



September 6, 2016

Mr. Sam Liveson
Michigan Department of Environmental Quality
Southeast Michigan District
Air Quality Division
27700 Donald Court
Warren, MI 48092-2793

Subject: Response to DEQ Violation Notice
General Motors LLC, Milford Proving Ground/ MI-ROP-A5262-2016a

Dear Mr. Liveson,

This is General Motors LLC's (GM) response to the Violation Notice (Notice) dated August 17, 2016 regarding GM's Milford Proving Ground in Milford, Michigan. In the Notice, the Michigan Department of Environmental Quality (MDEQ) states that MDEQ's observations during a June 6, 2016 inspection and records provided by GM "demonstrated that the facility conducted open burning of vehicle bumpers for litigation support in May of 2016." MDEQ claims that this activity "constitutes a violation of Act 451, Rule 310, which prohibits the open burning of refuse, garbage, or any other waste material at any business or commercial operation."

The Notice offers GM the opportunity to provide information if GM believes that the Notice is inaccurate or that the facts alleged do not constitute violations of the legal requirements cited. GM appreciates the opportunity to do so. Please be advised that, for reasons including, but not necessarily limited to, the following, the Notice is inaccurate and the facts alleged do not constitute violations of the legal requirements cited:

1. The Notice claims that "[d]uring the [June 6] inspection, staff observed" the "burn pad testing," described as: "The facility conducted open burning on four pounds of vehicle bumpers in May of 2016 for litigation support." The statement that MDEQ observed the activity in question is inaccurate. In fact, MDEQ did not observe the activity. As the Notice states, MDEQ's inspection occurred on June 6, whereas the activity occurred in May. Elsewhere, the Notice appears to acknowledge that the Notice is based not on MDEQ's observation but on documents provided by GM in response to an MDEQ record request on August 8, 2016.
2. The Notice claims that "the facility conducted open burning on four pounds of vehicle bumpers." This factual allegation is incorrect. In fact, the facility

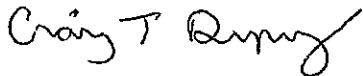
did not burn any bumpers. Rather, the facility briefly ignited less than four pounds of twigs and branches to test the effect of fire on the bumpers.¹ The bumpers did not catch fire. Even if the bumpers had ignited, this would not have constituted the burning of refuse, garbage, or other waste material but rather the burning of GM products for the purpose of testing and research. This is consistent with the mission of the MPG. The Notice itself correctly describes GM's process as "*burn pad testing*" – not waste disposal (emphasis added).

3. Because no refuse, garbage, or other waste material was burned, no violation of Rule 310 occurred or could have occurred.²

Based on the errors in the Notice, it appears that MDEQ does not understand the activities performed at the facility's burn test pad. GM wants to ensure the MDEQ has a full understanding of the operation in question and would like to extend an invitation to review this operation in more detail.

GM looks forward to working with the Agency in this matter. If you have any questions, or if you would like to accept our invitation to better understand our operation, please contact Rachel Gribas at (248) 828-5929 or by email at rachel.gribas@gm.com.

Sincerely
On Behalf of General Motors,



Craig Duprey
Operations Group Manager

Cc. Christopher Ethridge, MDEQ SE MI District Supervisor
Rachel Gribas, GM GECS MPG Environmental Engineer
Brenda Korth, GM GECS Lead MPG Environmental Engineer
Jessica Lilley, GM GECS FES Facility Air Compliance & Permit

¹ The documents provided by GM reference "2#" of material in connection with each of two "bumper melt analysis" events. MDEQ may have assumed that the "2#" refers to the bumpers. However, it refers not to the bumpers but to the approximate weight of the fuel burned (the twigs and branches).

² Although Part 55 and the Part 55 regulations do not appear to define "refuse," "garbage," or "waste material," Part 115 defines "solid waste" as "garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, municipal and industrial sludges, solid commercial waste, solid industrial waste, and animal waste." MCL 324.11506(1). The materials involved in this matter do not remotely meet this definition. Therefore, they are not refuse, garbage, or other waste under Michigan law, including Rule 310.

From: Rusty Helm [<mailto:rusty.helm@gm.com>]

Sent: Tuesday, November 29, 2016 9:55 PM

To: Zhu, Joyce (DEQ); Switzer, Annette (DEQ)

Cc: Jessica I Lilley; BRENDA KORTH; Rachel Gribas; Stacey Helton; Dolehanty, Mary Ann (DEQ); Mitchell, Mark (DEQ); Ethridge, Christopher (DEQ); Byrnes, Melissa (DEQ); Thompson, David (DEQ); Zhu, Joyce (DEQ); Liveson, Samuel (DEQ)

Subject: Milford Burn Pad

Joyce and Annette:

In follow-up to our discussions regarding GM's Milford Proving Ground, GM continues to have constructive dialogue with MDEQ to explore options on how it can conduct the necessary safety, litigation and product testing on its burn pad. As you recall, on November 21st GM met with AQD Staff to discuss various options which included the potential application of a Rule 290 exemption or obtaining a Rule 201 Permit to Install. Both options were discussed in detail and are being investigated further by both GM and AQD Staff. Furthermore, GM agreed to investigate options to quantify emissions, specifically air toxics, in order to better understand which option (i.e. 290 or 201) may be viable. GM is currently conducting this research and will contact DEQ within the next few weeks with its proposal.

In the meantime, if there any questions please contact me.

Thank you,
Rusty