



GRETCHEN WHITMER  
GOVERNOR

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



PHILLIP D. ROOS  
DIRECTOR

November 1, 2024

VIA EMAIL

Anthony Falbo, Chief Executive Officer North America  
Energy Developments Michigan, LLC  
2501 Coolidge Road, Suite 100  
East Lansing, Michigan

SRN: N5997, Clinton & Ingham County

Dear Anthony Falbo:

**VIOLATION NOTICE**

On July 31, 2024, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), conducted an inspection of Energy Developments Michigan, LLC (EDL), located at 16980 Wood Road, Lansing, Michigan. The purpose of this inspection was to determine EDL'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 178-19A; and the conditions of Renewable Operating Permit (ROP) number MI-ROP-N5997-2020a, Section 3.

During a review of the records after the inspection, staff noted the following:

Process Description	Rule/Permit Condition Violated	Comments
EUCONDSYS/FGRNG	PTI 178-19A, Process/Operational Restrictions, SC III.1	PM/MAP was not amended within 45 days of event that meets characteristics of a malfunction and submitted to the AQD for review and approval.
FGTREATMENTSYS-OOO	MI-ROP-N5997-2020a, Process/Operational Restriction, SC III.1; 40 CFR Part 62.16714(c)	Emissions from safety/pressure relief vent in the treatment system is uncontrolled.
FGTREATMENTSYS-AAAA	MI-ROP-N5997-2020a, Process/Operational Restriction, SC III.2; 63.1959(b)(2)(iii)	Emissions from safety/pressure relief vent in the treatment system is uncontrolled.

### **MALFUNCTION ABATEMENT PLANS**

There was a malfunction that occurred December 2 and 3, 2021, that resulted in an increase in methane to EUTOX. EDL is required not to exceed a heat input capacity of 19.5 MMBtu/hr for EUTOX. EDL noted in their 2021 second semi-annual compliance report, that this heat input capacity was exceeded as the result of a malfunction with the nitrogen removal system in EUCONDSYS, which caused unexpectedly high concentrations of methane to EUTOX for a 12-hour period between December 2 and December 3, 2021. SC III.1 of EUCONDSYS and FGRNG (EUTOX) requires that EDL modify the Malfunction Abatement Plan (MAP) within 45 days of an event where the MAP fails to address or inadequately addresses such an event. EDL had not submitted an amended MAP for the 2021 event; however, I allowed them 45 days from the date of inspection (a due date of September 20, 2024) to submit an amended MAP. The amended MAP was not submitted by September 20, 2024.

### **NESHAP SUBPART AAAA**

The treatment system contained within EUCONDSYS is subject to the federal National Emission Standards for Hazardous Air Pollutants (NESHAP) for Municipal Solid Waste Landfills. These standards are found in 40 CFR Part 63, Subpart AAAA. The treatment system is also subject to the Emission Guidelines found in 40 CFR Part 62, Subpart OOO. FGTREATMENTSYS-OOO and FGTREATMENTSYS-AAAA in MI-ROP-N5997-2020a include applicable requirements for the treatment system under these federal regulations.

Emissions from any atmospheric vents or stack associated with the treatment system are subject to the requirements of 40 CFR Part 62.16714(c)(1) or (2), and 63.1959(b)(2)(iii)(A) or (B) (combustion in an enclosed or open flare). As requested, EDL provided a P & ID on August 12, 2024, of the compression, dewatering and particulate removal systems (i.e., the treatment system), and any associated vents used for safety purposes or otherwise. The P & ID provided shows that there is one safety/pressure relief vent within the treatment system of EUCONDSYS that vents to atmosphere. The gasses from this vent are uncontrolled, and therefore, this is a violation of the MACT Subpart AAAA (63.1959(b)(2)(iii)) and Emission Guidelines Subpart OOO (62.16715(c)).

Please initiate actions necessary to correct the cited violations and submit a written response to this Violation Notice by November 21, 2024, (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.

Anthony Falbo  
Energy Developments Michigan, LLC  
Page 3  
November 1, 2024

EDL should include in their response an amended MAP that addresses the 2021 nitrogen removal system malfunction. EDL, when amending the MAP to address the nitrogen removal system malfunction, shall also include in their response a revised MAP for EUCONDSYS and EUTOX, which includes the equipment/control devices used for removing H<sub>2</sub>S, VOC/CO<sub>2</sub>, and N<sub>2</sub>, similar to how the August 2022 version of the MAP was written. The October 2023 MAP is insufficient for meeting the requirements of a MAP under Rule 911.

Please submit the written response to Michelle Luplow at EGLE, AQD, Lansing District, at 525 West Allegan Street, First Floor South, Lansing, Michigan 48933 or LuplowM1@michigan.gov and submit a copy to Jenine Camilleri, Enforcement Unit Supervisor at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760.

If EDL 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.

Thank you for your attention to resolving the violations cited above and for the cooperation that was extended to me during my inspection of EDL. 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,



Michelle Luplow  
Environmental Quality Analyst  
Air Quality Division  
517-294-9294

cc: Meghan Stackhouse, EDL  
Elizabeth Park, EDL  
Annette Switzer, EGLE  
Christopher Ethridge, EGLE  
Brad Myott, EGLE  
Jenine Camilleri, EGLE  
Robert Byrnes, EGLE