



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
SAGINAW BAY DISTRICT OFFICE



LIESL EICHLER CLARK  
DIRECTOR

April 17, 2019

Mr. Eric Fox  
Fox Excavating  
1507 Dixon Road  
Caro, Michigan 48723

Mr. Rob Horton  
Red Cedar Partners (RCP) Development L.L.C.  
105 West Madison Street  
Chicago, Illinois 60602

SRN: U791904069, Tuscola County

Dear Mr. Fox and Mr. Horton:

**VIOLATION NOTICE**

On April 8, 2019, the Department of Environmental Quality (DEQ), Air Quality Division, began an investigation of a demolition of the former commercial building located at 1103 East Caro Road, Caro, Michigan. The purpose of this investigation 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, Red Cedar Partners (RCP) Development L.L.C. owns the facility and Fox Excavating performed the demolition activities at the facility. The NESHAP for Asbestos holds both the owner and operator equally liable for violations. This violation notice has been revised to include the owner.

During the investigation, staff observed the following:

Process Description	Section Violated	Comments
Demolition of the commercial building located at 1103 East Caro Road, Caro, Michigan.	40 CFR 61.145(b)(1)	Failure to provide 10 working day notification.

Please initiate actions necessary to correct the cited violation and submit a signed written response to this Violation Notice by May 8, 2019 (which coincides with 21 calendar days from the date of this letter). The response should include: the dates the

violation occurred; an explanation of the causes and duration of the violation; whether the violation is ongoing; a summary of the actions that have been taken and are proposed to be taken to correct the violation 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 Matthew Karl at DEQ, AQD Saginaw Bay District Office, 401 Ketchum Street, Suite B, Bay City, Michigan 48708 or [karlm@michigan.gov](mailto:karlm@michigan.gov) and submit a copy to Mr. Jason Wolf, Enforcement Unit at DEQ, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760 or [wolfj2@michigan.gov](mailto:wolfj2@michigan.gov).

If Red Cedar Partners (RCP) Development L.L.C. or Fox Excavating 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 violation cited above and for the cooperation that was extended to staff during the investigation of the demolition of the commercial building located at 1103 East Caro Road, Caro, Michigan. 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,



Matthew R. Karl  
Environmental Quality Analyst  
Air Quality Division  
(989) 439-3779

cc: Ms. Mary Ann Dolehanty, DEQ  
Dr. Eduardo Olaguer, DEQ  
Mr. Christopher Ethridge, DEQ  
Ms. Jenine Camilleri, DEQ  
Ms. Karen Kajiya-Mills, DEQ  
Mr. Jason Wolf, DEQ  
Mr. Chris Hare, DEQ