



GRETCHEN WHITMER
GOVERNOR

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



PHILLIP D. ROOS
DIRECTOR

October 28, 2024

VIA USPS

EYM Realty of Michigan, LLC
c/o CSC-Lawyers Incorporated Service
3410 Belle Chase Way
Suite 600
Lansing, Michigan 48911

SRN/ID: U822405722; Wayne County

Dear CSC-Lawyers Incorporated Service:

VIOLATION NOTICE

On September 24, 2024; September 26, 2024; and September 27, 2024, the Michigan Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD) conducted an inspection of the commercial building located at 12661 Mack Avenue, Detroit, Wayne 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, 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 our investigation, EYM Realty of Michigan, LLC is the owner of the facility. The National Emission Standard for Asbestos holds both the owner and operator equally liable for violations.

During the inspection, AQD staff noted that the former restaurant had been demolished. No one was working at the site at the time of the inspections.

Process Description	Section Violated	Comments
Demolition of a former restaurant located at 12261 Mack Ave.	§61.145(b)(1)	Failure to provide the Administrator (EGLE, AQD) with notification to demolish 10 working days prior to demolition.

If a thorough inspection for asbestos was not conducted prior to partial demolition of the facility by a State of Michigan licensed asbestos building inspector, the following violations may also apply:

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Process Description	Section Violated	Comments
Demolition of a former restaurant located at 12261 Mack Avenue in Detroit.	40 CFR 61.145(a)	Failure to thoroughly inspect the affected facility or part of the facility where the demolition or renovation operation will occur for the presence of asbestos, including Category I and Category II nonfriable ACM.
	40 CFR 61.145(b)(2)	Failure to update notice.
	40 CFR 61.145(b)(3)(i)	Failure to provide notice prior to asbestos work.
	40 CFR 61.145(b)(4)(vi)	Failure to estimate the amount of Regulated Asbestos-Containing Material (RACM)
	40 CFR 61.145(c)(1)	Failure to remove RACM.
	40 CFR 61.145(c)(3)	Failure to wet during stripping
	40 CFR 61.145(c)(3)(iii)	Failure to keep written approval on site.
	40 CFR 61.145(c)(4)	Failure to contain in leak tight container.
	40 CFR 61.145(c)(6)(i)	Failure to wet RACM that has been stripped.
	40 CFR 61.145(c)(8)	No contractor supervisor on site.
	40 CFR 61.145(c)(9)	Failure to wet RACM during demolition.
	40 CFR 61.145(c)(10)	Failure to remove RACM in building demolished by fire.
	40 CFR 61.150(a)	Visible emissions from asbestos containing waste material generated by source.
	40 CFR 61.150(a)(1)(ii)	Visible emissions from handling operations.
	40 CFR 61.150(a)(1)(iii)	Failure to seal while wet.
	40 CFR 61.150(a)(1)(v)	No generator labels.
	40 CFR 61.150(b)(1)	Failure to deposit asbestos containing waste material as soon as practical.
40 CFR 61.150(c)	No signs during loading and unloading.	

Please initiate actions necessary to correct the cited violation and submit a signed written response to this Violation Notice by November 22, 2024. The written response should include:

- The date(s) the violation occurred;
- An explanation of the causes and duration of the violation;

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- 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 date(s) by which these actions will take place and what steps are being taken to prevent a reoccurrence;
- The name, address and contact information for the company (operator) that demolished the building; and
- A copy of the asbestos survey that was conducted prior to demolition and any asbestos abatement records for the site.

The signed written response to this violation notice may be submitted by mail and directed to the attention of Jeremy Howe, Supervisor, Technical Programs Unit 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 e-mailed to HoweJ1@Michigan.gov and WolfJ2@Michigan.gov.

If any party believes the above observations or statements are inaccurate or do not constitute violations of the applicable legal requirements cited, please provide appropriate factual information to explain your position.

Thank you for your attention to resolving the violation cited for 12661 Mack Avenue, Detroit, Wayne County. If you have any questions regarding the violation(s) or the actions necessary to bring this facility into compliance, please contact me at BelIT4@Michigan.gov or at the number below.

Sincerely,



Tammy Bell
Environmental Quality Specialist
Air Quality Division
313-330-0105

Enclosure: Asbestos NESHAP fact sheet
cc: Crystal Gilbert-Rogers, City of Detroit
Mark Baron, City of Detroit
Annette Switzer, EGLE
Christopher Ethridge, EGLE
Brad Myott, EGLE
Jeremy Howe, EGLE
Dr. April Wendling, EGLE
Jason Wolf, EGLE