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November 16, 2023

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Michigan Department of Environment, Great Lakes, and Energy
April Lazzaro, Air Quality Division
350 Ottawa Avenue NW, Unit 10
Grand Rapids, Michigan 49503

**Re: Wolverine Scrap Metal
1721 Chicago Drive SW
Grand Rapids, MI 49519**

Dear Ms. Lazzaro:

McShane & Bowie, P.L.C. represents Wolverine Scrap Metal (“WSM”) with regards to the Violation Notice they received on October 26, 2023.

WSM disputes EGLE’s conclusion that the torches they are using no longer meet the Permit to Install exemption contained in Mich Admin Code, R 336.1285(2)(j). The emission units have not been reconstructed. Cutting tips have been replaced due to wear and tear sustained in non-production dismantling. The torching units have had very minor repairs that do not alter their functionality or constitute a reconstruction.

WSM has previously produced to EGLE the records attached hereto as **Exhibit A**. These records are invoices related to torch expenditures in 2021 and 2022 for five (5) torching units. In 2021, WSM spent a total of \$356.00 on torch repair. All other invoices from 2021-2022 are for replacement cutting tips. The estimated cost to replace a single torch is \$1,400. WSM has spent less than 25% of the cost of a new torch in repairs.

The approximate cost to replace all five (5) torches that WSM uses is \$7,000. The grand total of all the invoices attached, including the costs of replacement cutting tips, is \$3,258.98 – which is less than 50% of the cost to replace all five (5) torches.

Subject to and without waiving its objection regarding Mich Admin Code, R 336.1285, WSM responds to the Violation Notice as follows:

Dates Violation Occurred: October 17, 2023

Explanation of the Causes and Duration of the Violation: The cause of the smoke and odor reported from the facility was torching that occurred outdoors on October 17, 2023. WSM has not conducted any torching since the site inspection on October 17, 2023.

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Whether the Violation is Ongoing: WSM has not conducted any torching since the site inspection on October 17, 2023. WSM maintains that they are exempt from permit requirement under Mich Admin Code, R 336.1285(2)(j). WSM would like to work with EGLE to obtain a date/time for interim torching activity while WSM applies for the appropriate permit, if needed.

Summary of Actions Taken and Proposed Actions: WSM has discontinued outdoor torching activities and will work with EGLE to obtain the appropriate Part 201 Permit to Install for all future outdoor torching activities, if needed.

Steps Being Taken to Prevent Recurrence: WSM has discontinued outdoor torching activities and will work with EGLE to obtain the appropriate Part 201 Permit to Install for all future outdoor torching activities, if needed.

WSM disputes the Violation Notice on the grounds they are exempt from permit requirement under Mich Admin Code, R 336.1285(2)(j). WSM is willing to work with EGLE to obtain a permit or otherwise resolve the violation, so they are in compliance with all applicable law.

Very truly yours,



Michelle H. Anthes

LAK

cc: Jenine Camilleri, EGLE