



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



C. HEIDI GRETHER
DIRECTOR

November 16, 2016

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 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, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, 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 (VN) dated September 8, September 28, October 4 and October 12, 2016, the AQD cited the Company for violating Rule 901(b) on August 21, August 29, September 4, September 23, September 24, and October 9, 2016, after an AQD inspector verified strong garbage odors emitting from the Company's facility and impacting nearby neighborhoods.

Paragraph 6.2.b. of the Consent Judgment states that 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 in compliance with Rule 901. Paragraph 6.2.b. quotes Rule 901:

"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 September 4, September 23, September 24, August 21, August 29, and October 9, 2016, detected odors of sufficient intensity and frequency so as to confirm a violation of Rule 901(b).
- 2) The Company is subject to a stipulated fine 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 \$30,000.00.

The Company is hereby requested to submit the stipulated fines of \$30,000.00 in accordance with the provisions of Paragraph 6.2.e. of Consent Judgment No: 14-1184-CE. In accordance with Paragraph 6.2.e. of the Consent Judgment the stipulated fines shall be paid within thirty (30) calendar days of the date of this letter. To ensure proper credit, please include the Agreement Identification No. AQD-400060-S on the face of the check, payable to the "State of Michigan." The check should be mailed to the Michigan Department of Environmental Quality, Accounting Services Division, Cashier's Office, P.O. Box 30657, Lansing, Michigan 48909-8157.

Sincerely,



Malcolm Mead-O'Brien
Enforcement Unit
Air Quality Division
meadm1@michigan.gov
517-284-6771

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