



July 3, 2014

Mr. Jonathan Lamb
Senior Environmental Quality Analyst
Michigan Department of Environmental Quality
Air Quality Division
3058 West Grand Boulevard, Suite 2-300
Detroit, MI 48202

Via Regular Mail and Email

RE: **M4545, Wayne County, AQD "Second Violation Notice" Dated June 23, 2014**

Dear Mr. Lamb:

This letter is in response to the "Second Violation Notice" dated June 23, 2014. Having reviewed the content of the "Second Violation Notice", we understand that it relates not to a second alleged violation of Part 55 of NREPA, but to the initial cited violation of May 21, 2014.¹ This "Second Violation Notice" expresses dissatisfaction with our June 19, 2014 response and seeks additional information. While we believed the June 19 response was adequate in light of the face-to-face meeting which had occurred between the facility and the Air Quality Division (AQD), we apologize for any misunderstanding.

In further response and as requested in the "Second Violation Notice", please understand that the facility disputes that it was creating a nuisance odor in violation of Rule 901 at the date and time in question. As previously indicated, at the time of the AQD observed event on May 21, 2014, both the EQ Director of Operations and the QEHS Manager were conducting an internal facility audit and did not detect strong odors which they could attribute to facility operations. As the facility was not made aware until the following day of any issue, the facility did not have the opportunity on May 21 to corroborate the perceptions of the AQD and investigate possible causes of a problem which may have existed at the time at the facility.

As the AQD is aware, complaints that this facility is creating a nuisance odor are not routine. In fact, to the best of the facility's knowledge, the May incident is the first time in approximately 10 years that the AQD has issued an NOV to the facility regarding nuisance odors. As nuisance odors are not reflective of normal facility operations, any odor issue of the type described in the Notice of Violation would have to arise from some atypical circumstance at the facility. Again, nothing atypical was noticed by the Director of Operations or the QEHS Manager during their audit on the afternoon of May 21st.

¹ While both the "Second Violation Notice" and the initial Violation Notice referenced an investigation into compliance with the requirements of the federal Clean Air Act, it is understood that R336.1901 is not federally enforceable.

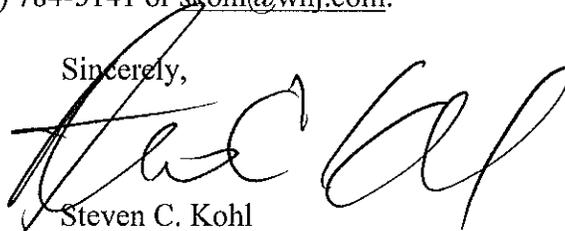
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AQD has requested information on waste processed on the day in question. Records as maintained by the facility of waste streams processed on May 21, 2014 (Process Batch Analysis) are enclosed with the hard copy of this letter.² The facility has examined these records and has not identified anything which it would consider atypical as compared to wastes processed on any other day. Please note that the facility does not maintain a record of the specific times during the day materials are processed. Hence, we can only advise that the materials were processed sometime between 7 A.M. and 9 P.M.³

Again, EQ Detroit takes compliance with environmental laws and regulations very seriously, including compliance with Rule 901. However, please recognize that as the facility cannot independently corroborate the observations of the AQD on May 21, 2014 and has not otherwise been able to identify any circumstance at its facility on May 21 that could have caused odors of the type described by the AQD, the facility is at a loss to identify any appropriate corrective measures. We would request that when and if in the future the AQD identifies nuisance odors which it attributes to the facility's operations that the AQD promptly advise the facility so that it may corroborate AQD's observations, initiate an investigation of possible causes, and promptly address any identified cause of the odor.

If you have any further questions, please contact Krystal Brown at (313) 347-1328 or krystal.brown@eqonline.com or me at (248) 784-5141 or skohl@wnj.com.

Sincerely,



Steven C. Kohl

cc via email: Lynn Fiedler - AQD
Teresa Seidel- AQD
Tom Hess - AQD

SCK/lbg
10854428

² As these records include information identifying commercial customers, waste streams and waste volumes, the EQ Detroit facility considers these records to include "Confidential Business Information" and the records are denoted as such.

³The facility maintains a record of the waste profile for each waste stream identified in the Process Batch Analysis. This record is voluminous and its contents are considered "Confidential Business Information". It is simply not practical to provide these records with this response but the records can be made available for AQD inspection upon request.