

Consent Judgement Summary

ARBOR HILLS LANDFILL, WASHTENAW COUNTY, MICHIGAN

ARBOR HILLS LANDFILL

The facility is located in Salem Township, Washtenaw County and consists of a landfill and gas-to-energy plant. The Arbor Hills Landfill (AHL) is owned by Green for Life Environmental. The adjacent landfill gas-to-energy plant is owned by Arbor Hills Energy LLC (AHE), a subsidiary of OPAL Fuels. The landfill is permitted and licensed under various parts of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, including Part 115, Solid Waste Management, and Part 55, Air Pollution Control.



BACKGROUND

Beginning in 2016, EGLE received numerous and significant odor complaints due to landfill and gas-to-energy plant operations. The odor complaints have continued over the years, many of which were cited as nuisance odor violations. Due to the on-going nuisance odor violations, EGLE initiated an administrative enforcement action against the landfill in early 2019, to resolve the odor violations and other violations of Part 55 and Part 115 related to landfill gas control and leachate management.

EGLE was unable to reach an administrative settlement with AHL. A lawsuit was filed in October 2020. The Department of Attorney General and EGLE have worked diligently to reach a settlement finalized in March 2022 in the form of a consent judgement with AHL.

WHAT IS INCLUDED IN THE CONSENT JUDGEMENT?

The key requirements of the consent judgment are a compliance plan to address landfill gas, leachate management and overall management of odors from the landfill operations. The consent judgement also includes a penalty and three Supplemental Environmental Projects (SEPs).

WHAT IS INCLUDED IN THE COMPLIANCE PLAN?

The following items in the Compliance Plan are legally enforceable:

- Regular inspection, maintenance, repair/corrective action, and proper operation of the *landfill gas* collection and control system; better landfill gas emission monitoring on a more frequent basis and within a bigger area.
- Preventing liquid from entering into the landfill; regular inspection, maintenance, and repair/corrective action of the *leachate* collection system.
- Increased odor control measures during daily landfill operations and construction; odor control measures for composting operations; prescribed timelines for investigating and correcting nuisance odors.
- Air monitoring around the perimeter of the landfill, continuously measuring concentrations of methane and hydrogen sulfide emissions, with specific levels which require action, and timelines for investigating and correcting exceedances. The system notifies AHL of any exceedances immediately and identifies where the emissions causing the exceedances are coming from.

WHAT IS INCLUDED IN THE PENALTY?

The Consent Judgment includes a monetary penalty of \$355,109 and SEPs which must be worth a combined value of \$1,955,000. The monetary penalty is paid into the *State of Michigan General Fund*.

WHAT IS A SUPPLEMENTAL ENVIRONMENTAL PROJECT?

A SEP (pronounced "sep") is an environmentally beneficial project not required by state or federal law, but that a company agrees to undertake as part of a settlement of an enforcement action. SEPs are projects going beyond what is legally required to return to compliance with applicable state and federal laws.

WHAT SEPs ARE INCLUDED?

There are three SEPs included in with the Consent Judgment. The SEPs are designed to provide benefits to the community and the environment. The SEPs are:

- Operation of a real-time air monitoring network and a public-facing website to provide real-time perimeter monitoring data to the community and AHL.
- Creation of a new household hazardous waste collection facility and funding for operating the facility - so this waste is not disposed in a landfill - as a free service for ten years.
- Planting of vegetative buffers on the eastern borders of AHL's composting facility and landfill to reduce fugitive dust and odors.

HOW LONG WILL THE CONSENT JUDGEMENT BE ACTIVE?

The Consent Judgment will be active for five years for the majority of the Compliance Plan. The SEPs for household hazardous waste collection and perimeter air monitoring (and associated action levels) will be in place for 10 years. AHL may also be subject to *stipulated penalties* for failing to comply with Consent Judgment in the future.

WILL THE CONSENT JUDGEMENT BE OPEN FOR COMMENT?

The consent judgement is issued and enforced by the court. The court does not provide for public comment prior to settlement. EGLE will hold an information session later this spring to explain the key requirements of the consent judgement and answer your questions.

HOW WILL EGLE ENSURE THE LANDFILL FOLLOWS THE REQUIREMENT IN THE CONSENT JUDGMENT?

EGLE will evaluate compliance through regular inspections and reviews of progress related to the Compliance Plan and the SEPs. The new perimeter air monitoring system and real time data will be another tool EGLE can use to address any emissions of concern and will improve the timing of responding to odor concerns. EGLE will continue to respond to complaints and concerns from residents.

WHERE CAN I FIND MORE INFORMATION?



Information can be found in the [Historical Information and Landfill Summaries](#) document. Additional information, like inspection reports, testing, and enforcement information can be found at: Michigan.gov/ArborHills.



WHO TO CONTACT: [Environmental Assistance Center](#), 800-662-9278

Odor Complaints: [EGLE Online Odor Complaint Form](#)

KEY CONCEPTS

Landfill gas: Gases created when waste breaks down in a landfill. Often collected and used for producing electricity and to supplement natural gas supplies.

Leachate: Liquid within the landfill that has come in contact with waste.

State of Michigan General Fund: Covers all State appropriation, expenditure, and receipt transactions, except those for which special constitutional or statutory requirements demand separate fund accounting.

Stipulated penalties: Fixed sums of money a defendant agrees to pay for violating the terms of a legal enforcement action. Such penalties are an effective enforcement tool for encouraging compliance.

Michigan's Environmental Justice Policy promotes the fair, non-discriminatory treatment, and meaningful involvement of Michigan's residents regarding the development, implementation, and enforcement of environmental laws, regulations, and policies by this state. Fair, non-discriminatory treatment intends that no group of people, including racial, ethnic, or low-income populations, will bear a disproportionately greater burden resulting from environmental laws, regulations, policies, and decision-making.

Meaningful involvement of residents ensures an appropriate opportunity to participate in decisions about a proposed activity that will affect their environment and/or health.

EGLE does not discriminate on the basis of race, sex, religion, age, national origin, color, marital status, disability, political beliefs, height, weight, genetic information, or sexual orientation in the administration of any of its programs or activities, and prohibits intimidation and retaliation, as required by applicable laws and regulations.

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