

Court Place • Suite 101  
728 Pleasant Street  
St. Joseph, Michigan 49085  
voice 269.983.1000  
fax 269.983.2470  
e-mail mmiller@MJLawyers.net

**Mark A. Miller**

September 17, 2023

Mr. Jeremiah Brown  
Senior Environmental Quality Analyst  
State of Michigan  
Air Quality Division  
Department of Environment, Great Lakes, and Energy  
Constitution Hall  
525 West Allegan Street  
PO Box 30473  
Lansing, MI 48909-7973

Re: Response to Violation Notice U112305836 Berrien County

Dear Mr. Brown,

Thank you for taking the time to speak with me last week. In that conversation, you confirmed that our client, First Church of God in Saint Joseph, and Triple D Excavating and Moore, LLC, the company that volunteered to help them, needed to provide a full explanation of what happened in taking down the dilapidated building at 6626 Main Street, in Eau Claire, MI 49111.

After receiving your letter of September 27, both parties to whom the letter was directed to now realize that a 10-day notice should've been provided. You have their assurance that this will never happen again. The purpose of my letter is to give you the results of my investigation into the facts and to explain how this innocently happened.

First, your letter was directed to the Friends in Faith Community Church in Eau Claire, Michigan. That is a defunct church. Its "assets" were recently transferred to First Church of God in Saint Joseph. First Church of God is a very active community minded church. It seeks to have a positive impact in every community where it has a congregation. In that spirit, one of the first things First Church of God in Saint Joseph did when they took over, the Friends of Faith properties was to do a review. They found this "inherited" building to be especially troublesome and dangerous. The Friends of Faith Church did not have the wherewithal to repair or remove the building. It sat vacant and dilapidated for many years. Being new in Eau Claire, First Church wanted to do what they could to better the community by removing the building.

The Pastor Shepard met with the Mayor of Eau Claire, John Glassman. He confirmed that the Village also wanted it removed because it was so dangerous. But the Village had no money for the project. Rather quickly word got around Eau Claire that First Church wanted to remove the building. Dennis Moore, the owner of Triple D Excavating and Moore, LLC contacted the Church and offered to help. On numerous occasions, Mr.

Moore had seen children going in and out and playing in that dilapidated structure. He offered to help remove it before any of those children were seriously injured.

Mr. Moore agreed to donate he and his employee's time and equipment so long as the church paid the landfill expenses. Triple D had removed residential structures before, but never a commercial structure. Needless to say, First Church of God had no experience removing commercial structures either. But both tried to do it right. The first thing First Church did was to call in Point Blue LLC environmental consultants to inspect the building for asbestos and other problems. I attach Point Blue's letter issued after the building was inspected. Point Blue inspected the building the best they could. Mark Turner of Point Blue reported to First Church that the building should be treated as if asbestos were in it. He said this because he could not go completely through the building, it was too dangerous. Mr. Turner told me he did get 2/3 of the way into the building before he got to the collapsed floor. He also told me that he did not see any evidence of asbestos. But Mr. Turner in his letter advised that it should be treated as if it had asbestos because he could not inspect the whole building. First Church then doing what they thought they had to do got a demolition permit from the village of Eau Claire. With that they thought they were ready to go.

I also want to report that in my conversation with Dennis Moore, he said it had been raining before and during when he was taking down the building. He said the material was very wet as it is supposed to be when taking down asbestos. Mr. Moore also told me that he didn't find any asbestos in the building. So, fortunately through chance, no harm was done.

First Church and Triple D made an honest mistake. There was no intent by either of them to avoid any laws. Neither the Church nor Triple D have ever been reported for a violation like this. They have both told me that this will never happen again.

As you have requested, the detailed reports of each are included with this letter. Please let me know if you need any additional information. Both of these parties have assured me they will answer any questions you have.

Again, thank you for the time you gave me over the phone to explain the situation. Based upon the voluntary good these parties tried to do, the attached explanations, and their firm commitment to never let this happen again, we request that you and your agency find this situation worthy of a warning and forego a fine.

We look forward to working with you to get this unfortunate situation resolved.

Very truly yours,

A handwritten signature in black ink, appearing to read "Mark A. Miller". The signature is fluid and cursive, with a long horizontal stroke at the beginning.

Mark A. Miller

cc Pastor Bill Shepard, First Church of God in St. Joseph  
Dennis Moore, Triple D Excavating.



