



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

JAN 27 2011

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

REPLY TO THE ATTENTION OF:

John Suchon, President  
Metal Dynamics Detroit, L.L.C.  
3100 Lonyo Avenue  
Detroit, Michigan 48209

Re: Notice of Violation for Metal Dynamics Detroit, L.L.C., Detroit, Michigan

Dear Mr. Suchon:

The U.S. Environmental Protection Agency is issuing the enclosed Notice of Violation (NOV) to Metal Dynamics Detroit, L.L.C. (Metal Dynamics or you) under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). We find that you have violated the Michigan State Implementation Plan at your Detroit, Michigan facility.

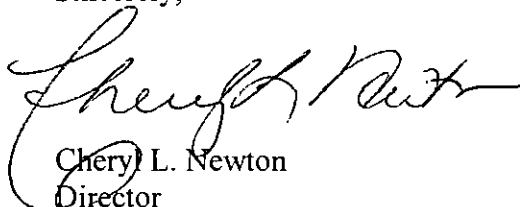
Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the 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 Molly DeSalle. You may call her at (312) 353-8773 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cheryl L. Newton".

Cheryl L. Newton  
Director

Air and Radiation Division

Enclosure

cc: Wilhemina McLemore, Michigan Department of Natural Resources and Environment  
Tom Hess, Michigan Department of Natural Resources and Environment

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

Metal Dynamics Detroit, L.L.C.  
Detroit, Michigan

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

**NOTICE OF VIOLATION**

**EPA-5-11-MI-05**

**NOTICE OF VIOLATION**

The U.S. Environmental Protection Agency (EPA) is issuing this Notice of Violation under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). EPA finds that Metal Dynamics Detroit, L.L.C. (Metal Dynamics Detroit or you) is violating the Michigan State Implementation Plan (SIP), as follows:

**Statutory and Regulatory Background**

1. On June 1, 2006, EPA approved Rule 336.1301 of the Michigan Administrative Code as part of the federally enforceable SIP for Michigan. (71 Fed. Reg. 31093).
2. Rule 336.1301 provides that a person shall not cause or permit to be discharged into the outer air from a process or process equipment a visible emission of a density greater than a 6-minute average of 20% opacity, except for one 6-minute average per hour of not more than 27% opacity.
3. On June 11, 1992, EPA approved Rules 336.1101, 336.1116, and 336.1119 of the Michigan Administrative Code as part of the federally enforceable SIP for Michigan. (57 Fed Reg. 24752).
4. Rules 336.1101, 336.1116, and 336.1119 provide the following definitions for Michigan's air pollution control rules:
  - a. "Person" means any of the following: (i) An individual person; . . . (vii) Firm; . . . (ix) Company; (x) Corporation . . . Mich. Admin. Code R. 336.1116(h)
  - b. "Process" means an action, operation, or a series of actions or operations at a source that emits or has the potential to emit an air contaminant. Examples of a 'process' include any of the following: (i) a physical change of a material . . . Mich. Admin. Code R. 336.1116(p)
  - c. "Process equipment" means all equipment, devices, and auxiliary components, including air pollution control equipment, stacks, and other emission points, used in a process. Mich. Admin. Code R. 336.1116(q)

- d. "Air contaminant" means a dust, fume, gas, mist, odor, smoke, vapor, or any combination thereof. Mich. Admin. Code R. 336.1101(f)
- e. "Stationary source" means all buildings, structures, facilities, or installations which emit or have the potential to emit 1 or more air contaminants, which are located at 1 or more contiguous or adjacent properties, which are under the control of the same person, and which have the same 2-digit major group code associated with their primary activity. Mich. Admin. Code R. 336.1119(r)

