



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
LANSING



LIESL EICHLER CLARK
DIRECTOR

August 6, 2019

Mr. David Laux
LAUX Construction
1018 Hogsback Road
Mason, Michigan 48854

Dr. John Deiter
Dewitt Public Schools
2957 West Herbison Road
Dewitt, Michigan 48820

SRN / ID: U191906575, Clinton County

Dear Mr. Laux and Dr. Deiter:

VIOLATION NOTICE

On July 9, 2019, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD) conducted an inspection of David Scott Elementary School, 804 Wilson Street, Dewitt, Clinton County, Michigan.

The purpose of this inspection was to determine compliance with the requirements of Title 40 of the Code of Federal Regulations (40 CFR), 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 continuing investigation, LAUX Construction was the contractor who conducted some renovation activities and Dewitt Public Schools owns the facility. The National Emission Standard for Asbestos (NESHAP) holds the *owner and operator* liable for all violations.

During our continuing investigation staff discovered the following:

The subject structure was currently undergoing renovation activity from multiple contractors. In one area (room A109) it was discovered that LAUX construction cut concrete covered by non-asbestos containing 12x12 floor tiles for new plumbing. During the demolition work of the concrete it was discovered that there was suspect asbestos containing 9x9 floor tile under the 12x12 floor tile. Sample results of the tile confirmed the presence of asbestos.

VIOLATION NOTICE

Mr. Laux & Dr. Deiter

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| Process Description | Section Violated | Comments |
|---|----------------------|--|
| Causing a Category I non-friable floor tile to become friable (RACM) by means of cutting and jackhammering. | 40 CFR §61.145(c)(1) | Failure to remove all RACM prior to demolition work. |
| No asbestos trained person on site during removal work. | 40 CFR §61.145(c)(8) | No contractor supervisor on site. |

Please initiate actions necessary to correct the cited violations and submit a written response to this violation notice by August 27, 2019, (which coincides with 21 calendar days from the date of this letter). The written response should include: the date(s) 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 date(s) by which these actions will take place; and what steps are being taken to prevent a reoccurrence. The *signed* written response from the *owner and operator* to this violation notice, may be submitted by mail and directed to my attention at: EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760. You must also include a copy to Mr. Jason Wolf, Enforcement Unit at: EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760. The response may be scanned and emailed to brownj9@michigan.gov and wolfj2@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 violation cited above and for the cooperation extended to me during our conversation. If you have any questions regarding the violation notice or the actions necessary to bring this facility into compliance, please contact me at 517-599-7825; brownj9@michigan.gov; or the post office box address provided in the paragraph above.

Sincerely,



Jeremiah Brown
Environmental Quality Analyst
Air Quality Division

cc: Ms. Mary Ann Dolehanty, EGLE
Dr. Eduardo Olaguer, EGLE
Mr. Christopher Ethridge, EGLE
Mr. Brad Myott, EGLE
Mr. Jason Wolf, EGLE
Ms. Karen Kajiya-Mills, EGLE