



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
SAGINAW BAY DISTRICT OFFICE



C. HEIDI GREYER
DIRECTOR

January 10, 2017

Mr. Scott O'Laughlin
City of Midland Utilities Division
4311 East Ashman Street
Midland, Michigan 48640

SRN: N6004, Midland County

Dear Mr. O'Laughlin:

VIOLATION NOTICE

On November 29, 2016, the Department of Environmental Quality (DEQ), Air Quality Division (AQD), conducted an inspection of City of Midland Utilities Division located at 4311 East Ashman Street, Midland, Michigan. The purpose of this inspection was to determine the City of Midland Utilities compliance with the requirements of the federal Clean Air Act; Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451); the Air Pollution Control Rules; and the conditions of Renewable Operating Permit (ROP) number MI-ROP-N6004-2014.

During the inspection, staff observed the following:

Process Description	Rule/Permit Condition Violated	Comments
EU-ASBESTOS	Special Conditions EU-ASBESTOS.VII.6.	No notification sent prior to excavating or otherwise disturbing asbestos-containing material. Excavation occurred 1/4/2016 thru 1/6/2016.

This process is subject to the Federal National Emission Standards for Hazardous Air Pollutants (NESHAP) for Asbestos. These standards are found in 40 CFR Part 61, Subpart M. During this inspection and in an email sent January 9, 2017, the City of Midland Utilities Division produced records that delineate an area of excavation that occurred in response to a smoldering event, which correlates to areas of known deposited asbestos. The conditions of ROP number MI-ROP-N6004-2014 require the City of Midland Utilities Division to notify the appropriate AQD District Office in writing at least 45 days prior to excavating or otherwise disturbing any asbestos-containing waste material that has been deposited at a waste disposal site and is covered. The AQD District Office was not notified of the disturbance.

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Please initiate actions necessary to correct the cited violation and submit a written response to this Violation Notice by January 31, 2016 (which coincides with 21 calendar days from the date of this letter). The written response should include: the dates the violation occurred; an explanation of the causes and duration of the violation; whether the violation is ongoing; 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.

If the City of Midland Utilities Division 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 of City of Midland Utilities. 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,



Gina L. McCann
Senior Environmental Quality Analyst
Air Quality Division
989-894-6218

cc/via e-mail: Ms. Lynn Fiedler, DEQ
Ms. Mary Ann Dolehanty, DEQ
Mr. Chris Ethridge, DEQ
Mr. Thomas Hess, DEQ
Ms. Karen Kajiya-Mills, DEQ
Mr. Chris Hare, DEQ
Mr. Gary Schwerin, DEQ