

Via E-Mail

August 14, 2017

Mr. Todd Zynda, Environmental Engineer
Michigan Department of Environmental
Quality
Air Quality Division
3058 W. Grand Boulevard
Suite 2300
Detroit, MI 48202

Re: Detroit Renewable Power – July 31, 2017 Second Violation Notice

Dear Mr. Zynda:

I am writing on behalf of Detroit Renewable Power (“DRP”) in response to the Second Violation Notice dated July 31, 2017 regarding negative pressure at the upper tipping floor entrance door at DRP’s facility, known as Tip East 5. Wind direction readings are taken approximately five times per day at six entrances: Tip West 4, Tip East 5, MSW-7, MSW-8, MSW-9 and MSW-10. These velometer readings demonstrate that negative pressure, as indicated by inward air flow, consistently occurs at Tip West 4, MSW-7, MSW-8, MSW-9 and MSW-10. However, due to the configuration of the buildings and the force of prevailing winds, outward air flow is frequently observed at Tip East 5.

The Renewable Operating Permit (“ROP”) condition cited (FGMSWPROC-LINES IV.3) states, “Permittee shall maintain a negative pressure in the solid waste receiving, processing and storage rooms during facility operations to minimize discharges of odor, dust and other materials.” DRP believes that the correct interpretation of this condition, which was apparently established before 1990, is that DRP is required to maintain negative pressure in the solid waste receiving, processing and storage rooms to the extent practicable. This is supported by the fact that the condition states that the purpose of the negative pressure is “to minimize” (as opposed to “eliminate”) discharges. Therefore, DRP understands that FGMSWPRO-Lines IV.3 requires negative pressure to be maintained to the extent practicable.

In fact, this very issue was previously raised in a Violation Notice dated November 2, 2011. DRP responded to the November 11, 2011 VN by letter dated November 23, 2011. In that response, DRP disagreed that the velometer readings at Tip East 5 revealed any violation of the cited condition, stating:

We disagree with the allegation that the AQD’s review of velometer readings reveals any violations of the cited provision of the ROP. The

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cited provision of the ROP requires DRP to "... maintain a negative pressure... to *minimize discharges* of odor..." (emphasis mine), and it also require the use of a voltmeter to "... periodically check open doors to ensure that inward airflow is maintained."

The AQD knew from the time the initial permit-to-install was issued in 1989 that negative pressure could not be maintained at all times when doors are open for deliveries. Further, the point of the provision is to minimize odor discharges so as to not cause nuisance odors and not, as the VN states, "maintain negative pressure *consistently*" (emphasis mine) – the word "consistently" is presented in the VN, but it is not the language used in the cited provision of the ROP. In fact, maintaining negative pressure consistently does not thing to minimize odor discharges – but it may aggravate the impact of odors on the community thereby causing a violation of R 336.1901, which is the very rule this provision is intended to protect.

At that time (November 2011), DRP proposed to conduct a study to investigate "means to achieve negative pressure at the east side upper tipping floor door when it is appropriate to do so considering the situation at the plant and weather conditions." A permit application (No. 185-11, replaced by 185-11A) was submitted to "suspend" FGMSWPROC-Lines IV.3 to facilitate a study of how different methods of ventilating the MSW building and RDF building affected the frequency and intensity of MSW and RDF odors detected offsite. The study was completed and a report by Derenzo and Associates dated December 16, 2012 was submitted to AQD. That report concluded that the operation or non-operation of the RDF and MSW fans (the principal means of maintaining negative pressure in the RDF and MSW Buildings) did not affect the frequency and intensity of detected offsite MSW and/or RDF odors,

I was not involved in the discussions between DRP and AQD during this period, but it appears that the issue of the optimal operation of negative pressure in the MSW Building became subsumed in the larger discussion about odor impacts that eventually resulted in Consent Judgment No. 14-1184CE dated October 20, 2014, pursuant to which DRP installed a new RDF control system at a cost of several million dollars and made other improvements to its odor management plan. However, that settlement did not include any changes to DRP's management of air flow direction at Tip East 5. Therefore, DRP was surprised to see this issue raised again by AQD some three years after the Consent Judgment was entered. There is no justification for AQD to change its interpretation of this condition at this time.

Since receipt of the June 9 and July 31, 2017 letters, DRP has further reviewed the air flow conditions at Tip East 5. DRP's conclusion remains that there is no feasible engineering solution to maintain strict negative pressure at Tip East 5 when the winds are from west to east, which is the predominant wind direction. The existing ventilation system is simply incapable of overcoming the

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force of natural winds. Moreover, DRP believes that any effort to increase building ventilation in a vain attempt to maintain constant negative pressure at Tip East 5 would be counter-productive because any substantial increase in building ventilation would merely increase the dispersion of odors that are generally maintained within the building. Rather than reducing emissions, this would instead be expected to increase the potential impact of odors on persons and property downwind of DRP's facility. In short, DRP believes that the community and the environment are better served if positive pressure occurs at Tip East 5 during west to east winds rather than artificially increasing building ventilation.

That being said, DRP understands that it is also desirable to "minimize" (as the permit states) discharges from Tip East 5. Therefore, DRP will continue to follow its procedures to maintain negative pressure at Tip East 5 when wind conditions allow and to minimize emissions from the building under all wind conditions.

I trust that this letter is a satisfactory response to the July 31, 2017 Second VN. If you have questions concerning the information discussed above, please feel free to contact me.

Sincerely,

HONIGMAN MILLER SCHWARTZ AND COHN LLP



S. Lee Johnson

cc: Ms. LaReina Wheeler, City of Detroit, BSEED
Ms. Lynn Fiedler, DEQ
Ms. Mary Ann Dolehanty, DEQ
Mr. Christopher Ethridge, DEQ
Mr. Thomas Hess, DEQ
Ms. Wilhemina McLemore, DEQ
Mr. Jeff Korniski, DEQ
Mr. Linwood Bubar
Mr. Damian Doerfer, DRP

