



GRETCHEN WHITMER
GOVERNOR

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



LIESL EICHLER CLARK
DIRECTOR

October 23, 2019

Mr. Sam Saleh
Berkshire Development, Inc.
750 Golf Crest
Dearborn, MI 48214

Mr. Sam Saleh
Livernois of Detroit, Inc.
750 Golf Crest
Dearborn, MI 48214

SRN: U821905456, Wayne County

Dear Mr. Saleh:

VIOLATION NOTICE

On September 16, 19, 25 and October 14, 2019, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), conducted an inspection of former industrial facility located at 6100 McGraw, Detroit. The purpose of this inspection was to determine Berkshire Development, Inc's and Livernois of Detroit, Inc's 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, Livernois of Detroit, Inc. owns the facility and Berkshire Development, Inc. performed the demolition activities at the facility. The NESHAP for Asbestos holds both the owner and operator liable for violations.

The following violations were noted during the inspections :

Process Description	Section Violated	Comments
Demolition activities at 6100 McGraw (aka 5900 Livernois), Detroit.	40 CFR 61.145(c)(1), AQD Consent Order 2013-18	Failure to remove RACM prior to demolition.
Project includes removal of waste material	40 CFR 61.145(c)(4), AQD Consent Order 2013-18	Failure to contain RACM in leak tight container.

contaminated with asbestos at the site, and the demolition of several structures.	40 CFR 61.145(c)(8), AQD Consent Order 2013-18	Failure to have an asbestos contractor/supervisor on site during activities where asbestos will be removed or disturbed.
	40 CFR 61.150(a)(1), AQD Consent Order 2013-18	Failure to adequately wet asbestos containing waste material.
	40 CFR 61.150(b)(1), AQD Consent Order 2013-18	Failure to deposit asbestos containing waste material as soon as practical.

On September 16, 2019, AQD staff noted that 9" x 9" floor tile in poor condition inside Building #1 had been crushed by an excavator. The supervisor on site was not trained in the provisions of the asbestos NESHAP. It was recommended that asbestos containing waste material be removed from the site to prevent disturbance of material during demolition or other site activities.

On September 19, 2019, AQD staff observed areas of disturbance by heavy equipment including driving equipment over piles of debris contaminated with asbestos. Asbestos containing waste material on site was dry. The supervisor on site was not trained in the provisions of the asbestos NESHAP.

On September 25, 2019, it was noted during a site visit that the asbestos containing waste material on site was dry.

On October 14, 2019, AQD staff found dry debris on site. Regulated asbestos containing materials(RACM) (friable 9" x 9" floor tile) had not been removed prior to demolition of Building #1 and was found mixed in with debris from the demolition. The demolition debris and waste material were dry.

Please initiate actions necessary to correct the cited violations and submit a signed written response to this Violation Notice by November 13, 2019 (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.

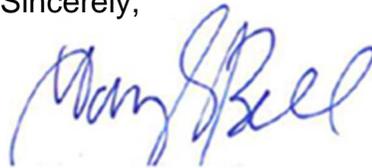
Please submit the written response to Ms. Tammy Bell at EGLE, AQD 3058 West Grand Boulevard, Suite 2-300, Detroit, Michigan 48202 or bellt4@michigan.gov and submit a copy to Mr. Jason Wolf, Enforcement Unit at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760 or wolfj2@michigan.gov.

Mr. Sam Saleh
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If Berkshire Development, Inc./ Livernois of Detroit, Inc. 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.

Thank you for your attention to resolving the violations cited above and for the cooperation that was extended to me during our inspection of 6100 McGraw, Detroit. 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,



Tammy S. Bell
Senior Environmental Quality Analyst
Air Quality Division
313-330-0105

Enclosure: Sample results
cc: Mr. Paul Max, City of Detroit BSEED
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. Wilhemina McLemore, EGLE
Mr. Jeff Benya, EGLE