



GRETCHEN WHITMER
GOVERNOR

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



LIESL EICHLER CLARK
DIRECTOR

July 30, 2019

UPS NEXT DAY DELIVERY

Mr. Scott Crater
Scott A Construction
9600 West McBride Road
Coral, Michigan 49322

Mr. Daryl Johnson
Subway Restaurant
9599 North Greenville Road
Lakeview, Michigan 48850

SRN / ID: U591907123, Montcalm County

Dear Mr. Crater and Mr. Johnson:

VIOLATION NOTICE

On July 26, 2019, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD) conducted an inspection of Subway Restaurant, 9605 North Greenville Road, Lakeview, Montcalm County, Michigan.

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 our investigation, Scott A Construction was the general contractor for the demolition activities and Mr. Daryl Johnson owns the facility. The National Emission Standard for Asbestos (NESHAP) holds the *owner and operator* liable for all violations.

During the investigation staff observed the following:

The subject structure was demolished, and a new structure was being built in its place. I looked in the Asbestos Notification System (ANS) and was unable to find a notification for the demolition of the old Subway restaurant. In my discussion with Daryl, the owner, it was determined that an asbestos survey/inspection was not done prior to demolition.

Process Description	Section Violated	Comments
Notification was not submitted prior to demolition of the Subway restaurant.	40 CFR §61.145(b)(1)	Failure to provide 10 working day notification prior to start of abatement activities.
No asbestos survey/inspection was done prior to demolition.	40 CFR §61.145(a)	Failure to thoroughly inspect.

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Please initiate actions necessary to correct the cited violations and submit a written response to this violation notice by August 19, 2019, (which coincides with 21 calendar days from the date of this letter). 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 from the *owner and operator* to this violation notice, may be submitted by mail and directed to my attention at: EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760. You must also include a copy to Mr. Jason Wolf, Enforcement Unit at: EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760. The response may be scanned and emailed to brownj9@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 violation cited above and for the cooperation extended to me during our conversation. If you have any questions regarding the Violation Notice or the actions necessary to bring this facility into compliance, please contact me at 517-599-7825; brownj9@michigan.gov; or the post office box address provided in the paragraph above.

Sincerely,



Jeremiah Brown
Environmental Quality Analyst
Air Quality Division

Enclosure

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