



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
SAGINAW BAY DISTRICT OFFICE



DAN WYANT
DIRECTOR

July 31, 2014

Mr. Dennis Killingbeck
Killingbeck's Excavating, Inc.
2435 East Huron Road
Au Gres, Michigan 48703

Mr. David J. Klippert
DLR Development, LLC
4301 Fashion Square Blvd
Saginaw MI 48603

SRN: U06140850, Arenac County

Dear Sirs:

VIOLATION NOTICE

On July 22, 2014, the Department of Environmental Quality (DEQ), Air Quality Division, conducted an inspection of The Former Lutz Waterpark located at 167 North Waters, Augres, Michigan. The purpose of this inspection was to determine if demolition activities conducted 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, DLR Development, LLC owns the facility and Killingbeck's Excavating, Inc. performed the demolition activities at the facility. The National Emission Standard for Asbestos holds both the owner and operator equally liable for violations.

AQD Program Staff had received a call from Killingbeck's Excavating, Inc. in March 2014, regarding program requirements, and had been informed that an asbestos survey and a 10-working day notification prior to demolition activities were required. Information provided by the Arenac County Building Department confirmed that a demolition permit for 7 structures had been issued to the demolition contractor. During the inspection, staff observed the following:

Process Description	Section Violated	Comments
Removal/Demolition of Multiple Buildings	§61.145(b)(1)	Failure to provide 10 working day notification

Should a thorough inspection by a certified asbestos inspector not have been completed prior to initiating demolition activities you may be in violation at minimum of the following regulations:

Process Description	Section Violated	Comments
Removal/Demolition of Multiple Buildings	§61.145(b)(4)(vi)	Failure to estimate the amount of Regulated Asbestos-Containing Material (RACM)
	§61.145(c)(1)	Failure to remove RACM

Please initiate actions necessary to correct the cited violations and submit a written response to this Violation Notice by August 21, 2014 (which coincides with 21 calendar days from the date of this letter). The written response should include:

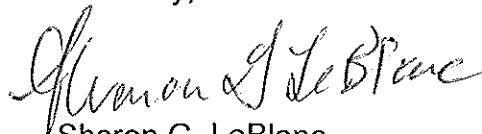
- the dates the violations (demolition activities) occurred;
- an explanation of the causes and duration of the violations;
- whether the violations are ongoing;
- a summary of the actions that have been taken and are proposed to be taken to correct the violations and the dates by which these actions will take place; and
- what steps are being taken to prevent a reoccurrence.

Please note that a copy of the asbestos survey for the buildings associated with the property and a completed notification of intent to renovate or demolish form is required to be submitted as part of the written response.

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 provided in resolving the referenced violations. 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 G. LeBlanc
Environmental Quality Analyst
Air Quality Division
989-894-6212

SGL/ai

cc: Ms. Lynn Fiedler, DEQ
Ms. Teresa Seidel, DEQ
Mr. Thomas Hess, DEQ
Ms. Karen Kajiya-Mills, DEQ
Mr. Chris Hare, DEQ