



GRETCHEN WHITMER
GOVERNOR

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



LIESL EICHLER CLARK
DIRECTOR

April 7, 2020

Mr. Jeff Katofsky
Hip Hip Huron, LLC
4558 Sherman Oaks Blvd.
Sherman Oaks, CA 91403

Mr. Dan Brennan
Westhaven Builders, LLC
6504 Rattle Run
Saint Clair, MI 48079

SRN: U742000292, Saint Clair County

Dear Mr. Katofsky and Mr. Brennan:

SECOND VIOLATION NOTICE

On January 15, 2020 and February 18, 2020, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), conducted an inspection of the commercial property, the Harrington Hotel, located at 1026 Military Street, Port Huron, MI 48060.

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.

On March 6, 2020 the AQD sent a Violation Notice citing violations noted as a result of those inspections and requesting a written response by March 27, 2020. A copy of the original Violation Notice is enclosed for your reference. As of the date of this letter, the AQD has not received a sufficient response to the cited violation from Hip Hip Huron, LLC and has not received any response to the cited violation from Westhaven Builders, LLC.

The specific violation cited was that of **40 CFR 61.145(a) which states that prior to the commencement of a demolition or renovation activity, the owner and/or operator of that activity must, "thoroughly inspect the affected facility or the part of the facility where the demolition or renovation operation will occur for the presence of asbestos, including category I and category II non-friable ACM."** The asbestos survey conducted by Envirologic Technologies, Inc., and provided to this office, was conducted on February 17-19, 2020. Interior demolition of the property conducted by Westhaven Builders, LLC was nearly complete at this time, indicating that the survey was **not** conducted **prior to** the commencement of the demolition/renovation activities.

Please be advised that failure to respond in writing and identifying actions taken to resolve the cited violation may result in escalated enforcement action by the AQD. Please provide

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the information requested in the Violation Notice dated March 6, 2020 by April 21, 2020 which corresponds to fifteen (15) days from the date of this letter.

The written response should include:

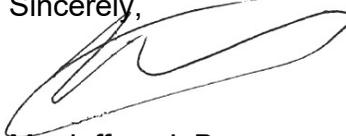
1. Acknowledgement of the cited violation.
2. The dates the violation occurred.
3. An explanation of the causes and duration of the violation.
4. Whether the violation is ongoing.
5. A summary of the actions that have been taken and are proposed to be taken to correct the violation.
6. The dates by which these actions will take place.
7. What steps are being taken to prevent a reoccurrence.

Please submit the written response to Jeffrey Benya at EGLE, AQD 3058 West Grand Boulevard., Detroit, Michigan 48202 or benyaj@michigan.gov and submit a copy to Mr. Jason Wolf, Enforcement Unit at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760 or wolfj2@michigan.gov.

Be further advised that issuance of this Violation Notice does not preclude or limit EGLE's ability to initiate any other enforcement action under state or federal law as appropriate.

Thank you for your attention to resolving the violation cited above. If you have any questions regarding the violation or the actions necessary to bring this facility into compliance, please contact me at the number listed below.

Sincerely,



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

Attachment: Original VN dated March 6, 2020

cc: Ms. Mary Ann Dolehanty, EGLE
Dr. Eduardo Olaguer, EGLE
Ms. Jenine Camilleri, EGLE
Mr. Christopher Ethridge, EGLE
Ms. Karen Kajiya-Mills, EGLE
Mr. Jason Wolf, EGLE
Ms. Joyce Zhu, EGLE