

November 15, 2019

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Michelle Luplow
Environmental Quality Analyst
Air Quality Division
Michigan Department of Environment, Great Lakes
and Energy
Lansing District Office
525 West Allegan Street
Lansing, MI 48909

Re: Granger Wood Street Landfill

Dear Ms. Luplow:

I am writing on behalf of Granger Waste Services in response to your letter dated October 16, 2019 (the "VN"). Thank you for agreeing to extend the time for responding to the VN to November 15, 2019.

The VN alleges that the total sulfur in the landfill gas generated at the Wood Street Landfill (the "Landfill") is "considered a change in the method of operation, and affects the exempt equipment at the facility, the four (4) 3516 engines, the three (3) 3520 engines, and the 1,300 scfm flare are part of the project and require permitting."

As an initial matter, I must point out that the engines referred to in the VN are owned and operated by Environmental Developments, LLC ("EDL"), a completely separate and independent company. EDL received a similar letter to the VN and will respond to that letter separately. Accordingly, this letter addresses only issues concerning the 1,300 scfm flare at the Landfill.

First, the VN is incorrect to state that a change in total sulfur in the landfill gas "is considered a change in the method of operation, and affects the exempt equipment at the facility, the four (4) 3516 engines, the three (3) 3520 engines, and the 1,300 scfm flare. . ." In fact, there has been no change in the method of operation. The Landfill and flare are exempt from permitting under Mich. Admin. Code r. 336.1285(aa) for "Landfills and associated flares and leachate collection and handling equipment." The flare continues to be used in the same manner it has always been used – to combust excess gas generated by the Landfill that is not combusted in the landfill gas-to-energy facility.

The claim that there has been a "change in the method of operation" is based solely on the fact that landfill gas testing by EDL in May 2016 indicated a total reduced sulfur ("TRS") concentration of approximately 916 ppm. Variability in trace components of landfill gas, such as TRS is normal and expected. Subsequent testing by Granger Waste Services in June 2019 show that the TRS has reduced to approximately 470 ppm, about half of the level in May 2016 (these results were previously sent to you by letter dated July 2, 2019).

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Accordingly, such normal variation in trace elements of landfill gas do not constitute a “change in the method of operation” of either the flare or the gas-to-energy plant.

The VN also incorrectly states that “potential emissions of SO₂ could be greater than 40 tons per year, which exceeds the significant threshold and may trigger New Source Review (NSR) for a major modification.” As noted above, the Landfill and flare are exempt under Mich. Admin. Code r. 336.1285(aa). Mich. Admin. Code r. 336.1278(1)(b) further specifies that “any activity that results in an increase in actual emissions greater than the significance levels define in R. 336.1119” is not eligible for any exemption. However, even when the May 2016 test result is taken into account, actual annual SO₂ emissions from the flare were only 18.16 tons in 2016, well below the significance threshold. In 2017 and 2018, the actual emissions declined to 5 to 6 tpy and are expected to decline further in 2019 as a result of the June 2019 TRS test result. Accordingly, the actual emissions from the flare remain within the Rule 278 requirements, and Rule 278, as a valid state regulation, limits the potential to emit SO₂ from the flare to be less than 40 tpy.

For the reasons discussed above, Granger Waste Services does not agree that any violation has occurred as alleged in the VN. However, as you know, Granger Waste Services and EDL have submitted separate permit applications for physical changes to the flare and the gas-to-energy plant and we believe these permits will provide an opportunity to address any concerns EGLE may have regarding SO₂ emissions from these facilities. Granger Waste Services looks forward to working with you and EGLE AQD Permit Section to resolve these issues.

Thank you for your attention to this matter. Please contact me if you have any questions and to arrange a meeting to discuss the path forward on the pending permit applications.

Sincerely,

HONIGMAN LLP



S. Lee Johnson

cc: Mary Ann Dolehanty, EGLE
Eduardo Olageur, EGLE
Jenine Camilleri, EGLE
Chris Ethridge, EGLE
Brad Myott, EGLE
Kim Smelker, Granger
Tim Krause, Granger