



GRETCHEN WHITMER
GOVERNOR

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



LIESL EICHLER CLARK
DIRECTOR

LANSING

April 14, 2022

UPS NEXT DAY DELIVERY

Tony Kirby
Mid-State Asbestos Removal
817 Hubbard Street
Saint Louis, Michigan 48880

Ryan Smith
Gemini Capital Management
325 Enterprise Drive
Breckenridge, Michigan 48615

SRN/ID: U732201443; Saginaw County

VIOLATION NOTICE

Dear Tony Kirby and Ryan Smith:

On April 5, 2022, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD) performed an asbestos NESHAP (National Emission Standard for Hazardous Air Pollutants) inspection at 235 West Saginaw Street, Merrill, Saginaw 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.

According to my investigation, Gemini Capital Management owns the subject property and Mid-State Asbestos Removal performed the asbestos abatement activities. The National Emission Standard for Asbestos holds both the *owner and operator* equally liable for any violations.

During the inspection, staff observed the following:

Mid-State Asbestos Removal was on-site conducting floor tile abatement activities at the subject former school. A 10-day notice for planned renovation was initially submitted and then canceled because the scope of work, removing the floor mastic, had been removed from the project. However, the crew was removing the floor tile in a manner that rendered the tile friable and therefore, is considered a regulated material and the need for notification.

Process Description	Section Violated	Comments
On 4/5/22, staff performed an Asbestos NESHAP inspection at 235 West Saginaw Street, Merrill, MI.	40 CFR 61.145 (b)(1)	Failure to provide 10 working day notification.

VIOLATION NOTICE

Tony Kirby and Ryan Smith

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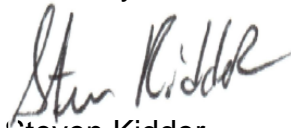
Please initiate actions necessary to correct the cited violation and submit a written response to this violation notice by May 5, 2022, (which coincides with 21 calendar days from the date of this letter). The written response should include: the dates the violation occurred; an explanation of the causes 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.

Please submit the signed written response to Steven Kidder at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760 or scan and email as an attachment to me at KidderS@Michigan.gov and submit a copy to Jason Wolf, Enforcement Unit at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760 or 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 that was extended to me during our conversations about the site. If you have any questions regarding the violation notification or the actions necessary to bring this facility into compliance, please feel free to contact me at 517-243-4492; KidderS@Michigan.gov; or EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760.

Sincerely,



Steven Kidder
Environmental Quality Analyst
Air Quality Division

cc: Mary Ann Dolehanty, EGLE
Eduardo Olaguer, EGLE
Christopher Ethridge, EGLE
Chris Hare, EGLE
Tammy Bell, EGLE
Jason Wolf, EGLE