



GRETCHEN WHITMER  
GOVERNOR

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

LANSGING  
LIESL EICHLER CLARK  
DIRECTOR



January 5, 2022

UPS NEXT DAY DELIVERY

Mrs. Trudy Nicol-Bowers  
Sanilac County Treasurer  
Sanilac County  
60 West Sanilac, Room 204  
Sandusky, Michigan 48471

Mr. Keith Pierson  
President  
K & J Excavating Company, Inc.  
7528 Huron Line Road  
Minden City, Michigan 48456

SRN/ID: U762200072; Sanilac County

Dear Mrs. Nicol-Bowers and Mr. Pierson:

**VIOLATION NOTICE**

On December 21, 2021, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD) conducted an inspection of 8475 Third Street, Minden City, Sanilac County. 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.

According to my investigation, Sanilac County, was in control of the facility being demolished and K & J Excavating Company, Inc., was the operator hired to demolish the facility. The National Emission Standard for Asbestos (NESHAP) holds the *owner and operator* liable for all violations.

During the inspection, EGLE staff observed the following:

No Notification of Intent to Renovate/Demolish was provided to the administrator prior to the demolition activities. K & J Excavating was demolishing the building as asbestos-containing due to safety issues with the facilities structure, therefore, no asbestos survey was performed. No water was being used and the demolition material was dry. No waste shipment records were available for the demolition debris being loaded-out for offsite disposal. No certification of at least one person trained in the provisions of this regulation was provided.

Process Description	Section Violated	Comments
During a drive-by inspection of 8475 Third Street, Minden City, a demolition of the former Minden City School was observed.	40 CFR §61.145(b)(1) 40 CFR §61.145(b)(4)(xiii) 40 CFR §61.150(a)(3)	Failure to Notify the administrator. No certification of a trained individual. Failed to adequately wet asbestos-containing waste material at all times and keep wet.

**VIOLATION NOTICE**

Mrs. Nicol-Bowers and Mr. Pierson

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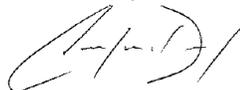
	40 CFR §61.150(d)(1)	Failed to maintain waste shipment records for asbestos-containing waste material transported off the facility site.
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Please initiate actions necessary to correct the cited violations and submit a written response to this violation notice by January 26, 2022 (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 DechyC@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 violations cited above and for the cooperation extended to me during my site inspection. If you have any questions regarding the violation notice or the actions necessary to bring this facility into compliance, please contact me at 517-749-2891; DechyC@Michigan.gov; or the post office box address provided in the paragraph above.

Sincerely,



Craig W. Dechy  
Senior Environmental Quality Analyst  
Air Quality Division

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