



GRETCHEN WHITMER
GOVERNOR

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



PHILLIP D. ROOS
DIRECTOR

July 2, 2024

VIA E-MAIL

Jake Johnson
CJ's Excavating
8450 East M-115
Cadillac, Michigan 49601

Brad Lapoe
BRY-LEX Cadillac, LLC
2009 South Saginaw Road
Midland, Michigan 48642

SRN/ID: U832403837; Wexford County

VIOLATION NOTICE

Dear Jake Johnson and Brad Lapoe:

On June 25, 2024, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD) performed an asbestos NESHAP (National Emission Standard for Hazardous Air Pollutants) inspection at 903 North Mitchell Street, Cadillac, Wexford 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, Subpart M (National Emission Standard for Asbestos), and Rule 942 of Part 55, Air Pollution Control of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

According to my investigation, BRY-LEX Cadillac, LLC. owns the subject property and CJ's Excavating performed the demolition activities. DCM Construction, Inc. is the general contractor overseeing the site operations. The National Emission Standard for Asbestos holds both the *owner and operator* equally liable for any violations.

During the inspection, staff observed the following:

CJ's Excavating had completed demolition of the subject commercial property, formerly Northland Camper RV. CJ's Excavating had backfilled and graded the site. DCM Construction stated that an asbestos building survey had been completed and all necessary asbestos abatement was completed prior to demolition. However, the Asbestos NESHAP 10-day notification for demolition was not submitted prior to the start of demolition.

Process Description	Section Violated	Comments
On 6/25/24, staff performed a demolition inspection at 903 N Mitchell Street, Cadillac, MI.	40 CFR 61.145 (b)(1)	Failure to provide 10 working day notification prior to demolition.

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Please initiate actions necessary to correct the cited violation and submit a written response to this violation notice by July 26, 2024. The written 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.

The *signed* written response from both the owner and operator to this violation notice, may be submitted by mail and directed to Jeremy Howe at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760. You must also include a copy to Jason Wolf, Enforcement Unit at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760. The response may be scanned and e-mailed to HoweJ1@Michigan.gov and WolfJ2@Michigan.gov.

If you believe the above observations or statements are inaccurate or do not constitute a violation of the applicable legal requirements cited, please provide appropriate 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 me during our conversations about the site.

Sincerely,



Steven Kidder
Environmental Quality Analyst
Air Quality Division
KidderS@Michigan.gov

cc: Annette Switzer, EGLE
Christopher Ethridge, EGLE
Brad Myott, EGLE
Shane Nixon, EGLE
Jason Wolf, EGLE
Jeremy Howe, EGLE