



GRETCHEN WHITMER  
GOVERNOR

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



PHILLIP D. ROOS  
DIRECTOR

September 28, 2023

J. Keith Walker II, General Manager of Operations  
Edw. C Levy Co.  
8800 Dix Avenue  
Detroit, Michigan 48209

SRN: B4243, Wayne County

Dear J. Keith Walker II:

**VIOLATION NOTICE**

On August 28, 2023, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), conducted an investigation in response to a complaint of fallout in Melvindale. Fallout allegedly occurred overnight from August 27 to August 28, 2023. The scope of the investigation included the operations at Edw. C. Levy Plant 6 (Levy Plant 6) located at 13800 Mellon Street, Detroit, Michigan. The purpose of the investigation was to determine Levy Plant 6 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 administrative rules; and Renewable Operating Permit (ROP) No. MI-ROP-B4243-2016.

The investigation was performed by Jonathan Lamb, EGLE-AQD. During the investigation, Jonathan Lamb observed fallout on the complainant’s vehicle and a sample of the fallout was collected and sent to a laboratory for analysis. Lab results were received on September 18, 2023, and indicate the composition of the fallout sample is consistent with materials associated with slag processing at Levy Plant 6. As a result, the following violation was observed:

Process Description	Rule/Permit Condition Violated	Comments
Steel slag handling and processing operations	General Condition 12(b) of ROP No. MI-ROP-B4243-2016  R 336.1901(b)	Detection of fallout beyond the facility's property line, attributable to the facility, of sufficient magnitude as to constitute an unreasonable interference with the comfortable enjoyment of life and property.

R 336.1901(b) states, in part:

“A person shall not cause or permit the emission of an air contaminant in quantities that cause injurious effects to human health and property, or the unreasonable interference with the comfortable enjoyment of life and property.”

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Based on the analysis of the fallout sample, the proximity of Levy Plant 6 to the complainant's location, prevailing wind direction during the timeframe of the incident, and history of similar violation notices for fallout attributed to operations at Levy Plant 6, the AQD is alleging that Levy Plant 6 is the source of the fallout. In the professional judgment of AQD staff, the fallout was of sufficient magnitude to constitute a violation of General Condition 12(b) of ROP No. MI-ROP-B4243-2016 and R 336.1901(b) during the investigation. A copy of the lab report is enclosed.

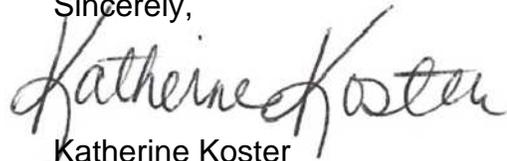
Please initiate actions necessary to correct the cited violation and submit a written response to this Violation Notice by October 19, 2023 (which coincides with 21 calendar days from the date of this letter). The written response should include: the date the violation occurred; an explanation of the 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 the EGLE, AQD, Detroit District, at 3058 West Grand Boulevard, Suite 2-300, Detroit, Michigan 48202 and submit a copy to Jenine Camilleri, Enforcement Unit Supervisor at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760.

If Edw. C. Levy believes 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. 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,



Katherine Koster  
Environmental Engineer Specialist  
Air Quality Division  
313-418-0715

Enclosure

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cc: Zayd Sufyan, Edw. C Levy  
Tom Green, Edw. C. Levy  
Dan Deaton, Edw C. Levy  
Crystal Gilbert-Rogers, City of Detroit BSEED  
Mark Baron, City of Detroit BSEED  
Annette Switzer, EGLE  
Christopher Ethridge, EGLE  
Brad Myott, EGLE  
Jenine Camilleri, EGLE  
Dr. April Wendling, EGLE  
Jeff Korniski, EGLE  
Jon Lamb, EGLE