



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

MAR 28 2011

REPLY TO THE ATTENTION OF:
AE-17J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jason Roughton
President
RJ Torching, Inc.
5061 Energy Drive
Flint, Michigan 48505

Re: Notice of Violation
RJ Torching, Inc.
Flint and Battle Creek, Michigan

Dear Mr. Roughton:

The U.S. Environmental Protection Agency is issuing the enclosed Notice of Violation (NOV) to RJ Torching, Inc. (you) under Section 113(a)(1) of the Clean Air Act (the Act), 42 U.S.C. § 7413(a)(1). We find that you are violating the Michigan State Implementation Plan at your Flint and Battle Creek, Michigan facilities.

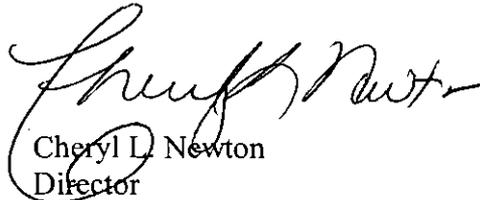
Section 113 of the Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil or criminal action.

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 Ray Cullen. You may call him at (312) 886-0538 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,



Cheryl L. Newton
Director
Air and Radiation Division

Enclosure

cc: Mary Douglas, Supervisor
Michigan Department of Natural Resources and Environment
Kalamazoo District

Tom Hess, Chief
Michigan Department of Natural Resources and Environment
Air Quality Division

8. R336.1901 requires that a person shall not cause or permit the emission of an air contaminant or water vapor in quantities that cause, alone or in reaction with other air contaminants, either a) injurious effects to human health or safety, animal life, plant life of significant economic value, or property; or b) unreasonable interference with the comfortable enjoyment of life and property.

Findings of Fact

9. RJ Torching owns and operates scrap collection and processing facilities at G-5167 North Dort Highway, Flint, Michigan (the Flint facility) and 989 North Raymond Avenue, Battle Creek, Michigan (the Battle Creek facility, also known as Heavy Metal Scrap, LLC).
10. RJ Torching is a "person," as that term is defined at R336.1116.
11. On June 10, 2010, EPA sent separate information requests to the Flint facility and the Battle Creek facility under Section 114(a) of the Act, 42 U.S.C. § 7414(a), seeking information to determine whether the facilities are complying with the Act.
12. RJ Torching submitted its responses to EPA's information requests, dated October 31, 2010.
13. RJ Torching conducts torch cutting of metal scrap exclusively with 6-foot Smith Equipment Gas Axe torch cutters with a number 9 Smith cutting tip.
14. There are twenty torch cutting operators on average at the Flint facility and 1-2 at the Battle Creek facility. On average, each operates 50-55 hours per week at the Flint facility and 30-40 hours per week at the Battle Creek facility, and cuts 1.5-2 gross tons of material an hour.
15. Torch cutting is a "process," as that term is defined at R336.1116.
16. Emissions from torch cutting at the Flint and Battle Creek facilities are "air contaminants," as that term is defined at R336.1101, and are subject to R336.1301 and R336.1901.
17. On November 1, 2007, December 19, 2007, March 14, 2008, March 26, 2008, April 17, 2008, February 3, 2009, August 12, 2010, and November 19, 2010, the Michigan Department of Natural Resources and Environment (f/k/a the Michigan Department of Environmental Quality) conducted VE readings in accordance with EPA Method 9 at the Flint facility during periods of torch cutting.
18. On June 6, 2008 and March 15, 2010, the Michigan Department of Natural Resources and Environment conducted EPA Method 9 VE readings at the Battle Creek facility during periods of torch cutting.
19. The Michigan Department of Natural Resources and Environment has received several complaints from neighbors of both the Battle Creek and Flint facilities that emissions

from those facilities are interfering with the comfortable enjoyment of their life and property.

20. The VE readings described above demonstrate that RJ Torching had 23 instances at the Flint facility and one at the Battle Creek facility from November 1, 2007 through November 19, 2010 when it exceeded the VE opacity limit of R336.1301(1)(a), as shown in the table below.

