



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING DISTRICT OFFICE



LIESL EICHLER CLARK
DIRECTOR

February 15, 2019

CERTIFIED MAIL

Mr. Jason Roughton, President
RJ Industrial Recycling
5061 Energy Drive
Flint, MI 48505

SRN: N7885, Genesee County

Dear Mr. Roughton:

VIOLATION NOTICE

On December 21, 2018, the Department of Environmental Quality (DEQ), Air Quality Division (AQD), conducted an inspection of RJ Torching, Inc. (RJ Torching) located at G-5167 North Dort Highway, Flint, Michigan. The purpose of this inspection was to determine RJ Torching'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 to investigate a recent complaint which we received on December 20, 2018, regarding smoke attributed to RJ Torching's operations.

During the inspection, staff observed the following:

Process Description	Rule/Permit Condition Violated	Comments
Torch cutting of metal being conducted outside.	Rule 201.	Three torch cutting processes were being operated outdoors. These processes did not meet the Rule 285(2)(j) exemption criteria.

Rule 285(2)(j) exempts the following equipment from the requirement to obtain a Permit to Install:

- (j) Portable torch cutting equipment that does not cause a nuisance or adversely impact surrounding areas and is used for either of the following:
 - (i) Activities performed on a non-production basis, such as maintenance, repair, and dismantling.
 - (ii) Scrap metal recycling and/or demolition activities that have emissions that are released only into the general in-plant environment and/or that have externally vented emissions equipped with an appropriately designed and operated enclosure and fabric filter.

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The three torch cutting processes being operated at the time of the inspection did not meet the exemption criteria for Rule 285(2)(j)(ii). This is considered a violation of DEQ Rule 201 of the administrative rules promulgated under Act 451.

On February 13, 2019, a representative from RJ Torching met with staff from the AQD Permit Section, and with staff from the AQD Lansing District office. The subject was permitting vs. use of the Rule 285(2)(j) exemption for RJ Torching's two permanent sites, in Flint and Battle Creek. District staff explained that outdoor torch cutting without enclosure and control was no longer an acceptable option.

A program for compliance may include a compliance plan to meet the Rule 285(2)(j)(ii) exemption criteria.

Please initiate actions necessary to correct the cited violation and submit a written response to this Violation Notice by March 8, 2019, (which coincides with 21 calendar days from the date of this letter). The written response should include: the dates the violation occurred; an explanation of the causes and duration of the violation; whether the violation is ongoing; a summary of the actions that have been taken and are proposed to be taken to correct the violation 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 DEQ, AQD, Lansing District, at Constitution Hall, 525 West Allegan Street, First Floor South, P.O. Box 30242, Lansing, Michigan 48909 and submit a copy to Ms. Jenine Camilleri, Enforcement Unit Supervisor at the DEQ, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760.

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 violation cited above and for the cooperation that was extended to me during my inspection of RJ Torching. If you have any questions regarding the violation or the actions necessary to bring this facility into compliance, please contact me at the number listed below.

Sincerely,



Daniel A. McGeen
Environmental Quality Analyst
Air Quality Division
517-284-6638

cc: Ms. Mary Ann Dolehanty, DEQ
Dr. Eduardo Olaguer, DEQ
Mr. Christopher Ethridge, DEQ
Ms. Jenine Camilleri, DEQ
Mr. Brad Myott, DEQ