



GRETCHEN WHITMER
GOVERNOR

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



PHILLIP D. ROOS
DIRECTOR

April 10, 2024

Matt Dugan
BerQ RNG
2275 Upper Middle Road East, Suite 400
Oakville, Ontario, L6H OCE
Canada

SRN: P1447, Kent County

Dear Matt Dugan:

VIOLATION NOTICE

On February 12, 2024, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), conducted an inspection of BerQ RNG - Brook View Dairy located at 10560 Freeport Avenue, Freeport, Michigan. The purpose of this inspection was to determine BerQ RNG - Brook View Dairy'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); and the Air Pollution Control Rules.

During the inspection, staff observed the following:

Process Description	Rule/Permit Condition Violated	Comments
Anearobic Digester RNG Facility	Rule 201	Installation and operation without obtaining a permit to install.
(2) Caterpillar G3516, 1148 Horsepower Spark Ignition Engines	40 CFR 60 Subpart JJJJ, Part 60.4243(i)	Failure to conduct emissions testing.

During this inspection, it was noted that BerQ RNG - Brook View Dairy had installed and commenced operation of unpermitted equipment at this facility. This is a violation of Rule 201 of the administrative rules promulgated under Act 451.

A program for compliance may include a completed PTI application for the two (2) 1148 horsepower engines, gas upgrading operation, and flare. An application form is available by request, or at the following website: www.michigan.gov/air.

Be advised that Rule 201 requires that a permit be obtained prior to installation, construction, operation, reconstruction, relocation, or alteration of any process or process equipment which may be a source of an air contaminant.

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The two (2) 1148 horsepower Caterpillar G3516 engines are also subject to the federal New Source Performance Standards (NSPS) for Stationary Spark Ignition Internal Combustion Engines. These standards are found in Title 40 of the Code of Federal Regulations (CFR) Part 60, Subpart JJJJ.

Please initiate actions necessary to correct the cited violations and submit a written response to this Violation Notice by May 1, 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.

Please submit the written response to Eric Grinstern at EGLE, AQD, Grand Rapids District, at 350 Ottawa Avenue NW, Unit 10, Grand Rapids, Michigan 49503 or GrinsternE@Michigan.gov and submit a copy to Jenine Camilleri, Enforcement Unit Supervisor at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760.

If BerQ RNG – Brook View Dairy 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 BerQ RNG – Brook View Dairy. 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,



Eric Grinstern
Environmental Quality Specialist
Air Quality Division
616-558-0616

cc: Annette Switzer, EGLE
Christopher Ethridge, EGLE
Brad Myott, EGLE
Jenine Camilleri, EGLE
Heidi Hollenbach, EGLE