



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
JACKSON DISTRICT OFFICE



PHILLIP D. ROOS
DIRECTOR

October 25, 2023

VIA E-MAIL

Dave Seegert
Arbor Hills Landfill, Inc.
10599 W. Five Mile Road
Northville, Michigan 48168

Dear Dave:

SUBJECT: Violation Notice and Reply to VN Response, Arbor Hills Landfill, License Number 9709, Waste Data Systems Number 475946

On October 13, 2023, staff of the Department of Environment, Great Lakes, and Energy (EGLE), Materials Management Division (MMD), received a Response to MMD's October 10, 2023, Violation Notice (Response) from the Arbor Hills Landfill (Landfill) located at 10599 W. Five Mile Road, Salem Township, Washtenaw County, Michigan. On October 20, 2023, staff of the Department of Environment, Great Lakes, and Energy (EGLE), Materials Management Division (MMD), received a 7-Day Update to MMD October 10, 2023, Violation Notice Response (Update). The Response included the results of a root cause investigation, evidence obtained during the investigation, and remedial measures taken to address the odors. The Update detailed additional remedial measures taken by the Landfill since October 11, 2023, to address the odors.

MMD staff have reviewed the Response and the Update and appreciate the actions taken by the Landfill to address the odors identified in the October 10, 2023, Violation Notice. MMD staff acknowledge receiving only one odor complaint on October 13, 2023, and no additional odor complaints until the evening of October 17, 2023, following the remedial actions taken by the Landfill. MMD staff received approximately 30 odor complaints from the evening of October 17, 2023, through the morning of October 20, 2023, and conducted an odor inspection on the morning of October 20, 2023. These inspections were completed at many of the complaint locations, and around the Landfill, to determine compliance with Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Part 115), and the administrative rules promulgated pursuant to Part 115 (Rules).

R299.4433(1)(c) of the Rules requires the owner and operator of a type II landfill to ensure "That gases generated by the facility do not create a nuisance and are not otherwise in violation of part 55 of the act at the property boundary."

During the odor inspection on October 20, 2023, MMD staff identified nuisance odors near the northeast corner of the landfill, at 50937 Briar Ridge Lane, and at 17369 Briar Ridge Lane.

Dave Seegert
October 25, 2023
Page 2

In the Response, the Landfill states “The combined efforts of all the remedial construction conducted by the Arbor Hills staff appears to have eliminated the odor source.” The lack of odor complaints between October 13, 2023, and October 17, 2023, suggests odors were being controlled during that time. The resumption of odor complaints, and the observations made during the October 20, 2023, odor inspection, indicate odors are no longer being adequately controlled and additional actions are required from the Landfill.

Pursuant to paragraph 5.17(B) of Consent Judgement No. 2020-0593-CE dated March 7, 2023 (CJ), EGLE is notifying the Landfill of this odor violation. This Notice triggers a requirement for the Landfill, pursuant to paragraph 5.17(C) of the CJ, to immediately commence an investigation into the cause of this violation. Within 72 hours of receipt of this Notice, the Landfill shall submit a report to EGLE documenting the findings of its investigation and any evidence collected. If this investigation identifies site condition(s) that caused the violation, the Landfill shall also include a remediation plan to address those site condition(s), including process or procedure changes and capital expenditures, and the time frame necessary to implement these remedial actions.

This Violation Notice does not preclude nor limit EGLE’s ability to initiate enforcement action, under state or federal law, as deemed appropriate. EGLE appreciates your attention to this violation.

If you have any questions, feel free to contact me at the phone number below; schwering@michigan.gov; or EGLE-MMD, Jackson District Office, 301 East Louis Glick Highway, Jackson, Michigan 49201.

Sincerely,



Gary Schwerin
Lansing and Jackson District Supervisor
Materials Management Division
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(586)243-2641

cc: Anthony Testa, Arbor Hills Landfill
Scott Miller, EGLE
Jenine Camilleri, EGLE
Alexandra Clark, EGLE
Philip Roycraft, EGLE