



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
DETROIT DISTRICT OFFICE



LIESL EICHLER CLARK
DIRECTOR

October 13, 2022

J. Keith Walker II, General Manager of Operations
Edw. C Levy Co.
8800 Dix Avenue
Detroit, Michigan 48209

SRN: B4243, Wayne County

Dear J. Keith Walker II:

VIOLATION NOTICE

On August 27, 2022, and September 6, 2022, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), conducted investigations in response to complaints of fallout in Melvindale and Detroit. For the August 27 complaint, fallout allegedly occurred between 8:00 PM on August 26 and 11:00 AM on August 27. For the September 6 complaint, fallout allegedly occurred between 8:00 PM on September 3 and 6:00 AM on September 6. The scope of the investigations included the operations at Edw. C. Levy Plant 6 (Levy Plant 6) located at 13800 Mellon Street, Detroit, Michigan. The purpose of the investigations was to determine Levy Plant 6 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.

The investigations were performed by Jonathan Lamb, EGLE-AQD. During each investigation, Jonathan Lamb observed fallout on vehicles or other property and samples of the fallout were collected and sent to a laboratory for analysis. Lab results indicate the composition of the fallout samples collected on August 27 and September 6, 2022, is consistent with materials associated with slag processing at Levy Plant 6. As a result, the following violation was observed during each investigation:

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.

R 336.1901(b) states, in part:

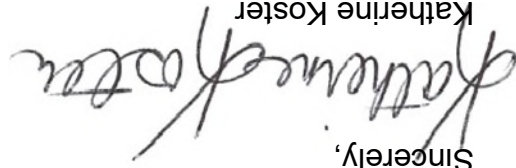
“A person shall not cause or permit the emission of an air contaminant in quantities that cause injurious effects to human health and property, or the unreasonable interference with the comfortable enjoyment of life and property.”

Based on the analysis of the fallout samples, the proximity of Levy Plant 6 to the complainants' location, prevailing wind direction during the timeframe of the incidents, and history of similar violation notices for fallout attributed to operations at Levy Plant 6, the AQD is alleging that Levy Plant 6 is the source of the fallout. In the professional judgment of AQD staff, the fallout was of sufficient magnitude to constitute a violation of General Condition 12(b) of ROP No. MI-ROP-B4243-2016 and R 336.1901(b) during each investigation. Copies of the lab reports are enclosed.

Please initiate actions necessary to correct the cited violations and submit a written response to this Violation Notice by November 3, 2022 (which coincides with 21 calendar days from the date of this letter). 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 recurrence. Please submit the written response to the EGLE, AQD, Detroit District, at 3058 West Grand Boulevard, Suite 2-300, Detroit, Michigan 48202 and submit a copy to Jenine Camilleri, Enforcement Unit Supervisor at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760.

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 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 number listed below.

Sincerely,



Katherine Koster
Environmental Engineer Specialist
Air Quality Division
313-418-0715

Enclosures

J. Keith Walker II
Edw. C. Levy Company
Page 3
October 13, 2022

cc: Zayd Sufyan, Edw. C Levy
Tom Green, Edw. C. Levy
Hosam Hossanien, City of Detroit BSEED
Crystal Rogers, City of Detroit BSEED
Mary Ann Dolehanty, EGLE
Annette Switzer, EGLE
Christopher Ethridge, EGLE
Brad Myott, EGLE
Jenine Camilleri, EGLE
Dr. April Wendling, EGLE
Jeff Korniski, EGLE
Jon Lamb, EGLE