

GRETCHEN WHITMER GOVERNOR

## STATE OF MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY

LANSING



PHILLIP D. ROOS DIRECTOR

May 10, 2024

VIA E-MAIL

Anthony Falbo, Senior Vice President-Operations OPAL Fuels Arbor Hills Energy, LLC 5087 Junction Road Lockport, New York 14094

SRN: N2688; Washtenaw County

Dear Anthony Falbo:

## SECOND VIOLATION NOTICE

On October 17, 2023; October 18, 2023; and October 19, 2023; the Michigan Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD) conducted on-site observations of scheduled required performance testing at Arbor Hills Energy (AHE) located at 10611 West Five Mile Road, Northville, Washtenaw County. The purpose of the observations was to determine AHE's 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; the conditions of Permit to Install (PTI) Number 68-23; and the conditions of Renewable Operating Permit (ROP) Number MI-ROP-N2688-2011a.

On January 18, 2024, the AQD sent AHE a Violation Notice citing violations discovered as a result of the inspection and requested a written response by February 8, 2024. On March 4, 2024, the AQD technical programs unit (TPU) received AHE's response letter dated March 1, 2024. The stack test protocol, included in the letter as part of the compliance plan, for the verification of nitrogen oxides (NO<sub>x</sub>) emission rates from each turbine in accordance with department requirements and Title 40 of the Code of Federal Regulations (40 CFR), Part 60, 60.355(b)(2), Subpart GG was inadequate and incomplete. A revised version of the test plan was received by AQD, on April 18, 2024 via e-mail. The revised stack test protocol was inadequate and incomplete.

Please initiate actions necessary to correct the cited violations, in regard to deficiencies in the stack test protocol for emissions of  $NO_x$  and submit a written response to this Violation Notice by May 31, 2024. Please be advised that failure to respond in writing and identifying actions AHE will take or has taken to resolve the cited violations may result in escalated enforcement action by the AQD.

At a minimum, the written Violation Notice response should include the following:

- 1. A specific test date; and
- 2. A stack test protocol in compliance with Subpart GG (including four loading conditions).

## **VIOLATION NOTICE**

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Please submit the written response to the following locations or e-mail addresses:

Jenine Camilleri EGLE, Air Quality Division Enforcement Unit Constitution Hall, 2<sup>nd</sup> Floor South Lansing, Michigan 48933 <u>CamilleriJ@Michigan.gov</u> Jeremy Howe EGLE, Air Quality Division Technical Programs Unit Constitution Hall, 2nd Floor South 525 West Allegan Street Lansing, Michigan 48933 HoweJ1@Michigan.gov

Be further advised that issuance of this Violation Notice does not preclude or limit EGLE's ability to initiate any other enforcement action under state or federal law as appropriate.

If you have any questions regarding the violation or the action necessary to bring AHE into compliance, please contact me at 231-878-6687.

Sincerely,

z Elte

Jeremy Howe Unit Supervisor Air Quality Division 231-878-6687 HoweJ1@Michigan.gov

cc: Suparna Chakladar, OPAL David Seegert, GFL Annette Switzer, EGLE Chris Ethridge, EGLE Brad Myott, EGLE Jenine Camilleri, EGLE Scott Miller, EGLE Andrew Riley, EGLE Ambrosia Brown, EGLE