



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF  
ENVIRONMENT, GREAT LAKES, AND ENERGY  
LANSING DISTRICT OFFICE



LIESL EICHLER CLARK  
DIRECTOR

July 21, 2020

Mr. Jason Roughton, President  
RJ Industrial Recycling  
5061 Energy Drive  
Flint, Michigan 48505

SRN: N7885, Genesee County

Dear Mr. Roughton:

**VIOLATION NOTICE**

On May 4, 2020, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), conducted visible emissions of RJ Torching, Inc. (RJ Torching) located at G-5167 North Dort Highway, Flint, Michigan. The purpose of these readings, conducted from offsite, was to determine RJ Torching'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 United States Environmental Protection Agency (U.S. EPA) Consent Order ACO-5-15-113(a)-MI-02.

On May 4, 2020, staff observed the following:

<b>Process Description</b>	<b>Rule/Permit Condition Violated</b>	<b>Comments</b>
Torch cutting of scrap metal near south end of site	Rule 301	Visible emissions from torch cutting operations exceeded both the 6-minute average of 20% and the one 6-minute average exception per hour of not more than 27% opacity
Torch cutting of scrap metal near south end of site	Administrative Consent Order ACO-EPA 5-15-113(a)-MI-02, Paragraph 21	Visible emissions exceeded the opacity allowed by the Michigan State implementation Plan.
Torch cutting of scrap metal near south end of site	Administrative Consent Order ACO-EPA 5-15-113(a)-MI-02, Paragraph 22	Excessive visible emissions did not reflect best management practices.

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During this observation, it was noted that one or more torch cutting processes were emitting opacity in the excess of emissions allowed by Rule 301 of the administrative rules promulgated under Act 451.

Enclosed are copies of the instantaneous and six-minute average readings taken from offsite on May 4, 2020. The highest 6-minute averages were as follows:

- Page 1; highest 6-minute average opacity reading: 32.71%; from 11:11:15 AM to 11:17:00 AM
- Page 1; second highest 6-minute average opacity reading: 31.67%, from 11:11:00 AM to 11:16:45 AM.
- Page 2; highest 6-minute average opacity reading: 27.5%; from 11:27:15 AM to 11:33:00 AM.
- Page 2; second highest 6-minute average opacity reading: 26.25%; from 11:26:15 AM to 11:32:00 AM.

The visible emissions described above exceed the opacity limit and violate the Michigan State Implementation Plan (SIP), R336.1301(a). Additionally, the visible emissions described above constitute violations of Paragraph 21 and 22 of ACO-EPA-5-15-113(a)-MI-02.

Paragraph 21 of ACO-EPA-5-15-113(a)-MI-02 states, "By the effective date of this Order, RJ must achieve, demonstrate and maintain order with the Michigan SIP at its Battle Creek and Flint facilities." The opacity observed from the Flint facility on May 4, 2020, exceeded the opacity limit of Rule 301 from the Michigan SIP. Therefore, the Michigan SIP has not been complied with, in violation of the ACO.

Paragraph 22 of ACO-EPA-5-15-113(a)-MI-02 states, "By the effective date of this Order, RJ shall comply with the best management practices for torch-cutting operations, as described in Appendix A, at its Battle Creek and Flint facilities." The opacity which was observed on May 4, 2020, does not represent best management practices.

Please initiate actions necessary to correct the cited violations and submit a written response to this Violation Notice by August 11, 2020 (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, Lansing District, at Constitution Hall, 525 West Allegan Street, P.O. Box 30242, First Floor South, Lansing, Michigan 48909

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and submit a copy to Ms. Jenine Camilleri, Enforcement Unit Supervisor at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760.

If RJ Torching 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.

