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October 14, 2024

Mr. Adam Bognar
AQD, Warren District
27700 Donald Court
Warren, Michigan 48092

**Re: SRN 145, Macomb County
Industrial Metal Coating ("IMC")
Violation Notice Dated October 3, 2024**

Dear Mr. Bognar and Jennifer Rosa:

I represent Industrial Metal Coating in connection with the referenced October 3, 2024 Violation Notice. That Notice is attached for your convenience and relates to your September 26, 2024 investigation of an odor complaint alleged to originate on September 23, 2024. Your Notice requires a response by October 24, 2024

The Notice is issued under Rule 336.1901. The Notice states, in relevant part, the following on page 1:

"...the odors that were observed were of sufficient intensity, frequency and duration so as to constitute a violation of Rule 901 of the Administrative Rules promulgated under Act 451"

Rule 336.1901 is attached. Please advise me immediately if this is not the Rule forming the basis of the Notice or if other Rules also apply to this Notice. Your Notice is not clear whether it is issued under R 336.1901(a) or (b). The body of the Notice seems to indicate the notice is premised on (b). We are responding accordingly.

As a matter of Due Process, it is not reasonable to assert a violation of law against any person or entity without fair notice of what the law or regulation prohibits and what objective standards have been violated. Here, you indicate the alleged odor was of "sufficient intensity". However, that standard is not defined in the law or the applicable regulations. Next, you indicate the alleged odor violated "frequency". Again, that standard is not defined in the law or the applicable regulations. Finally, you indicate there is a violation of "duration". Again, that standard is not defined in the law or the applicable regulations.

You want my client to set forth a plan of action that will ensure compliance with intensity, frequency and duration without advising what standards must be achieved to establish that compliance. My client needs the applicable standards in order to achieve compliance.

At this time, my client responds indicating there was no established odor on September 23, 2024 or September 26, 2024 that violated Rule 336.1901 in terms of intensity, frequency and duration.

While you were at the facility, it is clear that you and each person present detected a continuing and distinct odor from Acument. That odor was present during your entire site visit. When asked, you admitted to the Acument odor. However, you indicated it was not an issue.

Next, you and a facility Representative went to the exact location where the alleged odor was detected by you on September 26, 2024. This was done within 5-10 minutes of you saying there was a terrible odor at that location. At that time, you admitted there was no odor detected. These facts are confirmed by interviews and are reduced to signed Affidavits.

Based on the facts presented, there is no actionable odor on September 23, 2024 or September 26, 2024. Regardless, facility management will continue to monitor the odor situation with persons assigned to that task at all times the facility is operating. Any odors will be reported to management for further investigation. We will keep you advised on this process. We previously submitted a plan to conduct other facility modifications but that plan was rejected by your office as submitted. That plan was the result of a facility review by a disclosed expert.

We ask that this Notice be rescinded and held for naught. If not, we reserve the right to file a Declaratory Relief action in a Court of Competent jurisdiction to have this Notice stricken. As always, we remain willing to meet, perhaps at the site during operations, to discuss these matters.

In connection with the underlying Consent, IMC does not acknowledge this incident as an "Established Rule 901 Violation" as defined at 4.1.g. and as set forth at Section 5.7. The required investigation has been completed as set forth herein.

Very truly yours,



Robert Charles Davis

RCD
attachment



GRETCHEN WHITMER
GOVERNOR

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



PHILLIP D. ROOS
DIRECTOR

October 3, 2024

Philip Oliver, President
Industrial Metal Coating
6070 18 Mile Road
Sterling Heights, Michigan 48314

SRN: N5145, Macomb County

Dear Philip Oliver:

VIOLATION NOTICE

On September 26, 2024, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), conducted a complaint investigation near Industrial Metal Coating located at 6070 18 Mile Road, Sterling Heights, Michigan. The purpose of this investigation was to investigate a recent complaint which we received on September 23, 2024, regarding odors attributed to Industrial Metal Coating's operations.

During the inspection, staff observed the following:

Process Description	Rule/Permit Condition Violated	Comments
E-coat operations at Industrial Metal Coatings	Rule 336.1901	A distinct and definite objectionable odor (level 3) was detected downwind from the facility at the complainant's location due to the manufacturing operations at Industrial Metal Coatings. The odor was, intermittently, strong enough to cause a person to attempt to avoid it entirely (level 4).

