



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
DETROIT



C. HEIDI GREYHER
DIRECTOR

November 7, 2016

Mr. Thomas Smith, General Manager
Edw. C. Levy Company
8800 Dix Avenue
Detroit, Michigan 48209

SRN: B4243, Wayne County

Dear Mr. Smith:

VIOLATION NOTICE

On September 16, October 5, and October 10, 2016, the Department of Environmental Quality (DEQ), Air Quality Division (AQD), conducted investigations in response to citizen complaints regarding fallout incidents in Melvindale. Due to the wind direction and proximity to the complainants' addresses, AQD staff identified Edw. C. Levy Plant 6 located at 13800 Mellon Street as a potential source. The purpose of the investigations was to determine Edw. C. Levy'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 Renewable Operating Permit (ROP) No. MI-ROP-B4243-2016.

During the investigations, AQD staff observed fallout on Wall Street and Flint Street located to the southwest of Edw. C. Levy Plant 6. As a courtesy, AQD notified your staff of the complaints on October 5, 2016 and October 12, 2016. Samples were collected at the complainants' properties on September 16, October 5, and October 10, 2016. Additionally, AQD had a reference sample of the BOF slag from Edw. C. Levy Plant 6. All samples were sent to a laboratory for microscopic examination. The attached lab results show the fallout samples are similar in appearance to the reference sample. Also, the fallout samples contain substantial amounts of unfused ash, magnetic particles, and slag which are consistent with materials handled during slag processing at Edw. C. Levy's Plant 6. Meteorological data indicates that the complainants were downwind of Edw. C. Levy Plant 6 during the overnight hours (approximately 8 p.m. to 8 a.m.) from September 13 to 14, October 3 to 4, and October 9 to 10, 2016, which is when the fallout allegedly occurred.

Based on the investigations and sample results, the following violation was observed:

Process Description	Rule/Permit Condition Violated	Comments
Steel slag handling and processing operations	General Condition 12(b) of ROP No. MI-ROP-B4243-2016 R 336.1901(b)	Detection of fallout beyond the facility's property line, attributable to the facility, of sufficient magnitude as to constitute an unreasonable interference with the comfortable enjoyment of life and property.

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Based on the analysis of the fallout samples and comparison with the reference sample, the proximity of your facility to the complainants' homes, prevailing wind direction on the dates the incidents occurred, and past history of similar fallout incidents attributed to operations at Edw. C. Levy Plant 6, AQD staff has determined Edw. C. Levy Co. Plant 6 is the most likely source of the fallout incidents which prompted these investigations. In the professional judgment of AQD staff, the fallout observed during these investigations was sufficient enough as to constitute a violation of General Condition 12(b) of ROP No. MI-ROP-B4243-2016 and R 336.1901(b): an "unreasonable interference with the comfortable enjoyment of life and property."

Please initiate actions necessary to correct the cited violation and submit a written response to this Violation Notice by November 28, 2016 (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.

If Edw. C. Levy believes the above observations or statements are inaccurate or do not constitute a violation 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. 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,



Katherine Koster
Senior Environmental Engineer
Air Quality Division
313-456-4678

Enclosures

cc: Ms. LaReina Wheeler, City of Detroit, BSEED
cc/via email: Ms. Lynn Fiedler, DEQ
Ms. Mary Ann Dolehanty, DEQ
Mr. Chris Ethridge, DEQ
Mr. Thomas Hess, DEQ
Ms. Wilhemina McLemore, DEQ
Mr. Jeff Korniski, DEQ