



GRETCHEN WHITMER  
GOVERNOR

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



PHILLIP D. ROOS  
DIRECTOR

June 27, 2024

VIA E-MAIL

Dennis Kefallinos  
Boydell Development Company, Inc.  
1600 Clay Street  
Detroit, Michigan 48211

Nikolas Kefallinos  
NDK Properties LLC  
1600 Clay Street  
Detroit, Michigan 48211

SRN/ID: U822403655; Wayne County

Dear Dennis Kefallinos and Nikolas Kefallinos:

### **VIOLATION NOTICE**

On June 20, 2024 and June 24, 2024, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD) conducted a complaint investigation at the commercial property located at 4545 Beniteau Street, Detroit, Wayne County. The purpose of this inspection was to determine 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, NDK Properties, LLC owns the facility and Boydell Development Company, Inc. performed the renovation activities at the site. The NESHAP for Asbestos holds both the owner and operators equally liable for violations.

During the inspections, staff observed the following: A vacant commercial property undergoing renovations. Unknown persons had removed known asbestos containing plaster from the building and deposited it in a dumpster on the property. The work was being conducted without a notification having been filed and the material was not properly wetted, sealed and labeled within the dumpster. Samples taken by EGLE, AQD staff from the dumpster indicate that friable asbestos containing material (ACM) was present within the dumpster. Boydell Development Company, Inc. was the entity that ordered the site dumpster.

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Process Description	Section Violated	Comments
Renovation activities at a subject commercial structure.	40 CFR 61.145(a)	Failure to thoroughly inspect for the presence of asbestos containing materials.
	40 CFR 61.145(b)(1)	Failure to provide 10 working day notification.
	40 CFR 61.145(c)(3)	Failure to wet during stripping.
	40 CFR 61.145(c)(4)	Failure to contain in leak tight container.
	40 CFR 61.145(c)(6)(i)	Failure to wet RACM that has been stripped.
	40 CFR 61.145(c)(8)	No contractor supervisor on site.
	40 CFR 61.150(a)(1)(iii)	Failure to seal while wet.
	40 CFR 61.150(a)(1)(v)	No generator labels.
	40 CFR 61.150(a)	Visible emissions from asbestos containing waste material generated by source.

Please initiate actions necessary to correct the cited violations and submit a signed written response to this Violation Notice by July 19, 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;
- What steps are being taken to prevent a reoccurrence; and
- Acknowledgement of receipt, and understanding of, the attached "Understanding NESHAP" fact sheet.

**If an asbestos survey was conducted, or an asbestos trained individual was on-site during the work, please provide documentation to that effect in your response.**

The signed written response from the owner and operator to this violation notice may be submitted by mail and directed to the attention of Jeremy Howe, Supervisor, Technical Programs Unit 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. The response may be scanned and e-mailed to [HoweJ1@Michigan.gov](mailto:HoweJ1@Michigan.gov) and [WolfJ2@Michigan.gov](mailto: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.

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Thank you for your attention to resolving the violations cited above. 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,



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

Enclosures: Sample results and the NESHAP Fact Sheet

cc: Tom Fett, Detroit Demolition Department  
Annette Switzer, EGLE  
Christopher Ethridge, EGLE  
Brad Myott, EGLE  
Dr. April Wendling, EGLE  
Jeremy Howe, EGLE  
Jason Wolf, EGLE