



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
LANSING



KEITH CREAGH  
DIRECTOR

July 12, 2016

CERTIFIED MAIL

Mr. Linwood Bubar, President  
Detroit Renewable Power, LLC  
5700 Russell Street  
Detroit, Michigan 48211-2545

Dear Mr. Bubar:

On October 20, 2014, Detroit Renewable Power, LLC (Company) and the Michigan Department of Environmental Quality (DEQ), Air Quality Division (AQD) entered into a Consent Judgment filed in Ingham County Circuit Court File No: 14-1184-CE. The Consent Judgment resolved alleged violations of Part 55 of the Natural Resources and Environmental Protection ACT (NREPA), Rule 901, and common law nuisance. It also subjects the Company to stipulated fines for failure to comply with the terms of the Consent Judgment. In Violation Notices (VNs) dated June 15, 2016 and June 22, 2016, the AQD cited the Company for violating Rule 901(b) on June 12 and June 21, 2016 after an AQD inspector was able to verify strong garbage odors emitting from the Company's facility and impacting nearby neighborhoods.

Paragraph 6.2 b of the Consent Judgment puts forth the following condition:

"The Company is subject to a stipulated fine of up to \$5,000.00 for each calendar day and for each separate failure to be compliance with Rule 901, which states:  
"Notwithstanding the provisions of any other department rule, a person shall not cause or permit the emission of an air contaminant or water vapor in quantities that cause, alone or in reaction with other air contaminants, either of the following:

- a) Injurious effect to human health or safety, animal life, plant life of significant economic value, or property.
- b) Unreasonable interference with the comfortable enjoyment of life and property."

After reviewing the VNs and the Company's response information provided to the AQD Detroit Field Office, the following conclusions were made:

- 1) AQD Compliant investigations on June 12 and June 21, 2016 detected odors of sufficient intensity and frequency so as to constitute a violation of Rule 901(b).
- 2) The Company is subject to a stipulated of up to \$5,000.00 for each calendar day of confirmed Rule 901 violation.

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Therefore, the AQD has determined the amount of stipulated fines to be \$10,000.00.

The Company is hereby requested to submit the stipulated fines of \$10,000.00 in accordance with the provisions of Paragraph 6.2.e of Consent Judgment No:14-1184-CE by August 17, 2016. To ensure proper credit, all payments shall include the Agreement Identification No. AQD-400060-S on the face of the check. Stipulated fines submitted under this Consent Order shall be by check, payable to the "State of Michigan" and delivered to the Michigan Department of Environmental Quality, Accounting Services Division, Cashier's Office, P.O. Box 30657, Lansing, Michigan 48909-8157.

Sincerely,



Mike Kovalchick  
Enforcement Unit  
Air Quality Division  
kovalchickm@michigan.gov  
517-284-6769

cc: Mr. Neil Gordon, Department of Attorney General  
Mr. John Leone, Department of Attorney General  
Ms. Wilhemina McLemore, DEQ  
Ms. Joyce Zhu, DEQ  
Mr. Thomas E. Hess, DEQ