



STATE OF MICHIGAN
 DEPARTMENT OF ENVIRONMENTAL QUALITY
 LANSING



GRETCHEN WHITMER
 GOVERNOR

LIESL EICHLER CLARK
 DIRECTOR

March 15, 2019

Mr. Michael Malachowski
 5348 South Reed Road
 Durand, Michigan 48429

Mr. Don Henry
 Don Henry Construction
 7675 Newberry Road
 Durand, Michigan 48429

SRN/ID: U781903050; Shiawassee County

Dear Mr. Malachowski and Mr. Henry:

VIOLATION NOTICE

On March 13, 2019, the Department of Environmental Quality (DEQ), Air Quality Division, performed an asbestos NESHAP (National Emission Standard for Hazardous Air Pollutants) complaint investigation at 3144 East M-21, Corunna, Shiawassee County. The purpose of this investigation was to determine 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 (Act 451).

According to our investigation, Mr. Michael Malachowski owns the subject facility and Don Henry Construction performed the demolition activities. The National Emission Standard for Asbestos holds both the owner and/or operator equally liable for any violations.

During the inspection, DEQ staff observed the following:

The former GiGi's Banquet and Catering facility had been demolished and new construction was occurring. The owner and/or operator did not have a thorough asbestos inspection performed prior to the demolition activities and no Notification of Intent to Renovate/Demolish had been submitted to the administrator.

Process Description	Section Violated	Comments
On March 12, 2019, staff received a complaint regarding demolition activities that took place at 3144 East M-21, Corunna. Staff arrived on-site on March 13, 2019 and confirmed that a demolition of a commercial property had occurred.	40 CFR 61.145 (a)	Failure to thoroughly inspect for the presence of asbestos.
	40 CFR 61.145 (b)(1)(3)	Failure to provide the administrator with notice.

Please initiate actions necessary to correct the cited violations and submit a written response to this violation notice by April 5, 2019, (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

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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.

Please submit the signed written response to Mr. Craig Dechy at DEQ AQD, P.O. Box 30260, Lansing, Michigan 48909-7760; or scan and email as an attachment to me at dechyc@michigan.gov **and** submit a copy to Ms. Jenine Camilleri, Enforcement Unit Supervisor, at the same mailing address as above, or via email at CamilleriJ@michigan.gov.

If you believe the above observations or statements are inaccurate or do not constitute a violation 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 site visit. If you have any questions regarding the violation notification or the actions necessary to bring this facility into compliance, please contact me at 517-749-2891; DechyC@michigan.gov; or DEQ AQD, P.O. Box 30260, Lansing, Michigan 48909-7760.

Sincerely,



Craig Dechy
Environmental Quality Analyst
Air Quality Division

cc: Ms. Mary Ann Dolehanty, DEQ
Dr. Eduardo Olaguer, DEQ
Mr. Christopher Ethridge, DEQ
Mr. Brad Myott, DEQ
Ms. Jenine Camilleri, DEQ
Ms. Karen Kajiya-Mills, DEQ