



GRETCHEN WHITMER
GOVERNOR

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



PHILLIP D. ROOS
DIRECTOR

May 10, 2024

VIA E-MAIL

Anthony Falbo, Senior Vice President-Operations
OPAL Fuels
Arbor Hills Energy, LLC
5087 Junction Road
Lockport, New York 14094

SRN: N2688; Washtenaw County

Dear Anthony Falbo:

SECOND VIOLATION NOTICE

On October 17, 2023; October 18, 2023; and October 19, 2023; the Michigan Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD) conducted on-site observations of scheduled required performance testing at Arbor Hills Energy (AHE) located at 10611 West Five Mile Road, Northville, Washtenaw County. The purpose of the observations was to determine AHE'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 68-23; and the conditions of Renewable Operating Permit (ROP) Number MI-ROP-N2688-2011a.

On January 18, 2024, the AQD sent AHE a Violation Notice citing violations discovered as a result of the inspection and requested a written response by February 8, 2024. On March 4, 2024, the AQD technical programs unit (TPU) received AHE's response letter dated March 1, 2024. The stack test protocol, included in the letter as part of the compliance plan, for the verification of nitrogen oxides (NO_x) emission rates from each turbine in accordance with department requirements and Title 40 of the Code of Federal Regulations (40 CFR), Part 60, 60.355(b)(2), Subpart GG was inadequate and incomplete. A revised version of the test plan was received by AQD, on April 18, 2024 via e-mail. The revised stack test protocol was inadequate and incomplete.

Please initiate actions necessary to correct the cited violations, in regard to deficiencies in the stack test protocol for emissions of NO_x and submit a written response to this Violation Notice by May 31, 2024. Please be advised that failure to respond in writing and identifying actions AHE will take or has taken to resolve the cited violations may result in escalated enforcement action by the AQD.

At a minimum, the written Violation Notice response should include the following:

1. A specific test date; and
2. A stack test protocol in compliance with Subpart GG (including four loading conditions).

VIOLATION NOTICE

Arbor Hills Energy, LLC

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Please submit the written response to the following locations or e-mail addresses:

Jenine Camilleri
EGLE, Air Quality Division
Enforcement Unit
Constitution Hall, 2nd Floor South
Lansing, Michigan 48933
CamilleriJ@Michigan.gov

Jeremy Howe
EGLE, Air Quality Division
Technical Programs Unit
Constitution Hall, 2nd Floor South
525 West Allegan Street
Lansing, Michigan 48933
HoweJ1@Michigan.gov

Be further advised that issuance of this Violation Notice does not preclude or limit EGLE's ability to initiate any other enforcement action under state or federal law as appropriate.

If you have any questions regarding the violation or the action necessary to bring AHE into compliance, please contact me at 231-878-6687.

Sincerely,



Jeremy Howe
Unit Supervisor
Air Quality Division
231-878-6687
HoweJ1@Michigan.gov

cc: Suparna Chakladar, OPAL
David Seegert, GFL
Annette Switzer, EGLE
Chris Ethridge, EGLE
Brad Myott, EGLE
Jenine Camilleri, EGLE
Scott Miller, EGLE
Andrew Riley, EGLE
Ambrosia Brown, EGLE