



GRETCHEN WHITMER  
GOVERNOR

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



PHILLIP D. ROOS  
DIRECTOR

November 3, 2023

VIA E-MAIL

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

Dear Dave:

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

The Department of Environment, Great Lakes, and Energy (EGLE), Materials Management Division (MMD), staff received approximately 30 odor complaints on the evening of November 1, 2023, and conducted an odor inspection between 7:30pm and 9:30pm on November 1, 2023. These inspections were completed at most of the complaint locations, and around the Arbor Hills Landfill (Landfill) located at 10599 W. Five Mile Road, Salem Township, Washtenaw County, Michigan, 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 November 1, 2023, MMD staff identified nuisance landfill gas odors along Napier Road near the landfill entrance.

MMD staff also conducted an odor inspection on the morning of November 2, 2023, between 6:40am and 7:40am to evaluate the effectiveness of the odor mitigating fans. During this odor inspection, staff documented nuisance garbage/landfill gas odors on 6-Mile Road between Napier Road and the entrance to the compost operation, downwind from the active filling area.

Pursuant to paragraph 5.17(B) of Consent Judgement No. 2020-0593-CE dated March 7, 2023 (CJ), EGLE is notifying the Landfill of the November 1 and 2, 2023, 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

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procedure changes and capital expenditures, and the time frame necessary to implement these remedial actions.

On October 28, 2023, MMD staff received a Response to the October 25, 2023, Violation Notice (Response) from the Landfill. The Response indicated the cause of the odors was removal of daily cover in the morning in preparation for placement of additional waste and stated, "Arbor Hills will use odor mitigating fans prior to and during the removal of daily cover materials." The presence of strong garbage/landfill gas odors downwind from the active filling area on the morning of November 2, 2023, indicate the use of odor mitigating fans prior to and during daily cover removal is inadequate to prevent odors and additional remedial actions are necessary.

In addition, and pursuant to paragraph 5.17(F) of the Consent Judgement, EGLE has reviewed the Response, and is now providing the Landfill with the comments on the adequacy of the remedial actions. EGLE is also notifying the Landfill that additional remedial actions are necessary to correct the Violation Notice dated October 25, 2023, and to address ongoing nuisance odors as documented in this Violation Notice. These comments trigger a requirement for the Landfill to provide a written response addressing the comments within 10 days of receipt.

This Violation Notice does not preclude nor limit the EGLE's ability to initiate enforcement action, under state or federal law, as deemed appropriate. The 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](mailto:schwering@michigan.gov); or the EGLE-MMD, Jackson District Office, 301 East Louis Glick Highway, Jackson, Michigan 49201.

Sincerely,



Gary Schwerin  
Lansing and Jackson District Supervisor  
Materials Management Division  
301 E. Louis Glick Highway  
Jackson, Michigan 49201-1556  
(586)243-2641

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