

# Response to Comments Document

## APPLICANT DETAILS

**Company:** Indeck Niles, LLC

**Location:** 2200 Progressive Drive, Niles, Michigan

**Application No.:** APP-2022-0265

**Permit No.:** 75-16C

**Project Description:** Indeck Niles, LLC (Indeck) requested the following changes to their current air use permit (also referred to as a Permit to Install or PTI), No. 75-16B:

- Decrease the heat input capacity of the auxiliary boiler from 182 million British Thermal Unit per hour (MMBTU/hr) to 85 MMBTU/hr.
- Decrease the heat input capacity of the two fuel heaters from 13.5 MMBtu/hr to 8.5 MMBTU/hr (for each unit).
- Remove uninstalled equipment from the permit.

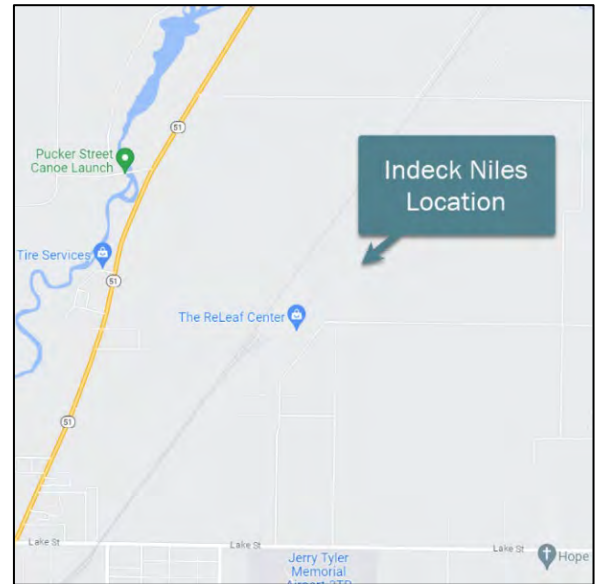


Figure 1: Location of Indeck facility

## DECISION MAKER

The decision maker for this project is Annette Switzer, Director of the Air Quality Division (AQD) for the Michigan Department of Environment, Great Lakes, and Energy (EGLE).

## PURPOSE

The purpose of the Response to Comments document is to discuss the public participation process for Indeck's project, detail the comments received during the comment period and our responses, and discuss the changes made, if any. In addition, the document contains the decision maker's final decision on the proposed project.

## PUBLIC PARTICIPATION PROCESS

The public participation process involved providing information for public review including a [summary about the proposed project](#), a [technical fact sheet](#), and [proposed permit terms and conditions](#); a public comment period; a virtual informational meeting; a virtual public hearing; and the receipt of written and verbal public comments on staff's analysis of the application and the proposed permit.

On July 27, 2023, the AQD communicated about the public comment period in the following ways:

- Copies of the [Notice of Air Permit Public Comment and Public Hearing](#) and supporting documents were posted at [Michigan.gov/EGLEAirPublicNotice](https://Michigan.gov/EGLEAirPublicNotice).

- 94 persons who had previously expressed interest and had provided a complete email address or mailing address were either emailed or mailed information about the public comment period in an interested party letter.
- A notice announcing the public comment period, the virtual public informational meeting, and the virtual public hearing was placed in The Marcellus News. 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 virtual public informational meeting and public hearing; the closing date of the public comment period; and the address where written comments were being received.

The public informational session was held online on September 6, 2023, and approximately six people attended. 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 7:00 pm. The meeting was recorded and is [available to view](#).

Following the informational session, a virtual public hearing was held the same night. The hearing began at 7:00 pm with Jenifer Dixon as the hearings officer and Annette Switzer as the decision maker. Only comments on the proposed permit action were received. Approximately six people were in attendance at the public hearing with no one providing oral comments. The public hearing concluded at 7:30 pm.

In total, eleven comments were received during the comment period.

## SUMMARY OF COMMENTS RECEIVED AND AQD'S RESPONSE

The remainder of this document is a listing of the comments received during the public comment period and the virtual public hearing and the department's response. The first section discusses the comments received that resulted in changes to the final permit terms and conditions, if any, and the basis for each change. The last section discusses the department's response to all other significant comments not resulting in changes to the final permit.

