



GRETCHEN WHITMER
GOVERNOR

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



LIESL EICHLER CLARK
DIRECTOR

November 19, 2019

Mr. Tim Lazarz, Plant Manager
Edw. C. Levy Co., Plant 6
8800 Dix Avenue
Detroit, Michigan 48209

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

SRN: B4243, Wayne County

Dear Mr. Lazarz and Mr. Perko:

VIOLATION NOTICE

On April 9, 2019, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), conducted an inspection of Edw. C. Levy Co. Plant 6 located at 13800 Mellon St, Detroit, Michigan. The purpose of this inspection was to determine 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, conditions of MI-ROP-B4243-2016, and PTI 5-19.

During the inspection and subsequent records review, staff observed the following:

Process Description	Rule/Permit Condition Violated	Comments
EULEVYPLANT 6	MI-ROP-B4243-2016, EULEVYPLANT6, S.C. II.1	Exceedance of the 400 tons per hour raw material throughput limit on May 21, 2018
EULEVYPLANT 6	MI-ROP-B4243-2016, EULEVYPLANT6, S.C. III.1	Failure to comply with the minimum moisture content requirement for the 3X product throughout 2018
EUBOFSLAGPIT	MI-ROP-B4243-2016, EUBOFSLAGPIT, S.C. III.1 SIP Consent Order 18-1993 (Revised 9/9/94), Exhibit A	Failure to quench dumped slag with water before digging

EUBOFSLAGPIT	MI-ROP-B4243-2016, EUBOFSLAGPIT, S.C. VI.3	Failure to document that water sprays were not working and the reason for the failure during the required weekly inspections of the water spray systems on the slag pit dumping areas
SOURCEWIDE	MI-ROP-B4243-2016, Source-Wide Conditions, S.C. VII.4 SIP Consent Order 18-1993 (Revised 9/9/94), Paragraph 11	Failure to submit quarterly reports indicating that an operational requirement (i.e. spray water on the slag pits before digging) was not met
SOURCEWIDE	MI-ROP- B4243-2016, G.C. 19, 21, and 23 R 336.1213(3)(c) R 336.1213(4)(c)	Failure by the Responsible Official to report deviations of the above violations in the semi annual and/or annual deviation reports for CY2018 which should have been reported based on reasonable inquiry

MI-ROP-B4243-2016, EULEVYPLANT6, S.C. II.1 contains an hourly slag throughput limit of 400 tons per hour based on a calendar day average. Based on the January 2018 through March 2019 records, on May 21, 2018, the hourly slag throughput based on the calendar day average was 872 tons per hour.

MI-ROP-B4243-2016, EULEVYPLANT6, S.C. III.1 requires the permittee to maintain a minimum moisture content of 1.5 percent by weight in the raw materials and crushed stone. This is demonstrated by performing weekly sampling of each finished product storage pile ("crushed stone"). Based on the weekly records provided from January 2018 through March 2019, the 3X finished product did not meet the minimum moisture content on 18 weekly sampling events. Moistures ranged from 0.5 to 1.3 percent by weight.

MI-ROP-B4243-2016, EUBOFSLAGPIT, S.C. III.1 and SIP Consent Order 18-1993 require that the permittee shall quench the dumped slag with water sprays before digging. During the onsite inspection, it was observed that the water sprays on the slag pits were out of service yet slag was still being routinely dug from the pits. Additionally, the plant personnel stated that the sprays had not been operational for some time although a specific date was not provided when asked.

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MI-ROP-B4243-2016, EUBOFSLAGPIT, S.C. VI.3 states that the permittee shall conduct a periodic inspection at least once a week for the purpose of determining the operational condition of the water spray systems on the slag pit dumping areas and the pot knocking station, and if necessary, record the reason for the malfunction or failure noted from the inspection. Water spray system inspection records submitted by Edw. C. Levy Co. Plant 6 falsely indicate "pass" on every weekly check for the time period that was reviewed (January 2018 through April 8, 2019) yet the water sprays for the slag pits were not working during some of this time. This is a failure to accurately document the operational condition of the water sprays and a failure to record the reasons for malfunction or failure of the sprays as required.

MI-ROP-B4243-2016, Source-Wide Conditions, Condition VII.4 and SIP Consent Order 18-1993 (Revised 9/9/94), Paragraph 11, require the company to submit a quarterly report identifying each day in which an emission limit, operational requirement, or recording requirement, as specified in SIP No. 18-1993 (Revised 9/9/94) Exhibit A (Fugitive Dust Control Plan, Edward C. Levy Co. – Plant #6), was not met. This report shall, for each instance, explain the reason that the emission limit, operational requirement, or recordkeeping requirement was not met, the duration of the event, the remedial action taken, and a description of the steps which were taken to prevent a recurrence. These reports shall be submitted within 30 days following the end of the calendar quarter in which the data was collected. Watering the dumped slag with water sprays before digging is an operational requirement from SIP Consent Order 18-1993 (Revised 9/9/94), Exhibit A, and it was not being met. However, based on the records reviewed from January 2018 through March 2019, no quarterly reports have been submitted identifying each day in which this operational requirement was not met nor providing the additional required information.

Failure by the Responsible Official to report deviations of the cited violations in the ROP semi-annual and/or annual deviation reports for CY2018 regarding slag throughput, moisture content, and quarterly reporting is a violation of the AQD rules R 336.1213(3)(c) and R 336.1213(4)(c). These rules require the reporting of deviations not less than once every 6 months and the report to be certified by the facility's responsible official for its truth, accuracy, and completeness after reasonable inquiry and also require an annual certification of compliance from the facility's responsible official, excepting those deviations identified by the facility after reasonable inquiry, respectively.

Please initiate actions necessary to correct the cited violations and submit a written response to this Violation Notice by December 10, 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.

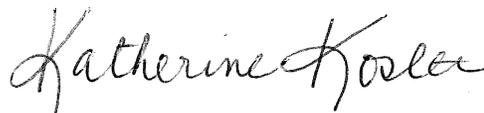
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Please submit the written response to the EGLE, AQD, Detroit District, at 3058 West Grand Boulevard, Suite 2-300, Detroit, Michigan 48202 and submit a copy to Ms. Jenine Camilleri, Enforcement Unit Supervisor at the EGLE, AQD, P.O. Box 30260, Lansing,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

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,



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

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