



GRETCHEN WHITMER  
GOVERNOR

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



PHILLIP D. ROOS  
DIRECTOR

October 27, 2023

VIA E-MAIL

Matt Bennett  
Matt's Underground Utility Construction  
1328 Wood Road, NE  
Kalkaska, Michigan 49646

Aaron Popa  
Kalkaska Village Manager  
Village of Kalkaska  
200 Hyde Street  
Kalkaska, Michigan 49646

ID: U402306907; Kalkaska County

### **VIOLATION NOTICE**

Dear Matt Bennett and Aaron Popa:

On October 10, 2023, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD) performed an asbestos NESHAP (National Emission Standard for Hazardous Air Pollutants) inspection at 502 West Dresden Street, 106 West Walnut Street, and 131 South Cedar Street, Kalkaska, Kalkaska 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 my investigation, the Village of Kalkaska owns the subject properties and Matt's Underground Utility Construction 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:

Matt's Underground was in the process of demolition and loading out debris at 131 South Cedar Street, Kalkaska. Matt Bennett stated that an asbestos building survey had been completed and all necessary asbestos abatement was completed prior to demolition. However, the Asbestos NESHAP 10-day notification for demolition was not submitted prior to the start of demolition.

In discussion with Matt Bennett and Aaron Popa, it was discovered that Matt's Underground Utility Construction also demolished structures at 502 West Dresden Street and 106 North Walnut Street, both without submitting the Asbestos NESHAP 10-day notification.

## VIOLATION NOTICE

Matt Bennett and Aaron Popa

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Process Description	Section Violated	Comments
On 10/10/23, staff performed a demolition inspection at 131 S Cedar St; 106 N Walnut St; and 502 W Dresden Street, Kalkaska, MI.	40 CFR 61.145 (b)(1)	Failure to provide 10 working day notification prior to demolition.

Please initiate actions necessary to correct the cited violation and submit a written response to this violation notice by November 17, 2023, (which coincides with 21 calendar days from the date of this letter). The written response should include: the dates 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 dates by which these actions will take place; and what steps are being taken to prevent a reoccurrence.

Please submit the written response to Jeremy Howe, TPU Supervisor at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760; or scan and e-mail the written response to [HoweJ1@Michigan.gov](mailto:HoweJ1@Michigan.gov). Questions regarding this violation notice may be directed to Steve Kidder, EGLE, AQD at [KidderS@Michigan.gov](mailto:KidderS@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 that was extended to me during our conversations about the site.

Sincerely,



Steven Kidder  
Environmental Quality Analyst  
Air Quality Division

cc: Annette Switzer, EGLE  
Christopher Ethridge, EGLE  
Brad Myott, EGLE  
Jeremy Howe, EGLE  
Shane Nixon, EGLE