



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
SAGINAW BAY DISTRICT OFFICE



KEITH CREAGH
DIRECTOR

February 5, 2016

Mr. William E. Fournier
2088 Wheeler Road
Bay City, MI 48706

SRN: U091600857, Bay County

Dear Mr. Fournier:

VIOLATION NOTICE

On October 20, 2015, the Department of Environmental Quality (DEQ), Air Quality Division (AQD), District Staff discussed requirements for demolitions, renovations, and deconstruction activities ongoing at the abandoned commercial property at 2751 North Water Street, Bay City, Michigan. The purpose of the phone call was to notify you that ongoing deconstruction activities at the referenced site were not being 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 the Bay County Property records you own the facility and have at least in part been assisting in the referenced deconstruction/demolition activities at the facility. The National Emission Standard for Asbestos holds both the owner and operator equally liable for violations.

Photos taken by other DEQ staff on September 4, 2015 and October 19, 2015 indicated that demolition deconstruction activities had been initiated and were ongoing. You were contacted on October 19, 2015, and in a voicemail were requested to contact AQD staff to bring the activities into compliance. Based on discussions with you on October 20, 2015, it was indicated that no inspection by a certified inspector had been completed, and there was a failure to submit the required 10-working day (14-calendar day) notification. At that time you were requested to stop work, have the required asbestos inspection completed by a certified inspector and to submit the required 10-working day notification of intent prior to re-starting the job. Information to complete these activities was submitted to you electronically on October 20, 2015.

Based on observations made January 28, 2016, it appears that completion of a minimum of 75% of the building deconstruction/demolition has been completed and no documentation of a submitted notification of intent could be found. AQD Asbestos NESHAP Staff have identified the following violations:

Process Description	Section Violated	Comments
Demolition/deconstruction of abandoned commercial building	§61.145(b)(1)	Failure to provide 10 working day notification

In addition, should it be determined that a thorough inspection by a certified asbestos inspector was not completed, the following additional violation has occurred:

Process Description	Section Violated	Comments
Demolition/deconstruction of abandoned commercial building	§61.145(b)(4)(vi)	Failure to estimate the amount of Regulated Asbestos-Containing Material (RACM)

Please initiate actions necessary to correct the cited violation and submit a written response to this Violation Notice by February 26, 2016 (which coincides with 21 calendar days from the date of this letter). The written response should include:

- the dates the violation occurred;
- an explanation of the causes and duration of the violation; whether the violation is ongoing;
- a summary of the actions that have been taken and are proposed to be taken to correct the violation and the dates by which these actions will take place; and what steps are being taken to prevent a reoccurrence.
- submittal of a 10-working day notification for deconstruction/demolition activities conducted at 2751 North Water Street, Bay City, Michigan; and
- a copy of the asbestos inspection completed for the 2751 North Water Street, Bay City Michigan structure.

If you believe 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 violation cited above and for the cooperation that was extended to me. If you have any questions regarding the violation 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

cc/via email: Ms. Lynn Fiedler, DEQ
Ms. Teresa Seidel, DEQ
Ms. Heidi Hollenbach, DEQ
Mr. Thomas Hess, DEQ
Ms. Karen Kajiya-Mills, DEQ
Mr. Chris Hare, DEQ