



GRETCHEN WHITMER  
GOVERNOR

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

LANSING

**EGLE**  
LIESL EICHLER CLARK  
DIRECTOR

June 9, 2020

UPS NEXT DAY DELIVERY

Mr. Darwyn Parks  
Metro General Contracting  
48155 West Road  
Suite 1  
Wixom, Michigan 48393

Mr. Leo Stassinoplulos  
Leo's Coney Island  
L&M Investors Number 1  
48155 West Road  
Suite 3  
Wixom, Michigan 48393

SRN/ID: U732001669; Saginaw County

**VIOLATION NOTICE**

Dear Mr. Parks and Mr. Stassinoplulos:

On May 13, 2020, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), performed an asbestos NESHAP (National Emission Standard for Hazardous Air Pollutants) inspection at 5212 Bay Road, Saginaw, Saginaw County, Michigan. The purpose of this inspection was to determine 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 my investigation, Leo's Coney Island owns the subject property and Metro General Contracting performed the demolition activities. The National Emission Standard for Asbestos holds both the *owner and operator* equally liable for any violations.

During the inspection, staff observed the following:

The subject commercial property was found to not have an asbestos survey and did not submit a Notification of Intent to Renovate/Demolish prior to the demolition activities. The building structure was partially demolished and removed from the site. In discussion with Mr. Darwyn Parks, he stated an Environmental Phase 1 report was completed, but after reviewing, an asbestos survey was not included in the report.

## VIOLATION NOTICE

Mr. Parks and Mr. Stassinoplulos

Page 2

June 9, 2020

| Process Description  | Section Violated     | Comments  |
|--|----------------------|---|
| On 5/13/19, staff performed an inspection derived from a complaint of demolition at 5212 Bay Road, Saginaw, Michigan, a commercial property. | 40 CFR 61.145 (b)(1) | Failure to provide 10 working day notification prior to demolition. |
|  | 40 CFR 61.145 (a)    | Failure to thoroughly inspect. No asbestos survey/inspection.       |

Please initiate actions necessary to correct the cited violations and submit a written response to this violation notice by June 30, 2020, (which coincides with 21 calendar days from the date of this letter). The written 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 signed written response to Mr. Steven Kidder at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760 or scan and email as an attachment to me at KidderS@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 a violation of the applicable legal requirements cited, please provide appropriate 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 our meeting at the site. If you have any questions regarding the violation notification or the actions necessary to bring this facility into compliance, please feel free to contact me at 517-243-4492; KidderS@Michigan.gov; or EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760.

Sincerely,



Steven Kidder  
Environmental Quality Analyst  
Air Quality Division

cc: Ms. Mary Ann Dolehanty, EGLE  
Dr. Eduardo Olaguer, EGLE  
Mr. Christopher Ethridge, EGLE  
Mr. Chris Hare, EGLE  
Ms. Karen Kajiya-Mills, EGLE  
Mr. Jason Wolf, EGLE