



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



C. HEIDI GREYHER
DIRECTOR

December 5, 2016

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

SRN/ID: U131611869; Calhoun County

Dear Mr. DeCair:

SECOND VIOLATION NOTICE

On October 28, 2016, the Michigan Department of Environmental Quality (MDEQ), Air Quality Division (AQD), performed an asbestos NESHAP (National Emission Standard for Hazardous Air Pollutants) inspection at 1102 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 (Act 451).

According to my investigation, Mr. Leung of Yin Hai Restaurant is the owner of the property and Mr. DeCair is the contractor who performed the demolition activities. 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 violation(s).

During the inspection, staff observed the following: The owner had failed to have a thorough survey performed on the subject property prior to 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 demolition of the subject commercial property located at 1102 W. Michigan Ave., 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.

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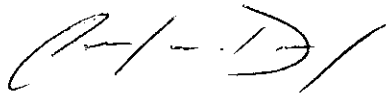
On November 3, 2016, the AQD issued you a Violation Notice citing a violation that was discovered as a result of a site inspection, and requested your written response by November 24, 2016. The violation has been reiterated above for your convenience. As of this date we have not received a response with an adequate compliance plan addressing the violations mentioned above.

Please be advised that failure to respond in writing and identifying actions you will take or have taken to resolve the cited violations may result in escalated enforcement action by the AQD. Please provide the information requested in our November 3, 2016, letter by December 15, 2016, which corresponds with 10 calendar days from the date of this letter. 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.

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 our phone conversations. If you have any questions regarding the violation notification or the actions necessary to bring this facility into compliance, please feel free to contact me at 517-749-2891; 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