

# Response to Comments Document

## APPLICANT DETAILS

**Company:** AmeriTi Manufacturing, LLC (AmeriTi)

**Location:** 19300 Filer Avenue, Detroit, Michigan

**Application No.:** APP APP-2022-0124

**Permit No.:** 549-97D

### Project Description:

AmeriTi requested the following changes to their current air use permit (also referred to as a Permit to Install or PTI), No. 549-97C:

- Increase the allowed amount of metal processed in their existing powder manufacturing process.
- Replace control devices for the existing powder processes and one of the existing crushers.
- Remove equipment formerly owned by AmeriTi because it is now owned and operated by a different nearby company. The removed equipment is now covered under PTI No. 20-23.

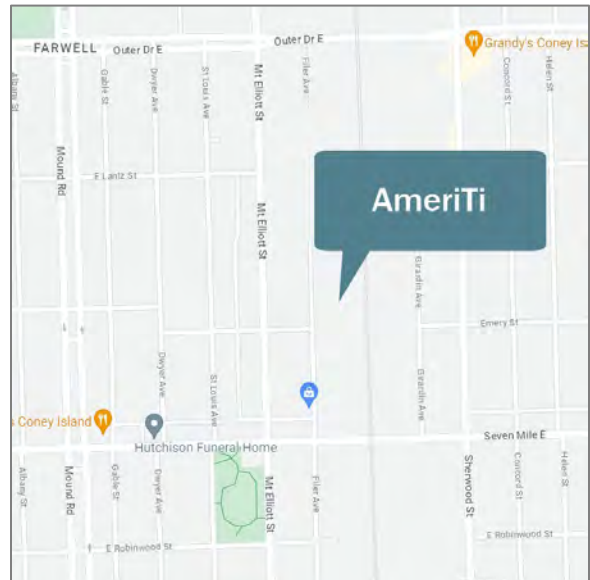


Figure 1: Location of AmeriTi facility

## DECISION MAKER

The decision maker for this project is Annette Switzer, Director of the Air Quality Division (AQD) for the Michigan Department of Environment, Great Lakes, and Energy (EGLE or Department).

## PURPOSE

The purpose of the Response to Comments document is to discuss the public participation process for AmeriTi's project, detail the comments received during the comment period and our responses, and discuss the changes made, if any. In addition, the document contains the decision maker's final decision on the proposed project.

## PUBLIC PARTICIPATION PROCESS

The public participation process involved providing information for public review including a [summary about the proposed project](#), a [technical fact sheet](#), and [proposed permit terms and conditions](#); a public comment period; a virtual informational meeting; a virtual public hearing; and the receipt of written and verbal public comments on staff's analysis of the application and the proposed permit.

On June 21, 2023, the AQD communicated about the public comment period in the following ways:

- Copies of the [Notice of Air Permit Public Comment and Public Hearing](#) and supporting documents were posted at [Michigan.gov/EGLEAirPublicNotice](https://Michigan.gov/EGLEAirPublicNotice).
- Five persons who had previously expressed interest and had provided a complete email address were emailed information about the public comment period in an interested party letter.
- A notice announcing the public comment period, the virtual public informational meeting, and the virtual public hearing was placed in the Michigan Chronicle. The notice provided pertinent information regarding the proposed action; the locations of available information; a telephone number to request additional information; the date, time, and location of the virtual public informational meeting and public hearing; the closing date of the public comment period; and the address where written comments were being received.

The public informational session was held online on July 27, 2023, and approximately 19 people attended. A panel of representatives from the AQD was available to answer questions regarding the proposed project. The meeting began at 6:00 pm and concluded at approximately 7:00 pm.

Following the informational session, a virtual public hearing was held the same night. The hearing began at 7:00 pm with Jenifer Dixon as the hearings officer and Annette Switzer as the decision maker. Only comments on the proposed permit action were received. Approximately 19 people were in attendance at the public hearing with 4 people providing oral comments. The public hearing concluded at 7:30 pm.

In total, six sets of comments were received during the comment period. That includes those received at the virtual public hearing and via other methods.

## **SUMMARY OF COMMENTS RECEIVED AND AQD'S RESPONSE**

The remainder of this document is a listing of the comments received during the public comment period and the virtual public hearing and the Department's response. The first section discusses the comments received that resulted in changes to the final permit terms and conditions, if any, and the basis for each change. The last section discusses the Department's response to all other significant comments not resulting in changes to the final permit.

