



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

**SEP 27 2010**

REPLY TO THE ATTENTION OF:

(AE-17J)

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Recycling and Treatment Technologies of Detroit, LLC  
c/o B. & MCD., Inc., Registered Agent  
388 S. Main Street Ste. 500  
Akron, Ohio 44311-4419

Re: Finding and Notice of Violation

Dear Sir/Madam:

The U.S. Environmental Protection Agency is issuing the enclosed Finding and Notice of Violation (FOV/NOV) to Recycling and Treatment Technologies of Detroit, LLC (you) under Section 113(a)(1) of the Clean Air Act (CAA), 42 U.S.C. §§ 7413(a)(1) and 7413(a)(3). We find that you are violating the permit requirements under Section 502 of Title V of the CAA, 42 U.S.C. §§ 7661a-7661b, and the Michigan State Implementation Plan at your Detroit, Michigan facility.

Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil or criminal action.

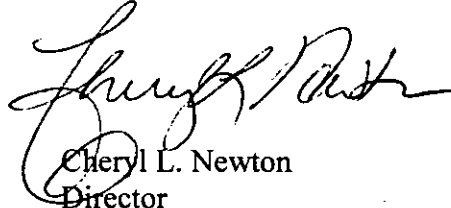
We are offering you an opportunity to confer with us about the violations alleged in the FOV/NOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply, and the steps you will take to prevent future violations.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Constantinos Loukeris. You may call him at (312) 353-6198 to request a conference. You should make the request within 10 calendar days

We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Cheryl L. Newton".

Cheryl L. Newton  
Director  
Air and Radiation Division

Enclosure

cc: Robert Slater, Operations Manager  
Recycling and Treatment Technologies (RTT)  
530 South Rouge Street  
Detroit, Michigan 48217

Recycling and Treatment Technologies of Detroit, LLC  
5005 Rockside Road 600-069  
Independence, Ohio 44131

Teresa Seidel, MDNRE

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

Recycling and Treatment Technologies of  
Detroit, LLC  
Detroit, Michigan

Proceedings Pursuant to  
Section 113(a)(1) of the  
Clean Air Act, 42 U.S.C.  
§§ 7413(a)(1) and 7413(a)(3)

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)  
) **FINDING AND NOTICE OF  
VIOLATION**

)  
) **EPA-5-10-MI-11**  
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**FINDING AND NOTICE OF VIOLATION**

The U.S. Environmental Protection Agency (EPA) is issuing this Finding and Notice of Violation under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. §§ 7413(a)(1) and 7413(a)(3). EPA finds that Recycling and Treatment Technologies of Detroit, LLC (RTT Detroit) is violating the Michigan State Implementation Plan (SIP), as follows:

**Statutory and Regulatory Background**

**Requirements for Title V Operating Permits**

1. Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), and 40 C.F.R. § 70.7(b) provide that, after the effective date of any permit program approved or promulgated under Title V of the CAA, no source subject to Title V may operate except in compliance with a Title V permit.
2. 40 C.F.R. § 70.1(b) provides that all sources subject to the Part 70 regulations shall have a permit to operate that assures compliance by the source with all applicable requirements.
3. 40 C.F.R. § 70.7(b) provides that no source subject to Part 70 requirements may operate without a permit issued under a Part 70 program.
4. EPA fully approved the Michigan Title V program as part of the Michigan State Implementation Program (SIP), effective November 30, 2001. 66 Fed. Reg. 62949 (December 4, 2001). Michigan's Title V permit requirements are codified at Mich. Admin. Code r. 336.1201-1299.

5. Mich. Admin. Code r. 336.1210 prohibits operation of any emissions unit at a stationary source required to obtain an operating permit under Mich. Admin. Code r. 336.1211, except in compliance with all applicable terms and conditions of a renewable operating permit. Mich. Admin. Code r. 336.1213 requires that each renewable operating permit shall include emission limits and standards, including operational requirements and limitations that ensure compliance with all applicable requirements at the time of issuance.
6. Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3), authorizes the Administrator to initiate an enforcement action whenever, among other things, the Administrator finds that any person has violated or is in violation of a requirement or prohibition of Title V of the CAA, or any rule promulgated, issued or approved under Title V of the CAA.

