



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

DEC 30 2011

REPLY TO THE ATTENTION OF:

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: Notice of Violation

Dear Sir/Madam:

The U.S. Environmental Protection Agency is issuing the enclosed Notice of Violation (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 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 Constantinos Loukeris. You may call him at (312) 353-6198 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: Recycling and Treatment Technologies of Detroit, LLC
5005 Rockside Road 600-069
Independence, Ohio 44131

Keven D. Eiber, Esq.
Brouse McDowell
600 Superior Avenue East
Suite 1600
Cleveland, OH 44114

Meagan L. DeJohn, Esq.
Brouse McDowell
600 Superior Avenue East
Suite 1600
Cleveland, OH 44114

Wilhemina McLemore, MDEQ

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

Recycling and Treatment Technologies of
Detroit, LLC
Detroit, Michigan

NOTICE OF VIOLATION

EPA-5-12-MI-02

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

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) 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

Obtaining a Permit to Install or Operating Permit

1. 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).
2. The Michigan SIP includes Mich. Admin. Code r. 336.1201 (1980). Mich. Admin. Code r. 336.1201 provides that a person shall not install, construct, reconstruct, relocate, or alter any process, fuel-burning, or refuse-burning equipment, or control equipment pertaining thereto which may be a source of an air contaminant, until a permit is issued by the commission. Mich. Admin. Code r. 336.1201 further provides that this permit shall be known as a permit to install and shall cover construction, reconstruction, relocation, and alteration of equipment where such is installed.

3. The Michigan SIP also includes Mich. Admin. Code r. 336.1208 (1980). Mich. Admin. Code r. 336.1208 provides that before the commission issues a permit to operate, except as provided in Mich. Admin. Code r. 336.1201(4)(trial operation), a person shall not operate a process, fuel-burning, or refuse-burning equipment, or an air-cleaning device pertaining thereto which may be a source of an air contaminant.

Emission of Air Contaminant Causing Unreasonable Interference

4. 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

5. 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. RTT Detroit has two primary processes at the Facility: oily wastewater and refinery oily waste.
6. RTT Detroit has owned and operated the Facility since January 10, 2007, when it acquired the Facility.
7. 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.
- 8. In letters dated May 8, 2007 and August 5, 2008, the Michigan Department of Environmental Quality (MDEQ) requested that RTT Detroit submit a request for change of ownership of the Facility. MDEQ has never received written notification of a change in ownership or operational control of the Facility.
 - 9. EPA personnel inspected the Facility on June 23, 2010.
 - 10. EPA issued a Notice of Violation to the Facility on September 27, 2010 (September 2010 NOV).
 - 11. EPA issued a first Information Request to the Facility on September 29, 2010.
 - 12. RTT Detroit responded to the first Information Request on October 15, 2010.
 - 13. EPA and RTT Detroit held a conference call regarding the September 2010 NOV on November 10, 2010.
 - 14. RTT Detroit submitted additional information to EPA on December 14, 2010.
 - 15. EPA issued a second Information Request to RTT Detroit on July 13, 2011.
 - 16. RTT Detroit responded to the second Information Request on August 19, 2011. RTT Detroit later supplemented this response.
 - 17. After RTT Detroit's acquisition of the Facility in 2007, between January 10, 2007 and April 30, 2007, RTT installed the oily wastewater process consisting of a shaker screen and two high speed centrifuges located in the process building.
 - 18. After RTT Detroit's acquisition of the Facility in 2007, between January 10, 2007 and April 30, 2007, RTT Detroit altered the K-waste recycling process by constructing a structure to hold three existing 30,000-gallon tanks vertically to assist in solids removal in the K-waste recycling process.
 - 19. After RTT Detroit's acquisition of the Facility in 2007, RTT Detroit removed at least 18 warehouse tanks and 19 exterior tanks from the Facility. RTT Detroit also relocated at least 12 existing tanks.

