



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
LANSING DISTRICT OFFICE



LIESL EICHLER CLARK
DIRECTOR

November 24, 2021

Mr. Jeff Adler, President
Tuscola Energy
920 North Water Street, Suite 213
Bay City, Michigan 48708

SRN: B5462, Lapeer County

Dear Mr. Adler:

VIOLATION NOTICE

On September 16, 2021, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), received a telephone call from you, regarding Tuscola Energy – Richfield Gas Plant (Tuscola Energy), located at 7770 McTaggart Road, North Branch, Michigan. I requested a written summary of the event from you in order to determine Tuscola Energy's compliance with the requirements of the federal Clean Air Act; Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451); the Air Pollution Control Rules; and the conditions of Renewable Operating Permit (ROP) number MI-ROP-B5462-2021a.

A written summary of the September 15, 2021, event was not received by the AQD. Regular monthly Rule 403 Monitoring Reports, required by the ROP, were received on October 19, 2021, and November 19, 2021. During the review of these reports, staff observed the following:

Process Description	Rule/Permit Condition Violated	Comments
EU-GASTREATING	MI-ROP-B5462-2021a, EU-GASTREATING Special Condition (SC) I. 1.	Exceedances of permitted sulfur dioxide limit of 2,227 lbs in a 24-hour period, on September 15, 2021, and October 15 and 25, 2021.
EU-GASTREATING	MI-ROP-B5462-2021a, EU-GASTREATING SC VII. 1., and General Condition (GC) 21. a.	Failures to promptly report deviations.
EU-GASTREATING	Michigan Air Pollution Control Rule 912(4) and (5), and MI-ROP-B5462-2021a, GC 25	Failures to report emission exceedances which lasted over 2 hours, by telephone within 2 days, and in writing within 10 days of shutdowns, and within 30 days of discovery of abnormal events or malfunctions.

EU-GASTREATING	MI-ROP-B5462-2021a, EU-GASTREATING SC III. 1.	Failure to submit Malfunction Abatement Plan within 60 days of issuance of MI-ROP-B5462-2021.
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MI-ROP-B5462-2021a EU-GASTREATING Special Condition (SC) I. 1 limits the sulfur dioxide emissions from EU-GASTREATING to 2,227 lbs over a 24-hour period. On September 15, 2021, the reported sulfur dioxide emissions over a 24-hour period from EU-GASTREATING were 2,909.32 lbs, as detailed in the monthly Rule 403 Monitoring Report received on October 19, 2021. On October 15 and 25, 2021, reported 24-hour sulfur dioxide emissions were 2375.31 lbs, and 4357.82 lbs, respectively, as detailed in the monthly Rule 403 monitoring report received on November 19, 2021. These exceedances constitute violations of the permitted emission limit.

The above exceedances or deviations were not reported to AQD promptly, as required by MI-ROP-B5462-2021a EU-GASTREATING SC VII. 1, and by General Condition (GC) 21. EU-GASTREATING GC 21. a. states that for deviations which exceed the emissions allowed under the ROP, prompt reporting “means reporting consistent with the requirements of Rule 912 as detailed in Condition 25.”

EU_GASTREATING GC 25 requires, in part, that the permittee shall provide notice of an abnormal condition, start-up, shutdown, or malfunction that results in emissions of any air contaminant continuing for more than 2 hours in excess of any applicable standard or limitation, as required by Rule 912, to the appropriate AQD District Office. The notice shall be provided not later than two business days after the start-up, shut down, or discovery of the abnormal conditions or malfunction. The notice shall be by any reasonable means including electronic, telephonic or oral communication. Written reports, if required under Rule 912, must be submitted to the appropriate AQD District Supervisor within 10 days after start-up or shutdown occurred, within 10 days after the abnormal conditions or malfunction has been corrected, or within 30 days of the discovery of the abnormal conditions or malfunction, whichever is first.

For the September 15, 2021, event, where sulfur dioxide emissions exceeded the permitted 24-hour limit for more than two hours, notice was provided by telephone on September 16, 2021, as required by Rule 912(4). However, written notice was not provided within 30 days of the discovery of the abnormal conditions or malfunction, as required by Rule 912(5). This is a violation of Rule 912(5), as well as MI-ROP-B5462-2021a, EU-GASTREATING SC VII. 1, GC 21. a., and GC 25. Additionally, the AQD was not informed if the abnormal conditions or malfunction have been corrected.

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For the October 15 and 25, 2021 events, where sulfur dioxide emissions exceeded the permitted limit for more than two hours, notices were not provided by telephone, as required by Rule 912(4). Additionally, written notices were not provided within 10 days after the shutdowns on October 17 and October 25, 2021 occurred, or within 30 days of the discovery of the October 15 event, as required by Rule 912(5). These constitute violations of Rules 912(4) and (5).

Lastly, Tuscola Energy has not submitted a malfunction abatement plan (MAP) for the flare associated with EU-GASTREATING within 60 days of ROP issuance, as required by MI-ROP-B5462-2021a, EU-GASTREATING SC III. 1. The renewed ROP MI-ROP-B5462-2021 was issued on July 23, 2021. This constitutes a violation of EUGASTREATING SC III. 1.

Be aware that state and federal air pollution regulations prohibit Tuscola Energy from obtaining any new permits for major offset sources located in Michigan until the cited violations are corrected or until Tuscola Energy has entered a legally enforceable order or judgment specifying an acceptable program and schedule for compliance.

Please initiate actions necessary to correct the cited violations and submit a written response to this Violation Notice by December 17, 2021 (which coincides with 23 calendar days from the date of this letter). The written response should include: the dates the violations occurred; an explanation of the causes and duration of the violations; whether the violations are ongoing; a summary of the actions that have been taken and are proposed to be taken to correct the violations and the dates by which these actions will take place; and what steps are being taken to prevent a reoccurrence.

If not already addressed in your response to the above paragraph, please explain why the flow of gas to the flare was high enough to cause exceedances of the 24-hour sulfur dioxide limit on September 15, 2021, and October 15 and 25, 2021, and what steps have been or are being taken to prevent a reoccurrence, in the future.

Please submit the written response to EGLE, AQD, Lansing District, at Constitution Hall, Lansing District Office, P.O. Box 30242, First Floor South, Lansing, Michigan 48909 and submit a copy to Ms. Jenine Camilleri, Enforcement Unit Supervisor at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760.

If Tuscola Energy believes the above observations or statements are inaccurate or do not constitute violations of the applicable legal requirements cited, please provide appropriate factual information to explain your position.

Thank you for your attention to resolving the violations cited above and for the cooperation that was extended to me during my inspection of Tuscola Energy.

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If you have any questions regarding the violations or the actions necessary to bring this facility into compliance, please contact me at the number listed below.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel A. McGeen". The signature is fluid and cursive, with the first name being the most prominent.

Daniel A. McGeen
Environmental Quality Analyst
Air Quality Division
517-648-7547

cc: Ms. Mary Ann Dolehanty, EGLE
Dr. Eduardo Olaguer, EGLE
Ms. Jenine Camilleri, EGLE
Mr. Christopher Ethridge, EGLE
Mr. Brad Myott, EGLE