#### Emission of Air Contaminant Causing Unreasonable Interference

7. On May 31, 1972, EPA approved the State of Michigan's February 3, 1972 SIP submittal, which included Wayne County regulations that had been adopted and were effective at that time. 37 Fed. Reg. 10873 (May 31, 1972). On May 6, 1990, EPA approved the State of Michigan's April 25, 1979 SIP submittal, which included amendments to the Wayne County regulations. 45 Fed. Reg. 29790 (May 6, 1990). On May 13, 1993, EPA approved the State of Michigan's October 10, 1986 SIP submittal (portions of which were withdrawn in a January 28, 1993 letter from the State of Michigan). 58 Fed. Reg. 28359 (May 13, 1993).
8. The Michigan SIP includes Section 801 (Incorporated State Rules) of the Wayne County Pollution Control Ordinance (WCPCO). WCPCO Section 801. WCPCO Section 801.A. incorporates Rule 336.1901 of the Michigan Air Pollution Control Commission General Rules, in effect at the time of SIP approval. WCPCO Section 801.A. Rule 336.1901 prohibits a person from causing or permitting the emission of an air contaminant in quantities that cause, alone, or in reaction with other air contaminants, unreasonable interference with the comfortable enjoyment of life and property. Mich. Admin. Code r. 336.1901 (1980).

#### Facility Background

9. RTT Detroit owns and operates a waste oil recycling and treatment facility at 530 South Rouge Street in Detroit, Michigan (Facility). RTT Detroit specializes in industrial waste treatment. RTT Detroit accepts industrial waste from a variety of customers, including difficult to manage oils from the automotive, petrochemical, and steel industries.
10. RTT Detroit has owned and operated the Facility since January 10, 2007, when it acquired the Facility.

11. Prior to RTT Detroit operations at the Facility, the Facility was owned and operated by Edwards Oil Service, Inc (Edwards Oil). Edwards Oil received a permit from the Wayne County Department of Public Health Air Pollution Control Division on October 24, 1991, which required Edwards Oil to obtain Certificates of Operation for its Facility. The following Certificates of Operation were issued on November 25, 1991:
  - a. C-09275: packed bed scrubber;
  - b. C-09276: Tank 43 with packed bed scrubber as the emission control equipment;
  - c. C-09277: Tank 44 with packed bed scrubber as the emission control equipment;
  - d. C-09278: Tank 45 with packed bed scrubber as the emission control equipment;
  - e. C-09279: Tank 46 with packed bed scrubber as the emission control equipment;
  - f. C-09280: Tank 47 with packed bed scrubber as the emission control equipment;
  - g. C-09281: Tank B with packed bed scrubber as the emission control equipment;
  - h. C-09282: Tank B1 with packed bed scrubber as the emission control equipment;
  - i. C-09283: Tank B2 with packed bed scrubber as the emission control equipment;
  - j. C-09300: Tank A2 with packed bed scrubber as the emission control equipment;
  - k. C-09301: Tank A1 with packed bed scrubber as the emission control equipment;
  - l. C-09299: Tank A with packed bed scrubber as the emission control equipment;
  - m. C-09343: Tank 29 with packed bed scrubber as the emission control equipment;
  - n. C-09344: Tank 30 with packed bed scrubber as the emission control equipment;  
and
  - o. C-09345: Tank 31 with packed bed scrubber as the emission control equipment.
12. In letters dated May 8, 2007, and August 5, 2008, the Michigan Department of Natural Resources and the Environment (MDNRE) requested that RTT Detroit submit a request for change of ownership of the Facility. MDNRE has never received written notification of a change in ownership or operational control of the Facility.
13. EPA personnel inspected the Facility on June 23, 2010, and observed a packed bed scrubber at the Facility which was only operating a fan, with no caustic solution, while operations were underway
14. The Facility is a stationary source as defined by Mich. Admin. Code r. 336.1119 (4).
15. The Facility has one or more emission units as defined by Mich. Admin. Code r. 336.1105 (b).
16. The Facility is a major source as defined by Mich. Admin. Code r. 336.1211(1)(a).
17. The MDNRE has received 57 complaints from 15 different individuals regarding emissions from the Facility from September 2009 to September 8, 2010.
18. Complaints to MDNRE involving interference with the comfortable enjoyment of life and property due to emissions from RTT Detroit between September 2009 and September

2010 have included:

