



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
LANSING



C. HEIDI GREYER  
DIRECTOR

August 3, 2017

Mr. Wayne Atwell  
TNA Excavating, Inc.  
11450 Nichols Road  
Burt, Michigan 48417

SRN / ID: U251704046; Genesee County

Dear Mr. Atwell:

**THIRD AND FINAL VIOLATION NOTICE**

On June 7, 2017, the Michigan Department of Environmental Quality (MDEQ), Air Quality Division, performed an asbestos NESHAP (National Emission Standard for Hazardous Air Pollutants) complaint inspection at 126 Hickory Street, Montrose, Genesee County. The purpose of this investigation 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.

According to my investigation, Montrose Community Schools owns the former schoolhouse and TNA Excavating, Inc. is the contractor who performed the demolition activities. The demolition of the schoolhouse occurred on or about June 6, 2017. The National Emission Standard for Asbestos holds both the owner and the operator equally liable for the violations.

During the inspection, MDEQ-AQD staff Craig Dechy observed the following: The former schoolhouse was in the process of being demolished. The liable parties failed to perform a thorough inspection of this facility and also failed to provide a 10-working day Notification of Intent to Renovate/Demolish to the administrator prior to any demolition activities.

Process Description	Section Violated	Comments
Anonymous complaint was filed regarding fugitive dust issues at 126 Hickory Street, Montrose, Genesee County.	40 CFR 61.145 (a)	Failure to thoroughly inspect the facility for the presence of asbestos.
	40 CFR 61.145 (b)(1)(3)(i)	Failure to provide the administrator with a 10-working day Notification.

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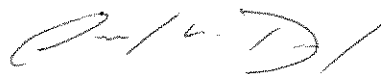
On June 13, 2017, the AQD issued you a Violation Notice citing the violations discovered as a result of a site investigation promulgated by a complaint, and requested your written response by July 4, 2017. The violations have been reiterated above for your convenience. As of this date, we have not received a response with an adequate compliance plan addressing the violation that occurred on or about June 6, 2017.

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 June 13, 2017, letter by **August 13, 2017**, 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](mailto:dechyc@michigan.gov), or if you wish to fax it, our fax number is 517-335-3122.

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 my site investigation and our phone conversation. 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](mailto: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  
Mr. Brad Myott, MDEQ  
Mr. Thomas Hess, MDEQ  
Ms. Karen Kajjya-Mills, MDEQ