thoroughly inspect prior to the commencement of demolition.  Failure to notify the administrator.

**VIOLATION NOTICE**

Mr. Randall and Mr. Jory

Page 2

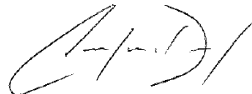
February 23, 2022

Please initiate actions necessary to correct the cited violations and submit a written response to this violation notice by March 16, 2022, (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 and directed to my attention at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760. You must also include a copy to Mr. Jason Wolf, Enforcement Unit at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760. The response may be scanned and emailed to DechyC@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 violations cited above and for the cooperation extended to me during my site inspection. If you have any questions regarding the violation notice or the actions necessary to bring this facility into compliance, please contact me at 517-749-2891; DechyC@Michigan.gov; or the post office box address provided in the paragraph above.

Sincerely,



Craig W. Dechy  
Senior Environmental Quality Analyst  
Air Quality Division

cc: Ms. Mary Ann Dolehanty, EGLE  
Dr. Eduardo Olaguer, EGLE  
Mr. Christopher Ethridge, EGLE  
Ms. Karen Kajiya-Mills, EGLE  
Mr. Brad Myott, EGLE  
Mr. Jason Wolf, EGLE