



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
LANSING



C. HEIDI GREYER  
DIRECTOR

November 15, 2018

UPS NEXT DAY DELIVERY

Mr. Carl Lockhart, Chief Operating Officer  
Mr. Robert Suida, Plant Manager  
Detroit Renewable Power, LLC  
5700 Russell Street  
Detroit, Michigan 48211-2545

Dear Mr. Lockhart and Mr. Suida:

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 was entered to resolve 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 dated July 25, July 31, August 21, September 11, September 12, September 19, September 20, September 25, October 4, and October 9, 2018, the AQD cited the Company for violating Rule 901(b) on July 17 and 22, August 12 and 18, September 3, 8, 9, 16, 24 and 30, and on October 1, 4, and 7, 2018, after investigations by AQD inspectors on these days verified moderate to strong, consistent garbage odors emitting from the Company's facility and impacting nearby neighborhoods.

Paragraph 6.2 b. of the Consent Judgment states the following condition:

- b. Defendants are subject to a stipulated fine of up to \$5,000.00 for each calendar day Defendants fail to be in compliance with Rule 901, whatever the cause, and even if the compliance failure is the result of operations subject to the Odor Management Plan. Rule 901 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.”

In violation Notice dated October 12, 2018, the AQD cited the Company for violating Paragraph 3.14 of the Consent Judgment and the referenced terms of ROP No. MI-ROP-M4148-2011, Flexible Group Conditions of FGMSWPROC-Lines.

Paragraph 3.14 of the Consent Judgment states the following condition:

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Defendants shall clean the solid waste receiving tipping floor, pit area, and processing equipment, on a daily basis, or more often if required, such that odor from these sources is minimized, in compliance with ROP No. MI-ROP-M4148-2011, Flexible Group Conditions of FGMSWPROC-Lines.

After reviewing the Violation Notices and the Company's letters of response dated August 14 and 21, 2018, September 11, 27 and 29, and October 9, 11, 16, 19 and 30, and November 2, 2018 the following conclusions were made:

- 1) AQD Complaint investigations on the dates referenced above detected odors of sufficient intensity and frequency 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.
- 3) AQD staff observed the inadequate cleaning resulting in accumulation of solid waste, standing water and sludge at the receiving tipping floor, pit area, and processing equipment areas including stairs/walkways/catwalks such that odor generation from these sources is not minimized.
- 4) The Company is subject to a stipulated fine of up to \$5,000.00 for each calendar day there is a failure to comply with requirement of paragraph 3.14.

Therefore, the AQD has determined the amount of the stipulated fines to be \$70,000.00.

The Company is hereby requested to submit the stipulated fines of \$70,000.00 in accordance with the provisions of Paragraph 6.2.e of Consent Judgment No: 14-1184-CE within 30 days, by December 17, 2018. 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 Judgment 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. Additionally, please submit a paper or electronic copy of your submittal letter to me.

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. Zachary Larsen, Department of Attorney General  
Ms. Wilhemina McLemore, DEQ  
Mr. Todd Zynda, DEQ  
Mr. Jonathan Lamb, DEQ  
Ms. Jenine Camilleri, DEQ