



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

Air Enforcement: United States Department of Justice/State of Michigan and Northville, Michigan, Landfill Gas-to-Energy Facility Enter into Consent Decree

09/16/2021

The United States Department of Justice (“DOJ”) on behalf of the United States Environmental Protection Agency and the State of Michigan entered into a September 9th Consent Decree (“CD”) with Arbor Hills Energy, LLC (“AHE”) to address alleged violations of the Clean Air Act and certain Michigan provisions. See Civil No. 5:21-cv-12098-SDD-EAS.

The CD provides that AHE operates a landfill gas-to-energy facility (“Facility”) in Northville, Michigan.

The AHE Facility is described as converting landfill gas into energy.

Landfill gas is generated by decomposition of waste in a landfill. The Facility converts the landfill gas into electricity by burning it as fuel in four gas turbines. The process is stated to release SO₂ and other pollutants into the air.

The CD alleges that the AHE Facility committed the following violations:

- Exceeding limits in the Title V permit by emitting SO₂ in amounts greater than permitted at all four of the Facility’s turbines and three of its duct burners
- Failing to operate the Facility and air pollution control equipment in a manner consistent with good air pollution control practices for minimizing air emissions
- Using diesel fuel as an unpermitted alternative landfill gas for startup of the Facility’s three stationary gas turbines and by failing to monitor the sulfur content of the fuel
- Allowing four stacks for the landfill gas treatment system’s main compressors and the one stack for the two auxiliary compressors to vent untreated landfill gas when the compressor(s) is turned off
- Violating Michigan Administrative Code provisions by failing to perform stack testing under representative conditions

The CD provides that AHE does not admit any liability to the United States or the Michigan environmental agency arising out of the transactions or occurrences alleged in the Complaint.

The CD provides that AHE will either construct a renewable natural gas facility that converts landfill gas into pipeline quality natural gas or install a sulfur treatment system that achieves a 64 percent reduction in SO₂ emissions. Further, a \$750,000 penalty is assessed.

A copy of the CD can be downloaded [here](#).