- a. 9/24/09 – a formaldehyde odor nearby; a lawn fertilizer odor nearby; an odor causing an entire house to smell and a child to become sick nearby;
  - b. 11/21/09 – a rotten meat odor on nearby Fordson Street between Powell and Ormond;
  - c. 11/24/09 - a terrible chemical odor driving away customers from a used auto sales business nearby;
  - d. 4/1/10 – a bad gasoline-type odor nearby; heavy smoke and odors observed from nearby; a bad odor driving customers away from a business nearby;
  - e. 4/23/10 – a strong oily fertilizer smell nearby;
  - f. 4/26/10 – an oily, gasoline-like, fertilizer smell nearby;
  - g. 4/27/10 - an oily, fertilizer smell nearby;
  - h. 4/28/10 - an oily smell nearby;
  - i. 5/25/10 – a burnt charcoal, ash-tray smell nearby;
  - j. 6/17/10 – an odor that woke up the occupant nearby;
  - k. 6/27/10 – an oily odor nearby;
  - l. 6/28/10 – a cow feces smell nearby; a dirty oil smell nearby; the smell of something dead, enough to make a person gag, nearby;
  - m. 6/29/10 – an oily odor nearby;
  - n. 6/30/10 – manure odors at the nearby intersection of Raupp and Schaefer;
  - o. 7/1/10 - an oily odor nearby; a dirty oil chemical odor nearby;
  - p. 7/20/10 - a foul smell so bad that people had to move off their porches to go in their homes nearby; a manure smell causing gagging nearby;
  - q. 7/30/10 – an asphalt/diesel odor nearby;
  - r. 7/30/10 – an oil burning odor nearby;
  - s. 8/4/10 - a dirty odor in the air, causing an instant headache when a person walked outside nearby;
  - t. 8/5/10 – a natural gas odor causing a headache nearby;
  - u. 8/6/10 – a natural gas odor nearby;
  - v. 8/16/10 – a cow manure odor nearby; and.
  - w. 8/25/10 – an asphalt-like odor nearby.
19. MDNRE issued a Letter of Violation related to one complaint, received by MDNRE on June 28, 2010. This Letter of Violation remains unresolved.

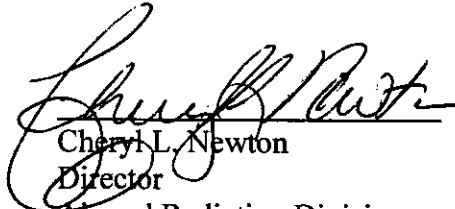
#### Violations

20. RTT Detroit failed to obtain a Title V permit for the facility prior to operating the facility, and RTT Detroit continues to operate the facility, in violation of Section 504 of the Act, 40 C.F.R. § 70.1(b), and Mich. Admin. Code r. 336.1211.
21. The violation noted in paragraph 20 exists from at least February 1, 2007, and will continue until RTT Detroit obtains a Title V permit that assures compliance with all

applicable requirements of the CAA.

22. RTT Detroit caused or permitted the emission of an air contaminant in quantities that caused, alone, or in reaction with other air contaminants, unreasonable interference with the comfortable enjoyment of life and property, in violation of the federally-approved SIP at WCPCO Section 801.A and Mich. Admin. Code r. 336.1901 (1980).
23. The violation noted in paragraph 22 occurred on 36 occasions between September 24, 2009, and September 8, 2010.

9/27/10  
Date

  
Cheryl L. Newton  
Director  
Air and Radiation Division

**CERTIFICATE OF MAILING**

I, Tracy Jamison, certify that I sent a Finding and Notice of Violation, No. EPA-5-10-MI-11, by Certified Mail, Return Receipt Requested, to:

Recycling and Treatment Technologies of Detroit, LLC  
c/o B. & MCD., Inc., Registered Agent  
388 S. Main Street Ste. 500  
Akron, Ohio 44311-4419

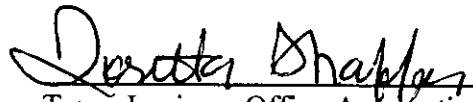
I also certify that I sent copies of the Notice of Violation by first class mail to:

Robert Slater, Operations Manager  
Recycling and Treatment Technologies (RTT)  
530 South Rouge Street  
Detroit, Michigan 48217

Recycling and Treatment Technologies of Detroit, LLC  
5005 Rockside Road 600-069  
Independence, Ohio 44131

Teresa Seidel  
Michigan Department of Natural Resources and Environment  
Cadillac Place  
3058 West Grand Boulevard, Suite 2-300  
Detroit, Michigan 48202-6058

on the 28 day of Sept, 2010.

  
Tracy Jamison, Office Automation Assistant  
AECAS, ([MI/WI])

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 0192 0362