



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
MARQUETTE DISTRICT OFFICE



LIESL EICHLER CLARK
DIRECTOR

June 8, 2021

VIA E-MAIL

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

Mr. Mark Bolle
Bolle Contracting LLC
408 East Fourth Street
Clare, Michigan 48617

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

Mr. John Zellar, Sr.
474 Lustilla Road
Germfask, Michigan 49836

SRN: U482004292, U482100455, U482004285, U482003378, Luce County

Dear Sirs:

VIOLATION NOTICE

On May 19 and 27, 2021, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), conducted inspections of wilderness property located near the end of West Victory Way in the Village of Newberry, Luce County. The purpose of these inspections was in response to a complaint regarding the alleged disposal of regulated asbestos-containing material (RACM) from the ongoing demolition of the former Newberry State Hospital. These inspections were to determine compliance with the requirements of Title 40 of the Code of Federal Regulations (CFR), Part 61, National Emission Standards for Hazardous Air Pollutants (NESHAP), Subpart M and Rule 942 of the administrative rules promulgated under Part 55, Air Pollution Control of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

According to our investigation, Mr. John Zellar, Sr., owns the wilderness property where the demolition material is deposited; the State of Michigan Department of Technology Management and Budget (DTMB) owns the facilities that were demolished; Materials Testing Consultants, Inc., performed the asbestos surveys and Bolle Contracting LLC performed the abatement and demolition activities at the facility. The NESHAP for Asbestos holds both the owners and operators equally liable for violations.

During the inspection, staff observed the following:

Process Description	Section Violated	Comments
Building 3 (SRN U482100455)	40 CFR 61.145	Failure to thoroughly inspect.
	40 CFR 61.145(b)(4)(vi)	Failure to estimate the amount of RACM
	40 CFR 61.145(c)(1)	Failure to remove RACM.
	40 CFR 61.150(a)(3)	Failure to adequately wet
	40 CFR 61.150(b)(1)	Failure to deposit asbestos containing waste material as soon as practical.
	40 CFR 61.150(c)	No signs during loading and unloading.
Building 5 (SRN U482004285)	40 CFR 61.145	Failure to thoroughly inspect.
	40 CFR 61.145(b)(4)(vi)	Failure to estimate the amount of RACM
	40 CFR 61.145(c)(1)	Failure to remove RACM.
	40 CFR 61.150(a)(3)	Failure to adequately wet
	40 CFR 61.150(b)(1)	Failure to deposit asbestos containing waste material as soon as practical.
	40 CFR 61.150(c)	No signs during loading and unloading.
Building 39 (SRN U482003378)	40 CFR 61.145	Failure to thoroughly inspect.
	40 CFR 61.145(b)(4)(vi)	Failure to estimate the amount of RACM
	40 CFR 61.145(c)(1)	Failure to remove RACM.
	40 CFR 61.150(a)(3)	Failure to adequately wet
	40 CFR 61.150(b)(1)	Failure to deposit asbestos containing waste material as soon as practical.
	40 CFR 61.150(c)	No signs during loading and unloading.
Building 43 (SRN U482004292)	40 CFR 61.145	Failure to thoroughly inspect.
	40 CFR 61.145(b)(4)(vi)	Failure to estimate the amount of RACM
	40 CFR 61.145(c)(1)	Failure to remove RACM.
	40 CFR 61.150(a)(3)	Failure to adequately wet
	40 CFR 61.150(b)(1)	Failure to deposit asbestos containing waste material as soon as practical.
	40 CFR 61.150(c)	No signs during loading and unloading.

Please initiate actions necessary to correct the cited violations and submit a signed written response to this Violation Notice by June 29, 2021 (which coincides with 21 calendar days from the date of this letter). The 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 your written response to Mr. Joseph Scanlan at EGLE AQD, 1504 West Washington Street, Marquette, Michigan 49855 or ScanlanJ@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 violations of the applicable legal requirements cited, please provide 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 my inspection of Mr. Zellar's property. If you have any questions regarding the violations or the actions necessary to bring this facility into compliance, please contact me at the number listed below.

Sincerely,



Joseph Scanlan
Air Quality Division
906-458-6405

cc: Marijuana Regulatory Agency
Mr. Michael Turnquist, DTMB
Mr. Trever LaBarre, MDOC
Mr. Craig Carruthers, MDOC
Mr. Aaron Keatley, EGLE
Ms. Mary Ann Dolehanty, EGLE
Dr. Eduardo Olaguer, EGLE
Mr. Christopher Ethridge, EGLE
Ms. Jenine Camilleri, EGLE
Ms. Karen Kajiya-Mills, EGLE
Mr. Ed Lancaster, EGLE
Mr. Jason Wolf, EGLE