### ***Comments resulting in changes to the final permit***

No changes were made to the final permit as a result of comments received.

### ***Summary of significant comments***

This section summarizes the comments received during the comment period that did not result in changes to the final permit. The section is sorted by the type of comment, or what topic the comment was related to.

## A. Air Toxics and Risk Assessment

### 1. Comment

The AQD should consider the public health impacts of cumulative exposure. Many small sources can have combined impacts which pose real hazards.

#### AQD Response:

Although the AQD does not have the ability to do cumulative impact analysis incorporating all ways a person may be exposed to pollutants, reviewing compliance with the United States Environmental Protection Agency's (USEPA) National Ambient Air Quality Standards (NAAQS) does consider the existing presence of certain pollutants from nearby sources, including small sources, and the ambient (outdoor) air. The NAAQS are health-based standards designed to be protective of sensitive populations. The pollutants with NAAQS are carbon monoxide, lead, sulfur dioxide, ozone, nitrogen dioxide, particulate matter equal to or less than 10 microns, and particulate matter equal to or less than 2.5 microns (PM2.5). The AQD's review of AmeriTi's proposal determined there would not be any exceedances of these standards.

The AQD's toxics rules provide limited opportunities to combine multiple air toxics into the review and to account for background levels. Although unable to look at cumulative risk for air toxics in a way the commentors were referring to, the AQD does look at risk in the way our current process allows.

### 2. Comment

Several commentors expressed concern about the increases in allowed toxic air contaminants known to cause cancer. How can the AQD allow this increase?

#### AQD Response

When the AQD evaluates a proposed permit, like the one for AmeriTi, we ensure any issued permit meets all applicable rules and regulations, including those designed for health protection for all people, including sensitive individuals.

The AQD has methodologies on determining health-based screening levels that can be found in [Rules 229 through 233 of the Michigan Air Pollution Control Rules](#). Creating health-based screening levels consider federal laboratory research and the timeframes of exposure (ex. continuous exposure over an annual (8,760 hr/yr period)).

To determine whether AmeriTi's proposed emissions meet the health-based screening levels, a computer model was created of the facility and reviewed by the AQD. The model accounted for the worst-case emissions based on proposed restrictions, as well as local meteorology, surrounding terrain, and local turbulence resulting from air currents passing over facility structures. A computer program analyzed the model to predict the maximum ambient air concentration resulting from the facility at various time intervals. As the impact of each specific contaminant was below its corresponding health-based screening level, all proposed impacts were considered protective of human health and the environment.

The model generated from reviewing this application showed maximum impacts landing slightly east of the facility, where the land use is for industrial purposes. This is land that is not utilized or accessed by the public. Land use was considered in determining whether the project passed the health-based screening levels. If any industrial land impacted by AmeriTi's proposal is rezoned to be utilized in other ways (such as residential areas), AmeriTi *must* re-demonstrate how the facility will comply with Michigan's air toxics rules.

## B. Emergencies and Safety Concerns

### 1. Comment

Who should I contact to report a pollution emergency?

#### AQD Response

In addition to your local police and fire departments, you may call the Pollution Emergency Alerting System (PEAS) at 1-800-292-4706. This telephone number is operated by EGLE and is staffed 24 hours per day. Information received by the PEAS operator is quickly forwarded to the appropriate agencies.

## C. Dispersion Modeling

### 1. Comment

A commenter had concerns about the alleged falsification of records or otherwise not complying with the existing or proposed permit requirements. Since the modeling performed for this application assumes the facility's material and operational limits remain at or below a proposed rate, what additional allowances or variables were considered in the modeling in an instance where the company fails to comply with permitted limits?

#### AQD Response

Computer modeling was used by the AQD in review of the application to determine that all applicable state and federal air quality standards will be met. The modeling was based upon specific parameters included as conditions in the permit, including emission limits, production limits, and exhaust stack parameters. As long as AmeriTi operates in compliance with the requirements in the permit, they will comply with all applicable state and federal air quality standards on an on-going basis. Because the permit contains such restrictions, the AQD does not evaluate activities and emissions beyond those allowed. The permit requires AmeriTi to keep emissions and operational records to show that they are operating within the parameters of the permit. If they are found to be exceeding their allowed operating parameters, they will be cited as being in violation. If this occurs, the AQD may take enforcement action against the facility.

## D. Odor Concerns

### 1. Comment

Who should I contact to report odors?

