

RECEIVED

AUG 24 2023

Air Quality Division
Detroit Office



August 22, 2023

VIA E-MAIL AND U.S. MAIL

Tammy S. Bell
Air Quality Division
Michigan Department of Environment, Great Lakes and Energy
3058 West Grand Boulevard, Suite 2-300
Detroit, MI 48202-6058
BellT4@michigan.gov

Re: Notice of Violation, 2249 Fairview, Detroit, Michigan

Dear Ms. Bell:

This letter is in response to the violation notice (Notice) which the Detroit Land Bank Authority (the DLBA) received from your office dated July 27, 2023, regarding the property located at 2249 Fairview, Detroit, Michigan (Property). The Property is currently owned by the DLBA, and we understand that the DLBA's status as owner led to its receipt of the Notice. The Detroit Demolition Department oversees the demolition of properties owned by the DLBA, and we understand that the demolition contractor engaged by the City for the Property was RDC Construction Services (RDC), which was also a recipient of the Notice. This response is being submitted on behalf of the DLBA. The DLBA takes these allegations seriously and is committed to participating in their prompt resolution.

The Notice alleges that on July 19, 2023, and July 26, 2023, EGLE conducted inspections of the Property. The Notice states that on July 19, 2023, the house at the property had been demolished but the basement had not yet been removed and that dry asbestos-containing waste material including cementitious siding remained at the Property. The Notice states that on July 26, 2023, dry, friable transite was found on-site. The Notice alleged failure to adequately wet the asbestos-containing waste and failure to dispose of the waste as soon as practical.

Documents filed with EGLE prior to the demolition identify the presence of asbestos-containing material in non-friable building materials associated with the Property, including cementitious siding. In its response to the NOV, RDC stated that it had completed the main

building load out on the date of the initial inspection and returned to the Property later that date to complete cleanup. As a licensed demolition contractor, it is the DLBA's expectation that RDC would manage its demolition activities in accordance with applicable laws, including the Asbestos NESHAPs. To the extent that a violation may have occurred, it was the result of the failure of the demolition contractor to follow the requirements of the state and federal asbestos NESHAP, the City's Scope of Services for demolition contractors.

In response to the Notice and to prevent a recurrence of the alleged violations, the City issued a Health and Safety Violation Notice to RDC on August 1, 2023, a copy of which is attached. The City has also reported that it will re-emphasize the NESHAP requirements during weekly demolition contractor meetings.

We appreciate this Notice, as it assists the DLBA in working with the City to assess and address these alleged violations and take steps to prevent any such occurrence. As you know, addressing blight within the City has been a significant undertaking and mission for the DLBA. We appreciate your assistance in this endeavor and look forward to continuing our relationship with EGLE to complete this important work. Please let us know if you have any further questions with respect to this matter.

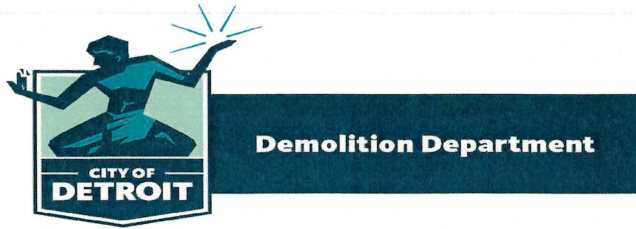
Very truly yours,



Tammy Daniels
Chief Executive Officer
Detroit Land Bank Authority

Encl.

Cc: Jason Wolf, EGLE
wolfj2@michigan.gov



**1301 Third Street, Suite 606
Detroit, Michigan 48226
(313) 224-4737
Demo-info@detroitmi.gov
www.detroitmi.gov/demolition**

August 1, 2023

RDC Construction Services, LLC
220 Congress
Detroit, MI 48226

RE: Citation-EGLE Health and Safety Violation-2249 Fairview

Mr. Robert Delicata,

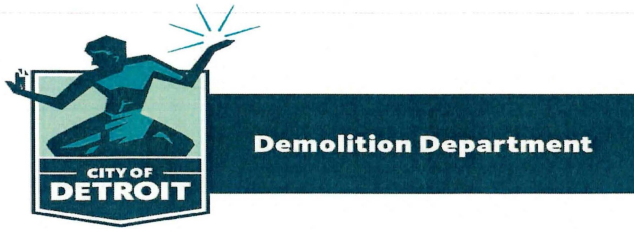
Please be advised the Detroit Demolition Department received an EGLE Violation Notice dated July 27, 2023 that was issued to RDC Construction Services, LLC ("RDC").

The EGLE Violation Notice specified the following:

- On July 19, 2023, the Department of Environment, Great Lakes and Energy (EGLE), Air Quality Division (AQD), conducted an inspection of the residential property located at 2249 Fairview, Detroit. The house had been demolished. The basement had not yet been removed. Dry asbestos-containing waste material (ACWM), which included, but was not limited to, cementitious siding, was noted around the property and in the basement.
- A follow-up inspection was conducted on July 26, 2023. Dry, friable transite was found on site. The following violations were noted:
 - Failure to adequately wet ACWM.
 - Failure to dispose of ACWM as soon as practical.

The receipt of EGLE violation notices is a violation of the Detroit Demolition Department Discipline Policy, Group III Offenses and the Demolition Department Program, Scope of Services, Section II, paragraph N, for residential structures. Therefore, RDC is being issued a Health and Safety Violation under the aforementioned policies.

Within seven (7) calendar days of transmittal, RDC may appeal this Health and Safety Violation by providing proof contrary to the violation by emailing, crawfordro@detroitmi.gov. If you choose not to appeal this violation, notify us in writing that RDC accepts responsibility for this citation.



**1301 Third Street, Suite 606
Detroit, Michigan 48226
(313) 224-4737
Demo-info@detroitmi.gov
www.detroitmi.gov/demolition**

Please initiate actions necessary to correct the cited violation and submit a written response to the Detroit Demolition Department and EGLE by August 10, 2023. The written response should include: the date of the violation, an explanation of the causes and duration of the violation, whether the violation is on-going, a summary of the actions that have been taken to correct the violations, the date(s) by which these actions will be completed and steps that you are taking to prevent a reoccurrence.

If you have any questions, please email Ron Crawford at: crawfordro@detroitmi.gov.

Sincerely,

Nicole Hardaway-Johnson

Nicole Hardaway-Johnson
Assistant Director, Contract Compliance
Detroit Demolition Department
johnsonni@detroitmi.gov