



GRETCHEN WHITMER  
GOVERNOR

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



LIESL EICHLER CLARK  
DIRECTOR

LANSING

March 23, 2022

UPS NEXT DAY DELIVERY

Mr. Mark Ehinger  
Mark Ehinger Excavating  
2863 Melanie Lane  
West Branch, Michigan 48661

Mr. Brian Beechum  
Brian's Fruit & Meat Market, Inc.  
2167 South M-76  
West Branch, Michigan 48661

SRN/ID: U652201506; Ogemaw County

**VIOLATION NOTICE**

Dear Mr. Ehinger and Mr. Beechum:

On March 17, 2022, 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 2167 South M-76, West Branch, Ogemaw 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, Mr. Brian Beechum owns the subject property and Mark Ehinger Excavating 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:

Mark Ehinger Excavating had been contracted to demolish and clean-up the fire damaged Brian's Fruit & Meat Market located at 2167 South M-76, West Branch. The subject commercial property had been mostly demolished and removed from the site, except for an exterior wall and the concrete slab. Prior to demolition and clean-up activities, an asbestos survey was not completed, and a 10-day notification was not submitted.

Process Description	Section Violated	Comments
On 3/17/22, staff performed an inspection of demolition at Brian's Fruit & Meat Market, 2167 South M-76, West Branch, MI.	40 CFR 61.145 (b)(1)  40 CFR 61.145 (a)	Failure to provide a 10 working day notification prior to demolition.  Failure to thoroughly inspect. No asbestos building survey.

## VIOLATION NOTICE

Mr. Ehinger and Mr. Beechum

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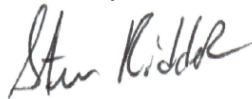
Please initiate actions necessary to correct the cited violations and submit a written response to this violation notice by April 13, 2022, (which coincides with 21 calendar days from the date of this letter). The written response should include: the dates the violations occurred; an explanation of the 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 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 violations 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  
Mr. Jason Wolf, EGLE  
Ms. Karen Kajiya-Mills, EGLE