### *Comments resulting in changes to the final permit*

No changes were made to the final permit as a result of comments received.

### *Summary of significant comments*

This section summarizes the comments received during the comment period that did not result in changes to the final permit. The section is sorted by the type of comment, or what topic the comment was related to.

#### **A. Permit Requirements**

##### **1. Comment**

What conditions necessitate that Indeck conduct testing of the turbines and are EGLE representatives on-site to ensure the testing is conducted appropriately when required?

## AQD Response:

Special condition V.1 under FGCTGHRSG of the permit requires stack testing to verify emissions on the turbines, once every 5 years for particulate matter (PM), particulate matter less than 10 microns in diameter (PM10), particulate matter less than 2.5 microns in diameter (PM2.5), sulfur dioxide (SO<sub>2</sub>), volatile organic compounds (VOC), and sulfuric acid mist (H<sub>2</sub>SO<sub>4</sub>). Additionally, special condition V.2 under FGCTGHRSG of the permit requires stack testing annually for formaldehyde emissions. Both of these special conditions require Indeck to submit a notification on the date and time of the stack test as well as test plans prior to when testing will occur. When stack testing is conducted, AQD staff is present to ensure the facility is operating properly and following the correct testing methods as specified in the permit conditions.

## 2. Comment

Will the new gas-fired turbine be replacing the older, defective ones and if so, is this hearing based on the new turbines' specifications, requiring a public hearing? If not, why have the original turbines been allowed to operate for two years at a higher emission rate?

## AQD Response

Indeck is not proposing to replace the gas-fired turbines with this modification. The Indeck facility, including the existing turbines, has been in compliance with the emission limits established in PTI 75-16B since the facility began operating in 2021. The requested changes are related to equipment that was already installed and operating, but is smaller than they originally applied for or for equipment that was never installed, as follows:

- EUAUXBOILER: The heat input capacity changed from 182 MMBTU/hr to 85 MMBTU/hr.
- FGFUELHTR: The heat input capacity for the two fuel heaters changed from 13.5 MMBTU/hr to 8.5 MMBTU/hr, for each unit.
- EUIENGINE: Not installed and removed from the permit.
- EUIPFUEL TANK: Not installed and removed from the permit.

## B. Monitoring Requirements

### 1. Comment

Does EGLE employ continuous emission monitoring and if so, for what emissions? If so, is continuous monitoring active during the testing of the turbines after major maintenance or after any major modifications in the burning of natural gas to ensure that performance is within specifications? If it is not employed or if there are other emissions not continuously monitored, is monitoring conducted during the testing of the turbines after major maintenance or after any major modification to ensure that performance is within specifications?

## AQD Response

Each turbine is equipped with a continuous emissions monitoring system (CEMS), that collects real-time data about the units' emissions for nitrogen oxides (NO<sub>x</sub>) and carbon monoxide (CO). Collected data is used to create reports that are reviewed at the time of an

inspection and submitted by the facility each calendar quarter. The CEMS are required to undergo annual Relative Accuracy Test Audits to ensure the data received from them is accurate and reliable. For emissions not continuously monitored, Indeck is required to verify compliance through stack tests, for PM, PM10, PM2.5, SO<sub>2</sub>, VOC, H<sub>2</sub>SO<sub>4</sub>, and formaldehyde emissions. If there was a major modification of the turbines, a permit and likely additional testing, would be required.

## 2. Comment

Does EGLE have unannounced emissions monitoring at the Indeck plant? Why or why not?

### AQD Response

As mentioned in the previous response, Indeck employs CEMS for NO<sub>x</sub> and CO emissions. Other ways to monitor emissions is through monitoring, recordkeeping, and stack testing required by the permit. Stack testing requires pre-planning in coordination with the facility, the company doing the stack testing, and AQD staff. The AQD does not conduct stack tests, but we do observe these tests to make sure they are being done properly.

