



GRETCHEN WHITMER
GOVERNOR

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



LIESL EICHLER CLARK
DIRECTOR

August 26, 2021

UPS NEXT DAY DELIVERY

ENFORCEMENT NOTICE

In the matter of:

Mr. Tom Pawlowski
Department of Technology, Management and Budget
14 State Street
Saint Ignace, Michigan 49781

Mr. Chris Kestner
Materials Testing Consultants, Inc.
693 Plymouth Avenue, N.E.
Grand Rapids, Michigan 49505

SRN: U482004292; Luce County

ATTENTION: Messrs. Pawlowski and Kestner:

This letter is to advise you of the commencement of escalated enforcement action against Department of Technology, Management and Budget (DTMB) and Materials Testing Consultants, Inc (MTC) for alleged violations that occurred at the former Newberry State Hospital located at 13747 County Road 428 in the Village of Newberry and a wilderness property located near the end of West Victory Way in the Village of Newberry. This letter follows the June 8, 2021, Violation Notice issued by the Michigan Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD) which details violations of the National Emission Standards for Hazardous Air Pollutants for asbestos (Asbestos NESHAP), Title 40 of the Code of Federal Regulations, Part 61, Subpart M; and Rule 942 of the Michigan Air Pollution Control Rules, Mich Admin Code, R 336.1942. These regulations hold all owners and operators, such as contractors and/or subcontractors, fully liable for compliance with the Asbestos NESHAP.

The AQD is providing DTMB and MTC with an opportunity to formally resolve these violations through the entry of a legally enforceable agreement that will include a compliance program and payment of an appropriate monetary penalty pursuant to Section 5528 of Part 55 of NREPA, MCL 324.5528.

Be advised that failure to respond to this Enforcement Notice in a timely manner and adequately resolve or address the cited violations may result in further enforcement proceedings, including but not limited to, referral of the matter to the Michigan Department of Attorney General (DAG) for commencement of civil litigation.

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This Enforcement Notice does not preclude or limit EGLE's ability to initiate any other enforcement action under federal or state law as appropriate.

Please contact me at 517-275-0943 no later than Wednesday, September 8, 2021, to schedule a meeting to discuss the resolution of this matter. You may also contact me by email at WolfJ2@Michigan.gov.

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



By: _____
Jason Wolf
Air Quality Division, Enforcement Unit

Date: 8/26/2021

cc: Mr. Neil Gordon, DAG
Ms. Karen Kajjya-Mills, EGLE
Ms. Jenine Camilleri, EGLE