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August 13, 2018

Jonathan Lamb, Senior Air Quality Analyst  
Michigan Department of Environmental Quality  
Air Quality Division  
3058 W. Grand Boulevard  
Suite 2300  
Detroit, MI 48202

**RE: EQ Detroit, Inc. (DBA US Ecology – Detroit South) – Response to Violation Notice dated July 31, 2018 and August 8, 2018 – Alleged Nuisance Odors on July 17, 2018 and August 2, 2018, consecutively**

Dear Mr. Lamb:

This correspondence is US Ecology – Detroit South’s (USE-DS) response to the Violation Notices (VNs) dated July 31, 2018 and August 8, 2018 regarding odors allegedly from USE-DS’s operations and in violation of PTI No. 269-04E; General Condition 6 and R336.1901(b) on July 17, 2018 and August 2, 2018, consecutively. Inspections conducted by MDEQ-AQD in response to complaints reportedly found a moderately strong (level 3), persistent lime dust and chemical-type odors attributable to USE-DS’s operations, impacting areas downwind of the facility on July 17, 2018. And inspections conducted by MDEQ-AQD in response to complaints on August 3, 2018 reportedly found a moderate to strong (Level 3 and 4), persistent lime dust and chemical-type odors attributable to USE-DS’s operations, impacting areas downwind of the facility.

Prior to these consecutive Violation Notices (VNs), USE-DS received only two odor VNs in the past year. The most recent being on June 8, 2018 and the one prior to that on August 15, 2017. USE-DS requested a meeting with your office to discuss odors, including, how complaints are reviewed, the efforts that have been taken by USE-DS to reduce odors, what MDEQ’s expectations are regarding the subjective language in Rule 901, and what MDEQ would recommend for USE-DS in regard to dealing with the odor violations.

The requested meeting took place on August 2, 2018 (attendees included: Jon Lamb MDEQ, Todd Zynda MDEQ, Dan Belisle USE, Raymond Landsberg USE-DS, and Tabettha Peebles USE-DS). USE-DS started off the meeting by summarizing the fact that there have been few violations in the past year. At the time the meeting was originally scheduled there were only two violations, August 2017 and June 2018. A third and fourth violation, which this letter is in response to, were issued on July 31, 2018 and August 8, 2018.

The premise of the meeting began around the fact that USE-DS understands that AQD has a job to do but the escalation to enforcement seems abrupt. This brought on discussion around when AQD draws the line and determines when to issue a violation. AQD stated that once an odor complaint is received they will go to the area and investigate (during reasonable hours of the day). If the odor is downwind of the facility, having an odor level of 3 or more at the complainants property even if fleeting or intermittent, and it is consistent throughout the time of the inspection (1-3 hours) then they will issue a violation. It was also noted that the farther away the odor is from the facility the more likely they will issue a violation.

Rule 901, which USE-DS was cited for in the violation notice, states “a person shall not cause or permit the emission of an air contaminant in quantities that cause injurious effects to human health and property, or the unreasonable interference with the comfortable enjoyment of life and property” was discussed as well. The underlined section was specifically called out as being the reason for the violations USE-DS has received to date. The question was posed by USE-DS as to the definition of “unreasonable interference” but discussions proved it is very subjective and not easily defined. For each of the VNs issued, there was USE-DS personnel on-site, specifically in the Chem-fix building, whom did not find offensive odors from the process at the time of the complaints. Therefore, making it unclear as to “the unreasonable interference with the comfortable enjoyment of life and property”.

AQD was very forthcoming and let USE-DS know that measures must be taken to reduce the odors from USE-DS. Additionally, AQD felt the construction of the new jail, resulting in an increased presence in the area, will likely force measures to be taken through the court if it is not resolved by the time it is built. This led to discussion on what could/should be done and to what extent. AQD recommended USE-DS have an odor evaluation conducted. Once the evaluation is complete there are recommendations on how to reduce odors. AQD feels this would be the best approach. Therefore, as suggested, USE-DS met with RWDI Consulting Engineers out of Winsor, ON on August 13, 2018. Based on the information discussed USE-DS has requested a meeting with MDEQ and RWDI to determine the scope and ultimate goal of the odor survey.

USE-DS takes odor management very seriously and remains thorough in its efforts to prevent nuisance odors by scrutinizing waste profiles prior to approval, proactively monitoring for odors offsite, and continuing routine preventative maintenance on the baghouses and odor neutralizing system. USE-DS appreciates MDEQ's assistance in these efforts by notifying us of potential issues and following-up with investigations. In order to enable USE-DS to respond most effectively to odor concerns, we ask that MDEQ continue to notify Raymond Landsberg, General Manager, and Tabetha Peebles, Environmental Compliance Manager, as soon as possible with all essential details when any odor complaint potentially relating to USE-DS is received. This will allow USE-DS to immediately investigate and potentially respond to the complaint and report the results back to MDEQ.

If you have questions concerning this response, please feel free to contact Tabetha Peebles at (313) 347-1328.

Sincerely,



Raymond Landsberg  
General Manager

Enclosures

cc (via email):

Paul Max, City of Detroit, BSEED  
Rich Conforti, MDEQ  
Todd Zynda, MDEQ  
Mary Ann Dolehanty, MDEQ  
Craig Fitzner, MDEQ  
Christopher Ethridge, MDEQ

Jenine Camilleri, MDEQ  
Wilhemina McLemore, MDEQ  
Jeff Korniski, MDEQ  
Tracy Kecskemeti, MDEQ  
Jeannette Noechel, MDEQ  
Andrew Bertapelle, MDEQ