



GRETCHEN WHITMER
GOVERNOR

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

DETROIT DISTRICT OFFICE



LIESL EICHLER CLARK
DIRECTOR

July 22, 2022

William Moesta
Coney Café, Inc.
2379 Woodbourne
Waterford, MI 48329

Kent Pass
Ace Site & Supply LLC
6029 North Bay Drive
Clarkston, MI 48346

SRN: U632202575, Oakland County

Dear William Moesta and Kent Pass:

VIOLATION NOTICE

On May 11 and July 6, 2022, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), conducted an inspection of the commercial property located at 228 Walton, Pontiac. 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, Coney Café, Inc. owns the facility and Ace Site & Supply LLC performed the demolition activities. The NESHAP for Asbestos holds both the owner and operators equally liable for violations.

During the inspection, staff observed the following: A vacant commercial building damaged by fire. Demolition of the remaining structure was conducted without submission of a 10-day notification of intent to renovate/demolish and the slab remains in place. EGLE staff sampled the multi-layer flooring that remains on the slab and several of these layers tested positive for asbestos.

Process Description	Section Violated	Comments
Demolition of a commercial structure without a Notification of Intent to Demolish. Material was not disposed of as asbestos containing waste material (ACWM).	40 CFR 61.145(b)(1)	Failure to provide 10 working day notification prior to demolition.
	40 CFR 61.145(c)(8)	No contractor supervisor on site.
	40 CFR 61.150(b)(1)	Failure to deposit asbestos containing waste material at a waste disposal site operated in accordance with the provisions of §61.154.

William Moesta, Coney Café, Inc.
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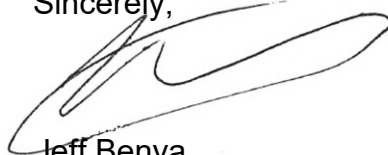
Please initiate actions necessary to correct the cited violations and submit a signed written response to this Violation Notice by August 12, 2022 (which coincides with 21 calendar days from the date of this letter). The response should include: the dates the violations occurred; an explanation of the 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 Jeff Benya at EGLE, AQD, 3058 W. Grand Blvd., 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.

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 the listed property. If you have any questions regarding the violation or the actions necessary to bring this facility into compliance, please contact me at the number listed below.

Sincerely,



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

Enclosures: NESHAP Fact Sheet, Bulk sample results

cc: Mary Ann Dolehanty, EGLE
Dr. Eduardo Olaguer, EGLE
Jenine Camilleri, EGLE
Brad Myott, EGLE
Christopher Ethridge, EGLE
Jeremy Howe, EGLE
Jason Wolf, EGLE
Joyce Zhu, EGLE