



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
LANSING



C. HEIDI GREYER  
DIRECTOR

November 7, 2016

Mr. Shui Leung  
Yinhai Restaurant  
1102 West Michigan Avenue  
Marshall, Michigan 49068

Mr. Dustin DeCair  
D & D  
12240 East Michigan Avenue  
Battle Creek, Michigan 49014

SRN / ID: U131611869; Calhoun County

Dear Mr. Leung and Mr. DeCair:

### VIOLATION NOTICE

On October 28, 2016, the Michigan Department of Environmental Quality (MDEQ), Air Quality Division, performed an asbestos NESHAP (National Emission Standard for Hazardous Air Pollutants) inspection at 1120 West Michigan Avenue, Marshall, Calhoun County. The purpose of this inspection was to determine 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 my investigation, Mr. Leung of Yinhai Restaurant is the owner of the property and Mr. DeCair is the contractor who performed the demolition activities at the site. The demolition of the subject property occurred on or about October 26, 2016. The National Emission Standard for Asbestos holds both the owner and the operator equally liable for the violations.

During the inspection, staff observed the following: The owner failed to have a thorough survey performed on the property prior to the demolition activities. Subsequently, the contractor failed to provide a copy of the waste shipment record indicating that the construction debris was deposited as asbestos-containing waste material.

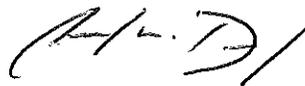
Process Description	Section Violated	Comments
Failed to perform a thorough asbestos survey prior to the demolition of the commercial property located at 1102 West Michigan Avenue, Marshall, Calhoun County. The scheduled demolition occurred on or about October 26, 2016.	40 CFR 61.145 (a)	Failure to thoroughly inspect facility for the presence of asbestos.
	40 CFR 61.150 (1)(2)	Failure to provide a copy of the waste shipment record.

Please initiate actions necessary to correct the cited violations and submit a written response to this violation notice by November 28, 2016, (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. The signed written response to this violation notice may be submitted by mail and directed to my attention at; DEQ AQD, P.O. Box 30260, Lansing, Michigan 48909 or scanned and emailed as an attachment to me at; [dechyc@michigan.gov](mailto:dechyc@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 my site visit and our phone conversations. If you have any questions regarding the violations notification or the actions necessary to bring this facility into compliance, please feel free to contact me at 517-749-2891; [dechyc@michigan.gov](mailto:dechyc@michigan.gov); or DEQ AQD, P.O. Box 30260, Lansing, Michigan 48909-7760.

Sincerely,



Craig Dechy  
Environmental Quality Analyst  
Air Quality Division

cc: Ms. Lynn Fiedler, MDEQ  
Ms. Mary Ann Dolehanty, MDEQ  
Mr. Christopher Ethridge, MDEQ  
Ms. Mary Douglas, MDEQ  
Mr. Thomas Hess, MDEQ  
Ms. Karen Kajiya-Mills, MDEQ