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AIR QUALITY DIVISION

November 12, 2019

Mr. Mike Kovalchick
Senior Environmental Engineer
Air Quality Division
Michigan Department of Environment, Great Lakes, and Energy
Jackson State Office Building
301 East Louis B Glick Highway
Jackson, MI 49201-1556

**Re: Advanced Disposal Services, Arbor Hills Landfill
October 21, 2019 Violation Notice**

Dear Mr. Kovalchick:

This letter provides the response of Advanced Disposal Services, Arbor Hills Landfill Inc. (Advanced Disposal) to the Department of Environment, Great Lakes and Energy (EGLE), Air Quality Division (AQD) October 21, 2019 Violation Notice. The notice alleges that the ability of the landfill's gas collection and control system (GCCS) to collect landfill gas is impaired, in part, by "high liquid levels" in the gas wells, as reported by Advanced Disposal for the 2nd and 3rd quarters of 2019, which constitutes a violation of 40 CFR 60.659 of the New Source Performance Standards (NSPS), Subpart WWW and 40 CFR 63.6(e)(a)(i) of the National Emissions Standards for Hazardous Air Pollutants (NESHAP), Subpart AAAA.

As explained below, we disagree with characterizing the liquid levels in gas wells is a regulatory violation. Nevertheless, putting these points aside, at the end of the following discussion, we propose a practical solution based upon precedent in Wisconsin.

As you are aware, 40 CFR 60.659 of the NSPS, Subpart WWW is a general provision pertaining to the overall construction and design of gas collection systems and 40 CFR 63.6(e)(a)(i) of the NESHAP, Subpart AAAA is a general duty clause requiring an owner or operator to minimize emissions through a manner consistent with safety and good air pollution control practices. Neither provision contains any specific requirements pertaining to liquid levels in the gas wells. Further, there is no other State or Federal rule or regulation, or permit condition specifying a gas well liquid level. In short, Advanced Disposal has not violated any rule, regulation, or permit condition based on the level of liquid in the gas wells.

A fundamental issue with the Violation Notice is that it assumes that an increase in liquid levels in some gas wells is evidence that the facility is not being operated in a manner consistent with good air pollution control practices. While liquid levels in gas wells can be a factor in the ability of an individual LFG well to collect LFG, there are numerous other factors that contribute to the performance of an individual gas extraction point as it relates to its ability to collect LFG, including type of surrounding waste, age of waste, density of waste, well spacing, well tuning, etc. Given the variability of each of these items within a landfill environment, one must look at not just individual extraction wells, but the gas collection system as a whole in terms of evaluating its operation.

Accordingly, 40 CFR 60.753 of the NSPS Subpart WWW, outlines the operational standards for collection and control systems. The operating standards referenced therein include items not only for individual wells, but the collection system as a whole, the latter of which is evaluated by surface emission monitoring (SEM). The performance of surface emission monitoring not only identifies gas collection issues associated with individual wells, but also evaluates the entire gas collection system, by recognizing that gas not collected by any individual gas well that may be compromised in some manner or another, can be collected by surrounding gas wells. SEM provides a method of evaluating if the assumed design radius of influence and well spacing for a site is sufficient or if additional collectors are needed. In fact, we are aware of no other regulatory test for determining the efficiency of a gas collection system other than SEM.

NSPS Subpart WWW regulations provide specific procedures and timelines for addressing exceedances documented during surface emission monitoring events. Arbor Hills performs surface emission monitoring and completes remedial work in accordance with the NSPS.

Therefore, we disagree with the EGLE's claim in the Violation Notice that the higher liquid levels reported in the 2nd and 3rd quarters of 2019 constitutes a violation of 40 CFR 60.759 or 40 CFR 63.6(e)(1)(i). While liquid levels in gas wells at Arbor Hills may be elevated in some wells, there is no liquid level requirement in 40 CFR 60.753 "Operational Standards for Collection and Control Systems". In instances where elevated liquid levels may be contributing to surface emission monitoring exceedances, Arbor Hills has, and will continue, to address these exceedances as outlined in 40 CFR 60.755 "Compliance Provisions".

With these points made, we note that during our recent October 31st meeting on the Consent Order, we mentioned the approach used by the Wisconsin DNR with regard to the same issue and offered to provide sample permit language. To that end, we attach an approved Plan of Operation for the Glacier Ridge Landfill located in Horicon, Wisconsin, and direct your attention to Condition 37 on page 12. We would propose using similar language as part of the Consent Order, which we believe will address EGLE's concerns, while acknowledging that imposing a blanket requirement specific to open screen on all wells is not technically justifiable. We hope that this approach works for EGLE. The Violation Notice also notes that certain gas wells were reported to be pinched or otherwise impaired and requests that Advanced Disposal evaluate whether the pinched wells are no longer

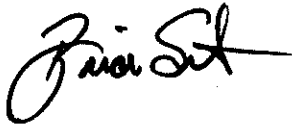
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via. Arbor Hills addresses pinched wells on an as-needed basis, Arbor Hills identifies whether a pinched well needs replacement based on a number of factors, that may, or may not, include the ability to remove liquid. Gas extraction is not solely dependent on the pipe riser. The stone gravel pack around the riser provides for more flow than the pipe itself. Gas extraction relies on the upper portion of the pipe riser to remove the gas from the gravel pack. Therefore, a pinched pipe riser does not constitute an inability to remove gas from the well. Arbor Hills has identified AHW233R2, AHWW0299, and AHWW306 that are in need of being replaced as part of the Phase 2 2019 GCCS Expansion that commenced in late October and is anticipated to be complete by the end of November 2019. Although there are additional wells listed as being pinched, this does not necessarily reflect that a well is impaired. Arbor Hills has identified the pinched wells and monitors them accordingly by reviewing the monthly data to identify whether the effected well is impaired by the pinch or otherwise. Because this issue is not considered to be non-compliant, Advanced Disposal would respectfully request that in the future these types of concerns be communicated in a separate correspondence. Advanced Disposal will respond in an expeditious manner to any correspondence from AQD where concerns are raised.

We hope you find that this letter addresses EGLE's concerns.

Sincerely,

ADVANCED DISPOSAL SERVICES ARBOR HILLS LANDFILL, INC.



Brian Sanders
Arbor Hills Landfill - General Manager

Attachment:

Attachment 1 - Plan of Operation for the Glacier Ridge Landfill

cc: (via e-mail)

Mr. Jay Warzinski, Advanced Disposal Services
Mr. Todd Whittle, Advanced Disposal Services
Mr. Anthony Testa, Advanced Disposal Services
Ms. Suparna Chakladar, Fortistar
Ms. Sarah Marshall, USEPA
Mr. Nathan Frank, USEPA
Mr. Kenneth Ruffatto, USEPA
Mr. Neil Gordon, Department of Attorney General
Ms. Mary Ann Dolehanty, EGLE
Mr. Jeff Rathbun, EGLE
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