P.O. Box 304

St. Joseph, MI 49085

(269) 934-3737

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[pointblu.com](http://pointblu.com)

8 August 2023

Mr. Donald E. Fiskars  
Fiskars, Inc.  
1076 Miners Road  
St. Joseph, Michigan 49085

**Survey Summary:** Project No. D9050 – Pre-Demolition Asbestos Survey and Heavy Metals in Paint Assessment, Commercial Structure  
6626 East Main Street, Eau Claire, Michigan

Dear Mr. Fiskars:

Point Blue, LLC (Point Blue) was retained to perform a pre-demolition building inspection for asbestos and heavy metals in paint in a two-story commercial structure with a basement located at 6626 East Main Street in Eau Claire, Michigan. Point Blue personnel visited the property on 7 August 2023 to perform the proposed field activities associated with the survey.

Upon entering the front door on the ground floor from West Main Street, visible downward bowing of the subfloor between the floor joists and/or foundation walls was noted. Additionally, the floor was found to be very soft (rotten) and the southern portion of the first floor has collapsed into the basement. Based on these observations, the field activities were terminated, and the structure was determined to be unsafe to occupy to complete the survey.

Based on the unsafe conditions within the structure, a pre-demolition asbestos inspection in accordance with the United States Environmental Protection Agency (EPA), the National Emission Standards for Hazardous Air Pollutants (NESHAP), and the Occupational Safety and Health Administration (OSHA) cannot be performed. Therefore, the construction materials present in the structure are considered Presumed Asbestos Containing Materials (PACM). If demolition of the structure is required, it is recommended that all demolition activities are performed according to Michigan Occupational Safety and

Health Administration (MIOSHA) Asbestos in Construction Standard, Part 602, and the Asbestos NESHAP, 40 CFR Part 61.

Should you have any questions or require additional information, please do not hesitate to contact our office at (269) 934-3737 or my cell at (269) 944-9876.

Sincerely,

**Point Blue, LLC**



Mark A. Turner  
Accreditation Number A55236

Jeremiah Brown  
Senior Environmental Quality Analyst.  
October 17, 2023

Mr. Brown:

My name is Pastor William Shepard, and I am the Executive Pastor of Operations at First Church of God, in St. Joseph, MI. On October 3, 2023, I received a copy of a citation that you have given to Dennis Moore from Triple D Excavating in Eau Claire MI. This citation was also addressed to a Mr. Brian Meyer from Friends in Faith Church at an old address. The citation ID: U112305836 was given because of 2 reasons:

1. Failure to provide 10 working day notification of demolition.
2. Failure to thoroughly inspect for asbestos prior to demolition.

Background and Information:

- Friends in Faith has ceased to exist as an organization as of September 18, 2023. First Church acquired the Friends in Faith church and its properties officially on this date.
- We approached the Village of Eau Claire, at the start of our new relationship, to gain as much information as we could find about the church and the old "Video Den" property. We found that the "Video Den" had been deemed unsafe and condemned on February 5, 2010. No action had been taken to shore up the facility since that date to the best of our knowledge. Hence it had been falling into disrepair and had become unsafe. The village indicated on many occasions that they had tried to get it demolished over the years.
- We had been told that a test of Asbestos had been conducted on the facility in the past, but this has proven only anecdotal to this point. Original members of the church pointed to the study that had been conducted and the building was deemed asbestos free.
- When we arrived on scene, we told the village that we would take a swing at getting it demolished. We worked with a contractor to assist us in obtaining demolition bids. All bids came back in the 40–50-thousand-dollar range. It was proving to be unfeasible for the church to take on this much needed community improvement.
- Our desire, though, was to continue to be a good neighbor to the Village of Eau Claire and help eliminate the blight in town. I reached out to several county and state organizations for help – no grants were available.
- We ordered a study of the facility and chose Point Blue to do an official test of the "Video Den" on behalf of Friends in Faith Church. Point Blue could not enter the building and safely determine its asbestos content – if any, due to its poor condition. They were able to complete about 2/3 of their work and no asbestos had been found.
- We were approached by DDD Excavating of their willingness to pull it down at their cost, "to support their community in elimination of this unsafe and blighted building". They asked the church to pay for the landfill fees. We agreed and considered this a BIG WIN for the church and more specifically for the village of Eau Claire.
- I worked for hours with the Electric, Gas and Cable companies in the area to ensure all utilities were appropriately notified to ensure the safe demolition of this facility. In some cases, it had been over 20 years since utilities were "live" in the building.

- We pulled a demo permit from the village on 9/12/23 and paid its fee. The permit was granted.
- At no time was the Asbestos condition of the building called into question. All entities just worked together to ensure the downtown area was safe for people, and a blighted building was torn down in a safe manner.

