



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
SAGINAW BAY DISTRICT OFFICE



DAN WYANT  
DIRECTOR

September 9, 2014

Dr. Vijay Kumar  
Agility Physical Therapy  
P.O. Box 362  
600 South Bennett Street  
Rose City, MI 48654

DeShano Companies, Inc.  
325 Commerce Court  
Gladwin, MI 48624

SRN: U651411167, Ogemaw County

Dear Sir and/or Madam:

**VIOLATION NOTICE**

On September 3, 2014, the Department of Environmental Quality (DEQ), Air Quality Division (AQD), conducted an inspection of the former Agility Physical Therapy facility located at 600 South Bennett Street, Rose City, Michigan. The purpose of this inspection was to determine if demolition activities had been 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, Dr. Vijay Kumar is the Owner/Owner Contact of the facility and DeShano Companies, Inc. was responsible for permitting/demolition at the facility. The National Emission Standard for Asbestos holds both the owner and operator equally liable for violations.

During the inspection, staff observed the following:

Process Description	Section Violated	Comments
Commercial Demolition Activities	§61.145(b)(1)	Failure to provide 10 working day notification

In addition, it appears that an asbestos survey may not have been completed prior to initiating demolition activities and the following violations may also have occurred:

Process Description	Section Violated	Comments
Commercial Demolition Activities	§61.145(b)(4)(vi)	Failure to estimate the amount of Regulated Asbestos-Containing Material (RACM)
	§61.145(c)(1)	Failure to remove RACM

Please initiate actions necessary to correct the cited violation and submit a written response to this Violation Notice by September 29, 2014 (which coincides with 21 calendar days from the date of this letter). The written response should include a letter indicating:

- the dates the demolition/violation occurred;
- an explanation of the causes and duration of the violation;
- 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.

In addition, please submit a copy of any asbestos survey that may have been completed for the former structure and a completed copy of the attached notification of Intent to Renovate/Demolish form. A copy of the form as well as Asbestos Program information fact sheet are enclosed.

If either party 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 violation cited above and for the cooperation that was extended to me during my inspection and subsequent telephone inquiries. 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 G. LeBlanc  
Environmental Quality Analyst  
Air Quality Division  
989-894-6212

Enclosures  
sgl/ai

cc via email: Ms. Lynn Fiedler, DEQ  
Ms. Mary Ann Dolehanty  
Ms. Teresa Seidel, DEQ  
Mr. Thomas Hess, DEQ  
Ms. Karen Kajiya-Mills, DEQ  
Mr. Chris Hare, DEQ