



GRETCHEN WHITMER
GOVERNOR

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



LIESL EICHLER CLARK
DIRECTOR

November 18, 2019

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

Mr. Matt Perko, Environmental Engineer
Edw. C. Levy Co.
51445 W. 12 Mile Road
Wixom, MI 48393

SRN: A8640 – Section 2, Wayne County

Dear Mr. Walker and Mr. Perko:

VIOLATION NOTICE

On April 9, 2019, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), conducted an investigation in response to a complaint of fallout in Dearborn which occurred sometime in the evening hours of April 7, 2019. The scope of the investigation included the operations at Edw. C. Levy Co. located at 4001 Miller Street, Dearborn, Michigan. Additionally, the AQD reviewed the desulfurization slag/kish watering records and 2018 Title V semi annual and annual deviation reports for Edw. C Levy Co. operations which were received on May 8, 2019. The purpose of this investigation and subsequent records review was to determine Edw. C. Levy Co.'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 Air Pollution Control Rules, and conditions of MI-ROP-A8640-2016a – Section 2.

During the complaint investigation and records review, staff observed the following:

Process Description	Rule/Permit Condition Violated	Comments
FGDESULFWTR-STN	General Condition 12(b) of ROP No. MI-ROP-A8640-2016a, Section 2 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

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FGDESULFWTR-STN	MI-ROP-A8640-2016a, Section 2, FGDESULFWTR-STN, S.C III.5	Failure to water the kish pots for a minimum of 24 hours on 4 days between December 28, 2018 and April 8, 2019
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Based on the analysis of the fallout sample, visual observation of the sample, the prevailing wind direction on the date the incident occurred, and past history of similar fallout incidents attributed to operations at Edw. C. Levy Co. desulfurization operations, AQD staff has determined Edw. C. Levy Co. is the most likely source of the fallout. In the professional judgment of AQD staff, the fallout observed during this investigation was sufficient as to constitute a violation of General Condition 12(b) of ROP No. MI-ROP-A8640-2016a, Section 2, and R 336.1901(b): an “unreasonable interference with the comfortable enjoyment of life and property.” A copy of the lab report is enclosed.

MI-ROP-A8640-2016a, Section 2, FGDESULFWTR-STN, S.C. III.5 requires the kish pots to be watered a minimum of 24 hours. Based on the records provided from December 28, 2018 through April 8, 2019, pots were not watered for the required 24 hour minimum on the following days:

- March 10, 2019 – 23 hours 49 minutes
- March 26, 2019 – 20 hours 57 minutes
- March 27, 2019 – 23 hours 25 minutes
- March 28, 2019 – 22 hours 00 minutes

Please initiate actions necessary to correct the cited violations and submit a written response to this Violation Notice by December 9, 2019 (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.

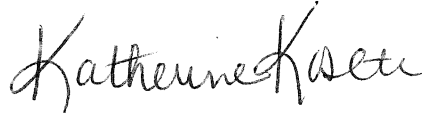
Please submit the written response to the EGLE, AQD, Detroit District, at 3058 West Grand Boulevard, Suite 2-300, Detroit, Michigan 48202 and submit a copy to Ms. Jenine Camilleri, Enforcement Unit Supervisor at the EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760.

If Edw. C Levy Co. 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.

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Thank you for your attention to resolving the violations cited above. 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,

A handwritten signature in black ink that reads "Katherine Koster". The signature is written in a cursive style with a large, prominent "K" at the beginning.

Katherine Koster
Senior Environmental Engineer
Air Quality Division
313-456-4678

Enclosure

cc: Mr. Paul Max, City of Detroit BSEED
Ms. Mary Ann Dolehanty, EGLE
Dr. Eduardo Olaguer, EGLE
Mr. Christopher Ethridge, EGLE
Ms. Jenine Camilleri, EGLE
Ms. Wilhemina McLemore, EGLE
Mr. Jeff Korniski, EGLE
Mr. Jonathan Lamb, EGLE