



GRETCHEN WHITMER
GOVERNOR

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



LIESL EICHLER CLARK
DIRECTOR

January 13, 2020

UPS NEXT DAY DELIVERY

ENFORCEMENT NOTICE

In the matter of:

Mr. Lamar Grace d/b/a
Simply Construction & Excavating, LLC
29519 Meadowland Drive
Southfield, Michigan 48076

Mr. Lamar Grace d/b/a
Metropolitan Environmental Controls, LLC
32455 West 12 Mile Road
Farmington Hills, Michigan 48334

ID: U631910206; Oakland County

ATTENTION: Mr. Lamar Grace

This letter is to advise you of the commencement of an escalated enforcement action against Mr. Lamar Grace, Simply Construction & Excavating, LLC, and Metropolitan Environmental Controls, LLC, for alleged violations that occurred at 20905 Mapleridge Avenue in Southfield, Michigan. This letter follows the November 18, 2019 and December 17, 2019, Violation Notices issued by the Michigan Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), which details violations of the National Emission Standards for Hazardous Air Pollutants for asbestos (Asbestos NESHAP), Title 40 of the Code of Federal Regulations, Part 61, Subpart M; and Rule 942 of the Michigan Air Pollution Control Rules, Mich Admin Code, R 336.1942; Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act (Part 55 of the NREPA). These regulations hold all owners and operators, including contractors and/or subcontractors, fully liable for compliance with the Asbestos NESHAP.

The AQD is providing Mr. Lamar Grace, Simply Construction & Excavating, LLC, and Metropolitan Environmental Controls, LLC, with an opportunity to formally resolve these violations through the entry of a legally enforceable agreement that will include a compliance program and payment of an appropriate monetary penalty pursuant to Section 5528 of Part 55 of NREPA, MCL 324.5528. Be advised that failure to respond to this correspondence will be considered conclusive evidence of your rejection of the

ENFORCEMENT NOTICE


Simply Construction & Excavating, LLC
Metropolitan Environmental Controls, LLC
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opportunity to discuss administrative settlement options and implement corrective actions for the cited violations, based upon prior non-response to the AQD's multiple efforts to contact you and identify your proposed corrective actions of the cited violations.

Be advised that failure to respond to this Enforcement Notice in a timely manner and adequately resolve or address the cited violations may result in further enforcement proceedings, including but not limited to, referral of the matter to the Michigan Department of Attorney General (DAG) for commencement of civil litigation. This Enforcement Notice does not preclude or limit EGLE's ability to initiate any other enforcement action under federal or state law as appropriate.

Please contact me at 517-281-0376, or by email at MeadM1@Michigan.gov, no later than Monday, January 20, 2020 to schedule a meeting to discuss the resolution of this matter.

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

By: 
Malcolm Mead-O'Brien
Air Quality Division, Enforcement Unit

Date: January 13, 2020

Enclosures

cc: Mr. Neil Gordon, DAG
Ms. Elizabeth Morrisseau, DAG
Ms. Karen Kajiya-Mills, EGLE
Ms. Tammy Bell, EGLE
Ms. Jenine Camilleri, EGLE



GRETCHEN WHITMER
GOVERNOR

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



LIESL EICHLER CLARK
DIRECTOR

November 18, 2019

Mr. Lamar Grace
Simply Construction & Excavating, LLC
29519 Meadowland Drive
Southfield, MI 48076

Mr. Lamar Grace
Metropolitan Environmental Controls, LLC
32455 West 12 Mile Road
Farmington Hills, MI 48334

SRN: U631910206, Oakland County

Dear Mr. Grace:

VIOLATION NOTICE

On October 24, 2019, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), conducted an inspection of commercial property located at 20905 Mapleridge Avenue, Southfield. The purpose of this inspection was to determine Metropolitan Environmental Controls, LLC's and Simply Construction & Excavating, LLC's 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, Simply Construction & Excavating, LLC owned the facility. Metropolitan Environmental Controls, LLC is a state of Michigan licensed asbestos abatement contractor, license #: C48144. The NESHAP for Asbestos holds both the owner and operator equally liable for violations.

During the inspection, AQD staff observed asbestos waste bags, improperly contained regulated asbestos containing materials, and construction debris of unknown origin on the property. Samples were collected during the inspection that tested positive for asbestos. Furthermore, landfills listed on submitted asbestos notifications did not have a record of receiving asbestos containing waste material from either company.

