



GRETCHEN WHITMER
GOVERNOR

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



PHILLIP D. ROOS
DIRECTOR

July 3, 2024

VIA E-MAIL

Nick Capozzo
Capozzo & Sons Excavating, Inc.
32 Mile Road
Suite 471
Richmond, Michigan 48062

Michael Tobin
Tobin Group, LLC
31151 West 10 Mile Road
Farmington Hills, Michigan 48336

SRN/ID: U502403735; Macomb County

Dear Nick Capozzo and Michael Tobin:

VIOLATION NOTICE

On June 27, 2024, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD) conducted a complaint inspection of the commercial strip mall located at 26030-26124 Groesbeck Highway, Warren, Macomb County. The purpose of this inspection was to determine the Owner's and Operator's compliance with the requirements of Title 40 of the Code of Federal Regulations (40 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, the Tobin Group, LLC owns the facility and Capozzo & Sons Excavating, Inc. performed demolition activities at the site. The NESHAP for Asbestos holds both the owner and operator equally liable for violations.

During the inspection, staff observed a commercial building which had been partially demolished. The structure was not surveyed for asbestos prior to demolition.

Process Description	Section Violated	Comments
Demolition of a strip mall located at 26030-26124 Groesbeck Highway.	40 CFR 61.145(a)(1)	Failure to thoroughly inspect for asbestos prior to demolition. There is not cut-off date in which an asbestos survey is not required.
	40 CFR 61.145(b)(1)	Failure to notify EGLE AQD prior to demolition-EGLE did not receive a notice of Intent to Renovate/Demolish 10 days prior to demolition activities at the commercial structure.

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Please initiate actions necessary to correct the cited violations and submit a signed written response to this Violation Notice by July 26, 2024. 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 provide a copy of the asbestos inspection survey conducted or asbestos waste shipment records for site activities conducted after June 27, 2024.

The written response must be submitted to Jeremy Howe, Technical Programs Unit Supervisor, at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760, and must include a copy to Jason Wolf, Enforcement Unit at the same address. Or the response may be scanned and sent to HoweJ1@Michigan.gov and WolfJ2@Michigan.gov.

If Capozzo & Sons Excavating, Inc. and/or the Tobin Group, 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 the commercial building. 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,



Tammy Bell
Environmental Quality Specialist
Air Quality Division
313-330-0105

cc: Annette Switzer, EGLE
Christopher Ethridge, EGLE
Brad Myott, EGLE
Joyce Zhu, EGLE
Jeremy Howe, EGLE
Jason Wolf, EGLE