



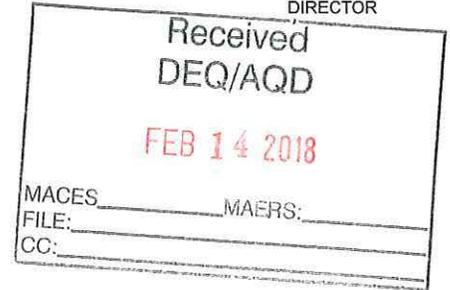
RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



KEITH CREAGH
DIRECTOR

February 5, 2018



Mr. Joseph Scanlan
NESHAP Asbestos Inspector
Department of Environmental Quality
Air Quality Division

RE: DEQ Violation Notice U481704188, Luce County

Dear Mr. Scanlan:

Please consider this communication our agency's written response to the above referenced violation notice for the project at Muskallonge Lake State Park.

On July 11, 2017, the DNR Parks and Recreation contracting team, MKC Group, demolished the existing park headquarters and shop building without filing the required DEQ 10 day working notice. The structure's hazardous material was abated properly and documented according to procedural obligations.

MKC Group was under legal contract for the removal of the buildings in question. The contract documents included copies of the required permit applications and permit notifications, agency contact information and direction that these applications were to be filed by the contractor. The contract requires that all permitting agency authorizations are required to be in place prior to commencing said work. Attached is documentation from MKC Group project manager Brenden Tully, acknowledging their failure to comply with the contract stipulations and proper DEQ notice. This communication also includes required documentation along with a certified waste manifest that confirms the proper disposal of the hazardous materials in question.

In addition to the contractual and legal obligations for permitting and notification, we have included several sets of official project construction progress meeting minutes that document our agency project representative urging MKC group to address and gain compliance with the subject failure to comply with the notification requirement. Furthermore, our contracting agency was withholding contractor payments in an attempt to emphasize the importance of resolving this issue. When formal project substantial completion became imminent in early January of 2018, and it became clear that the contractor was still struggling with establishing compliance for this issue, the DNR Parks and Recreation Division agency representative engaged DEQ staff directly. DNR PRD staff involvement was another effort to formally acknowledge the contractor's failure to comply with the required DEQ 10 day working notice with an interest to establish formal documentation, address any possible violations and gain formal closure for the permitting requirements.

Mr. Scanlan
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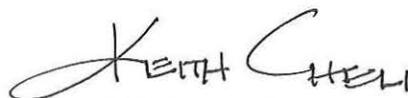
Through these continued communications you participated in a conference call with our project team, including MKC Group project manager Brenden Tully, which was very helpful in facilitating the value of the due diligence process.

The failure of notification is an "after the fact" violation and the buildings and hazard materials have been removed from the project site. It is our position that the formal violation notice, this written response, including the attached MKC Group written acknowledgement of failure to comply, have has addressed this specific issue.

The DNR PRD takes project safety and permit compliance very seriously and strives to learn from our experiences in effort to prevent future reoccurrences. At the next DNR PRD Planning Development Team meeting, we will discuss this project example at Muskallonge Lake State Park and review our current demolition procedure and policy. We are currently reviewing the demolition procedures and policies to more clearly define the conditions and responsibilities for due process when projects are under formal construction contracts and how to best manage these situations, raise awareness and increase contactor accountability.

Thank you once again for your assistance with formally documenting this project notice violation and bringing formal closure on the issue. If you have any questions or require further information feel free to contact me at 989-370-1907 or chelik@michigan.gov.

Sincerely,



Keith Cheli, Landscape Architect
Regional Field Planner
DNR Parks and Recreation Division

cc: Mr. William O'Neill, Natural Resources Deputy, DNR
Mr. Ron Olson, DNR
Ms. Vicki McGhee, DNR
Ms. Anna Sylvester, DNR
Eric Cowing, DNR
Mike Evanoff, DNR
Jim Dzelak, DNR

MKC Group Inc

General Contractors / Construction Managers



January 15, 2018

Joseph Scanlan
EQA / NESHP Asbestos Inspector
Upper Peninsula District
906.458.6405

Dear Mr. Scanlan ,

Regarding our project: Muskallonge St Park New Headquarter Relocation, Roof Leak Review Report, 751/13108.RAA. MKC Group acknowledges that we failed to submit a notification to the DEQ regarding our subcontractor asbestos abatement and demolition of the old DNR garage. I have attached the waste shipment records and the proper documents showing that the abatement was handled properly and disposed of properly. Please do not hesitate to call with any questions.

Best regards,

Brendan Tully

