



GRETCHEN WHITMER
GOVERNOR

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



PHILLIP D. ROOS
DIRECTOR

July 16, 2024

VIA E-MAIL

Ed Engle
City of Tecumseh
309 East Chicago Boulevard
Tecumseh, Michigan 49286

Kevin VanErt Jr.
VanErt's, LLC
1506 Sutton Road
Adrian, Michigan 49221

SRN/ID: U462404051; Lenawee County

Dear Ed and Kevin:

VIOLATION NOTICE

On July 11, 2024, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD) conducted a complaint investigation at 317 South Ottawa Street, Tecumseh, Lenawee 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, The City of Tecumseh took temporary ownership of the facility during the clean-up and demolition, and VanErt's, LLC, performed the demolition activities. The National Emission Standard for Asbestos (NESHAP) may hold both the *owner and operator* liable for all violations.

During the inspection, EGLE, AQD staff observed the following:

The former industrial facility was demolished, and the site was backfilled and graded. Both the owner and the contractor failed to perform a thorough asbestos inspection on the facility and failed to submit the Notice of Intent to Renovate/Demolish to the administrator prior to the demolition activities.

Process Description	Section Violated	Comments
On 7/11/2024, a complaint was received regarding a demolition at 317 S. Ottawa St., Tecumseh. Upon arrival the facility was demoed. No asbestos survey and no notice of intent was submitted.	40 CFR §61.145(a)	Failed to thoroughly inspect the affected facility.
	40 CFR §61.145(b)(1)	Failed to provide the administrator with written notice of intention to demolish or renovate.

VIOLATION NOTICE

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Please initiate actions necessary to correct the cited violations and submit a written response to this violation notice by August 9, 2024. 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 to this violation notice may be submitted by mail and directed to Jeremy Howe at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760. You must also include a copy to Jason Wolf, Enforcement Unit at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760. The response may be scanned and e-mailed to HoweJ1@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 visit. 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: Annette Switzer, EGLE
Christopher Ethridge, EGLE
Brad Myott, EGLE
Scott Miller, EGLE
Jeremy Howe, EGLE
Jason Wolf, EGLE