### AQD Response

We encourage individuals to report odors during business hours to the Detroit District Office at 313-456-4681 or through EGLE's Environmental Assistance Center at 1-800-662-9278. During non-business hours, we encourage individuals to call the Pollution Emergency Alerting System (PEAS) at 1-800-292-4706. AQD district staff strive to respond to odor complaints in a timely manner, we acknowledge there are times when we are not able to respond, or we arrive after an odor event has ended.

## E. Monitoring Requirements

### 1. Comment

There is a concern about the allowed particulate emissions. The commentor stated that the emissions can be visible and that they can see the fallout of metal.

### AQD Response

Although the comment did not provide more detail on possible equipment responsible, the AQD believes the replacement of control devices, called wet scrubbers, for the powders manufacturing processes and one of the crushers will improve the overall air quality and reduce particulate emissions. Wet scrubbers are designed to remove particulates from the air.

## F. Process/Operational Limits

### 1. Comment

One commentor requested the AQD deny AmeriTi's request to increase their production limit and to instead further restrict their allowed production. This would allow less opportunity by AmeriTi to further pollute an already overburdened area.

### AQD Response

The AQD reviews applications based on whether a company's proposal complies with all applicable state and federal regulations designed to protect human health and the environment. In this case, AmeriTi's request to increase their production complies with the applicable regulations. The AQD does not have legal authority to deny a permit if the proposal complies with all applicable standards and the company is able to comply with their air permit requirements.

## G. Permit Review Process

### 1. Comment

Environmental justice should be taken into consideration.

#### AQD Response

During permit application review, the AQD followed all EGLE policies and procedures regarding public participation including a review for Limited English Proficiency. The AQD used USEPA's EJSCREEN to evaluate a 1-mile radius around the facility to determine if translation services were needed. Based on the information from this evaluation, and in consultation with EGLE's [Limited English Proficiency Plan](#), it was determined translation services were not needed.

In addition, this screening tool can help inform the department about community stressors, and the AQD uses this information to better understand the community. The AQD strives to protect the health and welfare of all citizens of the State of Michigan. State and federal air quality standards have been established that are designed to be protective for all segments of society, including the most sensitive. The AQD has determined that the permit, as approved, will meet all applicable air quality standards.

### 2. Comment

Why is the AQD not considering the emissions of both Tri Tech and AmeriTi in the review process?

#### AQD Response

Per AQD Policy and Procedure [AQD-011: Stationary Source Determination](#), AmeriTi and TriTech are considered two different companies. The AQD must evaluate an application based the applicant's on proposed emissions.

## H. Enforcement

### 1. Comment

The permit should be denied based upon the company's past record of compliance.

#### AQD Response

The AQD does not have the legal authority to deny issuance of a permit if the applicant has demonstrated that they will comply with all of the applicable regulatory requirements that they are subject to. Please note, AmeriTi is currently in compliance with its existing permit, PTI 549-97C.

## 2. Comment

Several commenters claimed that AmeriTi is getting out of their consent decree with the creation of TriTech. What happened to AmeriTi's consent decree?

### AQD Response

AmeriTi's Consent Order, Consent Order AQD No. 2019-16, was terminated on October 21, 2021. The termination of the Consent Order occurred prior to April 2022 when TriTech was formed and AmeriTi was purchased by Kymera International, meaning the changes were unrelated to the Consent Order. To void the Consent Order, the company had to show they were in compliance for a length of time. Compliance was verified by AQD staff.

## I. Miscellaneous

### 1. Comment

Several comments were about the relationship between AmeriTi and nearby company, TriTech. For context, TriTech does investment casting, metal injection, molding, and 3D binderjet printing and used to be part of AmeriTi. Commenters stated TriTech is operating within an AmeriTi owned building and AmeriTi owned property. Comments stated TriTech's owner, who used to own AmeriTi, is still actively involved in AmeriTi's operations. The TriTech and AmeriTi separation is not necessarily true and this is a ploy to allow the company to emit more to the surrounding area. It is believed that TriTech and AmeriTi do the same thing, and the two companies should be considered one facility for air permitting purposes.

