



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
DETROIT FIELD OFFICE



C. HEIDI GREYER
DIRECTOR

March 24, 2017

Mr. Tom Modrzejewski, Vice-President
Rex Metal Recycling Company
9309 Hubbell
Detroit, Michigan 48228

SRN:U82170169, Wayne County

Dear Mr. Modrzejewski:

VIOLATION NOTICE

On Friday, March 17, 2017, the Department of Environmental Quality (DEQ), Air Quality Division (AQD), conducted an inspection of the Rex Metal Recycling Company (hereinafter "Rex") facility located at 9309 Hubbell, Detroit, Michigan. The purpose of this inspection was to determine the compliance of the Rex facility 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 recent complaints that we received on regarding opacity/orange-colored smoke and odors attributed to operations at the Rex facility.

During the inspection, AQD staff observed the following:

Process Description	Rule/Permit Condition Violated	Comments
Portable torch cutting equipment	R 336.1201(1)	Portable torch cutting equipment was observed operating on the Rex property.
Portable torch cutting equipment	R 336.1901(b)	AQD staff observed excess opacity/smoke and odors being emitted from the portable torch cutting equipment that was in use at the Rex facility.

During the inspection on March 17, it was noted that Rex had commenced operation of an unpermitted process at this facility. Specifically, portable torch cutting equipment was being operated on the southern portion of the Rex property close to the facility's property line along Ellis Street. AQD staff advised Rex personnel during the site visit that the use of the portable torch cutting equipment is a violation of Act 451, Rule 201(1). AQD staff also provided Rex personnel with information relating to Administrative Rule 285(2)(j) (or R 336.1285(2)(j)), which pertains to portable torch cutting equipment. The amended Rule 336.1285(2)(j) states that the requirement of

Rule 336.1201(1) to obtain a permit to install (PTI) does not apply to any of the following:

- (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 as 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.

The portable torch cutting equipment at the Rex facility, as it is currently being operated, does not meet the criteria put forth in Rule 285(2)(j), thereby requiring that a PTI be obtained prior to the equipment commencing operation at the facility. To address this violation, a program for compliance may include a completed PTI application for the portable torch cutting operation process equipment. An application form is available by request, or at the following website: www.michigan.gov/deqair (in the shaded box on the upper right hand side of the page)

Be advised that Rule 201(1) requires that a permit be obtained prior to installation, construction, operation, reconstruction, relocation, or alteration of any process or process equipment which may be a source of an air contaminant.

In addition, in the professional judgment of AQD staff, the smoke and odors that were observed as being attributable to the operation of the portable torch cutting equipment were of sufficient intensity, frequency and duration so as to constitute a violation of R 336.1901(b) (Rule 901(b)). AQD staff detected odors and observed smoke in the residential area downwind of the Rex property when the portable torch cutting equipment was in operation.

Please initiate actions necessary to correct the cited violations and submit a written response to this Violation Notice by April 14, 2017 (which coincides with 21 calendar days from the date of this letter). The written response should include: the dates that 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.

If Rex believes that 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.

Mr. Tom Modrzejewski
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Thank you for your attention to resolving the violations cited above and for the cooperation that was extended to me during my inspection on March 17. 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,



Stephen Weis
Senior Environmental Engineer
Air Quality Division
313-456-4688

cc: Mr. Raymond Scott, City of Detroit BSEED
Ms. LaReina Wheeler, City of Detroit BSEED
cc/via e-mail: Ms. Lynn Fiedler, DEQ
Ms. Mary Ann Dolehanty, DEQ
Mr. Christopher Ethridge, DEQ
Mr. Thomas Hess, DEQ
Ms. Annette Switzer, DEQ
Ms. Wilhemina McLemore, DEQ
Mr. Jeff Korniski, DEQ