



STATE OF MICHIGAN
 DEPARTMENT OF
 ENVIRONMENT, GREAT LAKES, AND ENERGY



GRETCHEN WHITMER
 GOVERNOR

KALAMAZOO DISTRICT OFFICE

LIESL EICHLER CLARK
 DIRECTOR

May 23, 2019

Mr. Jason Roughton
 RJ Industrial Recycling
 989 North Raymond Road
 Battle Creek, Michigan 49014

SRN: U13080312, Calhoun County

Dear Mr. Roughton:

VIOLATION NOTICE

On May 8, 2019, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), followed up on a complaint received for RJ Industrial Recycling located at 989 North Raymond Road, Battle Creek, Michigan. The purpose was to determine the Facility's 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 Air Pollution Control Rules; and to investigate a recent complaint which we received on April 29, 2019, regarding colored smoke attributed to torch cutting operations.

During the complaint investigation, staff observed the following:

Process Description	Rule/Permit Condition Violated	Comments
Torch cutting of scrap metal being conducted outside.	Rule 336.1201 No Permit to Install (PTI)	One torch cutting process was observed being operated outdoors. This process did not meet the Rule 285(2)(j) exemption criteria.
Torch cutting of scrap metal being conducted outside.	Rule 336.1310 Open Burning	Staff observed a pile of scrap metal allowed to smolder and flame as employees continued to torch cut a second pile of scrap.

Rule 285(2)(j) exempts the following equipment from the requirement to obtain a Permit to Install:

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(j) Portable torch cutting equipment that does not cause a nuisance or adversely impact surrounding areas and is used for either of the following:

(i) Activities performed on a non-production basis, such a maintenance, repair, and dismantling.

(ii) Scrap metal recycling and/or demolition activities that have emissions that are released only into the general in-plant environment and/or that have externally vented emissions equipped with an appropriately designed and operated enclosure and fabric filter.

On May 8, 2019, the torch cutting process being operated at the time of the investigation did not meet the exemption criteria for Rule 285(2)(j)(i) or 285(2)(j)(ii). This is considered a violation of DEQ Rule 201 of the administrative rules promulgated under Act 451.

AQD staff also observed that after torching operations ceased, products were allowed to smolder and flame for an extended period of time, without attempt to extinguish them.

This constitutes a violation of Rule 310 of the administrative rules promulgated under Act 451, which prohibits open burning of refuse, garbage, or any other waste material at any business or commercial operation.

In order to comply with Rule 310, RJ Industrial Recycling is advised to immediately discontinue any open burning.

EGLE encourages the reuse and the recycling of wastes whenever possible. However, any waste that cannot be reused or recycled must be properly disposed of in accordance with Part 115, Solid Waste Management, Section 11512(1) of Act 451.

Please initiate actions necessary to correct the cited violations and submit a written response to this Violation Notice by June 14, 2019 (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 reoccurrence.

Please submit the written response to EGLE, AQD, Kalamazoo District, at 7953 Adobe Road, Kalamazoo, Michigan 49009 and submit a copy to Ms. Jenine Camilleri, Enforcement Unit Supervisor at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760.

If RJ Industrial Recycling believes the above observations or statements are inaccurate or do not constitute violations of the applicable legal requirements cited, please provide appropriate factual information to explain your position.

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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,

A handwritten signature in black ink that reads "Amanda Chapel". The signature is written in a cursive, flowing style.

Amanda Chapel
Environmental Quality Analyst
Air Quality Division
(269)910-2109

cc: Ms. Mary Ann Dolehanty, EGLE
Dr. Eduardo Olaguer, EGLE
Ms. Jenine Camilleri, EGLE
Mr. Christopher Ethridge, EGLE
Mr. Rex Lane, EGLE