

September 25, 2023

VIA FEDERAL EXPRESS

Daniel A. McGeen
Environmental Quality Analyst, Air Quality Division (AQD)
Michigan Department of Environment, Great Lakes and Energy (EGLE)
252 W. Allegan Street
P.O. Box 30242
Lansing, MI 48909

Re: Response to Violation Notice – SRN U442203492, Lapeer County

Dear Mr. McGeen:

This letter responds to the September 14, 2023, Second Violation Notice (Second Notice) issued to the Advanced Drainage Systems, Inc. (ADS) facility operating at 4800 Marlette Road in Clifford, Michigan (Facility).

Consistent with its deep commitment to being a good environmental steward and neighbor, ADS continues to take an objective, data-driven approach to assessing EGLE's concerns. To that end, ADS is proceeding with the Odor Investigation Plan (OIP) attached to the September 1, 2023 response to EGLE. At EGLE's recommendation, Ramboll expanded the OIP to include an odor panel to be completed by the third-party experts recommended by EGLE - St. Croix Sensory, Inc. (St. Croix). Ramboll completed the field work detailed in the OIP during the week of September 18, 2023, which included three days of samples at representative locations upwind and downwind of the Facility. Those samples were promptly submitted to St. Croix for analysis. We understand St. Croix will require at least ten days to complete their assessment of the samples, and so do not expect to receive results until sometime during the week of October 2, 2023.

In my September 1, 2023 letter, we also explained that additional information is required to properly understand the citations in EGLE's August 11, 2023 notice. Specifically, we identified the need for the complaint reports for June 26 and 27, 2023, and July 5, 12, and 16, 2023 and the investigation reports describing any odors observed during EGLE's June 28, 2023 and July 19, 2023 site visits. Without this information, it is impossible to properly understand or evaluate

EGLE's concerns. Since we have not yet received this information, another FOIA request has been submitted which we hope will allow EGLE to share copies of this important information so analysis can proceed. Given the lack of supporting information and test data available to date, ADS continues to deny there has been any violation of Rule 901(b) of Michigan's Air Pollution Control Rules.

The Second Notice requests a description of "the actions that have been taken so far, what future actions are proposed to be taken to correct the violation and what steps are being taken to prevent a reoccurrence." While ADS denies there has been a violation, it has nonetheless taken several actions to minimize potential odors. These measures, which are now feasible due to lower fall temperatures, include:

- (1) Partially closing the bay door facing the neighboring residence during the second shift and keeping the bay door fully closed during the third shift;
- (2) Adding an exhaust fan to the Facility's pump room, which vents to the south;
- (3) Shutting off the pump room exhaust fan facing the direction of the neighboring residence;
- (4) Rotating cooling fans that were originally meant to remove hot air from extruders by 180 degrees, so they blow air into the Facility and away from the neighboring residence; and
- (5) Shutting off the exhaust fan in the Facility's material room, which normally vents air toward the neighboring residence.

ADS sincerely hopes these steps address EGLE's concerns in the interim – while the data-based analysis described above is completed.

Finally, to ensure a productive discussion, ADS believes it is best to defer our meeting at the Facility until: (1) the OIP sample results have been received, and (2) ADS has received the requested information needed to evaluate the violations alleged in June and July 2023. This will allow the parties to meet with a much more complete understanding of the situation, a better sense of the effectiveness of the interim measures above, and the factual and legal context needed to evaluate any further measures that may be warranted. ADS looks forward to meeting with EGLE representatives soon and will promptly reach out to schedule a meeting once the needed information is available. Please feel free to contact me at (216) 479-8296 or allen.kacenjjar@squirepb.com with any questions you may have in the inteirm.

Sincerely,



Allen A. Kacenjjar

AAK/amb

Enclosure

Copy to: Jenine Camilleri
Enforcement Unit Supervisor, EGLE, AQD

Squire Patton Boggs (US) LLP

Daniel McGeen
Department of Environment, Great Lakes and
Energy

P.O. Box 30260
Lansing, Michigan 48909-7760