



GRETCHEN WHITMER
GOVERNOR

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



LIESL EICHLER CLARK
DIRECTOR

August 23, 2022

VIA EMAIL AND CERTIFIED MAIL-RETURN RECEIPT

Jonathan Maurer
Co-Chief Executive Officer
Arbor Hills Energy, LLC
One North Lexington Avenue
Suite 1400
White Plains, New York, 10601

SRN: N2688, Washtenaw County

Dear Jonathan Maurer:

VIOLATION NOTICE

On July 26, 2022, and August 8, 2022, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), conducted inspections of the landfill section of the Arbor Hills Landfill (AHL), and Arbor Hills Energy LLC (AHE), facility located at 10690 W. Six Mile Road, Northville, Michigan. During the inspection, AQD observed the commencement of installation of the Arbor Hills RNG LLC, Renewal Natural Gas (RNG) plant.

During the inspections, staff observed the following:

Process Description	Rule/Permit Condition Violated	Comments
RNG plant used to convert landfill gas into pipeline quality natural gas.	R 336.1201 (Rule 201) of the Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451);	Commenced installation of a RNG plant without an Air Use Permit to Install.

Be advised that Rule 201 requires a permit be obtained prior to installation, construction, operation, reconstruction, relocation, or alteration of any process or process equipment which may be a source of an air contaminant.

The Arbor Hills Landfill and Arbor Hills Energy, LLC, facility currently operates under conditions of Renewable Operating Permit (ROP) number MI-ROP-N2688-2011a. The Arbor Hills

Energy, LLC and Arbor Hills RNG, LLC facilities also are subject to Consent Decree number 5:21-cv-12098-SDD-EAS, recently modified on August 19, 2022. Under this Consent Decree the facilities have a compliance option of installing a RNG or Sulfur Treatment System (STS) and it requires the associated Permit(s) to Install be obtained according to Rule 201, and in accordance with the schedule contained within the Consent Decree. Arbor Hills RNG, LLC, and Arbor Hills Energy, LLC, have commenced construction of unpermitted equipment at this facility.

Please initiate actions necessary to address the cited violation and submit a written response to this Violation Notice by, September 10, 2022, which coincides with 21 calendar days from the date of this letter. EGLE is not seeking any penalties or injunctive relief. Further, AQD recognizes that Arbor Hills RNG, LLC, and Arbor Hills Energy, LLC, are required to meet the timelines pursuant to the compliance schedule agreed upon in the Consent Decree.

AQD received AHE's request for a waiver to begin construction. However, AQD cannot issue a construction waiver because the request does not satisfy the requirements of R 336.1202 (Rule 202).

To date, the AQD has yet to receive revised Permit to Install applications for the RNG plant and the AHE existing plant that are consistent with the operating scenario outlined in the Consent Decree and also adequately address any changes in emissions associated with the AHL flaring system. While it is important that these applications be submitted as soon as possible, it is suggested that a pre-application meeting be held with the AQD Permits Section prior to submittal. Mark Mitchell of the Permits Section can be reached at 517-582-5293, or MitchellM7@Michigan.gov, to schedule such a meeting.

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

If Arbor Hills RNG, LLC, 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.

Jonathan Maurer
Arbor Hills Energy, LLC
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Thank you for your attention to resolving the violation cited above. If you have any questions regarding the violation or the actions necessary to bring this facility into compliance, please contact me at the number listed below.

Sincerely,



Scott Miller
Air Quality Division
517-416-5992

cc:

Anthony Falbo, Arbor Hills RNG, LLC
Anthony Testa, GFL
David Seegert, GFL
Jeffrey M. Pfof, Environmental Partners, Inc.
Elizabeth Morrisseau, DAG
Katherine Abend, DOJ
Mary Ann Dolehanty, EGLE
Annette Switzer, EGLE
Jenine Camilleri, EGLE
Christopher Ethridge, EGLE
Brad Myott, EGLE
Mark Mitchell, EGLE
Diane Kavanaugh Vetort, EGLE
Mike Kovalchick, EGLE