Process Description	Section Violated	Comments
Asbestos containing waste material (ACWM) stored out in the open in the yard of the facility.	40 CFR 61.145(c)(4); Simply Construction & Excavating, LLC Consent Judgment No. 19-0270-CE	Failure to contain in leak tight container-holes were observed in bags and some ACWM was not in leak tight containers
	40 CFR 61.150; Simply Construction & Excavating, LLC Consent Judgment No. 19-0270-CE	Failure to adequately wet asbestos containing waste material.
	40 CFR 61.150(a)(1)(v); Simply Construction & Excavating, LLC Consent Judgment No. 19-0270-CE	No generator labels on waste bags.
	40 CFR 61.150(b)(1); Simply Construction & Excavating, LLC Consent Judgment No. 19-0270-CE	Failure to deposit asbestos containing waste material as soon as practical at a Type II landfill.

Please initiate actions necessary to correct the cited violations and submit a signed written response to this Violation Notice by December 9, 2019 (which coincides with 21 calendar days from the date of this letter). 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 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.

Please submit the written response to Ms. Tammy Bell at EGLE, AQD, 3058 West Grand Boulevard, Suite 2-300, Detroit, Michigan 48202 or bellt4@michigan.gov and submit a copy to Mr. Malcolm Mead-O'Brien, Enforcement Unit at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760 or meadm1@michigan.gov.

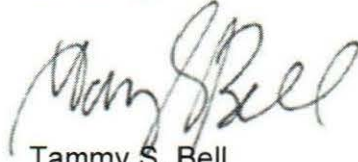
If Simply Construction & Excavating, LLC and/or Metropolitan Environmental Controls, LLC believes the above observations or statements are inaccurate or do not constitute violations of the applicable legal requirements cited, please provide factual information to explain your position.

Thank you for your attention to resolving the violations cited above and for the cooperation that was extended to me during my inspection of 20905 Mapleridge Avenue

Mr. Lamar Grace
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November 18, 2019

Southfield. If you have any questions regarding the violations or the actions necessary to bring this facility into compliance, please contact me at the number listed below.

Sincerely,

A handwritten signature in black ink, appearing to read "Tammy S. Bell". The signature is fluid and cursive, with the first name "Tammy" and last name "Bell" clearly distinguishable.

Tammy S. Bell
Senior Environmental Quality Analyst
Air Quality Division
313-330-0105

Enclosure: Sample results

cc: Dr. Maria Calhoun, City of Southfield
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
Mr. Jeff Benya, EGLE
Ms. Wendy Lukianoff, EGLE



GRETCHEN WHITMER
GOVERNOR

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



LIESL EICHLER CLARK
DIRECTOR

December 17, 2019

UPS NEXT DAY DELIVERY

Mr. Lamar Grace
Simply Construction & Excavating, LLC
29519 Meadowland Drive
Southfield, Michigan 48076

Mr. Lamar Grace
Metropolitan Environmental Controls, LLC
32455 West 12 Mile Road
Farmington Hills, Michigan 48334

ID: U631910206, Oakland County

Dear Mr. Grace:

SECOND VIOLATION NOTICE

On October 24, 2019, the Michigan Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), performed an asbestos inspection at 20905 Mapleridge Avenue, in Southfield, Michigan. The purpose of this inspection was to determine compliance with the requirements of Title 40 of the Code of Federal Regulations, 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.

On November 18, 2019, the AQD sent a Violation Notice (VN) citing violations discovered because of the inspection and requested a written response by December 9, 2019. A copy of this VN has been enclosed for your reference. As of the date of this letter, the AQD has not received the written response to the cited violations.

Please be advised that failure to respond in writing and identifying actions taken to resolve the cited violations may result in an escalated enforcement action by the AQD. Please provide the information requested in the VN dated November 18, 2019, by December 31, 2019, which corresponds to 14 days from the date of this letter.

The written response must be submitted to Ms. Tammy Bell at EGLE, AQD, 3058 West Grand Boulevard, Suite 2-300, Detroit, Michigan 48202, and must include a copy to Mr. Malcolm Mead-O'Brien, Enforcement Unit at EGLE, AQD, P.O. Box 30260, Lansing,

Mr. Lamar Grace
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Michigan 48909-7760. Or the response may be scanned and sent to
bellT4@michigan.gov and meadm1@michigan.gov.

Be further advised that issuance of this VN does not preclude or limit EGLE's ability to
initiate any other enforcement action under state or federal law as appropriate.

If you have any questions regarding this matter or the actions necessary to come into
compliance, please contact me at the number listed below.

Sincerely,



Malcolm Mead-O'Brien
Enforcement Unit
Air Quality Division
517-281-0376

Enclosure

cc/via e-mail: Dr. Maria Calhoun, City of Southfield
Ms. Mary Ann Dolehanty, EGLE
Dr. Eduardo Olaguer, EGLE
Ms. Karen Kajiya-Mills, EGLE
Ms. Jenine Camilleri, EGLE
Ms. Tammy Bell, EGLE