



GRETCHEN WHITMER
GOVERNOR

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



LIESL EICHLER CLARK
DIRECTOR

December 9, 2019

CERTIFIED MAIL-7019 1120 0000 8028 8609
RETURN RECEIPT

Mr. Anthony Falbo, Senior Vice President-Operations
Fortistar Methane Group
Arbor Hills Energy LLC
5087 Junction Road
Lockport, NY 14094

SRN: N2688, Washtenaw County

Dear Mr. Falbo:

VIOLATION NOTICE

On November 14, 2019, the Michigan Department of Environment, Great Lakes and Energy (EGLE), Air Quality Division (AQD), conducted an inspection of Arbor Hills Energy LLC (Company) located at 10611 West Five Mile Road, Northville Michigan. The purpose of this inspection was to determine the Company'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) and the associated Air Pollution Control Rules, and the conditions of Renewable Operating Permit (ROP) number MI-ROP-N2688-2011a.

During the inspection and subsequent records review which included review of previously issued Violation Notices (VN's) in 2019, AQD staff observed the following:

Process Description	Rule/Permit Condition Violated	Comments
FGTURBINES-S3 consisting of EUTURBINE1-S3, EUTURBINE2-S3, EUTURBINE3-S3.	ROP, FGTURBINES-S3, Condition I. SO2 limits.	October 16-18, 2018 stack testing results indicated that SO2 pounds per hour (lbs/hr) exceeded permit limits of 2.9 lbs/hr and 12.5 tons per year (tpy) limit for each turbine. VN issued 2/1/19 for this violation has yet to be resolved.
FGDUCTBURNERS-S3 consisting of EUDUCTBURNER1-S3, EUDUCTBURNER2-S3, EUDUCTBURNER3-S3.	ROP, FGDUCTBURNERS-S3, Condition I.	October 16-18, 2018 stack testing results indicated that SO2 lbs/hr exceeded permit limits of 0.3 lbs/hr and 1.5 tpy limit for each duct burner. VN issued 2/1/19 for

		this violation has yet to be resolved.
EUTURBINE4-S3	ROP, EUTURBINE4-S3 Condition I. 6. SO2 limit.	October 16-18, 2018 stack testing results indicated that SO2 lb /MW hr exceeded permit limit of 0.9 lb/MW hr. VN issued 2/1/19 for this violation has yet to be resolved.
FGTURBINES-S3, FGDUCTBURNERS-S3 and EUTURBINE4-S3.	Part 18. Prevention of Significant Deterioration (PSD) of Air Quality. 40 CFR 52.21 and R 336.2802 (Rule 1802), R 336.1201 (Rule 201).	Unpermitted PSD major modification that has resulted in a significant emissions increase and a significant net emissions increase (Rule 1802(4)(a)) of SO2 greater than 40 tons per year. This also triggers a requirement for a Permit to Install (PTI) permit. VN issued 2/1/19 for this violation has yet to be resolved.
FGTURBINES-S3, FGDUCTBURNERS-S3, 10,000-gallon underground diesel storage tank and 3 bypass stacks using during start-up and when heat steam recovery systems are undergoing maintenance.	Rule 201-No PTI. Use of diesel fuel is a change in the method of operation from how these turbines were originally permitted, therefore, the usage of diesel fuel would require a modification to the existing permit.	Three (3) turbines are using diesel fuel as an alternate fuel to landfill gas during start-up. This represents reconstructing an emission unit and a meaningful change in the quality and nature of emissions compared to the original permit application for these turbines which failed to describe this process. VN issued 2/1/19 for this violation has yet to be resolved.
FGTURBINES-S3	ROP, FGTURBINES-S3 Condition VII.1., 40 CFR, Part 60, Subpart GG Standards of Performance for Stationary Gas Turbines.	Diesel fuel is being used to start-up the 3 turbines. AHE failed to notify AQD that diesel fuel is being used as an alternate fuel as required by Subpart GG. Furthermore, AHE has been

		operating under a waiver issued by U.S. EPA on January 19, 1996, that waived the requirement for daily fuel sampling for sulfur and nitrogen as long as only landfill gas was being fired in the turbines. VN issued 2/1/19 for this violation has yet to be resolved.
EUTREATMENTSYS-S3	ROP, EUTREATMENTSYS-S3, Condition III.2., 40 CFR Part 60, Subpart WWW - Standards of Performance for Municipal Solid Waste Landfills (WWW)	Treatment system contains 4 stacks; one each associated with the 4 main compressors plus 2 pressure relief valves associated with the auxiliary compressors with one combined stack that vent to atmosphere generally whenever one of the compressors is turned off to vent residual landfill gas or if a pressure relief set point is triggered with the auxiliary compressors. These vents are not controlled by a flare or other control device as required per WWW 60.752(b)(2)(iii)(C). VN issued 2/1/19 for this violation has yet to be resolved.
Operator of Gas Collection Control System (GCCS)	WWW 40 CFR 60.759; NESHAP 40 CFR 63.6(e)(1)(i)	GCCS wells impaired due to high liquid levels or otherwise compromised. VNs issued for this violation on 3/14/19 and again on 10/22/19 have yet to be resolved.

Please initiate actions necessary to correct the cited violations and submit a written response to this Violation Notice by January 6, 2020. 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.

Please submit written response to the DEQ, AQD Jackson District, at 301 East Louis B Glick Highway Jackson, Michigan 49201 and submit copy to Ms. Jenine Camilleri, Enforcement Unit Supervisor at the DEQ, AQD P.O. Box 30260, Lansing, Michigan 48909-7760.

If the Company 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.

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,



Mike Kovalchick
Senior Environmental Engineer
Air Quality Division
517-416-5025

Mr. Anthony Falbo
Fortistar Methane Group
Arbor Hills Energy LLC

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December 9, 2019

cc: Mr. Scott Miller, EGLE

cc/via e-mail:

Mr. W. Todd Whittle, ADS
Mr. Brian Sanders, ADS
Mr. Anthony Testa, ADS
Mr. Jay Warzinski, ADS
Ms. Suparna Chaklader, Fortistar
Mr. Nathan Frank, USEPA
Ms. Sarah Marshall, USEPA
Mr. Kenneth Ruffatto, USEPA
Mr. Neil Gordon, Department of Attorney General
Ms. Mary Ann Dolehanty, EGLE
Mr. Chris Ethridge, EGLE
Ms. Jenine Camillari, EGLE
Mr. Jeff Rathbun, EGLE
Ms. Diane Kavanaugh Vetort, EGLE
Mr. Lonnie Lee, EGLE
Mr. Larry Bean, EGLE
Mr. Greg Morrow, EGLE
Ms. Alexandria Clark, EGLE
Ms. Melinda Shine, EGLE
Ms. Ambrosia Brown, EGLE