



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
AIR QUALITY DIVISION



PHILLIP D. ROOS
DIRECTOR

February 26, 2025

VIA E-MAIL

Tom Carson
Kelly Fuels, Inc.
2030 4th Street
Jackson, Michigan 49203

Max Dunigan
D.E. Excavating
1302 Seymour Avenue
Jackson, Michigan 49202

SRN/ID: U382500704; Jackson County

Dear Tom Carson and Max Dunigan:

VIOLATION NOTICE

On February 12, 2025, 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 740 East South Street, Jackson, Jackson 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, Kelly Fuels, Inc. owns the subject property and D.E. 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:

The subject facility had been recently demolished. Upon further investigation it was discovered that a notification of intent to demolish had not been submitted.

Process Description	Section Violated	Comments
On 2/12/25, staff performed a post demolition inspection at 740 E. South St., Jackson. During the inspection, staff observed a demolition site where an office building once stood. A notification of intent to demolish had not been properly submitted.	40 CFR 61.145 (b)(1)	Failure to provide 10 working day notification.

VIOLATION NOTICE

Tom Carson and Max Dunigan

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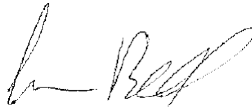
Please initiate actions necessary to correct the cited violations and submit a written response to this violation notice by March 19, 2025, (which coincides with 21 calendar days from the date of this letter). The written response should include: the dates the violation occurred; an explanation of the 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 Ivan Bell at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760 or scan and e-mail as an attachment to me at Belli@Michigan.gov and submit a copy to 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. 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 517-582-0535 or Belli@Michigan.gov.

Sincerely,



Ivan Bell
Senior Environmental Quality Analyst
Air Quality Division

cc: Annette Switzer, EGLE
Christopher Ethridge, EGLE
Brad Myott, EGLE
Scott Miller, EGLE
Jason Wolf, EGLE
Tammy Bell, EGLE