



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
DETROIT FIELD OFFICE



C. HEIDI GREYHER
DIRECTOR

January 13, 2017

Mr. Peter Dier
Employees Benefit Trust Fund of New York, LLC
16925 Masonic Boulevard, PO Box 532
Fraser, MI 48026

Mr. Peter Dier
Employees Benefit Trust Fund of New York, LLC
2576 Broadway
New York, NY 10025

SRN: U821700029, Wayne County

Dear Mr. Dier:

VIOLATION NOTICE

On December 31, 2016 and January 3, 2017, the Department of Environmental Quality (DEQ), Air Quality Division, conducted a complaint investigation of the apartment building located at 2933 2nd Avenue, Detroit. The purpose of this inspection was to determine Employees Benefit Trust Fund of New York, LLC's 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.

According to our investigation an unnamed operator (company/persons) performed the renovation activities at the facility; the workers would not provide information to the DEQ AQD. The National Emission Standard for Asbestos holds both the owner and operator equally liable for violations.

During the inspection, DEQ AQD staff Tammy S. Bell and Joseph Goeddeke noted over 160 square feet of textured plaster/walls and ceiling had been removed from the building. Samples were collected at the site and results are pending.

Process Description	Section Violated	Comments
Renovation activities located at 2933 2 nd Avenue, Detroit	§61.145(a)	Failure to thoroughly inspect for asbestos.

Please note that if an asbestos survey conducted by a certified asbestos inspector of the structures was not obtained prior to the initiation of renovation activities, one or more of the following violations may have also occurred:

Process Description	Section Violated	Comments
Renovation activities located at 2933 2 nd Avenue, Detroit	§61.145(b)(3)(i)	Failure to provide notice prior to asbestos work
	§61.145(b)(4)(vi)	Failure to estimate the amount of Regulated Asbestos-Containing Material (RACM)
	§61.145(c)(1)	Failure to remove RACM
	§61.145(c)(3)	Failure to wet during stripping
	§61.145(c)(4)	Failure to contain in leak tight container
	§61.145(c)(6)(i)	Failure to wet RACM that has been stripped
	§61.145(c)(8)	No contractor supervisor on site
	§61.150(a)	Visible emissions from asbestos containing waste material generated by source
	§61.150(a)(1)(ii)	Visible emissions from handling operations
	§61.150(a)(1)(iii)	Failure to seal while wet
	§61.150(a)(1)(v)	No generator labels
	§61.150(b)(1)	Failure to deposit asbestos containing waste material as soon as practical
	§61.150(c)	No signs during loading and unloading

Please initiate actions necessary to correct the cited violation(s) and submit a written response to this Violation Notice by February 3, 2017 (which coincides with 21 calendar days from the date of this letter). The written response should include:

- A copy of the asbestos survey conducted prior to the renovation of the apartment building;
- The company name and contact who performed renovation activities in the apartment building;
- The dates the violation(s) occurred;
- An explanation of the causes and duration of the violation(s);
- Whether the violation(s) are ongoing;
- A summary of the actions that have been taken and are proposed to be taken to correct the violation(s) and the dates by which these actions will take place; and
- What steps are being taken to prevent a reoccurrence.

If Employees Benefit Trust Fund of New York, LLC 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(s) cited. If you have any questions regarding the violation(s) or the actions necessary to bring this facility into compliance, please contact me at the number listed below.

Sincerely,



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

Enclosure/Fact Sheet

cc: Ms. Lynn Fiedler, DEQ
Mr. Chris Ethridge, DEQ
Mr. Thomas Hess, DEQ
Ms. Karen Kajiya-Mills, DEQ
Ms. Wilhemina McLemore, DEQ