



GRETCHEN WHITMER
GOVERNOR

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



PHILLIP D. ROOS
DIRECTOR

July 3, 2024

VIA E-MAIL

Dalen Hanna
Audrey Luxury Lofts
33717 Woodward Avenue
Suite 560
Birmingham, Michigan 48009-0913

Dalen Hanna
Loft Holding, LLC
c/o Blackacre Management, LLC
24681 Northwestern Highway
Suite 4000
Southfield, Michigan 48075

SRN/ID: U632401405; Oakland County

Dear Dalen Hanna:

VIOLATION NOTICE

On April 18, 2024; June 6, 2024; and June 13, 2024, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD) conducted an inspection of the commercial building located at 28 North Saginaw Street, Pontiac, Oakland County. The purpose of this inspection was to determine the Owner's and Operator's compliance with the requirements of Title 40 of the Code of Federal Regulations (40 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, Audrey Luxury Lofts owns the facility and Loft Holding, LLC c/o Blackacre Management, LLC performed the renovations activities at the facility. The NESHAP for Asbestos holds both the owner and operator equally liable for violations.

During a complaint investigation conducted in February 2024, EGLE, AQD observed asbestos containing materials present in the building including 9" x 9" floor tile and thermal system insulation. Samples were collected during the inspection.

During an inspection on April 18, 2024, EGLE, AQD noted a chute coming out of the third-floor window into a dumpster. Thermal system insulation and asbestos floor tile were found in the dumpsters and the ground in the alley.

A licensed asbestos abatement contractor was hired to perform clean-up activities at the site, which included thermal system insulation that had been disturbed during renovation activities and was still present at the facility. During subsequent inspections by EGLE, AQD during asbestos abatement activities, EGLE, AQD noted that air cell

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straight pipe insulation along the exterior walls and asbestos containing floor tile noted in February of 2024 had been removed from the building prior to asbestos abatement activities conducted by a licensed asbestos abatement contractor.

Process Description	Section Violated	Comments
Removal of over 260 linear feet of thermal system insulation and 160 square feet of asbestos floor tile during renovation activities. The estimated dates of removal occurred between February 27, 2024, and April 25, 2024.	40 CFR 61.145(b)(3)(i)	Failure to provide a 10-day notice of intent to renovate/demolish. A notification for removal/disturbance of regulated asbestos containing materials was not submitted to the AQD.
	40 CFR 61.145(c)(1)	Failure to remove all RACM from a facility being demolished or renovated before any activity begins that would break up, dislodge, or similarly disturb the material. Regulated asbestos containing materials were removed/disturbed during renovation of the building.
	40 CFR 61.145(c)(4)	Failure to contain RACM in a leak tight wrapping. Disturbed thermal system insulation (cut pipe and loose insulation) was observed in open dumpsters, on the ground and in black garbage bags inside the building.
	40 CFR 61.145(c)(8)	Failure to have a trained representative (state of Michigan contractor/supervisor) present on site when RACM was stripped, removed, or otherwise handled or disturbed during renovation activities.
	40 CFR 61.150(b)(1)	Failure to deposit asbestos containing waste material at an approved asbestos landfill. Regulated asbestos containing materials were removed from the site prior to asbestos abatement activities that were conducted between May 28 through June 26, 2024.

Please initiate actions necessary to correct the cited violations and submit a signed written response to this Violation Notice by July 26, 2024. 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

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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. If you have documentation that regulated asbestos containing materials were removed from the building by a licensed asbestos abatement contractor and properly disposed during the timeframe between February 27, 2024 through April 25, 2024, please provide a copy of the 10-day notification of intent to renovate/demolish and asbestos waste shipment records.

The written response must be submitted to Jeremy Howe, Technical Programs Unit 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. Or the response may be scanned and sent to HoweJ1@Michigan.gov and WolfJ2@Michigan.gov.

Thank you for your attention to resolving the violations cited above and for the cooperation that was extended to us during the inspection of 28 North Saginaw Street, Pontiac. If you have any questions regarding the violations or the actions necessary to bring this facility into compliance, please contact Jeremy Howe, Technical Programs Unit Supervisor, at 231-878-6687 or e-mail at HoweJ1@Michigan.gov.

Sincerely,



Jeremy Howe
Supervisor, Technical Programs Unit
Air Quality Division
231-878-6687

cc: Bruce Eck, City of Pontiac Building and Safety Division
Annette Switzer, EGLE
Christopher Ethridge, EGLE
Brad Myott, EGLE
Joyce Zhu EGLE
Jason Wolf, EGLE
Tammy Bell, EGLE