### AQD Response

Under AQD Policy and Procedure [AQD-011: Stationary Source Determination](#), if any of the listed criteria do not apply, the entities should be treated as separate stationary sources:

1. *Evaluate the spatial relationship if multiple properties are involved, i.e., are they "adjacent or contiguous?"*
  - a) Yes, the two companies are adjacent or contiguous to each other.
2. *Evaluate the "control" relationship, i.e., are the entities "under the control of the same person?"*
  - a) In looking at control, we consider the definition of "restraining or directing influence over," "to have power over," "power of authority to guide or manage," and "the regulation of economic activity." The policy also references USEPA, "*If after asking the obvious control questions the permit authority has any remaining doubts, it may be necessary to look at contracts, lease agreements, and other relevant information ...*"

Neither facility appears to have control over or have decision making authority of the other. Therefore, it appears step 2 of the policy does not apply to this situation, meaning that TriTech and AmeriTi are considered two stationary sources.



## 2. Comment

Several comments were about AmeriTi's existing poor relationship with the surrounding community. AmeriTi has not been receptive to the community's concerns and has acted like the residents do not exist. EGLE should require AmeriTi to work with concerned residents to address the concerns of the community.

### AQD Response

The AQD encourages facilities, such as AmeriTi, to engage with their local communities. However, the AQD has no regulatory authority to compel the facilities to work with local community members.

## 3. Comment

One commentor was concerned about the nearest air monitoring station being 2 miles southwest of the facility and nearby residents. It is only checked every 6 days. Is this monitor covering the local community around AmeriTi?

### AQD Response

Ambient air monitoring stations are placed according to USEPA requirements and are used to assess the pollution levels in the outside air for a geographical area. For emissions of PM2.5, that geographical area is much larger than 2 miles; therefore, the monitor provides coverage to the community.

This air monitoring station closest to AmeriTi measures many air pollutants, including PM2.5. PM2.5 is currently measured at this station every 6 days, which is complying with the USEPA's recommendations. This monitor is scheduled to be upgraded to a continuous PM2.5 monitor later this year.

More information on EGLE's ambient air monitoring stations, including links to the near-real time data, is available at our [AQD Air Monitoring](#) website.

## 4. Comment

One commentor expressed concern about employees of AmeriTi, some of them residents of the surrounding community, being exposed to poor air quality, and EGLE's jurisdiction not including the employees onsite. They believe the air quality of employees when working onsite should not be delegated to the Michigan Occupational Safety and Health Administration (MIOSHA), but to EGLE.

### AQD Response

The AQD's rules and regulations are in place to ensure industrial facilities comply with limits of emissions exiting the facility. MIOSHA is responsible for ensuring workers are safe from workplace hazards, like levels of air pollutants in the facility. We share concerns about air quality conditions onsite with MIOSHA when we are doing site inspections, if warranted.



## 5. Comment

It feels like EGLE is “permit pushing” air permit applications and only resolving violations by making companies retest repeatedly until they are somehow back within the limits. EGLE and the USEPA should be more concerned about this facility.

### AQD Response

The AQD cannot recommend a permit for approval if it is determined that the proposal cannot comply with all applicable state and federal air rules and regulations. The company’s proposed application is reviewed and any information not meeting the regulations is questioned and challenged. In that case, a company must change the way they plan to install and operate their equipment to meet requirements or else the proposed permit conditions cannot be completed.

Resolving air pollution problems and violations is done by encouraging voluntary compliance and by implementing timely and appropriate compliance programs. Most violations are resolved like this, including most of the past violation notices issued to AmeriTi. However, enforcement actions against noncompliant sources may be initiated to ensure continued compliance with federal and state air pollution control regulations. When the AQD enters into an enforcement action with a facility, the action typically results in a legally binding agreement between the AQD and the facility which contains a monetary penalty and a compliance plan. This is what was done when the company installed equipment without a permit. The action resulted in Consent Order AQD No. 2019-16 between the AQD and AmeriTi.

## 6. Comment

One commenter requested further consideration of reducing emissions from a buffering standpoint.

### AQD Response

The AQD believes the commenter is referring to buffering as defining a minimum distance between residential and commercial/industrial properties by adding dedicated space or structures, such as adding greenspace. Buffering is something that is done and enforced through local government. The AQD has no legal authority to require buffering and cannot do this through the permitting process.

## 7. Comment

One commentor expressed concerns about the discharges to city sewers at Outer Dr and Van Dyke, planned by Oakland and Macomb Great Lakes Water Authority. These concerns included how AmeriTi’s emissions would affect the water supply and the sewers emitting odors and contaminants.

**AQD Response**

EGLE's Water Resources Division ensures that water treatment processes comply with state and federal requirements. In addition, the AQD does not have authority over emissions from the sewers.

If there are odors from or concerns about the sewers, you may contact the Environmental Assistance Center at 1-822-662-9278 with concerns.

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