



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
SAGINAW BAY DISTRICT OFFICE



KEITH CREAGH  
DIRECTOR

March 23, 2016

Mr. George Jordasky  
Mold Matters  
1650 Barlow Street, Suite 11  
Traverse City, MI 49686

Mr. Rick Homan, Store Manager  
The Sherwin-Williams Company  
1204 South Garfield Avenue  
Traverse City, MI 49686

SRN: U281602147, Grand Traverse County

Dear Sirs:

**VIOLATION NOTICE**

On February 19, 2016, the Department of Environmental Quality (DEQ), Air Quality Division, conducted a joint inspection with MIOSHA Staff of the Mold Matters Office and bay area located at 1650 Barlow Street, Suite 11, Traverse City, Michigan, and the Sherwin-Williams Retail Facility located at 1204 South Garfield Avenue, Traverse City, Michigan. The purpose of this inspection was to determine if flooring replacement activities were 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, Zimco Properties LLC owns the facility and Mold Matters performed the abatement activities at the facility. Work conducted was contracted by Sherwin-Williams Company, who leases the property. The National Emission Standard for Asbestos holds both the owner and operator/contractor equally liable for violations. Per definition (40 CFR Part 61, Subpart M, 61.141), the owner or operator of a demolition or renovation site means any person who owns, leases, operates, controls, or supervises the facility being demolished or renovated. For the purposes of the floor replacement activities, Sherwin-Williams Company has acted as the owner of the property/facility.

During the inspection, staff observed the following:

Process Description	Section Violated	Comments
Flooring Replacement for showroom and office space at 1204 South Garfield Avenue, Traverse City, Michigan	40 CFR 61.145(b)(1)	Failure to provide 10 working day notification
	40 CFR 61.145(b)(3)(i)	Failure to provide notice prior to asbestos work
	40 CFR 61.145(a)	Failure to conduct a thorough inspection and estimate the amount of Regulated Asbestos-Containing Material (RACM) (i.e. the floor tile and mastic removed)

	40 CFR 61.145(c)(3 )	Failure to wet during tile removal
	40 CFR 61.145(c)(4) 40 CFR 61.150(a)(1)(iii)	Failure to contain in leak tight container
	40 CFR 61.145(c)(6)(i)	Failure to wet RACM that has been stripped
	40 CFR 61.145(c)(8)	No contractor supervisor on site
	40 CFR 61.150(a)(1)(v) 40 CFR 61.150(a)(1)(iv) & (v)	No generator labels
	40 CFR 61.150(c)	No signs during loading and unloading

Please initiate actions necessary to correct the cited Violations and submit a written response to this Violation Notice by April 13, 2016, (which coincides with 21 calendar days from the date of this letter). The written response should include: the dates the violations 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.

Your submittal should include at minimum the following back up documentation: a completed notification of intent to renovate or demolish (form attached), documentation of containerizing and wetting of RACM debris generated during the floor replacement activities by a certified asbestos abatement contractor, documentation of appropriate disposal of RACM.

If either 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 that was extended to me during my inspection of February 19, 2016. If you have any questions regarding the referenced 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

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