

Response to Comments Document

COMPANY DETAILS

Company: Edw. C. Levy Company (Levy)

Locations:

- Plant 6 Facility: 13800 Mellon Street, Detroit, Michigan
- Section 2 Facility: 4001 Miller Road, Dearborn, Michigan

Administrative Consent Order No.: 2024-13

DECISION

The Michigan Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD) entered into this Administrative Consent Order (consent order) with Levy without changes on November 14, 2024. The decision maker for this action was Chris Ethridge, Assistant Director of the AQD.



Figure 1: Company locations

PURPOSE

The purpose of the Response to Comments document is to discuss the public participation process for Levy's enforcement case, detail the comments received during the comment period and our responses, and discuss the changes made, if any.

PUBLIC PARTICIPATION PROCESS

[Consent Order No. 2024-13](#) requires Levy to pay a fine and follow a compliance plan. The consent order resolves violations alleged by EGLE, AQD at Levy's Plant 6 Facility and Section 2 Facility. The public participation process provided information for public viewing, including a Proposed Enforcement Summary (PES), Enforcement Summary Report (ESR), and a proposed consent order. An extended 45-day public comment period was held, during which members of the public provided written comments on the proposed consent order.

Public Comment Period and Opportunities to Participate

On September 9, 2024, a public comment period was opened. The public participation process involved providing information for public review including:

- The PES, ESR, and proposed consent order were placed on the AQD Public Notice webpage for [Proposed Consent Orders Open for Comment](#).
- The PES was available in English, Arabic, and Spanish.
- A notification was sent via email to persons who had previously expressed interest in Levy and had provided a valid email address. District staff also provided hard copies of the information to interested parties with no previous email on file.

- An initial notification and a reminder of the comment period were sent out through EGLE's subscription platform to the Air Quality News and Information and the Environmental Justice lists.
- Posted a notice of the start of the comment period, the date of the informational session and public hearing, and the end of the comment period on the EGLE Outreach Calendar at <https://www.michigan.gov/egle/outreach/calendar>.

An online information session was held on October 1, 2024. A [recording](#) of the information session was posted on YouTube. Approximately nine (9) people participated in the online information session. Representatives from the AQD were available to answer questions about the proposed consent order during the information session. The information session began at 6:00 p.m. and ended at approximately 7:00 p.m.

An online information session and public hearing was held on October 15, 2024. A [recording](#) of this information session and public hearing was posted on YouTube. Approximately nine (9) people participated in the online information session. Representatives from the AQD were available to answer questions about the proposed consent order during the information session. Chris Ethridge, AQD Assistant Division Director, was the decision maker for the action and Jenifer Dixon served as the hearing officer. The information session began at 6:00 p.m. and the public hearing followed afterward, ending at approximately 7:30 p.m. During the public hearing, written comments were provided for the record.

The public comment period ended on October 25, 2024.

Summary of Comments Received and AQD's Response

Comments were received from one individual during the public comment period. The remainder of this document is a listing of the comments received during the public comment period and the virtual public hearing, and the department's response. The first section discusses the comments received that resulted in changes to the final consent order, if any, and the basis for each change. The last section discusses the department's response to all other significant comments not resulting in changes to the final consent order.

Summary of Changes

No changes were made to the consent order as a result of comments received.

Summary of Significant Comments

Comments in this section did not lead to changes in the final action. Responses are included to provide information related to the submitted comment.

1. Comment

Fugitive dust and odor should be addressed as slag is loaded on to trucks, rail, ship/barge to transport away from site, and via the conveyor that crosses the river.

AQD Response:

Levy does not transport slag via rail, ship, or barge at the Plant 6 and Section 2 Facilities. The AQD regulates stationary industrial sources and does not have the authority to regulate slag after it is transported outside the bounds of Levy's property.

At the Section 2 Facility, Levy is required to apply odor control to the slag during water quenching as a requirement of the Nuisance Minimization Plan for Odors (NMPO), which is described in Exhibit A of the consent order. Quenching is where molten slag is cooled with air and water until it is hard enough to be stockpiled. The odor control chemical that is added to the quench water reacts with sulfur compounds in the slag to reduce odors. Levy is required to add the maximum amount of the odor control chemical that will dissolve in water. After quenching, the stockpiles of slag are watered even more to control dust when slag is loaded into trucks to be taken off site. The process of loading slag on to trucks does not generate additional odors. Once trucks are off site, the AQD has no regulatory authority over potential odors from the material.

At the Plant 6 Facility, Levy is required to address fugitive dust in a variety of ways before slag is transported off site as a requirement of the Fugitive Dust Control Plan (FDCP), which is described in Exhibit B of the consent order. Slag from stockpiles and slag stored in pallet boxes must be watered before being loaded on to trucks. Conveyors at the Plant 6 facility, including the conveyor that crosses the Rouge River, must have water sprays to minimize fugitive dust. Levy is required to conduct a certified visible emission observation on a representative conveyor at least once every two (2) weeks to ensure dust is minimized. The FDCP has requirements to make sure fugitive dust controls are properly operated and maintained, including the water sprays, misting devices, and water trucks. The FDCP also has the following requirements for addressing possible fugitive dust coming from loading trucks:

- The slag loader bucket can be no higher than two (2) feet above the sideboard of a truck when loading slag for transport,
- Tarps must be placed over the slag on any truck that leaves the property,
- A certified visible emission observation must be conducted when slag is being loaded into a truck from a storage pile at least once every two (2) weeks, and
- Material spilled from trucks onto public roadways must be quickly cleaned up.

As the comment broadly addresses fugitive dust and odors, it is assumed to be for both locations. It should be noted that to date, we have not identified any fugitive dust violations from Levy's operations at the Section 2 Facility or identified any nuisance odor violations from Levy's operations at the Plant 6 Facility.

The NMPO and FDCP have requirements to make sure the odor control and fugitive dust control equipment is properly operated and maintained. Levy is required to follow both of these plans. The consent order requires Levy to comply with these plans, and Levy may be subject to stipulated fines if they violate the terms of this plans. The AQD will also continue to respond to complaints and conduct investigations in response to complaints received.

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