



GRETCHEN WHITMER  
GOVERNOR

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



LIESL EICHLER CLARK  
DIRECTOR

August 4, 2021

Mr. Mark Aubrey  
1033 River LLC  
24620 Schoenherr Road  
Warren, MI 48089

Mr. Chris Kapelczak  
CJK Contracting LLC  
57350 Hayes Road  
Ray Township, MI 48096

SRN: U742103890, Saint Clair County

Dear Mr. Aubrey and Mr. Kapelczak:

**VIOLATION NOTICE**

On July 9, 2021, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), conducted a site inspection at the commercial property located at 1033 River Road, Port Huron. 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 1033 River LLC owns the property and CJK Contracting LLC performed the renovation activities at the property. The NESHAP for Asbestos holds both the owner and operator equally liable for violations.

During the inspection, EGLE staff observed the following: A commercial building undergoing interior renovations. Miscellaneous building materials had been removed from the building. EGLE staff collected several bulk asbestos samples, all samples tested negative for asbestos. The property owner stated that no pre-renovation asbestos survey had taken place as required by 40 CFR 61.145(a).

Process Description	Section Violated	Comments
Renovation activities occurred in a commercial building prior to conducting the required thorough asbestos survey.	40 CFR 61.145(a)	Failure to thoroughly inspect for the presence of asbestos containing materials prior to demolition/renovation.

Mr. Mark Aubrey, 1033 River LLC  
Mr. Chris Kapelczak, CJK Contracting LLC  
Page 2  
August 4, 2021

Please initiate actions necessary to correct the cited violation and submit a signed written response to this Violation Notice by August 25, 2021 (which coincides with 21 calendar days from the date of this letter). The response should include: the dates the violation occurred; an explanation of the causes and duration of the violation; whether the violation is ongoing; a summary of the actions that have been taken and are proposed to be taken to correct the violation and the dates by which these actions will take place; and what steps are being taken to prevent a reoccurrence. **If a thorough asbestos survey and/or abatement activities were conducted at this property, please provide corroborating documentation in your response.**

Please submit the written response to Jeff Benya at EGLE, AQD 3058 West Grand Boulevard, Suite 2-300, 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.

If you believe 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 my inspection of the listed property. 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,



Jeff Benya  
Environmental Quality Analyst  
Air Quality Division  
313-618-0372

Enclosures: NESHAP Fact Sheet, Asbestos bulk sample results

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