



GRETCHEN WHITMER
GOVERNOR

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



DANIEL EICHINGER
ACTING DIRECTOR

April 5, 2023

VIA EMAIL

Tim Church, General Manager
Brent Run Landfill
8335 West Vienna Road
Montrose, Michigan 48457

SRN: N5987, Genesee County

Dear Tim Church:

VIOLATION NOTICE

On December 16, 2022, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), conducted an inspection of Brent Run Landfill (BRL) located at 8335 West Vienna Road, Montrose, Michigan. The purpose of this inspection was to determine BRL'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; the conditions of Renewable Operating Permit (ROP) number MI-ROP-N5987-2015a; and the MACT Subparts A and AAAA.

During review of records, staff observed the following:

Process Description	Rule/Permit Condition Violated	Comments
EULANDFILL	40 CFR Part 63.1981(e)(1)	BRL failed to submit a revised design plan to the Department for approval at least 90 days before expanding operations to an area not covered by the previously approved design plan under 63.1981(d).
EULANDFILL	40 CFR Part 63.1981(e)(2)	BRL failed to submit a revised design plan to the Department for approval prior to installing or expanding the gas collection system in a way that is not consistent with the 2004 design plan that was submitted to the AQD under 63.1981(d)

EULANDFILL is subject to the federal National Emission Standards for Hazardous Air Pollutants (NESHAP) for Municipal Solid Waste (MSW) Landfills. These standards are found in 40 CFR Part 63, Subpart AAAAA. Section 63.1930(a) of the NESHAP Subpart AAAAA provides that before September 28, 2021, MSW landfills subject to the NESHAP Subpart AAAAA must meet the requirements of the New Source Performance Standards (NSPS) Subpart WWW. Section 63.1930(b) of the NESHAP Subpart AAAAA provides that beginning no later than September 27, 2021, MSW landfills subject to the NESHAP Subpart AAAAA must meet the requirements of Subpart AAAAA.

The NSPS section 60.759(a) and NESHAP section 63.1962(a) provide that each MSW landfill owner or operator shall site active collection wells, horizontal collectors, surface collectors or other extraction devices at a sufficient density throughout all gas-producing areas using the applicable procedures in 60.759(a)(1), 63.1962(a)(1).

The NSPS section 60.759(a)(1) and 63.1962(a)(1) also provide that a professional engineer shall certify that the collection devices within the interior along the perimeters achieve comprehensive control of surface gas emissions.

The NESHAP section 63.1981(e)(1) provides that each MSW landfill owner or operator shall submit a revised design plan at least 90 days before expanding operations to an area not covered by the previously approved design plan (2004 GCCS design plan).

The NESHAP section 63.1981(e)(2) provides that each MSW landfill owner or operator shall submit a revised design plan prior to installing or expanding the gas collection system in a way that is not consistent with the approved design plan (2004 GCCS design plan).

Per the timeline provided by EGLE's Materials Management Division (MMD), a landfill expansion has been granted since the 2004 GCCS Design Plan was submitted and approved by AQD/MMD:

- 1997 Permit – BRL's original permit which included Cells 1 through 10.
- 2013 permit – This was a lateral and vertical expansion. Lateral expansion was 51.7 acres to the south, and vertical expansion was 47 acres. Cells 12, 13, 15, 11A and 11B were permitted (expansion to the south), and there was vertical expansion of the existing footprint. The permit included Cells 11 through 15, however, only Cell 11 and portions of Cell 12 have been constructed.

Based on a comparison of the 2004 GCCS design plan and the 2021 GCCS construction map, it does not appear that Cells 11A, 11B, 12, 13, and 15 were included in the approved 2004 GCCS design plan.

Additionally, comparing the 2004 GCCS design plan with the 2021 GCCS construction map, the well placement and density of wells in Cells 4, 5A, 5B, 6A, 6B, 6C, 7A, 7B, 8, 9, 10 NE, 10 NW, and 10S are greater than, and in most cases located at positions within the landfill

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that are markedly different than, the well placement and density of wells in the 2004 GCCS design plan.

By failing to submit a revised design plan for areas where waste-placement operations have expanded that are not covered by the previously approved design plan, and for failure to submit a revised design plan to ensure that all well placement is conducted according to a professional engineer-approved design plan, BRL is in violation of 40 CFR 63.1981(e)(1) and 40 CFR 63.1981(e)(2).

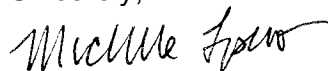
Please initiate actions necessary to correct the cited violations and submit a written response to this Violation Notice by April 26, 2023, (which coincides with 21 calendar days from the date of this letter). The written response should include: the dates the violations occurred; an explanation of the 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. Please also include a proposed date by which BRL will be able to submit an updated GCCS design plan to the AQD.

Please submit the written response to EGLE, AQD, Lansing District Office, Constitution Hall, First Floor South, 525 W. Allegan, Lansing, Michigan 48933 and submit a copy to Ms. Jenine Camilleri, Enforcement Unit Supervisor at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760.

If Brent Run Landfill 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 Brent Run Landfill. 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,



Michelle Luplow
Environmental Quality Analyst
Air Quality Division
517-294-9294

cc: Annette Switzer, EGLE
Christopher Ethridge, EGLE
Brad Myott, EGLE
Jenine Camilleri, EGLE
Bob Byrnes, EGLE
Gary Schwerin, EGLE