

# FORTISTAR Methane Group

Arbor Hills Energy LLC  
10611 West 5 Mile Road ♦ Northville, Michigan 48167  
Tel. (248) 305-7774 ♦ Fax. (248) 305-7879

March 25, 2020

Ms. Diane Kavanaugh Vetort  
Senior Environmental Engineer  
Michigan Department of Environmental Quality  
Air Quality Division - Jackson District Office  
301 East Louis B. Glick Highway  
Jackson, MI 49201

Subject: Response to Violation Notice, March 3, 2020  
Arbor Hills Energy LLC ("AHE") - MI-ROP-N2688-2011

Dear Ms. Vetort:

I am writing on behalf of Arbor Hills Energy in response to your March 3, 2020 Violation Notice (the "VN"). I apologize for the brief delay in providing a response as AHE has been involved in responding to ongoing efforts to take precautions against the transmittal of COVID-19 and taking other actions in response to Executive Order 2020-19. In response to the alleged violations referenced in the VN, AHE believes that those violations were the result of increased H<sub>2</sub>S concentrations in landfill gas that resulted in exceeding the permitted permits during source testing conducted on December 20, 2019. AHE is in process of reviewing the conditions during the performance testing to determine the cause of the exceedances and to see whether retesting is appropriate to determine compliance status. Notwithstanding the foregoing, AHE has submitted a Permit To Install ("PTI") application to the Michigan Department of Environment, Great Lakes and Energy ("EGLE") to address the alleged permit violations and will take any and all necessary steps to address new or additional alleged violations in conjunction with its pending PTI application.

Please direct all questions related to this response to me at (716) 439-1006 x116 or Suparna Chakladar at (951) 833-4153.

Sincerely,



Anthony J. Falbo  
Senior Vice President - Operations  
FORTISTAR Methane Group  
Arbor Hills Energy LLC

Response to Notice of Violation  
Arbor Hills Energy LLC  
April 24, 2019  
Pg.2

cc (by e-mail):

Jenine Camilleri, MDEQ  
Scott Miller, MDEQ  
Matt Eugster, Varnum  
Don Ross, Fortistar  
Suparna Chakladar, Fortistar



GRETCHEN WHITMER  
GOVERNOR

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



LIESL EICHLER CLARK  
DIRECTOR

March 3, 2020

MAR 10 RECD

*Jm*

Mr. Anthony Falbo, Senior Vice President -Operations  
Fortistar Methane Group  
Arbor Hills Energy, LLC  
10611 West Five Mile Road  
Northville, Michigan 48167

SRN: N2688, Washtenaw County

Dear Mr. Falbo:

**VIOLATION NOTICE**

On February 18, 2020, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), received the Performance Test Results Report (Test Report) for EU-TURBINE4-S3, conducted by Arbor Hills Energy, LLC (AHE) located at 10611 West Five Mile Road , Northville, Michigan. The purpose of this testing was to determine AHE 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; and the conditions of Renewable Operating Permit (ROP) number MI-ROP-N2688-2011a;

Based on the results of the Test Report, the AQD has identified the following violations:

Process Description	Rule/Permit Condition Violated	Comments
EUTURBINE4-S3	ROP, EUTURBINE4-S3, Condition I. 6. SO2 limit; 40 CFR 60.4330(a)(1) or (a)(2) (Subpart KKKK)	December 20, 2019 stack test results indicated that SO2 pounds per megawatt-hour exceeded the permit limits for SO <sub>2</sub> (0.9 pounds per megawatt-hour, (lb/MWhr), or 0.15 pounds per million British Thermal Unit, (lb/MMBtu)
EUTURBINE4-S3	Part 18. Prevention of Significant Deterioration (PSD) of Air Quality. 40 CFR 52.21 and R 336.2802 (Rule 1802), R 336.1201 (Rule 201)	Unpermitted PSD major modification that has resulted in a significant emission increase and a significant net emissions increase (Rule 1802(4)(a)) of SO <sub>2</sub> greater than 40

Mr. J. Falbo  
Permit  
March 20, 2020

		tons per year. This also triggers a requirement for a Permit to Install (PTI) permit.
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The results of the December 20, 2019 stack test indicate a violation of the Company's ROP and the federal Standards of Performance for New Sources (NSPS) for Stationary Combustion Turbines. These standards are found in Title 40 of the Code of Federal Regulations (CFR) Part 60, Subpart KKKK.

The following Table summarizes the SO<sub>2</sub> test results and was taken from the submitted Test Report.

	AVERAGE
SO <sub>2</sub> Concentration (ppmvd)	26.4
SO <sub>2</sub> Emission Rate (lb/hr)	10.4
SO <sub>2</sub> Emission Rate (lb/MWhr)	2.16
SO <sub>2</sub> Permit Limit (lb/MWhr)	0.9

Please initiate actions necessary to correct the cited violations and submit a written response to this Violation Notice by March 24, 2020 (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, Jackson District, at 301 East Louis Glick Highway, Jackson, Michigan 49201-1556 and submit a copy to Ms. Jenine Camilleri, Enforcement Unit Supervisor at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760.

If AHE 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.

M. [redacted] Falbo  
P:  
M [redacted] 3, 2020

Thank you for your attention to resolving the violations cited above and for the cooperation that was extended to me during my on-site observation of the above testing. 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,



Diane Kavanaugh Vetort  
Senior Environmental Quality Analyst  
Air Quality Division  
517-416-3537

cc: Ms. Suparna Chakladar, Fortistar  
Mr. Don Kindig, General Manager, ADS  
Ms. Katherine Abend, U.S.D.O.J.  
Mr. Ken Ruffatto, U.S.E.P.A.  
Mr. Neil Gordon, AG  
Ms. Mary Ann Dolehanty, EGLE  
Dr. Eduardo Olaguer, EGLE  
Ms. Jenine Camilleri, EGLE  
Mr. Christopher Ethridge, EGLE  
Ms. Ambrosia Brown, EGLE  
Mr. Scott Miller, EGLE