Thank you for your attention to resolving the violations cited above and for your cooperation in this matter. 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,



Daniel A. McGeen  
Environmental Quality Analyst  
Air Quality Division  
517-648-7547

Enclosure

cc: Ms. Louise Gross, United States Environmental Protection Agency  
Mr. David Sutlin, United States Environmental Protection Agency  
Mr. Manojkumar Patel, United States Environmental Protection Agency  
Mr. Steven Ellis, United States Department of Justice  
Mr. Neil Gordon, Department of Attorney General  
Ms. Mary Ann Dolehanty, EGLE  
Dr. Eduardo Olaguer, EGLE  
Ms. Jenine Camilleri, EGLE  
Mr. Christopher Ethridge, EGLE  
Mr. Brad Myott, EGLE



DEPARTMENT OF ENVIRONMENTAL QUALITY  
AIR QUALITY DIVISION

**VISIBLE EMISSION OBSERVATION FORM**

Provided under authority of Public Act 451 of 1994

ESTABLISHMENT <i>R J Torchling</i>		COUNTY <i>Genesee</i>		ESTABLISHMENT NUMBER <i>N7885</i>	
EQUIPMENT LOCATION <i>Dart Highway</i>		DISTRICT <i>Laursing</i>		DATE MM DD YY <i>05 04 20</i>	
CITY/TOWNSHIP <i>Flint</i>		OBSERVER <i>McGeen</i>		CERTIFIED BY / DATE <i>ETA 10/2019</i>	
PROCESS EQUIPMENT <i>Unknown</i>	OPERATING MODE <i>Unknown</i>	BACKGROUND COLOR START <i>Black, brown</i> STOP <i>black, brown</i>	SKY CONDITIONS START <i>overcast</i> STOP <i>overcast</i>		
CONTROL EQUIPMENT <i>None</i>	OPERATING MODE <i>NA</i>	WIND SPEED START <i>15 mph</i> STOP <i>10 mph</i>	WIND DIRECTION START <i>NNW</i> STOP <i>NNW</i>		
DESCRIBE EMISSION POINT <i>Fugitive, out of sight behind fence</i>		AMBIENT TEMPERATURE START <i>45°F</i> STOP <i>50°F</i>	HUMIDITY START <i>mod</i> STOP <i>mod</i>		
HEIGHT ABOVE GROUND LEVEL <i>~3'-25'</i>	HEIGHT RELATIVE TO OBSERVER <i>3'-25'</i>	SOURCE LAYOUT SKETCH		DRAW NORTH ARROW	
DISTANCE FROM OBSERVER <i>350-400'</i>	DIRECTION FROM OBSERVER <i>West northwest</i>				
DESCRIBE EMISSIONS START <i>Horizontal white smoke plume</i> STOP <i>Horizontal white smoke plume</i>					
EMISSION COLOR START <i>white</i> STOP	PLUME TYPE <input type="checkbox"/> CONTINUOUS <input checked="" type="checkbox"/> FUGITIVE <input type="checkbox"/> INTERMITTENT				
WATER DROPLETS PRESENT? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES	IF WATER DROPLET PLUME <input type="checkbox"/> ATTACHED <input type="checkbox"/> DETACHED				
POINT IN THE PLUME AT WHICH OPACITY WAS DETERMINED START <i>At right of S. entrance</i> STOP <i>at right of S. entrance</i>					
DESCRIBE BACKGROUND START <i>black tank cars, woods</i> STOP <i>black tank cars, woods</i>					

↓ START TIME *11:11:00 AM*

STOP TIME *11:25:45* ↓

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
100															
95												X			
90												X			
85												X			X
80												X			
75												X			
70			X	X											
65			X	X											
60		X		X	X										X
55				X	X										
50		X				X									
45						X									
40	X			X		X									
35								X							
30	X									X					
25	X	X						X						X	
20			X					X	X						
15							X	X	X	X					
10	X					X		X	X	X	X	X		X	
5			X	X		X		X	X	X	X	X	X	X	X
0				X	X	X		X					X	X	X

CONTINUED  
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AVERAGE OPACITY =  $\frac{\text{SUM OF ANY 24 CONSECUTIVE READINGS}}{24}$       HIGHEST 6-MINUTE AVERAGE OPACITY  $\frac{785}{24} = 32.71$       2ND HIGHEST 6-MINUTE AVERAGE OPACITY  $\frac{760}{24} = 31.67$

COMMENTS  
*32.71% from 11:11:15 AM to 11:17:00 AM.*  
*31.67% from 11:11:00 AM to 11:16:45 AM.*

