



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
SAGINAW BAY DISTRICT OFFICE



LIESL EICHLER CLARK
DIRECTOR

April 16, 2019

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

SRN: U791904069, Tuscola County

Dear Mr. Fox:

VIOLATION NOTICE

On April 8, 2019, the Department of Environmental Quality (DEQ), Air Quality Division (AQD), 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 Fox Excavating's 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, Fox Excavating performed the demolition activities at the facility. The NESHAP for Asbestos holds the operator liable for violations.

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 7, 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

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.

If 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