



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



C. HEIDI GREYER
DIRECTOR

October 23, 2017

UPS NEXT DAY DELIVERY

Mr. Linwood Bubar, Executive Vice 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 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 September 6, September 20, and September 26, 2017, the AQD cited the Company for violating Rule 901(b) on August 27, September 10, and September 25, 2017, after AQD inspectors 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."

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After reviewing the violation notices and the Company's September 27, October 11, and October 17, 2017 letters of response to the AQD Detroit Field Office, the following conclusions were made:

- 1) AQD Complaint investigations on August 27, 2017, September 10, 2017 and September 25, 2017, 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.

Therefore, the AQD has determined the amount of the stipulated fines to be \$15,000.00.

The Company is hereby requested to submit the stipulated fines of \$15,000.00 in accordance with the provisions of Paragraph 6.2.e of Consent Judgment No: 14-1184-CE within 30 days, by November 23, 2017. 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.

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. Jonathan Lamb, DEQ
Mr. Thomas E. Hess, DEQ