



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
SAGINAW BAY DISTRICT OFFICE



C. HEIDI GREETHER  
DIRECTOR

October 18, 2016

Mr. Gary Bilacic  
Bilacic Trucking Inc.  
2136 East Huron Road  
AuGres, Michigan 48703

Mr. Gerald H. Nelson, M.B.A., City Manager  
City of Standish  
399 East Beaver  
Standish, Michigan 48658

SRN: U06160778, Arenac County

Dear Mr. Bilacic and Mr. Nelson:

### **VIOLATION NOTICE**

On September 14, 2016, the Department of Environmental Quality (DEQ), Air Quality Division, was referred a complaint received by Saginaw Bay District Waste Management & Radiological Division (WMRD) Staff for improper disposal of demolition waste. WMRD Staff had earlier that morning, conducted an inspection of demolition debris generated as a result of the demolition of commercial property located at 203 East Cedar Street, Standish, Michigan. The WMRD inspection confirmed that the commercial building had, in fact, been demolished (activities initiated on approximately August 5, 2016); the name of contractor awarded the demolition activities; the scope of work contracted; and the present location of demolition debris for the structure.

A review of readily available information indicated that two different commercial businesses were of record for the above referenced property address and included: The Arenac County Independent and Sunrise Printing & Publication. In addition, the property is presently owned by the City of Standish, Michigan, who selected and contracted for completion of demolition activities for the site. Based on this information, the location meets the definition of a subject facility under 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. As a subject facility, demolition activities at the referenced address are subject to the referenced regulations.

A review of the AQD Asbestos NESHAP Program database indicates that the 10-day notification of intent to renovate/demolish was not submitted as required for demolition activities by either the property owner or the demolition contractor. In addition, the contractor provided WRMD Staff as proof of a pre-demolition inspection, a handwritten letter from Dean M. Dewald, of Augres, Michigan summarizing a walkthrough inspection of the commercial property. A review of the Department of Licensing and Regulatory

Affairs (LARA) MIOSHA Asbestos Program Accreditation database records indicated that neither the contractor nor Mr. Dewald are certified asbestos inspectors with the State of Michigan LARA and are therefore not qualified to conduct the required inspection.

Based on the information summarized above, the demolition activities conducted at 203 East Cedar Street, Standish, Michigan were not conducted 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, the City of Standish, Michigan owns the facility and Bilacic Trucking & Excavating performed the demolition and transport activities at the facility. The National Emission Standard for Asbestos holds both the owner and operator equally liable for violations.

As a result of the investigation, staff has determined the following:

<b>Process Description</b>	<b>Section Violated</b>	<b>Comments</b>
Demolition of 203 East Cedar Street, Standish, Michigan Commercial Property	40 CFR 61.145(b)(1)	Failure to provide 10 working day notification
	40 CFR 61.145(b)(4)(vi)	Failure to estimate the amount of Regulated Asbestos-Containing Material (RACM)
	40 CFR 61.145(c)(8)	No contractor supervisor on site

On September 22, 2016, AQD District Staff along with other DEQ Staff visited and inspected the demolition debris piles reported to have been generated as part of the 203 East Cedar Street demolition. A limited amount of suspect materials were identified during the referenced inspection and samples were collected for laboratory analysis of asbestos content. Analytical results for the samples was received by District Staff on October 17, 2016, and reported that asbestos content of the materials were below thresholds, and the materials were not determined to be regulated and may be disposed of properly in a C&D landfill.

Please initiate actions necessary to correct the cited violations and submit a written response to this Violation Notice by November 8, 2016, (which coincides with 21 calendar days from the date of this letter). The written response should include:

- the dates the demolition and debris transportation occurred (in the form of a notification of intent, attached);

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- an explanation of why the violations occurred;
- 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.

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. If you have any questions regarding the violations identified, the notification of intent form 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  
Saginaw Bay District Office  
989-894-6212

cc/via email: Ms. Lynn Fiedler, DEQ  
Ms. Mary Ann Dolehanty, DEQ  
Mr. Chris Etheridge, DEQ  
Mr. Thomas Hess, DEQ  
Ms. Karen Kajiya-Mills, DEQ  
Mr. Chris Hare, DEQ  
Mr. Phil Roycraft, DEQ  
Ms. Trish Confer, DEQ  
Ms. Lori Babcock, DEQ  
Mr. Gary Schwerin, DEQ