

FORTISTAR Methane Group

Arbor Hills Energy LLC

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April 4, 2019

Mike Kovalchick
Michigan Department of Environmental Quality
Air Quality Division – Permit Section
Constitution Hall, 2nd Floor South
525 W Allegan Street
Lansing, MI 48933-1502

Subject: Response to Notice of Violation
Arbor Hills Energy LLC - MI-ROP-N2688-2011

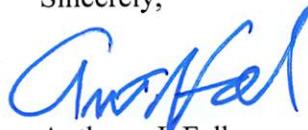
Dear Mr. Kovalchick:

Michigan Department of Environmental Quality (the "MDEQ") issued a Notice of Violation ("NOV") to Arbor Hills Energy LLC ("AHE") on March 14, 2019. Our responses to the NOV are documented on the attached table.

AHE reserves all rights, claims and defenses that it has, had or may have with respect to the alleged violations.

Please direct all questions related to this response to me at (716) 439-1006 x116 or Suparna Chakladar at (951) 833-4153.

Sincerely,



Anthony J. Falbo
Senior Vice President - Operations
FORTISTAR Methane Group
Arbor Hills Energy LLC

Attachment

cc (by e-mail): Annette Switzer, MDEQ
Melissa Byrnes, MDEQ
Mark Mitchell, MDEQ

Jenine Camilleri, MDEQ
Jeff Rathburn, MDEQ
Scott Miller, MDEQ
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Andre Daugaveitis, USEPA
Matt Eugster, Varnum
Don Ross, Fortistar
Suparna Chakladar, Fortistar

Arbor Hills Energy LLC - Response to Notice of Violation dated March 14, 2019

Process Description	Rule/Permit Condition Violated	Comments	AHE Response
Municipal solid waste landfill. (MSWL)	ROP Emission Unit EULANDFILL-S2 S.C. V.1.; Standards of Performance for New Stationary Sources-Subpart WWW MSWL (WWW) 40 CFR 60.753(d); National Emissions Standards for Hazardous Air Pollutants (NESHAP)-Subpart MSWL (AAAA) 40 CFR 63.1955(a)(1).	Quarterly landfill surface methane scans are inadequate. See Note [1]. Note 1: Quarterly surface methane scans reported on by the Company failed to indicate if areas of distressed vegetation, cracks, or seeps in the cover were investigated beyond the prescribed path of the scan, despite monthly landfill cover integrity inspections highlighting numerous such areas. Also, the scans consistently avoided active areas on the landfill that could have been easily traversed during off-hours. Finally, the pathways that were followed during the scans appears to only be depicted as approximations on landfill maps despite having the ability to use GPS technology to accurately depict locations traversed.	<p>Surface Emission monitoring is performed by a qualified third party (AQSI). AQSI performs surface monitoring in accordance with 60.753(d) and 60.755(c), specifically, the technicians monitor the surface methane concentration along the entire perimeter of the collection area and along a pattern that traverses the landfill at 30 meter intervals. AQSI technicians deviate from a traverse route to monitor areas where visual (or olfactory) observations indicate elevated concentrations of landfill gas, such as distressed vegetation and cracks or seeps in the cover (or odors).</p> <p>The above routing is maintained whenever practical, though alterations are made (on a case-by-case basis) for steep slopes or other dangerous areas, as such areas may be excluded pursuant to 60.753(d).</p> <p>Areas of distressed vegetation, and cracks or seeps in the cover (and odors), are monitored if they are safely accessible.</p> <p>Exceedance locations are marked per 60.755(c)(4)(i): "The location of each monitored exceedance shall be marked and the location recorded."</p> <p>There is no requirement in WWW for GPS of exceedance location or route. Exceedances are staked with high-visibility marker flag and a descriptive location and concentration recorded, i.e., "Exceedance #1, ~50 ft. West (and upslope) of EW65, 850 ppm." for example.</p>
Gas Collection and Control System (GCCS)	ROP Emission Unit EUACTIVECOLL-S2 S.C. VI.1. and 3. WWW 40 CFR 60.755(a)(3) and (5).	4th Quarter 2018 Gas Collection NSPS Well Report shows noncompliance with out of range NSPS well operating parameters. See Note [2]. Note 2: 4th Quarter 2018 Gas Collection NSPS Well Exceedances Report shows numerous wells exceeding required NSPS landfill gas collection operating parameters at the conclusion of the reporting period. The NSPS requires that exceedances of the gas collection control system (GCCS) wellhead monitoring parameters (temperature, oxygen, and pressure) are corrected within 15 calendar days, the GCCS is expanded within 120 days or an alternative compliance timeline (ACT) request be submitted. The Company in conjunction with ADS has failed to be timely with ACT requests. This is a reoccurring problem.	Arbor Hills Energy LLC (AHE) conducts O&M of the wellfield under the direction of the permit holder. AHE communicates necessary information so that the permit holder can comply with applicable legal requirements. All wellhead readings are documented in a 3rd party database and used by the permit holder and AHE take corrective action. Meetings between the permit holder and AHE are held daily.
GCCS	ROP Emission Unit EUACTIVECOLL-S2 S.C. IX.3.; WWW 40 CFR 60.755(a)(3) & (5), AAAA 40 CFR 63.1955.	Failure to submit timely ACT requests for out of range NSPS well operating parameters when well field expansion is not appropriate. Also see Note [2].	
GCCS	WWW 40 CFR 60.759; NESHAP 40 CFR 63.6(e)(1)(i).	GCCS wells impaired due to high liquid levels or otherwise compromised. See Note [3].	All wells on the Arbor Hills wellfield that have higher liquid levels either have a pump or are scheduled to receive a pump during the continuing phases of construction by ADS. ADS uses quarterly well liquid level data to track the need for a pump in wells. As part of routine O&M, pumps are checked on a monthly basis and repairs conducted as needed to ensure they are continuously operational. AHE and ADS are in close coordination regarding pump installation and maintenance. We believe that our practices to date are consistent with good engineering practice, particularly with regards to safety and landfilling operations generally. That being said, a dedicated landfilling pump team has been added for Q1 2019 to provide more labor for the pump maintenance program.