



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
LANSING



PHILLIP D. ROOS
DIRECTOR

January 10, 2024

VIA E-MAIL

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

Dear David Seegert:

SUBJECT: 2nd Violation Notice and Demand for Stipulated Penalties; Consent Judgment No. 2020-0593-CE, Arbor Hills Landfill, Inc., 10690 West Six Mile Road, Salem Township, Michigan; Waste Data System Number 475946

On October 10, 2023, October 25, 2023, and November 3, 2023; the Department of Environment, Great Lakes, and Energy (EGLE), Materials Management Division (MMD) issued Violation Notices (VNs) to Arbor Hills Landfill, Inc. (Arbor Hills), for the Arbor Hills Landfill (Landfill) located at 10690 West Six Mile Road, Salem Township, Michigan. In the VNs, Arbor Hills was cited for failure to comply with the administrative rules promulgated pursuant to Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, Michigan Compiled Laws 324.11501 *et seq.* Specifically, the MMD cited Arbor Hills for violation of R 299.4433(1)(c) based on inspections conducted on October 5, 2023, October 6, 2023, October 20, 2023, and November 2, 2023.

MMD staff issued the VNs consistent with Paragraph 5.17.B of Consent Judgment No. 2020-0593-CE (CJ) between EGLE and Arbor Hills that was entered on March 7, 2022, through the 30th Judicial Circuit Court. The provisions of Paragraph 5.17 set forth, among other things, the procedures that Arbor Hills must follow if EGLE issues a VN for violation of R 299.4433(1)(c) or R 336.1901. EGLE alleges that Arbor Hills did not follow the procedures required in the CJ, as further discussed below.

Arbor Hills responded to the October 25, 2023, VN with a letter dated October 28, 2023, stating the use of odor mitigating fans would be implemented (remedial action), as needed, as waste filling progresses in Cell 6, and during and prior to daily cover removal. During the MMD inspections on November 1 and 2, 2023, when nuisance odors were documented, the odor mitigating fans identified were not in use.

David Seegert
Arbor Hills Landfill, Inc.
January 10, 2024
Page 2

MMD staff conducted a follow-up inspection on December 7, 2003, during which MMD staff again verified the presence of nuisance odors. During the December 7, 2023, inspection, waste filling was occurring in Cell 6, and the odor mitigating fans were not operating. The verification of nuisance odors on November 1 and 2, 2023, and December 7, 2023, indicates remedial action was needed. The failure to use fans as the remedial action identified in Arbor Hills' October 28, 2023, response is in violation of Paragraph 5.17.D. Further, the failure of Arbor Hills to implement its proposed odor mitigation solution indicates the October 25, 2023, VN has not been resolved, and has resulted in this 2nd VN.

Paragraph 5.17.D of the CJ states:

AHL shall within such 72-hour period commence such remedial actions identified in AHL's report to EGLE to address such underlying conditions and will expeditiously pursue completion of such remedial actions in accordance with the plan submitted to EGLE.

Paragraph 13.4 of the CJ states, in part, that stipulated penalties shall accrue per day of violation of each of the requirements identified in Paragraph 5.17(C) through (E) in the amount of \$750, per day, for days 1 through 5 of noncompliance. By this letter and in accordance with Paragraph 13.8 of the CJ, EGLE demands a payment of stipulated penalties in the amount of \$1,500 due to violation of the CJ on November 2 and December 7, 2023.

In accordance with Paragraphs 13.10 and 13.11 of the CJ, Arbor Hills shall pay the stipulated penalties within thirty (30) days of receipt of this Demand, and payment shall be made in the form of a certified check or cashier's check and made payable to the "State of Michigan."

Payment shall be sent to:

Michigan Department of Environment, Great Lakes, and Energy
Accounting Services Division, Cashier's Office
P.O. Box 30657
Lansing, MI 48909-8157

To ensure proper credit, the check shall reference *Michigan Department of Environment, Great Lakes, and Energy v Arbor Hills Landfill, Inc.*, and Payment Identification Number "MUL40006S".

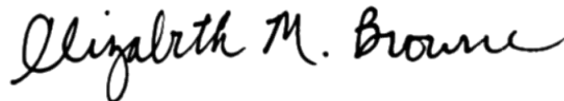
Please be advised that to fully resolve the cited violations, Arbor Hills must operate the odor mitigating fans prior to and during the removal of daily cover materials, and as waste filling progresses in Cell 6, as proposed in Arbor Hills' October 28, 2023, VN

David Seegert
Arbor Hills Landfill, Inc.
January 10, 2024
Page 3

response. Per Paragraph 5.17.E of the CJ, Arbor Hills must provide documentation that the underlying site condition has been rectified, along with reasonable supporting evidence of completion of its remedial plan. Arbor Hills has not yet demonstrated use of the odor mitigating fans, when necessary, nor whether the fans will be effective in mitigating nuisance odors.

If you have any questions, please contact Gary Schwerin, District Supervisor, at 586-243-264; SchwerinG@michigan.gov; or 301 East Louis Glick Highway, Jackson, Michigan 49201. Alternatively, you may contact David Willard, Enforcement Analyst, at 517-230-4393; WillardD@michigan.gov; or EGLE, MMD, Enforcement Section, P.O. Box 30241, Lansing, Michigan 48909-7741.

Sincerely,



Elizabeth M. Browne, Director
Materials Management Division
517-242-2746

cc Philip L. Comella, Taft Law
Anthony Testa, Arbor Hills Landfill
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