



GRETCHEN WHITMER
GOVERNOR

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

LANSING

EGLE
LIESL EICHLER CLARK
DIRECTOR

August 7, 2020

UPS NEXT DAY DELIVERY

Mr. Jake Pena
Elite Construction Company
184 North Venner Road
Midland, Michigan 48640

SRN/ID: U562002734; Midland County

VIOLATION NOTICE

Dear Mr. Pena:

On August 4, 2020, 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 1815 South Saginaw Road, Midland, Midland 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, Elite Construction Company owns the subject property and 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:

The subject commercial property was demolished, and debris was being disposed of. In discussion with Mr. Pena, he stated that he was unaware of the NESHAP program and its requirements and that only a demolition permit was obtained from the local office. An asbestos building survey was completed. However, the subject commercial property was found to not have a notification of intent to renovate/demolish.

VIOLATION NOTICE

Mr. Pena
Page 2
August 7, 2020

Process Description	Section Violated	Comments
On 8/4/20, staff performed an inspection of demolition at 1815 South Saginaw Road, Midland, MI, a commercial property.	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 August 28, 2020, (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 signed written response to Mr. Steven Kidder at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760 or scan and email as an attachment to me at KidderS@Michigan.gov and submit a copy to Mr. Jason Wolf, Enforcement Unit at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760 or 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 that was extended to me during our conversations about the site. 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 517-243-4492; KidderS@Michigan.gov; or EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760.

Sincerely,



Steven Kidder
Environmental Quality Analyst
Air Quality Division

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