



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

DEC 30 2000

REPLY TO THE ATTENTION OF:  
AE-17J

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Robert Evans  
President  
North American Natural Resources, Inc.  
4121 Okemos Road, Suite 17  
Okemos, Michigan 48864

**Re: Finding of Violation**  
North American Natural Resources, Inc. - Berrien County  
Buchanan, Michigan

Dear Mr. Evans:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to North American Natural Resources, Inc. (NANR or you). We find that you are violating 40 C.F.R. Part 60, Subpart WWW, promulgated under Section 111(b) of the Clean Air Act (CAA), 42 U.S.C. § 7411(b), at your Buchanan, Michigan facility.

We have several enforcement options under Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3). These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you the opportunity to present information on the specific findings of violation, the efforts you have taken to comply, and the steps you will take to prevent future violations.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Molly DeSalle. You may call her at (312) 353-8773 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,



*for* Cheryl L. Newton  
Director  
Air and Radiation Division

Enclosure

cc: Tom Hess, Michigan Department of Natural Resources and Environment  
Mary Douglas, Michigan Department of Natural Resources and Environment



## **Finding of Fact**

5. Landfill gas, containing methane, is generated by the natural degradation of municipal solid waste landfills by anaerobic micro-organisms. Landfill gas to energy facilities collect the methane and use it to fuel onsite engines or turbines, generating electricity to sell.
6. NANR owns and operates a gas to energy plant at 1520 Mayflower Road, Buchanan, Michigan, where it converts landfill gas into energy using its three CAT 3,520 HP engines.
7. NANR's Facility purchases landfill gas from Southeast Berrien Landfill Authority, located in Buchanan, Michigan and sells energy on a wholesale basis to third parties within the state of Michigan.
8. NANR's gas to energy plant is subject to requirements at 40 C.F.R. § 60.752(b)(2)(iii). Pursuant to 40 C.F.R. § 60.752(b)(2)(iii)(C), collected gas must be routed to a treatment system that processes the collected gas.
9. A landfill treatment system was given a general definition in the proposed rule in 2002 describing "a system that filters, de-waters and compresses landfill gas". 67 Fed. Reg. 36476 (May 23, 2002).
10. EPA has further interpreted a treatment system to be a system that has an absolute filtration rating of 10 microns or less, lowers the water dew point of the landfill gas by at least 20 degrees Fahrenheit with a de-watering process, and compresses the landfill gas. 67 Fed. Reg. 36477 (May 23, 2002), 71 Fed. Reg. 53276 (Sept. 8, 2006).
11. In a letter dated September 14, 2010, NANR requested a determination on their treatment process. In the response dated November 19, 2010, EPA determined NANR's Berrien County facility was not properly treating the landfill gas according to Subpart WWW and various determinations made prior. NANR has not appealed this applicability determination.

**Violations**

12. 40 C.F.R. § 60.752(b)(2)(iii)(C) requires a treatment system process collected landfill gas before sale or use. From the start of operation to present, NANR's internal combustion engines have been combusting untreated landfill gas at its Berrien County facility. The landfill gas which NANR uses to generate power must be routed through a treatment system for processing. Currently, the landfill gas NANR receives from the Southeast Berrien Landfill Authority's landfill in Buchanan is passed through a filtration system, consisting of a 10 micron mesh-pad scrubber. The gas is compressed to raise the temperature from 75 to 130 degrees Fahrenheit and then dewatered by passing the gas through an underground pipeline, which lowers the dew point of the gas by 10 degrees Fahrenheit. EPA has interpreted treatment system to be a system that has an absolute filtration rating of 10 microns or less, lowers the water dew point of the landfill gas by at least 20 degrees Fahrenheit with a de-watering process, and compresses the landfill gas. NANR does not lower the dew point of the landfill gas at its Buchanan facility by an adequate number of degrees to treat the gas.

12/29/2010  
Date

William MacDowell for  
Cheryl L. Newton  
Director  
Air and Radiation Division

## CERTIFICATE OF MAILING

I, Tracy Jamison, certify that I sent a Finding of Violation, No. EPA-5-11-MI-04,  
by Certified Mail, Return Receipt Requested, to:

Robert Evans  
President  
North American Natural Resources, Inc.  
4121 Okemos Road, Suite 17  
Okemos, Michigan 48864

I also certify that I sent copies of the Finding of Violation by first-class mail to:

Mary Douglas  
Michigan Department of Natural Resources and Environment  
Kalamazoo District Office  
7953 Adobe Road  
Kalamazoo, Michigan 49009

Tom Hess  
Michigan Department of Natural Resources and Environment  
Air Quality Division  
P.O. Box 30260  
Lansing, Michigan 48909

On the 30 day of December 2010.



Tracy Jamison  
Office Automation Assistant  
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7660 8190