



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF  
ENVIRONMENT, GREAT LAKES, AND ENERGY  
LANSING



LIESL EICHLER CLARK  
DIRECTOR

September 9, 2022

VIA UPS NEXT DAY DELIVERY

**ENFORCEMENT NOTICE**

In the matter of:

Edw. C Levy Company  
8800 Dix Avenue  
Detroit, Michigan 48209

SRN: B4243; Wayne County

ATTENTION: J. Keith Walker II, General Manager of Operations

This letter is to advise you of the commencement of an escalated enforcement action against Edw. C Levy Company (Company) for alleged fallout violations at the Plant 6 facility, located at 13800 Mellon Avenue in Detroit. On multiple occasions, the AQD staff detected fallout beyond the facility's property line that was attributable to the facility and of sufficient magnitude to constitute an unreasonable interference with the comfortable enjoyment of life and property. This letter follows the November 21, 2018, July 16, 2019, September 12, 2019, December 21, 2020, November 8, 2021, and August 12, 2022, Violation Notices issued by the Michigan Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), which detailed violations of Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), MCL 324.5501 *et seq.*; Rule 901 of the Michigan Air Pollution Control Rules, Mich Admin Code, R 336.1901; and the Company's Renewable Operating Permit No. MI-ROP-B4243-2016, General Condition 12(b).

In addition, on March 8, 2022, the AQD issued an Enforcement Notice to the Company for alleged violations of Rule 901 for nuisance odors from operations at its facility with the SRN A8640, located at 4001 Miller Road in Dearborn. Negotiations of a legally enforceable agreement to resolve the alleged nuisance odor violations are ongoing. The AQD is providing the Company with an opportunity to enter into one legally enforceable agreement that resolves both the alleged fallout and nuisance odor violations and includes a compliance program and payment of an appropriate monetary penalty pursuant to Section 5528 of Part 55 of NREPA, MCL 324.5528.

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Be advised that failure to respond to this Enforcement Notice in a timely manner and adequately resolve or address the cited violations may result in further enforcement proceedings, including but not limited to, referral of the matter to the Michigan Department of Attorney General (MDAG) for commencement of civil litigation. This Enforcement Notice does not preclude or limit EGLE's ability to initiate any other enforcement action under federal or state law as appropriate.

Please contact me at 517-275-0883, or by email at MoranE@Michigan.gov, no later than September 19, 2022, to schedule a meeting to discuss the resolution of this matter.

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENT, GREAT  
LAKES, AND ENERGY

By:   
Erin Moran  
Air Quality Division, Enforcement Unit

Date: 9/9/2022

cc: Sarah Marshall, U.S. Environmental Protection Agency, Region 5  
Margaret Bettenhausen, MDAG  
April Wendling, EGLE  
Jeff Korniski, EGLE  
Jenine Camilleri, EGLE  
Katherine Koster, EGLE  
Zayd Sufyan, Edw. C Levy Company