



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
LANSING



DAN WYANT  
DIRECTOR

November 4, 2015

**ENFORCEMENT NOTICE**

In the matter of:

Mr. Anthony J. Falbo, Senior Vice President, Operations  
FORTISTAR Methane Group  
Arbor Hills Energy, LLC  
5087 Junction Road  
Lockport, New York 14094

SRN: N2688; Washtenaw County

ATTENTION Mr. Falbo:

This letter is to advise you of the commencement of escalated enforcement action against Arbor Hills Energy, LLC, for air quality violations that occurred at its facility located at 10611 West 5 Mile Road in Northville, Michigan. This enforcement notice is for exceeding the SO<sub>2</sub> emission limits at two gas fired turbines and the associated duct burners in violation of Renewable Operating Permit number MI-ROP-N2688-2011. This letter follows the Violation Notice issued by the Department of Environmental Quality, Air Quality Division (AQD), on September 11, 2015, that outlines the alleged violations.

The alleged violations against the company are federally enforceable and are considered a High Priority Violation (HPV) by the United States Environmental Protection Agency (USEPA). The HPV designation means that the USEPA places a priority on enforcing the regulations governing this violation and on formally resolving alleged violation.

The AQD is hereby providing the company with an opportunity to meet to discuss options for satisfactorily resolving the mentioned violation, to demonstrate compliance, and to present factual information in writing that should be considered regarding the violation. This proposed resolution would include, among other things, a compliance schedule and an appropriate monetary penalty. Please contact me by **Friday, November 13, 2015**, to schedule a meeting to discuss the resolution of this matter.

Be advised that failure to respond to this Enforcement Notice and adequately resolve or address the cited violation may result in further enforcement proceedings, including, but not limited to, referral of the matter to the Michigan Department of Attorney General for commencement of civil litigation. Be further advised that this Enforcement Notice does not preclude or limit the AQD's ability to initiate any other enforcement action under federal or state law as appropriate.

Sincerely,

Jenine Camilleri  
Enforcement Unit, Air Quality Division  
517-284-6768  
[camillerij@michigan.gov](mailto:camillerij@michigan.gov)

cc: Ms. Sarah Marshall, U.S. EPA, Region 5  
Mr. Neil Gordon, MDAG  
Ms. Teresa Seidel, MDEQ  
Mr. Thomas Hess, MDEQ  
Mr. Scott Miller, MDEQ  
Ms. Diane Kavanaugh Vetort, MDEQ