



GRETCHEN WHITMER
GOVERNOR

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



LIESL EICHLER CLARK
DIRECTOR

November 12, 2019

UPS NEXT DAY DELIVERY

Mr. Richard Russell
1176 Day Road
Union City, Michigan 49094

Mr. Ryan Nagel
Nagel Excavating, Inc.
214 Johnson Road
Union City, Michigan 49094

SRN/ID: U121910249; Branch County

Dear Mr. Russell and Mr. Nagel:

VIOLATION NOTICE

On November 5, 2019, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), performed an asbestos NESHAP (National Emission Standard for Hazardous Air Pollutants) complaint inspection at 104 Woodruff Street, Union City, Branch 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 (Act 451).

According to my investigation, Mr. and Mrs. Russell own the subject commercial property and Nagel Excavating, Inc., has 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 in the process of being demolished with only the building debris and foundation still in place. The owner and operator failed to have a thorough asbestos inspection done prior to the demolition activities that could disturb asbestos containing materials and failed to submit the 10-working day notification to the administrator. Suspect asbestos containing material in the form of 9x9 floor tile was observed in the debris pile and was sampled and tested. The sample test results indicated that asbestos was present in the floor tile.

Process Description	Section Violated	Comments
On 11/4/19, staff received a verbal complaint regarding a demolition occurring at 104 Woodruff Street, Union City. No thorough asbestos inspection was performed, and no notification was submitted.	40 CFR 61.145 (a)	Failure to thoroughly inspect.
	40 CFR 61.145 (b)(1)	Failure to provide notification.

Please initiate actions necessary to correct the cited violations and submit a written response to this violation notice by December 3, 2019, (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. Craig Dechy at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760 or scan and email as an attachment to me at Dechyc@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 phone 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 517-749-2891; dechyc@michigan.gov; or EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760.

Sincerely,



Craig Dechy
Environmental Quality Analyst
Air Quality Division

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