Also, AQD inspectors conduct unannounced site inspections to see how the facility operates at any time. During an inspection, all monitoring and recordkeeping data is thoroughly reviewed. The permit requires the facility to make all records available upon request (at any time) by the Department. Indeck is also required to report emissions information annually to our state reporting system and submit quarterly reports to the AQD. This means emissions information is reviewed by AQD staff multiple times a year.

## C. Process/Operational Limits

### 1. Comment

I thought Indeck was supposed to be operating 24-7 but have noticed that they start up and shutdown around peak hours. Is this allowed in their permit?

### AQD Response

Indeck is allowed, by permit, to operate the turbines as needed based on power demand. The permit has special conditions that limit the amount of time the plant may spend in startup or shutdown (SU/SD) mode because that is when NO<sub>x</sub> and CO emissions tend to be higher. The permit contains separate emission limits for NO<sub>x</sub> and CO during normal operation and during SU/SD. The facility submits quarterly reports that detail the time startup or shutdown begins, ends, and the duration of each event.

## D. Enforcement

### 1. Comment

When an emission is out of specifications, how will we know how long Indeck has to get the emission back to specifications? How will the public know that it was done?

## AQD Response

Indeck is required to notify the AQD in writing if a permitted emission limit is exceeded for one hour or longer. In their written notification, Indeck must report why the exceedance happened, how long it occurred, estimate the actual emissions released over the allowed limit, report what was done to correct the problem, and what will be done to prevent reoccurrence. A violation notice can be issued for each emission limit exceedance. Violation notices are sent within 14 days of an emission limit exceedance. Indeck must respond with the same information required in the written notification of the exceedance within 21 days of the notice. If violations are not resolved, further enforcement action will be taken by EGLE. All violation notices are posted online at [Michigan.gov/Air](https://Michigan.gov/Air) choose "Compliance."

## E. Public Participation Process

### 1. Comment

Why is the hearing being held virtually when there are some people who do not have access to a computer or the internet?

### AQD Response

EGLE understands that some community members may not have access to the internet. EGLE also understands that access to information about air quality actions in communities is very important. To help all interested persons, including those without internet access take part in the public participation process, copies of documents are made available in a variety of locations. Additionally, online meetings have a call-in number that allows persons to listen in to the meeting, ask questions, and provide comments. Comments can be submitted by US post and by voicemail during the public comment process.

## F. Miscellaneous

### 1. Comment

Where can the public find information that documents Indeck is meeting its environmental responsibilities? Does the source include actual emissions data and if not, why not?

### AQD Response

The public can find information on EGLE's website at:  
[Michigan.gov/EGLE/about/Organization/Air-Quality/facility-specific-info](https://Michigan.gov/EGLE/about/Organization/Air-Quality/facility-specific-info)

Under "Source Lists" click on "All Sources and Information" and then search "By Source Name." Here, you can find the permit for the facility, test results that include emissions data, inspection reports, and any violation notices.

### 2. Comment

Noise and vibration have been a problem for the City of Niles. There have been several meetings with the City regarding this issue. Are they permitting to be able to run this equipment?

### AQD Response

The AQD does not have the authority to regulate noise, including vibration, from the facility. These types of complaints should be directed to your local officials.

### 3. Comment

Just because a factory says they will protect the environment doesn't mean they will do so. Niles just had the problem with noise pollution at that gas electric plant. I hope you will keep a very close eye on the Niles area for mishaps that may occur with this plant or any other plant that may come into the area. Our natural resources are too valuable to pollute with things that we can't get rid of in anyone's lifetime.

### AQD Response

The AQD is responsible for assuring compliance with the Clean Air Act, Public Act 451, and the rules and regulations promulgated under Act 451. The AQD takes this responsibility very seriously and endeavors to ensure that every facility subject to these air regulations is in full compliance with them. This is carried out through an ongoing presence of diligent oversight to include scheduled inspections, routine visits, response to citizen complaints, the review of company records, and issuing violation notices and escalated enforcement, if necessary. No violation is allowed to go unresolved.

### G. Comments received in support

Although the AQD's final decision does not take into consideration those comments received in support of the facility, the following is a list of the benefits cited in the comments received:

A commenter stated that Indeck has been a valued partner to the community and responsive to city concerns.

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