



GRETCHEN WHITMER  
GOVERNOR

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



DANIEL EICHINGER  
ACTING DIRECTOR

April 10, 2023

Joseph Berke, MD  
Detroit Neurosurgical Foundation  
3333 E. Jefferson Avenue  
Detroit, MI 48207

Vita Brown  
Detroit Neurosurgical Foundation  
8900 E. Jefferson Avenue  
Detroit, MI 48214

Miles Davis  
Action Demolition LLC  
Davis-Reed Group LLC  
5758 Coplin St.  
Detroit, MI 48213

Miles Davis  
Action Demolition LLC  
Davis-Reed Group LLC  
18848 Morang Avenue  
Detroit, MI 48205

SRN: U822301680, Wayne County

Dear Joseph Berke, Vita Brown & Miles Davis

**VIOLATION NOTICE**

On March 13 and March 20, 2023, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), conducted an inspection of the commercial property located at 6431 E. Jefferson, Detroit. The purpose of this inspection was to determine 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, Detroit Neurosurgical Foundation owns the facility and Action Demolition LLC and/or Davis-Reed Group LLC performed the renovation activities at the facility. The NESHAP for Asbestos holds both the owner and operator equally liable for violations.

During the inspection, staff observed the following: A commercial property undergoing interior renovations. The required inspection for asbestos was conducted prior to said renovation activities but several suspect materials were not identified. EGLE staff sampled several suspect asbestos containing materials (ACM), five tested positive for asbestos. Two materials were not identified on the original survey – approximately 20 sq.ft. of ACM heater unit insulation and approximately 10 In.ft. of ACM window glaze.

Laboratory results sheets are attached. In addition, an abatement project was conducted to remove 3,637 sq.ft. of ACM joint compound and 857 sq.ft. of ACM floor tile and mastic, there was no notification filed for this work as required. While a majority of the drywall joint compound had been removed, approximately 120 sq.ft. remained intact within the building. All floor tile had been removed but had been placed in unsealed, unlabeled waste bags which remained in the building. It did not appear that any mastic had been removed. Detroit Neurosurgical Foundation self-reported .

<b>Process Description</b>	<b>Section Violated</b>	<b>Comments</b>
Renovation activities at a subject commercial building.	40 CFR 61.145(a)	Failure to thoroughly inspect for the presence of asbestos containing materials prior to renovation/demolition.
	40 CFR 61.145(b)(1)	Failure to provide 10 working day notification prior to asbestos removal.
	40 CFR 61.145(c)(1)	Failure to remove RACM prior to demolition.
	40 CFR 61.145(c)(8)	No contractor supervisor on site during asbestos removal.

Please initiate actions necessary to correct the cited violations and submit a signed written response to this Violation Notice by May 1, 2023 (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.

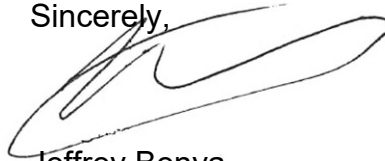
Please submit the written response to Jeffrey Benya at EGLE, AQD, Detroit District Office, 3058 West Grand Boulevard, Suite 2-300, Detroit, Michigan 48202 or benyaj@michigan.gov and submit a copy to Jason Wolf, Enforcement Unit at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760 or wolfj2@michigan.gov.

Joseph Berke & Vita Brown, Detroit Neurosurgical Foundation  
Miles Davis, Action Demolition LLC / Davis-Reed Group  
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If either party 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 718 W. 4th Street. 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,



Jeffrey Benya  
Senior Environmental Quality Analyst  
Air Quality Division  
313-618-0372

Enclosures: Asbestos NESHAP Fact Sheet, Sample results  
cc: Hosam Hossanien, City of Detroit BSEED  
Crystal Rogers, City of Detroit BSEED  
Annette Switzer, EGLE  
Christopher Ethridge, EGLE  
Brad Myott, EGLE  
Jenine Camilleri, EGLE  
Dr. April Wendling, EGLE  
Jason Wolf, EGLE  
Regina Angellotti, EGLE