



September 26, 2023

TRANSMITTED ELECTRONICALLY

Rocky Tondo
Lorain County RNG Facility
2501 Coolidge Road Suite 100
East Lansing, MI 48823

**RE: Lorain County RNG Facility
Notice of Violation (NOV)
Air Permit
Lorain County
0247102007
Division of Air Pollution Control**

Dear Mr. Tondo:

Thank you to your facility contacts for accompanying us during Ohio EPA’s site visit of Lorain County RNG Facility in Oberlin, Ohio. During the site visit, USEPA Method 22 observations were conducted to determine compliance with the facility’s visible emissions limit for emissions unit P002, RN Non-enclosed flare, as required by the federally enforceable permit-to-install and operate (FEPTIO) P0130988.

Findings

Ohio EPA observed the following violations of Ohio’s Air Pollution Control laws and Lorain County RNG Facility’s permit terms and conditions. In order to bring your facility into compliance, we recommend promptly addressing these violations as soon as possible.

1. 40 CFR 60 Subpart XXX section 60.762(b)(2)(iii): *“Route all the collected gas to a control system that complies with the requirements in either paragraph (b)(2)(iii)(A), (B), or (C) of this section. (A) A non-enclosed flare designed and operated in accordance with the parameters established in § 60.18...”*

40 CFR 60 Subpart A section 60.18(c)(1): *“Flares shall be designed for and operated with no visible emissions as determined by the methods specified in paragraph (f), except for periods not to exceed a total of 5 minutes during any 2 consecutive hours.”*

40 CFR 63 Subpart AAAA section 63.1959(b)(2)(iii) *“Route all the collected gas to a control system that complies with the requirements in either paragraph (b)(2)(iii)(A), (B), or (C) of this section. (A) A non-enclosed flare designed and operated in accordance with the parameters established in 63.11(b)”*

40 CFR 63 Subpart A section 63.11(b)(4): *“Flares shall be designed for and operated with no visible emissions, except for periods not to exceed a total of 5 minutes during any 2 consecutive hours. Test method 22 in appendix A of part 60 of this chapter shall be used to determine the compliance of flares with the visible emission provisions of this part. The observation period is 2 hours and shall be used according to method 22.”*

Ohio Revised Code (ORC) 3704.05(A): *“No person shall cause, permit, or allow emission of an air contaminant in violation of any rule adopted by the director of environmental protection...”*

Permit terms and conditions of FEPTIO P0130988, section C.2.b)(1)d.; section C.2.b)(1)f.; and section C.2.b)(1)g.: *“There shall be no visible PE from the non-enclosed flare, except for periods not to exceed a total of 5 minutes during any 2 consecutive hours.”*

(a) On September 18, 2023, Ohio EPA conducted a site visit to the Lorain County RNG Facility. During the site visit, Method 22 observations were conducted for the visible emissions on the RN Non-Enclosed Flare (P002). The Method 22 period was conducted for 41 minutes and 26 seconds, between the time starting at 11:35 a.m. and ending at 12:26 p.m. Within the observation period, 5 minutes and 1 second of visible emissions were observed.

The applicable permit requirements are no visible emissions, except for period to not exceed a total of 5 minutes during any 2 consecutive hours. The facility was over the 5-minute limit in the 41-minute observation period.

(b) Requested Action: Please submit a compliance plan identifying any investigations conducted for visible emission, corrective actions, and estimated timeframes for the completion of the investigation and corrective actions.

Conclusion

The Ohio EPA requests that Lorain County RNG Facility promptly undertake the necessary measures to return to compliance with Ohio’s environmental laws and regulations. **Within 14 days of receipt of this letter**, please provide documentation to Ohio EPA of the actions taken to resolve the violations cited above. Documentation of steps taken to return to compliance includes written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically by email to the email address below.

Failure to comply with ORC Chapter 3704. and rules promulgated thereunder may result in an administrative or civil penalty. If circumstances delay resolution of violations, **Lorain County RNG Facility** is requested to submit written correspondence describing the steps that will be taken by date certain to attain compliance.

Please note that the submission of any requested information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek administrative or civil penalties as provided in ORC 3704.06.

Should you have any questions, please contact me at (330) 963-1273, or by e-mail at olivia.kinney@epa.ohio.gov.

Sincerely,

A handwritten signature in cursive script that reads "Olivia Kinney".

Olivia Kinney
Environmental Specialist
Division of Air Pollution Control

OK/af

ec: Megan Stackhouse, EDL Energy
Zachary Peterson, Ohio EPA, Central Office, DAPC
Josh Koch, Ohio EPA, Central Office, DAPC
Corey Kurjian, Supervisor, Ohio EPA, NEDO, DAPC
Tim Fischer, Manager, Ohio EPA, NEDO, DAPC
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