



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING DISTRICT OFFICE



DAN WYANT
DIRECTOR

September 2, 2015

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Mr. Jason Roughton
RJ Torching, Incorporated
5061 Energy Drive
Flint, MI 48505

SRN: N7885, Genesee County

Dear Mr. Roughton:

VIOLATION NOTICE

On August 27, 2015, the Department of Environmental Quality (DEQ), Air Quality Division (AQD) conducted visible emissions readings at your facility located at G5167 North Dort Highway, Flint. The purpose of this inspection was to determine your facility'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 administrative rules and to investigate recent complaints which we received on July 24, 2015, July 30, 2015, August 11, 2015, and August 12, 2015 regarding dense colored smoke and odors attributed to your facility's operations.

As a result of the evaluation on August 27, 2015, the following air pollution violations were identified:

Process Description	Rule/Permit Condition Violated	Comments
Torch cutting of scrap metal	Rule 301	Smoke from the torch cutting operations exceeded opacity of 20 percent.
Torch cutting of scrap metal	Rule 901	Level 4 odors and smoke engulfed Dort Highway and neighboring area to the east.
Torch cutting of scrap metal	Administrative Consent Order EPA 5-15-113(a)-MI-02, paragraph 23	Opacity exceedances shows lack of or insufficient training.
Torch cutting of scrap metal	Administrative Consent Order EPA 5-15-113(a)-MI-02, Appendix A, paragraph 8	Operators torching materials giving high visible emissions.
Torch cutting of scrap metal	Administrative Consent Order EPA 5-15-113(a)-MI-02, Appendix A, paragraph 10	SPARCS unit was not operating, or ineffective.
Torch cutting of scrap metal	Administrative Consent Order EPA 5-15-113(a)-MI-02, Appendix A, paragraph 19	SPARCS unit was not operating, or ineffective.

During this evaluation, it was noted that your company's torch cutting processes were emitting opacity in excess of emissions allowed by Act 451, Rule 301. Enclosed are copies of the instantaneous and six-minute average readings taken on August 27, 2015, from 12:35 pm to 1:00 pm. It should be noted, that this timeframe is not the only times in which opacity was witnessed on this date, but rather the times it was read and documented using Method 9 analyses.

In addition, previous opacity was observed on the dates of July 23, 2015 and July 24, 2015, by DEQ staff and although Method 9 readings were not taken on those days it is the professional judgment of AQD staff that the visible emissions observed were excessive.

Also, it is the professional judgment of AQD staff, that the odors and smoke observed on August 27, 2015, were of sufficient intensity, frequency, and duration so as to constitute a violation of Rule 901. The AQD staff detected odors and smoke obscuring the road at 5040 South Dort Highway which is within 0.25 miles of a residential area and within 0.50 miles of an elementary school. The odor was classified as a level 4 odor, which is defined as "strong enough to cause a person to attempt to avoid it completely".

The cited is also enforceable of EPA Consent Order 5-15-113(a)-MI-02, paragraph 23 and paragraphs 8, 10, and 19 of Appendix A.

Paragraph 23 of the consent order requires "a training program and shall require all of its employees who conduct torch cutting, in addition to the appropriate supervisors and managers, to complete training on all aspects of the best management practices for torch cutting operations as described in Appendix A". Based on my observations, this training was either not conducted or insufficient to fulfill the intent of this order.

Appendix A, paragraph 8 states: "RJ shall ensure that its employees are aware of what materials are likely to produce higher VE's when torch cut and shall develop protocols to manage VEs when cutting those materials. Based on my observations, awareness of materials that produce higher VEs was either ignored or unknown to the torch operator.

Appendix A, paragraph 10 states: "RJ shall utilize the SPARCS units, which are designed to reduce opacity from torch-cutting operations." Observations of torching were made without the use of SPARCS equipment.

Appendix A, paragraph 19 states: "RJ shall conduct torch cutting in a SPARCS unit at any time when, due to the scraps metallurgical properties and size, emissions are expected to exceed the VE limit in R336.1301(1)(a) of the Michigan SIP." Observations of torching were made without the use of SPARCS equipment.

Please initiate actions necessary to correct the cited violations and submit a written response to this Violation Notice by September 16, 2015. 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.

If RJ Torching 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 telephone number listed below.

Sincerely,



Nathan Hude
Environmental Quality Analyst
Air Quality Division
517-284-6779

NNH:TG

Enclosures

cc: Mr. Brad Myott, DEQ
cc/via e-mail: Ms. Sarah Marshall, EPA
Ms. Lynn Fiedler, DEQ
Ms. Teresa Seidel, DEQ
Mr. Thomas Hess, DEQ
Ms. Mary Douglas, DEQ