



GRETCHEN WHITMER
GOVERNOR

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



PHILLIP D. ROOS
DIRECTOR

April 25, 2024

VIA E-MAIL

Jeff Davidson
FS Colonial Acres Properties, LLC
29200 Northwestern Highway
Suite 300
Southfield, Michigan 48034

Bryant Burdick
Bryant's Trucking & Excavating
7200 Huff Road
Bellevue, Michigan 49021

SRN/ID: U392402287; Kalamazoo County

Dear Jeff Davidson and Bryant Burdick:

VIOLATION NOTICE

On April 11, 2024, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD) performed an asbestos NESHAP (National Emission Standard for Hazardous Air Pollutants) complaint investigation at multiple structures at Colonial Acres – located at 4374 Deadwood Drive, Portage, Kalamazoo County. 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, FS Colonial Acres Properties, LLC owns the subject installation and Bryant's Trucking & Excavating, performed the demolition 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:

The subject installation (Colonial Acres) had multiple demolitions that had recently occurred at the site. Bryant's Trucking & Excavating had recently demolished 5319 Bonte Drive; 5118 Winterberry Street; and 5101 Winterberry Street. Demolition was also actively occurring at 4304 Twin Terrace. These demolitions were performed without notification of intent submitted and without asbestos inspections. Other structures on-site throughout the park had also been demolished recently.

VIOLATION NOTICE

Jeff Davidson and Bryant Burdick

Page 2

April 25, 2024

Process Description	Section Violated	Comments
On 4/11/24, staff performed a complaint investigation at multiple structures at 4374 Deadwood Dr., Portage. During the inspection, staff observed a building currently being demolished as well as three others that were just finished with demolition. Neither notifications nor surveys had been performed.	40 CFR 61.145 (a)	Failure to thoroughly inspect for asbestos containing materials.
	40 CFR 61.145 (b)(1)	Failure to provide 10 working day notification.

Please initiate actions necessary to correct the cited violations and submit a written response to this violation notice by May 17, 2024. The written 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.

The signed written response from the owner and operator may be submitted by mail to 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 emailed as an attachment to HoweJ1@Michigan.gov and 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 violations cited above and for the cooperation that was extended to me during our conversations. 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 517-582-0535; Belli@Michigan.gov; or EGLE, AQD, 301 East Louis Glick Highway, Jackson, Michigan 49201-1556.

Sincerely,



Ivan Bell
Senior Environmental Quality Analyst
Air Quality Division

cc: Annette Switzer, EGLE
Christopher Ethridge, EGLE
Brad Myott, EGLE
Monica Brothers, EGLE
Jason Wolf, EGLE
Jeremy Howe, EGLE