
Genesee Power Station

RESPONSE TO COMMENTS DOCUMENT

May 26, 2011

PERMIT No. 265-06C



Rick Snyder, Governor

Air Quality Division Michigan Department of Environmental Quality

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I. PUBLIC PARTICIPATION PROCESS

Permit to Install application No. 265-06C, for Genesee Power Station, is for a modification to add tire derived fuel as a supplemental fuel to the existing boiler located at G-5310 North Dort Highway, Flint, Michigan. The public participation process involved providing information for public review including a fact sheet and proposed permit terms and conditions, a public comment period, an informational meeting, a public hearing, and the receipt of written and verbal public comments on staff's analysis of the application and the proposed permit.

On March 24, 2011, copies of the Notice of Air Pollution Comment Period and Public Hearing, the Fact Sheet, and the draft terms and conditions were placed on the Department of Environmental Quality (DEQ or Department), Air Quality Division (AQD) Home Page (<http://www.michigan.gov/air>). Also on that date, the AQD mailed approximately twenty letters to persons who had previously expressed interest via letter and had provided a complete address. In addition, a notice announcing the public comment period, public informational meeting, and public hearing was placed in the *The Flint Journal*. The notice provided pertinent information regarding the proposed action; the locations of available information; a telephone number to request additional information; the date, time, and location of the public informational meeting and public hearing; the closing date of the public comment period; and the address where written comments were being received.

The informational meeting was held on April 28, 2011, at the Carpenter Road Elementary School, Community Room, 6901 Webster Road, Flint, Michigan. This location was selected due to its proximity to the facility and the size of the room. Approximately twenty people attended the informational meeting. A panel of representatives from the AQD was available to answer questions regarding the proposed project. The meeting began at 6:00 pm and concluded at approximately 6:50 pm.

The public hearing was held on April 28, 2011, at the Carpenter Road Elementary School, Community Room, 6901 Webster Road, Flint, Michigan. The hearing began at 7:00 pm with Ms. Barb Rosenbaum as the Hearings Officer and Mr. G. Vinson Hellwig as the decision maker. Only comments on the proposed permit action were received. In addition, staff of the AQD was available outside the room to answer any questions. Approximately twenty people were in attendance at the public hearing with seven providing oral comments. The public hearing concluded at 7:42 pm.

One written document containing a number of comments was received during the public comment period.

The remainder of this document is a listing of the significant comments received during the public comment period and hearing regarding the proposed permit and the Department's response.

II. SUMMARY OF SIGNIFICANT COMMENTS

Comment

Several comments were received stating concern that the use of Tire Derived Fuel (TDF) will further degrade the Flint area air quality, impact vulnerable citizens disproportionately, and exacerbate existing health conditions.

AQD Response

The AQD's regulatory program is designed to be protective of the health and welfare of all citizens of the State of Michigan. To accomplish this, the AQD utilizes the state and federal air quality rules and regulations that are in place to protect public health and the environment. The federal Clean Air Act (CAA) includes the National Ambient Air Quality Standards (NAAQS) to protect public health. These standards define the maximum concentration of certain air emissions in the breathing zone that would protect the health of the most sensitive individuals, including those with heart, respiratory, neurological and asthma problems. Potential emissions from the combustion of a limited amount of TDF were calculated and compared to the applicable standards. The use of a five percent TDF fuel blend complies with all applicable air quality standards and therefore will not further degrade the air quality in the Flint area.

Comment

When this facility was originally permitted, the company stated that they would never burn tires in the boiler. Now they want to burn tires.

AQD Response

Prior to issuance of this permit, Genesee Power Station was not allowed to burn TDF. There is no legal restriction prohibiting Genesee Power Station from submitting an application to use TDF. As stated above, the results of the permit application review show that the use of TDF as a supplemental fuel at a rate not to exceed twenty tons per calendar day meets all regulatory requirements. As all regulatory requirements are satisfied, the AQD must issue this permit.

Comment

The AQD should not allow Genesee Power Station to burn TDF. The state should be moving towards "green technology" and away from burning material like tires.

AQD Response

The AQD must operate within the boundaries of its current regulatory program. That is, they must enforce the existing rules and regulations. The current regulatory program allows for the combustion of solid fuel materials as long as any emissions generated during this process do not exceed any applicable emission thresholds. The predicted emissions from this process were evaluated against these thresholds and found to meet all criteria. The permit contains emissions testing and monitoring requirements to verify that the emissions will not exceed those levels. For these reasons, the AQD must issue this permit.

Comment

The non-catalytic reduction system, the mechanical multi-cyclone separator, and the electrostatic precipitator are inadequate control technology.

AQD Response

AQD disagrees that the facility has inadequate or insufficient pollution control equipment. The above referenced pollution control equipment were required as part of the original permit application for the initial start-up of this facility. The requirements to properly maintain and operate this equipment remain in this permit. This permit did not trigger a Best Available Control Technology (BACT) review, which would have required Genesee Power Station to review the existing emissions control equipment and demonstrate their adequacy.

Comment

Issuance of this permit is an assault on a community with low income and high percentage of people of color.

AQD Response

The Air Quality Division strives to protect the health and welfare of all citizens of the State of Michigan equally. The AQD's review of the permit indicates that the limits are within state and federal standards. The state and federal air quality standards that have been established are designed to be protective for all segments of society, including the most sensitive. In applying these standards consistently and fairly in the permit process, the State is protective of all residents of Michigan regardless of income or race. The AQD has determined that the permit, as approved, will meet all applicable air quality standards.

Comment

I understand that MDEQ is stating that this project meets all of the current rules. What happens in the future when it is determined that the current rules weren't doing enough to protect the public?

