



GRETCHEN WHITMER
GOVERNOR

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



LIESL EICHLER CLARK
DIRECTOR

October 3, 2022

Scott O’Laughlin
City of Midland Utilities Division
4311 East Ashman Road
Midland, Michigan 48642

SRN: N6004, Midland County

Dear Scott O’Laughlin:

VIOLATION NOTICE

On August 30, 2022, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), conducted an inspection of City of Midland Utilities Division located at 4311 East Ashman Road, Midland, Michigan. The purpose of this inspection was to determine City of Midland Utilities Division’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-N6004-2019a; and 40 CFR Part 63, Subpart AAAA for municipal solid waste landfills.

During the inspection, staff observed the following:

Process Description	Rule/Permit Condition Violated	Comments
EU-ACTIVECOLL	40 CFR 63.1960(a)(3)(i)	Gas well ML-VDW06 had a positive pressure on 2/23/2022 and action was not initiated within the required 5 days to correct.
EU-ACTIVECOLL	40 CFR 63.1960(a)(3)(i)(A)	Root cause analysis record was required since negative pressure was not achieved within 15 days.
EU-ACTIVECOLL	General Condition 23 of MI-ROP-N6004-2019a	Deviations of 40 CFR 63.1960(a)(3)(i) and (A) were not reported in the 2022 first semi-annual certification report.

This process is also subject to the federal National Emission Standards for Hazardous Air Pollutants (NESHAP) for Municipal Solid Waste Landfills. These standards are found in 40 CFR Part 63, Subpart AAAA. Violations of the NESHAP are stated in the table above.

Gas well ML-VDW06 experienced a positive pressure on February 23, 2022, and action was not initiated within the required five (5) days (40 CFR 63.1960(a)(3)(i)). The adjusted pressure was

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the same as the initial pressure and a note of "no change" was in the comments field. Further, my understanding is a root cause analysis record was required since negative pressure was not achieved within 15 days according to 40 CFR 63.1960(a)(3)(i)(A). Lastly, due to the timing of the positive pressure and general condition 23 of the ROP, the deviation should have been included in the September 15, 2022 report.

Please initiate actions necessary to correct the cited violations and submit a written response to this Violation Notice by October 24, 2022 (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 submit the written response to EGLE, AQD, Bay City District, at 401 Ketchum Street, Suite B, Bay City, Michigan 48708 and submit a copy to Jenine Camilleri, Enforcement Unit Supervisor at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760.

If City of Midland Utilities Division 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 City of Midland Utilities Division. 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,



Gina L. McCann
Environmental Quality Specialist
Air Quality Division
989-439-2282

cc: Mike Quigg, City of Midland
Mary Ann Dolehanty, EGLE
Annette Switzer, EGLE
Christopher Ethridge, EGLE
Brad Myott, EGLE
Jenine Camilleri, EGLE
Chris Hare, EGLE