### **Findings of Fact and Conclusions of Law**

- 5. Metal Dynamics Detroit owns and operates a scrap collection and processing facility, located at 3100 Lonyo Avenue, Detroit, Michigan.
- 6. Metal Dynamics Detroit purchased the Lonyo Avenue facility on May 22, 2007.
- 7. Torch cutting of metal scrap takes place at Metal Dynamics Detroit's Lonyo Avenue facility.
- 8. Torch cutting of metal scrap at Metal Dynamics Detroit's Lonyo Avenue facility averages 40 hours per week at cutting rate of 2 to 2.5 tons of scrap per hour.
- 9. Torch cutting generates visible emissions due to the action of cutting through metal using high temperature torches.
- 10. On March 3, 2009, the Michigan Department of Natural Resources conducted an EPA Method 9 Opacity Test at Metal Dynamics Detroit's Lonyo Avenue facility while torch cutting was taking place. The test showed that Metal Dynamics Detroit discharged into the outer air from torch cutting a visible emission of a density greater than a 6-minute average of 20% opacity, except for 1 6-minute average per hour of not more than 27% opacity. During the test, the highest 6-minute average opacity observed was 51%.
- 11. Metal Dynamics Detroit is a "person," as that term is defined in Mich. Admin Code R 336.1116(g).
- 12. Metal Dynamics Detroit's Lonyo Avenue facility is a "stationary source," as that term is defined in Mich. Admin. Code R 336.1119(r).
- 13. Visible emissions from metal torch cutting at Metal Dynamics Detroit's Lonyo Avenue facility are "air contaminants," as that term is defined in Mich. Admin. Code R. 336.1101(f).
- 14. Metal torch cutting at Metal Dynamics Detroit's Lonyo Avenue facility is a "process," as that term is defined in Mich. Admin. Code R. 336.1116(p).
- 15. Equipment used in metal torch cutting at Metal Dynamics Detroit's Lonyo Avenue facility is "process equipment," as that term is defined in Mich. Admin. Code R. 336.1116(q).

16. Emissions from Metal Dynamics Detroit's metal torch cutting processes are subject to the opacity regulations in the Michigan SIP at Mich. Admin. Code R. 336.1301.

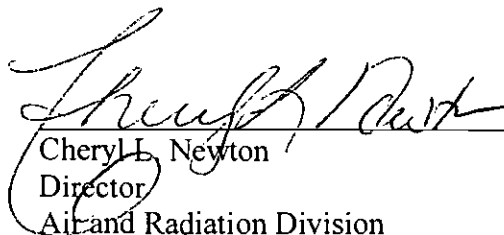
#### **Violations**

17. On March 3, 2009, Metal Dynamics Detroit violated Mich. Admin. Code R. 336.1301 by discharging into the outer air from a process or process equipment a visible emission of a density greater than the 6-minute average of 20% opacity, except for one 6-minute average per hour of not more than 27% during the facility's torch cutting operations. Since March 3, 2009, Metal Dynamics Detroit has generally torch cut for 40 hours per week at a cutting rate of 2-2.5 tons of scrap per hour.

#### **Environmental Impact of Violations**

18. Violations of opacity increase public exposure to unhealthy particulate matter. Particulate matter contributes to respiratory problems, lung damage and premature deaths.

1/27/11  
Date

  
Cheryl L. Newton  
Director  
Air and Radiation Division

## CERTIFICATE OF MAILING

I, Betty Williams, certify that I sent a Notice of Violation, No. EPA-5-11-MI-05, by

Certified Mail, Return Receipt Requested, to:


John Suchon, President  
Metal Dynamics Detroit, L.L.C.  
3100 Lonyo Avenue  
Detroit, Michigan 48209

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

Wilhemina McLemore, Supervisor  
Michigan Department of Natural Resources and Environment  
Detroit Office  
Cadillac Place, Suite 2-300  
3058 West Grand Boulevard  
Detroit, Michigan 48202

Tom Hess  
Michigan Department of Natural Resources and Environment  
Air Quality Division  
P.O. Box 30260  
Lansing, Michigan 48909

on the 27<sup>th</sup> day of January, 2011.

  
Betty Williams  
Administrative Program Assistant  
Planning and Administration Section

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7670 2058

Standard bcc's:

Official File Copy w/Attachment(s)

Originating Organization Reading File w/Attachment(s)

Other bcc's:

Tim Thurlow, C-14J