



GRETCHEN WHITMER
GOVERNOR

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



PHILLIP D. ROOS
DIRECTOR

October 7, 2024

Brett Stroka
NP Detroit Commerce, LLC
3315 North Oak Trafficway
Kansas City, MO 64116

SRN: A8627, Wayne County

Dear Brett Stroka:

VIOLATION NOTICE

On June 20, 2024, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), conducted an inspection of NP Detroit Commerce, LLC located at 14250 Plymouth Rd, Detroit, Michigan. The purpose of this inspection was to determine NP Detroit Commerce, LLC's compliance with the requirements of the federal Clean Air Act; Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451); the Michigan Air Pollution Control Rules; and to confirm equipment previously installed under prior permits were removed.

During the inspection, staff observed the following:

Process Description	Rule/Permit Condition Violated	Comments
Two Aksa APC-NG1050 Emergency Generators rated at 1185 kW each	R 336.1201 (1)	Two generators were installed at the facility and have been operated without a Permit to Install (PTI).
Sub-slab depressurization system (SSDS) otherwise known as a vapor intrusion mitigation system (VIMS)	R 336.1201 (1)	A VIMS was installed at the facility without a PTI. The VIMS has not been demonstrated to meet the PTI exemption in R 335.1290 because the records and emissions calculations provided were not of sufficient detail and frequency to demonstrate compliance with the exemption.

During this inspection, it was noted that NP Detroit Commerce, LLC installed and commenced operation of two emergency generators and a VIMS without first obtaining a PTI. The AQD staff advised NP Detroit Commerce, LLC on June 21, 2024, that this is a violation of R 336.1201(1), also referenced as Rule 201(1), of the administrative rules promulgated under Act 451.

Be advised that Rule 201 requires that a permit be obtained prior to installation, construction, operation, reconstruction, relocation, or alteration of any process or process equipment which may be a source of an air contaminant.

A program for compliance may include a completed PTI application for the two emergency generators and the VIMS. The AQD acknowledges that NP Detroit Commerce, LLC submitted a PTI application for the generators in April 2024. In an email on June 21, 2024, the AQD requested a R 336.1278 analysis to demonstrate exemption claims for all equipment that had been installed at the facility absent a PTI. The AQD also requested additional emission records specific to the VIMS in emails on August 5 and on August 22 pursuant to a R 336.1290 (also referenced as Rule 290) exemption claim offered by NP Detroit Commerce, LLC for this equipment. On August 29, AQD staff sent further clarification to the representing consultant to include the soil sampling analytical results and potential emissions calculation prior to the system's installation.

During the inspection record request period, NP Detroit Commerce, LLC was unable to provide sufficient analytical data and monthly emission records (April through July 2024) on the VIMS to demonstrate qualification for the exemption per Rule 290(2)(d). NP Detroit Commerce, LLC did not provide the AQD with information detailing the scope and characterization of soil contamination, therefore it could not be determined whether all potential contaminants emitted to the air via the exhaust stacks are permissible per Rule 290(2)(a)(i), (ii), or (iii). In particular, this information is needed to assess whether carcinogenic contaminants are present which would render the VIMS ineligible for exemption under the rule. Furthermore, it is known that environmental, seasonal, and building factors affect concentration data and the migration of soil contaminants into the air pathway. Therefore, the sampling events provided in March 2024 is insufficient to demonstrate ongoing monthly emissions will continue to meet the limits set in Rule 290.

From the air quality inspection and subsequent records request, it appears that the facility has not maintained records as required by Rule 290 and therefore the equipment, at present, is not exempt from obtaining a Permit to Install under Rule 290.

A program for compliance may include a revised PTI application for the VIMS or a proposal of sufficient detail and frequency to demonstrate continuous future compliance with the requirements and limits of Rule 290.

A proposal to demonstrate the Rule 290 exemption would be expected to include records of the characterization of the site's contamination including any suspected, known, and confirmed contaminants and their breakdown (daughter) products. Be advised to notify the AQD of testing dates and all sample testing conducted must screen substances at expected target detection levels using an appropriate method acceptable to the AQD.

In addition, please provide the Potential to Emit (PTE) demonstration on the VIMS based upon the amounts of soil contamination for all pollutants including methane if

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applicable. As stated earlier, this information is needed to assess whether carcinogenic contaminants are present which would render the VIMS ineligible for exemption under the rule.

Please initiate actions necessary to correct the cited violations and submit a written response to this Violation Notice by October 28, 2024 (which coincides with 21 calendar days from the date of this letter). The written 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; and what steps are being taken to prevent a reoccurrence.

Please submit the written response to Diana Serban at EGLE, AQD, Detroit District, at Cadillac Place, 3058 West Grand Boulevard, Suite 2-300, Detroit, Michigan 48202 or SerbanD@michigan.gov and submit a copy to Jenine Camilleri, Enforcement Unit Supervisor at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760.

If NP Detroit Commerce, LLC believes the above observations or statements are inaccurate or do not constitute violations of the applicable legal requirements cited, please provide appropriate 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 NP Detroit Commerce, LLC. If you have any questions regarding the violations or the actions necessary to bring this facility into compliance, please contact me at the number listed below.

Sincerely,

Diana Serban

Diana Serban
Environmental Engineer
Air Quality Division
313-439-2436

cc: Ted Traskos, Universal Logistics
Mark Baron, City of Detroit BSEED
Crystal Gilbert-Rogers, City of Detroit BSEED
Annette Switzer, EGLE
Christopher Ethridge, EGLE
Brad Myott, EGLE
Jenine Camilleri, EGLE
Dr. April Wendling, EGLE
Jeff Korniski, EGLE