



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
SAGINAW BAY DISTRICT OFFICE



DAN WYANT
DIRECTOR

December 30, 2014

Mr. Lewis Pitsch, Vice President
Pitsch Companies
675 Richmond NW
Grand Rapids, MI 49504

Mr. Gary Miller
Martin Marietta Magnesia Specialties
1800 Eastlake Road
Manistee, Michigan 49660

SRN: U511413759, Manistee County

Dear Sirs:

VIOLATION NOTICE

On October 29, 2014, the Department of Environmental Quality (DEQ), Air Quality (AQD) Division, conducted a joint inspection with the Michigan Occupational Safety & Health Agency (MIOSHA) of the ongoing precipitator demolition activities at Martin Marietta Magnesia Specialties located at 1800 Eastlake Road, Manistee, Michigan. Both agencies had been referred a complaint regarding handling of Asbestos Containing Materials (ACM). The purpose of this inspection was to determine if ongoing activities were in compliance with the requirements of Title 40 of the Code of Federal Regulations, 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.

According to our investigation, Martin Marietta Magnesia Specialties owns the facility and Demolition Contractors Inc. performed abatement and demolition activities at the facility. The National Emission Standard for Asbestos holds both the owner and operator equally liable for violations.

During the inspection MIOSHA and AQD staff collected fragments of suspect material for laboratory analysis. The results of the analysis determined that Chrysotile above 1% was present in the sample(s) collected. Based on the copy of the asbestos survey provided, the laboratory analysis and staff observations, the following violations were identified (*inspector comments are in italics*):

Process Description	Section Violated	Comments
Precipitator Demolition/Deconstruction	§61.145(b)(1)	Failure to provide 10 working day notification – <i>Notification for Scheduled Demolition (SD) not submitted until 10/30/2014. Inspector had instructed onsite staff to have office submit Notification of Intent for activities being conducted. Work had clearly been started prior to start date of 11/13/2014 provided on notification.</i>
	§61.145(b)(3)(i)	Failure to provide notice prior to asbestos work – <i>No notification for abatement of friable transite received by department. Electronic correspondence clearly stated that abatement activities would be conducted.</i>
	§61.145(b)(4)(vi)	Failure to estimate the amount of Regulated Asbestos-Containing Material (RACM) - <i>Inadequate survey conducted prior to initiating work. Owner instructed contractor to assume ACM. No records have been provided indicating that the suspect materials were sampled or evaluated for friability.</i>
	§61.145(c)(1)	Failure to remove RACM – <i>Removal activities for transite siding generated smaller RACM fragments which were identified at ground level onsite. This material was not cleaned up/removed prior to continuation of demolition/ deconstruction activities by contractor.</i>
	§61.145(c)(4)	Failure to contain in leak tight container – <i>friable transite was noted on ground in sheets and fragments had not been properly containerized.</i>
	§61.145(c)(8)	No contractor supervisor on site

	§61.145(c)(9)	Failure to wet RACM during demolition – <i>No signs of water supply onsite being used by contractor. Fragments and sheets of transite were not wet.</i>
	§61.150(a)(1)(v)	No generator labels – <i>Inspector noted preprinted bags and sealed cardboard drums but no generator labels visible in dumpster.</i>
	§61.150(c)	No signs during loading and unloading – <i>no warning signs posted by contractor for dumpster or work areas.</i>

During the week of November 3, 2014, AQD spoke with Gene Gutting, who indicated that all questions should be directed to Mr. Lewis Pitsch. On October 12, 2014, AQD Asbestos NESHAP Staff, made an electronic request to the Demolition Contractors, Inc. for supplemental information via the e-mail address indicated on the October 30, 2014, notification of intent to renovate/demolish. The request was for the following information to aid in the referral investigation:

- The asbestos survey for the structure,
- A summary/timeline of all activities conducted by Pitsch associated with the precipitator building demolition/deconstruction, including the dates, personnel involved on a daily basis, training for each person, and scope of work for each date.
- Transport manifests for each waste shipment offsite.

The asbestos survey was received on November 13, 2014, but the supplemental data was not received. In a phone conversation with Mr. Lewis Pitsch on November 25, 2014, he indicated that the information was not going to be provided, and that the siding fragments (RACM) identified in the area of the crane were pre-existing and had not been generated by the contractor employees.

Additional questions that were going to be made in a follow-up call were sent electronically on December 17, 2014, and included:

- The asbestos survey done by Melching did not identify any asbestos containing materials. The company correspondence said to assume that all of the siding was asbestos containing material. I was told that you visited the site prior to preparing the bid. Did you do any material verification activities?
- How was your staff/onsite project supervisor instructed to handle the siding materials?
- During our November 25, 2014 discussion, you indicated that the fragments of ACM siding that were sampled and verified in the immediate area that the precipitator components were being lowered down to were pre-existing. If the work had been started a few weeks before, would not the pre-existing fragments

have been cleaned up at the end of the work day/week? What is their standard practice?

As of the date of this violation notice, no supplemental information has been received.

Please initiate actions necessary to correct the cited violations and submit a written response to this Violation Notice by January 20, 2015, (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. In addition, please provide the previously requested information outlined above.

If either party believes the above observations or statements are inaccurate or do not constitute violations 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 my inspection of October 29, 2014. 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,



Sharon LeBlanc
Environmental Quality Analyst
Air Quality Division
989-894-6212

sgl/ai

cc: Ms. Lynn Fiedler, DEQ
Ms. Mary Ann Dolehanty, DEQ
Ms. Teresa Seidel, DEQ
Mr. Thomas Hess, DEQ
Ms. Karen Kajiya-Mills, DEQ
Ms. Janis Ransom, DEQ