Inspection Date/Time	Emissions Color	Maximum Opacity Observed	6-Minute Average
The Flint facility			
11/1/07 11:30 -11:45 am	Mostly black, some yellow and green	80%	23.54% (11:32:15-11:38:00 am) 31.25% (11:38:45-11:45:30 am)
11/1/07 11:50-12:05 pm	Mostly black, some yellow and green	80%	23.54% (11:51:30-11:57:15 am)
12/19/07 11:15-11:30 am	Black and yellow	80%	30.00% (11:15:00-11:20:45 am) 42.29% (11:23:15-11:29:00 am)
12/19/07 11:32-11:47 am	Black and yellow	80%	25.21% (11:33:15-11:39:00 am) 48.75% (11:40:00-11:45:45 am)
3/14/08 1:31-1:46 pm	White and yellow	100%	38.54% (1:34:00-1:39:45 pm) 53.13% (1:40:00-1:45:45 pm)
3/26/08 3:01-3:16 pm	Gold and green	90%	52.08% (3:02:30-3:08:15 pm) 51.25% (3:09:30-3:15:15 pm)
4/17/08 11:24-11:39 am	Brown and yellow	80%	44.58% (11:24:00-11:29:45 am) 40.00% (11:33:00-11:38:45 am)
4/17/08 11:40-11:54 am	Black, brown, yellow, and orange	100%	49.38% (11:40:00-11:45:45 am)
2/3/09 9:10-9:25 am	Brown and yellow	90%	55.63% (9:10:15-9:16:00 am) 48.33% (9:18:00-9:23:45 am)
2/3/09 10:50-11:05 am	Brown and yellow	80%	38.96% (10:50:00-10:55:45 am) 27.50% (10:56:00-11:01:45 am)
8/12/10 10:46-11:01 am	Gray and gold	80%	36.46% (10:46:00-10:51:45 am) 39.58% (10:52:15-10:58:00 am)
8/12/10 11:14-11:29 am	Gray and gold	60%	26.25% (11:14:00-11:19:45 am) 25.21% (11:20:30-11:26:15 am)
8/12/10 11:40-11:55 am	Gold	90%	40.00% (11:41:30-11:47:15 am) 37.92% (11:48:45-11:54:30 am)
11/19/10 11:07-11:22 am	Yellow, black, and gray	50%	24.17% (11:07:00-11:12:45 am) 20.21% (11:13:00-11:18:45 am)
11/19/10 2:12-2:27 pm	Yellow, black, and gray	80%	29.58% (2:12:00-2:17:45 pm) 21.67% (2:21:00-2:26:45 pm)
The Battle Creek Facility			
6/6/08 10:40-10:55 am	White and yellow	90%	37.71% (10:40:00-10:45:45 am)

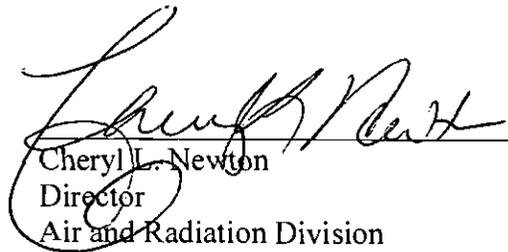
Violations

- 21. The VE readings described above exceed the limits, and constitute violations of R336.1301(1)(a).
- 22. Emissions at the Flint and Battle Creek facilities unreasonably interfere with the comfortable enjoyment of life and property, and constitute violations of R336.1901.

Environmental Impact of Violations

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

Date 3/25/11


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-04, by

Certified Mail, Return Receipt Requested, to:

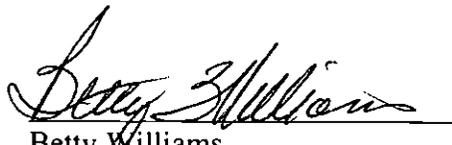
Jason Roughton
President
RJ Torching, Inc.
5061 Energy Drive

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

Mary Douglas, Supervisor
Michigan Department of Natural Resources and Environment
Kalamazoo District
7953 Adobe Road
Kalamazoo, Michigan 49009-5026

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

on the 28th day of March, 2011.



Betty Williams
Administrative Program Assistant
Planning and Administration Section

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7670 2416