



GRETCHEN WHITMER
GOVERNOR

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



PHILLIP D. ROOS
DIRECTOR

October 25, 2023

VIA EMAIL

Matt Williams, Environmental Director
County of Saint Clair
6779 Smiths Creek Road
Smiths Creek, Michigan 48047

Dear Matt Williams:

SUBJECT: Violation Notice; Smiths Creek Landfill; St. Clair County
Fiscal Year 2024, First Quarter Off-Site Odor Inspection
Waste Data System Number: 452546

On October 17, 2023, the staff of the Department of Environment, Great Lakes, and Energy (EGLE), Materials Management Division (MMD), conducted an off-site odor inspection of the Smiths Creek Landfill (Facility) located at 6779 Smiths Creek Road, Kimball, Michigan. This inspection was performed to evaluate compliance of the Facility with Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.11501 et seq., as amended, and the administrative rules promulgated thereunder (Part 115).

Based on the above referenced inspection, MMD staff determined that the Facility is in violation of the following provision of the Part 115 Administrative Rules:

1. R 299.4433(1)(c) which states, "The owner and operator of a type II landfill shall ensure all of the following: (c) 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."

Upon arrival at the Facility, four off-site survey locations were selected based on the wind direction. At the time of the inspection, there was a westerly wind blowing at approximately 5 mph. A constant landfill gas odor strong enough to cause a person to attempt to avoid it completely was experienced on the property of the Holy Trinity Monastery (Location 2). Residents of the monastery were interviewed and stated that the intensity and consistency of the odor were a regular occurrence and had been experienced since mid-summer 2023. It was also noted during the inspection that intermittent landfill gas odor was detectable approximately one mile east of the Facility at Location 4 on Pine River Road.

Please submit a response to this Violation Notice by November 22, 2023. Although MMD staff have been made aware of completed and ongoing corrective actions regarding off-site odors and surface emissions generated by the Facility through meetings and correspondence, the response should include all actions that have been and will continue to be implemented to achieve compliance along with estimated timeframes for completion.

Smiths Creek Landfill

Page 2

October 25, 2023

The MMD staff will evaluate your response, determine the Facility's compliance status, and notify you of any deficiencies in the response. This Violation Notice does not preclude nor limit EGLE's ability to initiate any other enforcement action under state or federal law as deemed appropriate.

Should you require further information regarding the matters discussed in this letter, please contact me at 586-942-1910 or by email at DarlingA5@Michigan.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Darling', with a stylized flourish at the end.

Aaron P. Darling, Geologist
Warren District Office
Materials Management Division
586-942-1910

Enclosure

cc/enc: David Richmond, St. Clair County Health Department
Mary Carnagie, EGLE
Greg Morrow, EGLE
Carolyn Parker, EGLE
Joyce Zhu, EGLE
Iranna Konanahalli, EGLE
Robert Joseph, EGLE