In the professional judgment of AQD staff, the odors that were observed were of sufficient intensity, frequency and duration so as to constitute a violation of Rule 901 of the administrative rules promulgated under Act 451.

The AQD staff detected odors near commercial property directly to the west – southwest approximately 200 feet from Industrial Metal Coatings. AQD staff went inside the facility after the investigation and verified that the odors were coming from the facilities E-coat curing oven.

Philip Oliver, President
Industrial Metal Coating
Page 2
October 3, 2024

The cited General Condition number 6 of PTI number 25-16B8 is also enforceable as paragraph 5.7 of Consent Judgment, AQD number 2021-95-CE.

Please initiate actions necessary to correct the cited violation and submit a written response to this Violation Notice by **October 24, 2024** (which coincides with 21 calendar days from the date of this letter). The written 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 Adam Bognar at EGLE, AQD, Warren District, at 27700 Donald Court, Warren, Michigan 48092 or bognara1@michigan.gov and submit a copy to Jenine Camilleri, Enforcement Unit Supervisor at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760.

If Industrial Metal Coating 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 violation cited above and for the cooperation that was extended to me during my inspection of Industrial Metal Coating. 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,



Adam Bognar
Senior Environmental Engineer
Air Quality Division
586-854-1517

cc: Annette Switzer, EGLE
Christopher Ethridge, EGLE
Brad Myott, EGLE
Jenine Camilleri, EGLE
Joyce Zhu, EGLE
Kerry Kelly, EGLE

DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY

AIR QUALITY DIVISION

AIR POLLUTION CONTROL

(By authority conferred on the director of the department of environment, Great Lakes, and energy by sections 5503 and 5512 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.5503 and 324.5512, and Executive Reorganization Order Nos. 1995-16, 2009-31, and 2011-1, MCL 324.99903, 324.99919, and 324.99921)

**PART 9. EMISSION LIMITATIONS AND PROHIBITIONS -
MISCELLANEOUS**

R 336.1901 Air contaminant or water vapor; prohibition.

Rule 901. Notwithstanding the provisions of any other rule, a person shall not cause or permit the emission of an air contaminant or water vapor in quantities that cause, alone or in reaction with other air contaminants, either of the following:

- (a) Injurious effects to human health or safety, animal life, plant life of significant economic value, or property.
- (b) Unreasonable interference with the comfortable enjoyment of life and property.

History: 1980 AACCS; 2002 AACCS; 2015 AACCS.

R 336.1902 Adoption of standards by reference.

Rule 902. (1) The following standards are adopted by reference in these rules. Copies are available for inspection and purchase at the Air Quality Division, Department of Environment, Great Lakes, and Energy, P.O. Box 30260, Lansing, Michigan 48909-7760, at a cost as of the time of adoption of these rules (AQD price). Copies may also be obtained from the U.S. Government Publishing Office, 732 North Capitol Street, NW, Washington, DC 20401, or by accessing their online bookstore at <http://www.ecfr.gov> at a cost as of the time of adoption of these rules (GPO price). The standards can also be viewed or printed, or both, free of charge at <http://bookstore.gpo.gov>.

(a) "National Primary and Secondary Ambient Air Quality Standards," 40 CFR part 50 (2019), AQD price \$61.00/\$51.00 GPO price for part 50 to part 51.

(b) The following sections of "Requirements for Preparation, Adoption, and Submittal of Implementation Plans," 40 CFR part 51 (2019), AQD price \$61.00/\$51.00 GPO price for part 50 to part 51:

- (i) "Definitions," 40 CFR 51.100.
- (ii) "Legally enforceable procedures," 40 CFR 51.160.
- (iii) "Permit requirements," 40 CFR 51.165.
- (iv) "Prevention of significant deterioration of air quality," 40 CFR 51.166.
- (v) "Protection of Visibility," 40 CFR 51.301 to 51.309.
- (vi) "Emission Offset Interpretive Ruling," appendix S.
- (vii) "Recommended Test Methods for State Implementation Plans," appendix M.