



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

SEP 26 2013

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Recycling and Treatment Technologies of Detroit LLC
c/o Magnus International Group
16533 Chillicothe Road
Chagrin Falls, Ohio 44023

Re: *In Re: Recycling and Treatment Technologies of Detroit LLC*
Administrative Consent Order
Docket No. EPA-5-13-113(a)-MI-02

To Whom It May Concern:

Enclosed is an executed original of a Consent Order regarding the above-captioned case. If you have any questions about the Order, please contact me at (312) 886-7950.

Sincerely,

A handwritten signature in black ink, appearing to read "Sarah G. Marshall", is written over a horizontal line.

Sarah G. Marshall
Chief
Air Enforcement and Compliance Assurance Section MI/WI

Enclosure

cc: Meagan L. Moore, Esq.
Brouse McDowell
600 Superior Avenue East, Suite 1600
Cleveland, OH 44114-2603

Stephen Weis, MDEQ

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	EPA-5-13-113(a)-MI-02
)	
Recycling and Treatment)	
Technologies of Detroit LLC)	Proceeding Under Section 113(a)(1)
Detroit, Michigan)	of the Clean Air Act, 42 U.S.C.
)	§113(a)(1)
)	

Administrative Consent Order

1. The Director of the Air and Radiation Division, U.S. Environmental Protection Agency (EPA), Region 5, is issuing this Order to Recycling and Treatment Technologies of Detroit LLC under Section 113(a)(1) of the Clean Air Act (CAA), 42 U.S.C. § 7413(a)(1).

Statutory and Regulatory Background

2. Each state must submit to the Administrator of EPA a plan for attaining and maintaining the National Ambient Air Quality Standards under Section 110 of the CAA, 42 U.S.C. § 7410.

3. 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 On May 13, 1993, EPA approved the State of Michigan's October 10, 1986 SIP submittal (portions of which were withdrawn in a January 28, 1993 letter from the State of Michigan). 58 Fed.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).

4. 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.

5. The Michigan SIP 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.

6. The Michigan SIP includes Section 801 (Incorporated State Rules) of the Wayne County Pollution Control Ordinance (WCPCO). 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. 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).

7. Under Section 113(a)(1) of the CAA, 42 U.S.C. § 7413 (a)(1), the Administrator of EPA may issue an order requiring compliance to any person who has violated or is violating a SIP. The Administrator has delegated this authority to the Director of the Air and Radiation Division.

Findings

8. Recycling and Treatment Technologies of Detroit LLC ("RTTD") owns and operates a waste oil recycling and treatment facility at 530 South Rouge Street, Detroit, Michigan.

9. EPA alleges RTTD is subject to the SIP requirements because it currently operates an oily wastewater recycling process and it did operate a K-waste recycling process. Both processes may be sources of air contaminants.

10. On September 27, 2010, EPA issued to RTTD a Notice of Violation alleging that RTTD violated the SIP provision which does not allow 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 for causing incidents constituting unreasonable interference with the comfortable enjoyment of life and property on a number of occasions between September 2009 and August 2010. Mich. Admin. Code r. 336.1901 (1980) and WCPCO Section 801.A.

11. On December 30, 2011, EPA issued to RTTD a Notice of Violation alleging that RTTD violated the SIP Provision requiring a permit to install and a permit to operate by operating the facility without either type of permit since January 10, 2007. Mich. Admin. Code r. 336.1201, 336.1208. This Notice of Violation also alleged additional incidents constituting unreasonable interference with the comfortable enjoyment of life and property on a number of occasions between October 2010 and September 2011. Mich. Admin. Code r. 336.1901 (1980) and WCPCO Section 801.A.

12. On November 9, 2010, representatives of RTTD and EPA discussed the September 27, 2010 Notice of Violation. On March 21, 2012, representatives of RTTD and EPA discussed the December 30, 2011 Notice of Violation.

13. EPA alleges that RTTD violated Mich. Admin. Code r. 336.1201, 336.1208 and 336.1901 (1980), as well as WCPCO Section 801.A.

14. RTTD neither admits nor denies the factual allegations and findings in this Order, but RTTD agrees to the terms contained in the Compliance Program (paragraphs 15-19) and General Provisions (paragraphs 20-28) sections of this Order.

Compliance Program

15. RTTD must apply for a Permit To Operate ("PTO") and Permit To Install ("PTI") for the facility within seventy-five (75) days of the effective date of this Order. The PTO and PTI application(s) must include provisions for the installation and operation of emission control technology (including at least one scrubber) required to achieve compliance with WCPCO Section 801.A. and Mich. Admin. Code r. 336.1901. RTTD must provide a copy of the permit application(s) to EPA simultaneously with the submittal to the State of Michigan.