I do not believe that any of the entities involved, DDD Excavating or First Church purposely chose to violate any codes or sidestep any issues. The church was completely unaware of any 10-day notification and operated as if the building was “clean” as per the multiple interactions with original members of Friends in Faith and what was being observed.

Please note:

1. In your report you stated, “Based on information from multiple sources...the asbestos survey was not conducted due to the cost of having a survey done and possible asbestos abatement costs” is not true. We did try, we did research, we talked to lots of people, and everything pointed toward the building being free of asbestos concerns. Additionally, we contracted with Point Blue to inspect the building.
2. Again, we had been told that a survey had been done and no asbestos had been found. Accordingly, the whole issue was dropped and honestly forgotten as we moved forward to assist the community with the video den removal. DDD Excavating gave of their time, talent, and treasure to join us in helping the village of Eau Claire remove this blight. We literally thought we were doing a good deed.
3. It would have been easy for us to just leave the building as it sat – as was done for many years. However, we felt compelled to help our new community and felt we did everything, within our understanding, to do it correctly.
4. Had the building contained asbestos that we were aware of and had someone indicated we needed to do something differently, we would have taken that all into consideration.
5. We had no idea about the 10-day notification rule. No one even brought that up. So, this was not about ignoring the rule, we just had no idea that any such rule existed.

We thank the Department for bringing this to our attention. This is all new learning for me and our organization. We are underway with planning another demolition project (my second), this spring. We have engaged Point Blue to complete the required Asbestos and Lead Paint Survey as we did in Eau Claire. In this case, they were able to successfully enter the building. Additionally, we will ensure that the 10-day notification will be provided.

It is my hope that the Department will come to see this as people trying to do good and right by our community and its people. We desire a safe environment for all and would never purposely do anything to endanger anyone – which is why we, and DDD Excavating, even stepped into this situation in Eau Claire to begin with.

We respectfully ask that the citation be rescinded knowing that we have new learning on board.

Respectfully Submitted,



William J Shepard  
Executive Pastor of Operations, First Church of God





## TRIPLE D EXCAVATING AND MOORE. L.L.C.

8142 E. Eureka Road  
Eau Claire, Michigan 49111  
Telephone (269) 461-3003  
Fax (269) 461-3003  
[www.tripled.us](http://www.tripled.us)

EGLE, Attn: Jeremy Howe  
Michigan Department of Environment, Great Lakes, and Energy (EGLE)  
10/09/2023  
Dear Jeremy Howe,

I am writing to formally request the Michigan Department of Environment, Great Lakes, and Energy (EGLE) to reconsider and ultimately disregard the violation associated with the demolition of the Video Den. The Video Den has been a cherished local institution for many years, and it holds significant sentimental and cultural value to our community. It is essential to emphasize that this demolition project was undertaken with utmost care and diligence. Our intention has never been to cut corners or profit from this demolition in any way. Rather, the entire endeavor was carried out with a focus on charitable and community improvement purposes.

When we received the property demolition permit from the Village of Eau Claire, our primary objective was to contribute to the betterment of the community. The Video Den has remained vacant and unused for years, which has resulted in its gradual deterioration. It has sat empty for an extended period, and its structural integrity had become a concern.

In addition to its cultural significance, the Video Den has also contributed significantly to the local economy by providing jobs to community residents and generating economic activity. However, due to its prolonged vacancy, these economic contributions had diminished over time.

We can further confirm that we, Triple D Excavating & Moore LLC, diligently assessed the building for asbestos prior to and during the demolition process. They did not find any asbestos within the building or in the rubble when they were taking it down. However, it is crucial to note that if any asbestos had been identified during the process, Us Triple D Excavating & Moore LLC would have immediately halted all activities to ensure that all proper steps were taken to handle the asbestos safely and in full compliance with regulations.

Our community is committed to environmental sustainability, and we are eager to cooperate with EGLE to address any necessary remediation efforts in a manner that safeguards our environment while preserving our cultural and economic heritage.

In conclusion, we respectfully request that EGLE reconsider the demolition violation associated with the Video Den, taking into account the significant impact it would have on our community's cultural and economic well-being. We are prepared to work alongside EGLE to explore alternatives that can reconcile environmental concerns with the preservation of our cherished institution.

We appreciate your consideration of this request and look forward to any opportunity for further discussion or site assessments that may facilitate a mutually beneficial resolution.

Thank you for your understanding and attention to this matter.

Sincerely,

Dennis Moore  
President

269.876.8907  
[Triple.d@att.net](mailto:Triple.d@att.net)

Demolition – Site Development – Pile driving – Retenments – Dredging – Steel Erection – Construction Management