



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
SAGINAW BAY DISTRICT OFFICE



DAN WYANT  
DIRECTOR

May 13, 2014

Mr. Josh Wickham  
COVE  
905 E. Ludington Ave  
Ludington, MI 49431

Mr. Nick Wagner  
Nick's Excavation and Construction  
2254 Elk Lane  
Freesoil, MI 49411

SRN: U5314252, Mason County

Dear Sirs:

**VIOLATION NOTICE**

On April 28, 2014, the Department of Environmental Quality (DEQ), Air Quality Division, during telephone discussions with Communities Overcoming Violent Encounters (COVE) and Nordlund & Associates representatives, confirmed that the COVE Office Building located at 906 E. Ludington Ave, Ludington, Michigan 49431 had been demolished. The demolition was documented by a Ludington Daily News article dated April 26, 2014. The purpose of the telephone discussions was to determine if reported demolition activities had been conducted in general 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.

Information obtained indicated that the demolished building was a modular structure of approximately 35 years in age. The demolition was being conducted in anticipation of construction of a new building to provide both shelter and office space for the COVE organization. According to our investigation, COVE owns the facility and Nick's Excavation and Construction performed the demolition activities at the facility. The National Emission Standard for Asbestos holds both the owner and operator equally liable for violations.

Based on the information obtained from appropriate personnel, staff noted the following:

Process Description	Section Violated	Comments
Demo of Former COVE Office Building	§61.145(b)(1)	Failure to provide 10 working day notification
	§61.145(b)(4)(vi)	Failure to estimate the amount of Regulated Asbestos-Containing Material (RACM)

In order to correct the situation, Nordlund & Associates Staff contacted AQD Asbestos NESHAP Program Field Staff (April 28, 2014) for general approval to inspect the demolition debris during loading into dumpsters for suspect materials. AQD staff concurred that under the situation existing at that time that the proposed inspection of debris would allow for some level of determination whether RACM existed in the demolished building and would define the method of disposal that would have to be utilized. Based on the Asbestos Inspection Report prepared for Heirloom Construction, and submitted for review by Nordlund & Associates (received on May 8, 2014) no ACM was present in the demolition debris. In addition, the referenced submittal contained a Notification of Intent completed and dated May 5, 2014 for the April demolition activities.

The referenced submittal was necessary to correct the cited violations and the timely submittal is appreciated. In addition, please submit a written response to this Violation Notice by June 3, 2014 (which coincides with 21 calendar days from the date of this letter). The written response should properly document the chain of events that resulted in the referenced violations and 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.

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 violations cited above and for the cooperation that was extended to me during my investigation. If you have any questions regarding the 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

SGL/ai

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