16. RTTD must obtain a PTO and PTI for the facility within two-hundred and fifty (250) days of the effective date of this Order. EPA agrees to consider an amendment to this Order to extend this deadline at the request of RTTD if the extension request is based upon circumstances beyond the control of RTTD. The PTO and PTI permit(s) must include provisions for the installation and operation of emission control technology (including at least one scrubber) required to achieve compliance with WCPCO Section 801.A. and Mich. Admin. Code r. 336.1901. RTTD must provide a copy of the permit(s) to EPA within five (5) business days of obtaining them from the State of Michigan.

17. RTTD must achieve, demonstrate and maintain compliance with all applicable SIP requirements at its Detroit, Michigan facility within three hundred and sixty (360) days of the effective date of this Order.

18. RTTD shall not use Pit A or Pit C at its Detroit, Michigan facility in a manner which would cause or permit the emission of an air contaminant in quantities that will cause, alone, or in reaction with other air contaminants, unreasonable interference with the comfortable enjoyment of life and property.

19. RTTD must send all reports required by this Order to:

Attention: Compliance Tracker (AE-17J)
Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

General Provisions

20. This Order does not affect RTTD's responsibility to comply with other federal, state and local laws.

21. This Order does not restrict EPA's authority to enforce the Michigan SIP or any section of the CAA.

22. Nothing in this Order limits the EPA's authority to seek appropriate relief, including penalties, under Section 113 of the CAA, 42 U.S.C. § 7413, for RTTD's violation of the SIP.

23. Failure to comply with this Order may subject RTTD to penalties of up to \$37,500 per day for each violation under Section 113 of the CAA, 42 U.S.C. § 7413, and 40 C.F.R. Part 19.

24. The terms of this Order are binding on RTTD, its assignees and successors. RTTD must give notice of this Order to any successors in interest prior to transferring ownership

and must verify to EPA within five (5) business days, at the above address, that it has given the notice.

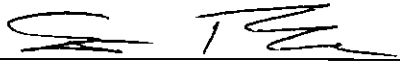
25. EPA may use any information submitted under this Order in an administrative, civil judicial or criminal action.

26. RTTD agrees to the terms of this Order.

27. This Order is effective on the date of signature by the Director of the Air and Radiation Division. This Order will terminate three hundred and sixty (360) days from the effective date of this Order, provided that RTTD has complied with all terms of the Order throughout its duration.

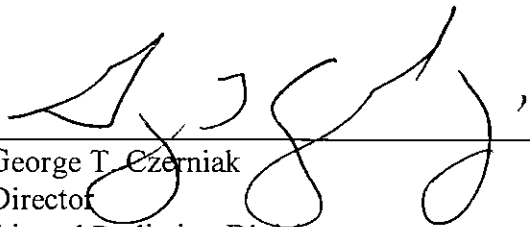
28. RTTD waives any and all remedies, claims for relief and otherwise available rights to judicial or administrative review that RTTD may have with respect to any issue of fact or law set forth in this Order, including any right of judicial review under the CAA or Administrative Procedures Act, 5 U.S.C. §§ 500-596.

9/20/13
Date



Scott Forster, Authorized Representative of
Recycling and Treatment Technologies of Detroit LLC

9/26/13
Date



George T. Czerniak
Director
Air and Radiation Division
U.S. Environmental Protection Agency, Region 5

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent the Administrative Consent Order, EPA-5-13-113(a)-MI-02, by certified mail, return receipt requested, to:

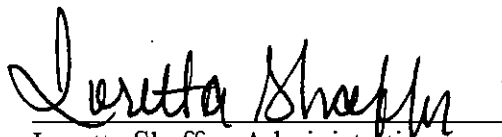
Recycling and Treatment Technologies of Detroit LLC
c/o Magnus International Group
16533 Chillicothe Road
Chagrin Falls, OH 44023

Meagan L. Moore, Esq.
Brouse McDowell
600 Superior Avenue East, Suite 1600
Cleveland, OH 44114-2603

I also certify that I sent a copy of the Administrative Consent Order, EPA-5-13-113(a)-MI-02, by first-class mail to:

On the 26 day of September 2013.

Steve Weis
Michigan Department of
Environmental Quality
Air Quality Division -
Detroit District Office
3058 W. Grand Blvd., Suite
2-300
Detroit, MI 48202


Loretta Shaffer, Administrative
Program Assistant
Planning and Administration Section

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7669 5725