



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
DETROIT DISTRICT OFFICE



LIESL EICHLER CLARK
DIRECTOR

April 23, 2021

Mr. Joseph Brown
Rubicon Capital LLC
33717 Woodward Ave., Suite 201
Birmingham, MI 48009

Mr. Matt Firby
DA Contracting LLC
28575 Greenfield Rd
Southfield, MI 48076

SRN: U632001529, Oakland County

Dear Mr. Brown and Mr. Firby:

VIOLATION NOTICE

On February 25 and April 1, 2021, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), conducted an inspection of buildings on the commercial property located at 7 S. Glenwood Avenue, 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, Rubicon Capital LLC owns the facility and DA Contracting LLC was responsible for the demolition activities at the properties. The NESHAP for Asbestos holds both the owner and operator equally liable for violations.

During the inspection, staff observed the following: The demolition of exterior canopies at two of the buildings on the property. A 10-day notification of intent was not submitted prior to demolition of the structures.

Process Description	Section Violated	Comments
Demolition of two (2) exterior canopies at the former Glenwood Plaza shopping center.	40 CFR 61.145(b)(1)	Failure to provide 10 working day notification prior to demolition.

Mr. Joseph Brown and Mr. Matt Firby
Rubicon Capital LLC / DA Contracting LLC
Page 2
April 23, 2021

Please initiate actions necessary to correct the cited violation and submit a signed written response to this Violation Notice by May 14, 2021 (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 violations are 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 Jeff Benya at EGLE, AQD 3058 West Grand Boulevard, Suite 2-300, Detroit, Michigan 48202 or benyaj@michigan.gov and submit a copy to Mr. 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 properties. 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
Environmental Quality Analyst
Air Quality Division
313-618-0372

Enclosures: Sample results
cc: Ms. Mary Ann Dolehanty, EGLE
Dr. Eduardo Olaguer, EGLE
Ms. Jenine Camilleri, EGLE
Mr. Christopher Ethridge, EGLE
Ms. Karen Kajiya-Mills, EGLE
Mr. Jason Wolf, EGLE
Ms. Joyce Zhu, EGLE