AQD Response

The Air Quality Division can only operate under its current regulatory program and not predict what may or may not be regulated in the future. The addition of TDF to the existing fuel portfolio at the Genesee Power Station was evaluated against the current rules and regulations and found to meet all applicable regulatory requirements.

Comment

The current rules and regulations are not protective enough. They should be changed to not allow the company to burn tires.

AQD Response

As stated above, the Air Quality Division can only operate under its current regulatory program and not predict what may or may not be regulated in the future. Genesee Power Station submitted an application to allow TDF to be blended in with their existing fuel portfolio. This application was reviewed under the current rules and regulations and found to be acceptable. As the current rules and regulations are satisfied, AQD must grant this permit.

Comment

Genesee Power has been found to be in violation of their permits in the past and will continue to violate this permit if it is issued. This permit should be denied because they will violate it in the future.

AQD Response

The AQD does not have the legal authority to deny issuance of a permit if the permit contains all of the applicable regulatory requirements that the facility must comply with. There is no state or federal law that allows AQD to deny a permit on the finding that a company is not a "good corporate citizen". If a violation does occur the Department has procedures in place which emphasize bringing a facility into compliance prior to any legal action requiring a company to shut down.

Comment

There was insufficient advertisement for the public comment period and hearing. The media should have been contacted so they would be at the public hearing.

AQD Response

State rules require that there must be a notice of at least 30 days for the public comment period and public hearing. On March 24, 2011, copies of the Notice of Air Pollution Comment Period and Public Hearing, the Fact Sheet, and the draft terms and conditions were placed on the Air Quality Division (AQD) Internet Home Page at: <http://www.michigan.gov/air>, the Lansing District Office, the Genesee County Clerk's Office, and the City of Flint's Office. In addition, the "Notice of Air Pollution Comment Period and Public Hearing" was placed in the *Flint Journal* and contained the phone numbers to call for additional information on the project. Also on that date, the Air Quality Division mailed letters to persons who had previously expressed interest via letter and had provided a complete address. The notice provided pertinent information regarding the proposed action; the locations of available information; a telephone number to request additional information; the date, time, and location of the Public Hearing; the closing date of the Public Comment Period; and the address where written comments were being received.

Comment

I understand that the company has installed emission monitors but how do we know that the monitors are working all the time. It could be months before they find out they are broken.

AQD Response

When continuous emission monitoring devices are installed at a facility, plant personnel, or a designated entity, will operate and maintain the monitors. The monitors are required to be calibrated on a daily basis. These personnel are trained in the operation and maintenance of the continuous emission monitors.

With regard to standards used in the certification of the monitors, the EPA has published performance specifications which must be followed in the certification of the monitors. These standards must be used in the installation and operation of the monitors.

In addition to the daily calibration of the monitors, the monitors are required to have calibration gas audits (CGAs) on a quarterly basis, and have relative accuracy test audits (RATAs) on an annual basis. The MDEQ participates in the RATAs and also reviews maintenance logs on the monitors.

The specific requirements for the installation, calibration and maintenance of the continuous emission monitors are contained in Special Conditions No. VI.2.

Comment

The landfilling of ash generated by this facility is unacceptable.

AQD Response

Landfilling of ash generated by this process occurs off-site and is not subject to this air permit application review. The landfilling activities are subject to other environmental program reviews. Additional information may be found at <http://www.michigan.gov/deg>.

Comment

This neighborhood needs to have a monitor installed here so we know if the air is ok to breathe.

AQD Response

An ambient air monitoring station is located in Whaley Park less than three miles south of the neighborhood. This station monitors ozone, particulate matter less than 2.5 microns in diameter (PM2.5), and meteorological parameters.

There is no legal requirement to install an ambient air monitor in this specific neighborhood. The financial commitments of setting up and maintaining an ambient air monitor prevents the AQD from installing additional sites at this time.

Comment

The company should implement a citizen's advisory committee to better inform the community of its operations.

AQD Response

A requirement for a citizen's outreach program to be implemented by the company would be outside the legal authority of the AQD.

Comment

What happens if a fire breaks out in the fuel piles? Would the local fire departments be able to handle this?

AQD Response

Genesee Power Station has the capability to handle any potential fire on site. Other regulatory programs require that Genesee Power Station install fire suppression systems and implement a fire prevention plan. Genesee Power Station maintains fire suppression equipment on site and conducts monthly and semi-annual inspections of that equipment. Personnel are trained in fire suppression techniques. Genesee Power Station has a Fire Prevention Plan in place, has notified area emergency response departments of their system, and hosted those departments at their facility.

Comment

The AQD needs to make sure that any run-off from storage piles at the facility does not get into the surface water or leach into the groundwater.

AQD Response

The company is required to revise and implement their current Fuel Procurement and Monitoring Plan (FPMP) by Special Condition III.2. Among the requirements of the FPMP is maintaining quality control of load and fuel piles. The fuel piles are stored on an area which contains a ten foot deep clay layer designed to prevent leaching of any contaminants into the ground water. There are runoff control berms and boundary trenches surrounding the fuel storage yard. Any storm runoff is diverted to an onsite retention pond. The facility is subject to environmental regulations under different programs of the MDEQ. Additional information on these other programs can be found at <http://www.michigan.gov/deq>.

III. SUMMARY OF COMMENTS RECEIVED IN SUPPORT

The following is a list of the benefits cited in the verbal testimony and letters received:

- The proposed five percent (5%) blend of TDF is a manageable amount and will not cause an environmental problem.
- While the facility has been cited for violations in the past they have been very responsive and corrected the violations.

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