20. From on or before April 30, 2007 to the present, RTT Detroit operated the two processes identified in paragraphs 17 and 18, which may be sources of air contaminants.
21. In addition to the complaints referenced in the September 2010 NOV, MDEQ has received 28 complaints from 5 different individuals regarding emissions from the Facility from October 2010 to November 2011.
22. Complaints to MDEQ involving interference with the comfortable enjoyment of life and property due to emissions from RTT Detroit between October 20, 2010 and September 26, 2011 include:
 - a. 10/20/2010 – an especially foul odor from RTT
 - b. 10/25/2010 – oil odors from RTT-Detroit
 - c. 11/28/2010 – oily, chemical odor
 - d. 12/21/2010 – “RTT...is really stinking up the neighborhood today”
 - e. 1/17/2011 – an odor from the RTT facility “stinking up the neighborhood”
 - f. 2/23/2011 – “horrible smell” coming from RTT, “absolutely horrible” odor coming from the RTT facility
 - g. 3/15/2011 – one of the strongest and worst odors from RTT in years
 - h. 3/22/2011 – “RTT is stinking pretty bad today”
 - i. 3/24/2011 – “pretty bad smells” coming from RTT
 - j. 3/30/2011 – something smelling really bad at RTT
 - k. 3/31/2011 – RTT “is stinking pretty bad”
 - l. 5/19/2011 – RTT “was stinking up the neighborhood”
 - m. 6/13/2011 – bad odors from RTT
 - n. 7/13/2011 – strong odors from RTT
 - o. 8/11/2011 – strong chemical solvent smell from RTT
 - p. 9/26/2011 – strong odor from RTT, odor observed nearby during the excavation of an underground storage tank.

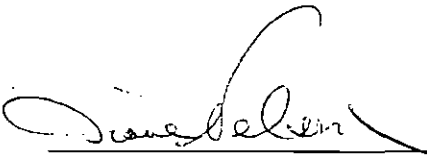
Violations

23. RTT Detroit failed to obtain a permit to install for the Facility prior to installation of the oily wastewater process and prior to the alteration of the K-waste recycling process. Both processes may be sources of air contaminants. RTT Detroit continues to operate those processes, in violation of the Mich. Admin. Code r. 336.1201 (1980).
24. RTT Detroit operated an oily wastewater process and a K-waste recycling process at the Facility from on or before April 30, 2007 to the present, without obtaining a permit to operate. Both processes may be sources of air contaminants. RTT Detroit failed to obtain a permit to operate in violation of the Mich. Admin. Code r. 336.1208 (1980).
25. The violation noted in paragraphs 23-24 began on at least April 30, 2007, and will

continue until RTT Detroit obtains a permit to install and an operating permit which will each assure compliance with all applicable requirements of the CAA.

26. 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 WPCO Section 801.A and Mich. Admin. Code r. 336.1901 (1980).
27. The violation noted in paragraph 26 occurred on 16 occasions between October 20, 2010, and September 26, 2011.

12-30-11
Date


for Cheryl L. Newton
Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Notice of Violation, No. EPA-5-12-MI-02, by

Certified Mail, Return Receipt Requested, to:

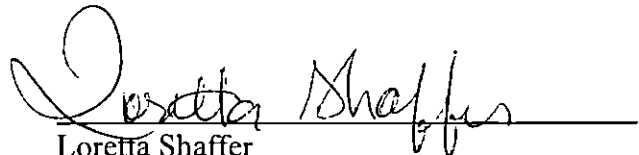
Recycling and Treatment Technologies of Detroit, LLC
c/o B. & MCD., Inc., Registered Agent
388 S. Main Street Ste. 500
Akron, Ohio 44311-4419

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

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

Teresa Seidel
Michigan Department of Environmental Quality
Cadillac Place
3058 West Grand Boulevard, Suite 2-300
Detroit, Michigan 48202-6058

on the 30 day of Dec, 2011.

A handwritten signature in cursive script, reading "Loretta Shaffer", is written over a horizontal line.

Loretta Shaffer
Administrative Program Assistant
Planning Administrative Section

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7673 9092