



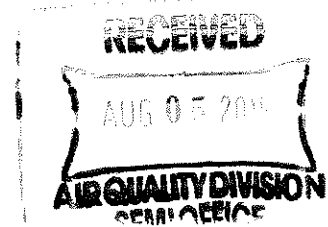
ND Industries, Incorporated

1000 North Crooks , Clawson, MI 48017

Phone 248-288-0000, Fax 248-288-0022

August 1, 2019

Mr. Shamim Ahammod  
Ms. Joyce Zhu  
Department of Environment, Great Lakes  
And Energy  
Warren District Office  
27700 Donald Court  
Warren, Michigan 48092-2793



Re: ND Industries, SRN: N6577  
Violation Notice July 15, 2019

Dear Mr. Ahammod and Ms Zhu:

ND Industries acknowledges receipt of the above-referenced Violation Notice and provides this response. Our response is based upon our knowledge and understanding of the observations apparently made on June 25, 2019 and the context of our facility's operations at 1000 N. Crooks Road, Clawson, Michigan.

The Violation Notice requested a response indicating "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 to correct the violation and the dates by which these actions will take place; and what steps are being taken to prevent a reoccurrence."

ND Industries has been in operation at this facility for well over twenty years. Our business and our operations at this location have essentially been the same over this period of time. We are currently operating under PTI 72-99C issued in 2008. Throughout this period, the facility has been located within a well-developed portion of the urban Detroit area and has been bordered to the north and west by commercial and industrial uses that could create odors and to the south and east by largely residential areas. Throughout its operating history, the facility has never had any knowledge that its operations had or could create problematic odors within the surrounding community. The Violation Notice, referencing an unknown citizen complaint of odors on June 19, 2019 and the apparent observations of EGLE on June 25, 2019 is ND Industries' first notice that anyone believed our operations could create odors that might be deemed to result in a violation of Rule 901.

Based upon the Violation Notice, we have examined our production records and queried plant personnel to determine if there were any anomalous production conditions on either June 19 or June 25. There were none identified. We also have examined records of the National Weather Service for these dates. Daytime temperatures on both dates appear to have been in the low to mid-80s but wind conditions were substantially different with light winds out of the south on June 19 and somewhat stronger winds out of the west on June 25. While conditions on the dates are dissimilar, there does not appear to have been any unique weather conditions on



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either date that would explain why odors might have been problematic on those dates as compared to any other day in the last 20 years.

In further response to EGLE's request for information, ND personnel while accompanying EGLE personnel on June 25, noticed a slight odor within the facility's boundaries. Our personnel did not consider the odor to be particularly strong or offensive and ND Industries has no reason to believe that any odor would have persisted at any given location for any extended period. ND Industries understand Rule 901 to incorporate a traditional standard for defining a nuisance odor. To be such, an odor must be sufficiently strong, offensive and of such duration as to meaningfully interfere with the use and enjoyment by an ordinary person of the air affected by the odor. We have no reason to believe such conditions existed on June 25 or June 19 and therefore do not believe a violation of Rule 901 to have occurred on either date. Moreover, given that areas downwind of ND Industries on June 19 (to the north) are commercial and industrial, we find it hard to believe that any "nuisance" condition could have existed downwind of the facility on the 19<sup>th</sup>.

Assuming odors existed on both June 25 and June 19, insofar as ND Industries can determine such odors would not have been continuing and ND Industries has not noted any significant odors since. ND Industries does not believe that any ongoing Rule 901 violation could be said to exist at this time.

As whatever odors may have existed were temporary and intermittent, and as no unusual production conditions have been identified, ND Industries has no ability to identify actions it can take to prevent a future occurrence of odors that could be judged by others to rise to a Rule 901 violation. However, ND Industries going forward is going to request management personnel to be more observant of any odors that could be emanating from the facility and will endeavor to maintain a log of such observations. When odors are observed an effort will be made to identify any source and to identify any reasonable action that can be taken to abate or mitigate the creation of odors.

Please advise if you have any further questions.

Cc: Jenine Camilleri, EGLE

Sincerely,

Rob Chraska, CSP  
Environmental, Health and Safety Manager  
ND Industries, Inc.