



GRETCHEN WHITMER
GOVERNOR

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



LIESL EICHLER CLARK
DIRECTOR

November 8, 2019

UPS NEXT DAY DELIVERY

Mr. David L Tencate
Rock Pile Development, LLC
300 Washington Avenue
Suite 100
Grand Haven, Michigan 49417

Mr. Jerry Schultz
Jerry Schultz Excavating
14736 Lincoln Street
Grand Haven, Michigan 49417

SRN / ID: U701910182; Ottawa County

VIOLATION NOTICE

Dear Mr. Tencate and Mr. Schultz:

On November 4, 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) inspection at 218 South Harbor Drive, Grand Haven, Ottawa 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 my investigation, Rock Pile Development, LLC owns the subject property and Jerry Schultz Excavating 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 found to not have an asbestos survey or a notification for demolition. The building structure was demolished and removed from the site. The concrete slab was all that remained. In discussion with Mr. Jerry Schultz, he stated he was not aware of the NESHAP program and requirements and that only a demolition permit was submitted to the City of Grand Haven.

VIOLATION NOTICE

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Process Description	Section Violated	Comments
On 11/4/19, staff performed an inspection derived from a complaint of demolition at 218 S. Harbor Dr, Grand Haven, Michigan, a commercial property.	40 CFR 61.145 (b)(1)	Failure to provide 10 working day notification prior to demolition.
	40 CFR 61.145 (a)	Failure to thoroughly inspect. No asbestos survey/inspection.

Please initiate actions necessary to correct the cited violations and submit a written response to this violation notice by November 29, 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. Steven Kidder at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760 or scan and email as an attachment to me at KidderS@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 meeting at the site. 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 517-243-4492; kidders@michigan.gov; or EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760.

Sincerely,



Steven Kidder
Environmental Quality Analyst
Air Quality Division

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