



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF  
ENVIRONMENT, GREAT LAKES, AND ENERGY  
DETROIT DISTRICT OFFICE



DANIEL EICHINGER  
ACTING DIRECTOR

February 2, 2023

Robert McRae  
Riverside Ventures LLC  
15133 Hall Road  
Shelby Township, MI 48135

Kip Plagens  
Plagens Marine Construction  
8215 Waterworks Drive  
Fair Haven, MI 48023

SRN: U742104947, Saint Clair County

Dear Robert McRae & Kip Plagens:

**VIOLATION NOTICE**

On December 29, 2022, January 10, and January 5, 2023, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), conducted an inspection of the Big River Grill, a commercial property located at 9715 N. River Road, Algonac. The purpose of this inspection was to determine compliance with the requirements of Title 40 of the Code of Federal Regulations (CFR), Part 61, National Emission Standards for Hazardous Air Pollutants (NESHAP), Subpart M and Rule 942 of the administrative rules promulgated under Part 55, Air Pollution Control of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

According to our investigation, Riverside Ventures LLC owns the facility and Plagens Marine Construction performed the demolition activities at the facility. The NESHAP for Asbestos holds both the owner and operator equally liable for violations.

During the inspection, staff observed the following:

A subject commercial building that had been demolished without a 10-day notification of intent to demolish. Based on previous inspections at this site, there is reason to believe that the building was demolished with known regulated asbestos containing materials (RACM) remaining inside at the time of demolition, specifically asbestos containing vermiculite insulation.

Process Description	Section Violated	Comments
Demolition of a subject commercial building.	40 CFR 61.145(b)(1)	Failure to provide 10 working day notification.

Failure to provide documentation as to the handling and disposal of the aforementioned vermiculite insulation could result in the following additional violations. The NESHAP for Asbestos holds both the owner and operator equally liable for all violations.

<b>Process Description</b>	<b>Section Violated</b>	<b>Comments</b>
Demolition of a subject commercial building.	40 CFR 61.145(c)(1)	Failure to remove RACM.
	40 CFR 61.145(c)(3)	Failure to wet during stripping
	40 CFR 61.145(c)(4)	Failure to contain in leak tight container.
	40 CFR 61.145(c)(8)	No contractor supervisor on site.
	40 CFR 61.145(c)(9)	Failure to wet RACM during demolition.
	40 CFR 61.150(a)(1)(iii)	Failure to seal while wet.
	40 CFR 61.150(a)(1)(v)	No generator labels.
	40 CFR 61.150(b)(1)	Failure to deposit asbestos containing waste material as soon as practical.
	40 CFR 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 February 23, 2023 (which coincides with 21 calendar days from the date of this letter). The response should 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.

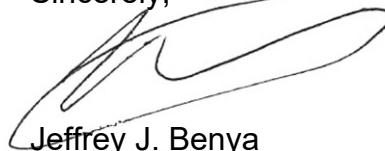
Please submit the written response to Jeffrey J. Benya at EGLE, AQD Detroit District Office, 3058 West Grand Boulevard, Suite 2-300, Detroit, Michigan 48202 or [benyaj@michigan.gov](mailto:benyaj@michigan.gov) and submit a copy to Jason Wolf, Enforcement Unit at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760 or [wolfj2@michigan.gov](mailto:wolfj2@michigan.gov).

If any party believes the above observations or statements are inaccurate or do not constitute violations of the applicable legal requirements cited, please provide factual information to explain your position.

Robert McRae & Kip Plagens  
Riverside Ventures LLC & Plagens Marine Construction  
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Thank you for your attention to resolving the violations cited above and for the cooperation that was extended to me during my inspection of the listed property. 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,



Jeffrey J. Benya  
Senior Environmental Analyst  
Air Quality Division  
313-618-0372

cc: Annette Switzer, EGLE  
Christopher Ethridge, EGLE  
Brad Myott, EGLE  
Jenine Camilleri, EGLE  
Regina Angellotti, EGLE  
Joyce Zhu, EGLE  
Jason Wolf, EGLE