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Air Quality Division
Detroit Office

July 11, 2018

Jonathan Lamb, Senior Air Quality Analyst
Michigan Department of Environmental Quality
Air Quality Division
3058 W. Grand Boulevard
Suite 2300
Detroit, MI 48202

RE: EQ Detroit, Inc. (DBA US Ecology – Detroit South) – Response to Violation Notice dated June 20, 2018 – Alleged Nuisance Odors on June 8, 2018

Dear Mr. Lamb:

This correspondence is US Ecology – Detroit South's (USE-DS) response to the Violation Notice (VN) dated June 20, 2018 regarding odors allegedly from USE-DS's operations and in violation of PTI No. 269-04E; General Condition 6 and R336.1901(b) on June 8, 2018. Inspections conducted by MDEQ-AQD in response to complaints reportedly found a strong (level 3 to 4) lime dust and chemical-type odors attributable to USE-DS's operations, impacting areas downwind of the facility.

MDEQ notified Raymond Landsberg, General Manager, at approximately 9:00pm on June 8, 2018. Mr. Landsberg contacted Paul Haratyk, Operations Manager, and Mr. Haratyk contacted the operator on site. The operator was leaving for the night and said the Chem-fix building smelled normal. The operator also indicated the last time lime was used would have been between 7:30pm and 8:00pm and that all vaults were treated by 8:45pm.

It is USE-DS's stance that the subject Violation Notice be rescinded as the nuisance odors observed by MDEQ are not applicable to the rule cited. The Violation Notice citation under R336.1901(b) states *"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."* Let it be

noted that on June 8, 2018, USE-DS did not “*permit the emission of an air contaminant*”, the dust collection system was functioning properly and negative pressure was being maintained in the Chem-fix building at the time of the complaint (and throughout the day). Therefore, at no time was USE-DS emitting air contaminants outside of what is allowable under the air permit issued by MDEQ. Additionally, USE-DS did not cause “*injurious effects to human health and property*” as there was no unpermitted emission of air contaminants to cause injurious effects to human health or property.

Also, USE-DS has been diligent in removing any truly odorous materials (ammonia, amines, etc.) from the process and any of the odors that may have been detected were the normal and customary odors indicative of complying with 40 CFR 268.42 - Treatment Standards Expressed as Specified Technologies for stabilization. This treatment standard, which is used by USE-DS, states “*Stabilization with the following reagents (or waste reagents) or combinations of reagents: (1) Portland cement; or (2) lime/pozzolans (e.g., fly ash and cement kiln dust)—this does not preclude the addition of reagents (e.g., iron salts, silicates, and clays) designed to enhance the set/cure time and/or compressive strength, or to overall reduce the leachability of the metal or inorganic.*” Therefore, it is unfair to cite any minor, highly irregular, incidental odors that occur while using the very reagents that the EPA requires. Moreover, the alleged odors were detected by a very small percentage of residents in the area which would not be a situation suggestive of causing “*unreasonable interference with the comfortable enjoyment of life and property*”.

USE-DS takes odor management very seriously and remains thorough in its efforts to prevent nuisance odors by scrutinizing waste profiles prior to approval, proactively monitoring for odors offsite, and continuing routine preventative maintenance on the baghouses and odor neutralizing system. USE-DS appreciates MDEQ’s assistance in these efforts by notifying us of potential issues and following-up with investigations. In order to enable USE-DS to respond most effectively to odor concerns, we ask that MDEQ continue to notify Raymond Landsberg, General Manager, and Tabettha Peebles, Environmental Compliance Manager, as soon as possible with all essential details when any odor complaint potentially relating to USE-DS is received. This will allow USE-DS to immediately investigate and potentially respond to the complaint and report the results back to MDEQ.

The Violation Notice requested a list of all waste streams which were processed in the Chem-fix building on June 8, 2018. This information is included with this letter. USE-DS would like to request that this information be marked as “Confidential Business Information” as customer information is listed. Customer information is proprietary, part of the contracts with customers to remain confidential, and a potential competitive advantage if it becomes accessible by the public.

If you have questions concerning this response, please feel free to contact Tabetha Peebles at (313) 347-1328.

Sincerely,



Raymond Landsberg
General Manager

Enclosures

cc: Paul Max, City of Detroit, BSEED
Rich Conforti, MDEQ (via email)
Todd Zynda, MDEQ (via email)
Mary Ann Dolehanty, MDEQ (via email)
Craig Fitzner, MDEQ (via email)
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