



GRETCHEN WHITMER
GOVERNOR

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



PHILLIP D. ROOS
DIRECTOR

November 20, 2023

VIA USPS

Douglas Amber
Pontiac New Day, LLC
40600 Ann Arbor Road East
Suite 201
Plymouth, Michigan 48170

Douglas Amber
Pontiac New Day 2, LLC
40600 Ann Arbor Road East
Suite 201
Plymouth, Michigan 48170

Keith Anderson
The Innovant Group, LLC
7792 Boardwalk Road
Brighton, Michigan 48116

ID: U632306869 and U632306870; Oakland County

Dear Douglas Amber and Keith Anderson:

VIOLATION NOTICE

On October 20, 2023, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD) conducted an inspection of the former residential buildings located at 505 East Walton and 1457 South Joslyn in Pontiac, Michigan. The purpose of this inspection was to determine the owner’s and operator’s 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 our investigation, Pontiac New Day, LLC owns 1457 South Joslyn and Pontiac New Day 2, LLC owns 505 East Walton. The Innovant Group, LLC was listed as the contractor on the demolition permits issued by the City of Pontiac. The National Emission Standard for Asbestos holds both the owner and operator equally liable for violations.

During the inspection, AQD staff noted that both residential properties had been demolished without the submittal of the required 10 day notification to the AQD.

Process Description	Section Violated	Comments
Demolition of two asbestos NESHAP subject residential buildings to be replaced by parking lots.	§61.145(b)(1)	Failure to provide 10 working day notification prior to demolition.

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If the required thorough inspection for asbestos was not conducted by a licensed building inspector prior to demolition, the following violations may have also occurred:

Process Description	Section Violated	Comments
Demolition of two asbestos-NESHAP subject residential buildings to be replaced by parking lots.	§61.145(a)(1)	Failure to thoroughly inspect for asbestos prior to demolition/renovation
	§61.145(b)(2)	Failure to update notice
	§61.145(b)(3)(i)	Failure to provide notice prior to asbestos work
	§61.145(b)(4)(vi)	Failure to estimate the amount of Regulated Asbestos-Containing Material (RACM)
	§61.145(c)(1)	Failure to remove RACM
	§61.145(c)(3)	Failure to wet during stripping
	§61.145(c)(3)(iii)	Failure to keep written approval on site
	§61.145(c)(4)	Failure to contain in leak tight container
	§61.145(c)(6)(i)	Failure to wet RACM that has been stripped
	§61.145(c)(8)	No contractor supervisor on site
	§61.145(c)(9)	Failure to wet RACM during demolition
	§61.145(c)(10)	Failure to remove RACM in building demolished by fire
	§61.150(a)	Visible emissions from asbestos containing waste material generated by source
	§61.150(a)(1)(ii)	Visible emissions from handling operations
	§61.150(a)(1)(iii)	Failure to seal while wet
	§61.150(a)(1)(v)	No generator labels
	§61.150(b)(1)	Failure to deposit asbestos containing waste material as soon as practical
§61.150(c)	No signs during loading and unloading	

Please initiate actions necessary to correct the cited violations and submit a signed written response to this Violation Notice by December 11, 2023 (which coincides with 21 calendar days from the date of this letter). The response should include:

- A copy of the asbestos surveys that were conducted prior to demolition;

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- A copy of records pertaining to asbestos abatement conducted at the facility, including notification submitted for asbestos abatement and landfill disposal records, if applicable;
- 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.

The signed written response from the owner and operator to this violation notice may be submitted by mail and directed to the attention of Jeremy Howe, TPU Supervisor, at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760 and must include a copy to Jason Wolf, Enforcement Unit at the same address. The response may be scanned and e-mailed to HoweJ1@Michigan.gov and WolfJ2@Michigan.gov.

If Pontiac New Day, LLC, Pontiac New Day 2, LLC and/or The Innovant Group, LLC believe 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 for 505 East Walton and 1457 South Joslyn, Pontiac. If you have any questions regarding the violations or the actions necessary to bring this facility into compliance, please contact me at BelT4@Michigan.gov or at the number below.

Sincerely,



Tammy Bell
Environmental Quality Specialist
Air Quality Division
313-330-0105

Enclosure: Asbestos NESHAP fact sheet

cc: Annette Switzer, EGLE
Christopher Ethridge, EGLE
Brad Myott, EGLE
Joyce Zhu, EGLE
Jeremy Howe, EGLE
Jason Wolf, EGLE