



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
LANSING



C. HEIDI GREYER  
DIRECTOR

November 13, 2018

UPS NEXT DAY DELIVERY

Mr. Robert Suida, Plant Manager  
Detroit Renewable Power  
5700 Russell Street  
Detroit, Michigan 48211

SRN: M4148; Wayne County

Dear Mr. Suida:

SUBJECT: Consent Order AQD No. 6-2017 Stipulated Fines and Enforcement Notice for additional violations

On June 19, 2017, the Michigan Department of Environmental Quality (DEQ), Air Quality Division (AQD) Detroit Renewable Power (Company) entered into a Stipulation for Entry of Final Order by Consent (Consent Order) AQD No. 6-2017, to resolve violations of Renewable Operating Permit (ROP) MI-ROP-M4148-2011a. In Violation Notices (VN) dated July 20, 2018 and September 19, 2018, the AQD cited the Company for violating terms and conditions of the Consent Order.

Paragraphs 9.A.2, 9.A.3, and 9.B.1 of Consent Order AQD No. 6-2017, put forth the following conditions, respectively:

“On and after the effective date of this Consent Order, the Company shall comply with the 24-hour carbon monoxide emission limitation specified in ROP MI-ROP-M4148-2011a, Flexible Group FGBOILERS011-13, Emission Limit(s) table 11.a, or any subsequent permit revision/federal regulation change applicable to this flexible group during the term of this Consent Order.”

“On and after the effective date of this Consent Order, the Company shall comply with the 24-hour sulfur dioxide emission limitation specified in ROP MI-ROP-M4148-2011a, Flexible Group FGBOILERS011-13, Emission Limit(s) table 9.a, or any subsequent permit revision/federal regulation change applicable to this flexible group during the term of this Consent Order.”

“On and after the effective date of this Consent Order, the Company shall fully comply with the approved Startup, Shutdown and Malfunction Plan (SSM), dated November 4, 2016 and revisions thereto attached as Exhibit A, incorporated by reference and made an enforceable part of this Consent Order.”

Furthermore, Paragraph 13 of the Consent Order AQD No. 6-2017 reads, in part:

“On and after the effective date of this Consent Order, if the Company fails to comply with paragraph 9.A.2 or 9.A.3 of this Consent Order, the Company is subject to a stipulated fine as follows:

<u>Fine Per Violation</u>	<u>Total Number of violation notice(s) issued</u>
\$1,000.00	1st through 5th
\$2,000.00	6th through 10th
\$5,000.00	11th and beyond

Paragraph 13 of the Consent Order AQD No. 6-2017 continues, in part:

“On and after the effective date of this Consent Order, if the Company fails to comply with paragraph 9.B.1, 9.B.2, 9.B.3, 9.B.4, 9.C.1, or 9.C.2 of this Consent Order, the Company is subject to a stipulated fine of up to \$1,000.00 per violation.”

After reviewing the VNs dated July 20, 2018 and September 19, 2018, the AQD has determined the amount of stipulated fines to be \$165,000.00. This is a result of 159 violations of paragraph 9.B.1, 4 violations of paragraph 9.A.3, and 2 violations of paragraph 9.A.2 of Consent Order AQD No. 6-2017 as summarized below:

VN Dated July 20, 2018

- Boiler 12 - 24-hour SO<sub>2</sub> emission limit exceedances (3 days)
- Boiler 13 - 24-hour SO<sub>2</sub> emission limit exceedances (1 day)
- Boiler 12 - 24-hour CO emission limit exceedances (1 day)
- Boiler 13 - 24-hour CO emission limit exceedances (1 day)
- Failure to maintain spray dryer absorber (SDA) preventative maintenance weekly checks (4 weeks)

VN Dated September 19, 2018

- RDF Boiler Startup, Appendix 1 - Turbine Operator Startup (15 records missing)
- RDF Boiler Startup, Appendix 2 - Grate Operator Walkdown (12 records missing)
- RDF Boiler Startup, Appendix 3 - Ash Operator Walk Down/Baghouse Penthouse (13 records missing)
- RDF Boiler Startup, Appendix 4 - Slacker Operator Walk Down/8th Floor SDA Penthouse (13 records missing)
- RDF Boiler Startup, Appendix 5 - Auger Walk Down (13 records missing)
- RDF Boiler Startup, Appendix 6 - Operator Walk Down List Doors (21 records missing)
- RDF Boiler Startup, Appendix 7 - E&I (21 records missing)
- RDF Boiler Startup, Appendix 8 - CEMS Checklist (16 records missing)
- Boiler Inspection/Shutdown Checklist (20 records missing)
- SDA Maintenance Weekly Checks (3 records missing)
- SDA Maintenance Monthly Checks (2 records missing)
- Baghouse Preventative Maintenance Weekly Checks (1 record missing)
- Baghouse Preventative Maintenance Monthly Checks (2 record missing)
- Michigan Waste Energy Control Room Log (Missing Boiler 12 (3/13/18 and 4/2/18) and Boiler 13 (3/3/18) (3 records missing)

Please note that AQD reduced the number of violations subject to stipulated fines based on the VN response submitted by the Company.

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The Company is hereby requested to submit the stipulated fines of \$165,000.00 in accordance with the provisions of Paragraph 13 of Consent Order AQD No. 6-2017, by December 13, 2018. To ensure proper credit, all payments shall include the Agreement Identification No. AQD40165-S on the face of the check. Stipulated fines submitted under this Consent Order shall be by check, payable to the "State of Michigan" and delivered to the DEQ, Financial and Business Services Division, Revenue Control, P.O. Box 30657, Lansing, Michigan 48909-8157.

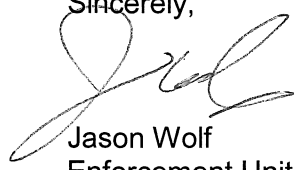
Additionally, this letter is to advise you of the commencement of escalated enforcement action against the Company for violations not addressed in Consent Order No. 6-2017. This letter follows VNs issued by the AQD on April 6, June 9, July 31, August 31, October 13, November 22, 2017, and also January 24, February 26, April 11, May 18, July 20, September 19, September 25, and September 28, 2018, which detailed violations of Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994, PA 451, as amended (NREPA), MCL 324.5501 *et seq.*, and ROP MI-ROP-M4148-2011a.

The AQD is providing the Company with an opportunity to formally resolve these violations through the entry of a legally enforceable agreement that will include a compliance program and payment of an appropriate monetary penalty pursuant to Section 5528 of Part 55 of NREPA, MCL 324.5528.

Be advised that failure to respond to this notice in a timely manner and adequately resolve or address the cited violations may result in further enforcement proceedings, including but not limited to, referral of the matter to the Michigan Department of Attorney General (MDAG) for commencement of civil litigation. This notice does not preclude or limit the MDEQ's ability to initiate any other enforcement action under federal or state law as appropriate.

Please contact me at 517-284-6772, or by email at [wolfj2@michigan.gov](mailto:wolfj2@michigan.gov), no later than Friday, November 30, 2018, to schedule a meeting to discuss the resolution of this matter.

If you have any questions regarding this letter, please contact me at 517-284-6772.

Sincerely,  
  
Jason Wolf  
Enforcement Unit  
Air Quality Division

cc: Mr. Neil Gordon, Department of Attorney General  
Ms. Mary Ann Dolehanty, DEQ  
Mr. Christopher Ethridge, DEQ  
Ms. Wilhemina McLemore, DEQ  
Ms. Jenine Camilleri, DEQ