

## B.9. Restrictive covenant (landfills only)

### NOTICE IN DEED TO PROPERTY

For hazardous waste disposal units which have been closed, it is required that notices be filed under 40 CFR 264.119 - "Post-Closure Notices". Such notices must be submitted to the local zoning or land use authority and to MDEQ within 60 days after certification of closure of each hazardous waste disposal unit. At such time as the hazardous waste units at this facility are closed, this requirement will be followed.

Copies of the Site #2 Restrictive Covenant and Notice in Deed already in effect are attached. In accordance with State law, the notation on the deed to the facility property - which is normally examined during title search, will in perpetuity notify any potential purchaser of the property that the land has been used to manage hazardous wastes and its use is restricted under 40 CFR Subpart G regulations.

6  
00120002 NOV 13 2000

34  
Liber-32748 Page-267  
200385189 11/14/2000  
F.E. Youngblood, Wayne Co. Register of Deeds  
RDHARCYN

**NOTICE REGARDING  
STATUTORY OBLIGATIONS APPLICABLE TO PROPERTY**

This Notice Regarding Statutory Obligations Applicable to Property (the "Notice") has been executed this 8<sup>th</sup> day of November, 2000, by Wayne Disposal, Inc., a Michigan corporation ("Owner"), whose address is 49350 North I-94 Service Drive, Bellville, Michigan 48111, and is being recorded with the Register of Deeds for Wayne County, Michigan, pursuant to Rule 525 of the September 11, 2000 administrative rules promulgated under Part 111 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended ("Act 451").



The property owned by Owner and described on Exhibit A, attached hereto (the "Exhibit A Property"), has been used to manage hazardous waste and is subject to the corrective action requirements of Part 111 of Act 451 and the Resource Conservation and Recovery Act, as amended by the 1984 Hazardous and Solid Waste Amendments.


The property owned by Owner and described on Exhibit B, attached hereto (the "Exhibit B Property"), has not been used to manage hazardous waste, but is contiguous to the Exhibit A Property. Accordingly, the Exhibit B Property is also subject to the corrective action requirements of Part 111 of Act 451 and the Resource Conservation and Recovery Act, as amended by the 1984 Hazardous and Solid Waste Amendments.

IN WITNESS HEREOF, Owner has caused this Notice to be executed on this 8<sup>th</sup> day of November, 2000.

WITNESS:

Wayne Disposal, Inc., a Michigan corporation

  
Name Crecie Marshall  
  
Name Scott Maris

By:   
Thomas R. Schuck  
Its: CFO

STATE OF MICHIGAN  
COUNTY OF Wayne

The foregoing instrument was acknowledged before me this 8<sup>th</sup> day of November, 2000 by Thomas R. Schuck, CFO of Wayne Disposal, Inc., a Michigan corporation, on behalf of the corporation.

April F. Raddatz  
Notary Public, Wayne County, Michigan  
April F. Raddatz  
My Commission Expires: 01-30-01

\*Monroe County

Drafted by and when recorded return to:  
Jeffrey L. Woolstrum, Esq.  
Honigman Miller Schwartz and Cohn  
2290 First National Building  
Detroit, Michigan 48226  
Telephone: (313) 465-7612

**EXHIBIT A**

LEGAL DESCRIPTION OF AREA USED TO  
MANAGE HAZARDOUS WASTE  
A 201.01 ACRE PARCEL OF LAND  
LOCATED IN SECTION 17, T3S, R8E,  
VAN BUREN TOWNSHIP, WAYNE COUNTY, MICHIGAN

Commencing at the SW corner of Section 17, T3S, R8E, Van Buren Township, Wayne County, Michigan, thence N 00°04'28" W 716.02 feet along the West line of said Section 17, thence N 89°55'50" E 33.00 feet to the Easterly right-of-way line of Denton Road (66.00 feet wide) and to the POINT OF BEGINNING,

thence N 00°04'28" W 1924.68 feet along the Easterly right-of-way line of Denton Road;  
thence N 89°55'42" E 80.02 feet;  
thence N 00°04'29" W 1196.07 feet;  
thence N 88°39'48" E 3820.25 feet;  
thence S 00°37'58" E 1685.07 feet;  
thence N 89°56'55" W 1247.15 feet;  
thence S 02°11'22" E 850.36 feet;  
thence N 88°20'11" E 76.42 feet;  
thence S 00°47'42" E 952.06 feet to the Northerly right-of-way line of Interstate 94;  
thence along the Northerly right-of-way line of Interstate 94, the following seven (7) courses:

S 88°35'32" W 495.86 feet;  
N 66°53'38" W 413.81 feet;  
N 59°27'20" W 624.43 feet;  
N 80°05'38" W 387.83 feet;  
S 79°16'00" W 387.84 feet;  
S 58°37'42" W 482.90 feet;  
N 72°31'25" W 208.85 feet to the POINT OF BEGINNING. Being a part of said  
Section 17, T3S, R8E, containing 240.44 acres of land, more or less.

Excepting the following described parcel of land:

Commencing at the SW corner of Section 17, T3S, R8E, Van Buren Township, Wayne County, Michigan, thence N 00°04'28" W 716.02 feet along the West line of said Section 17, thence N 89°55'50" E 33.00 feet to the Easterly right-of-way line of Denton Road (66.00 feet wide), thence N 00°04'28" W 438.02 feet along the Easterly right-of-way line of Denton Road, thence S 88°39'49" W 1426.00 feet; thence N 01°20'11" W 96.03 feet to the POINT OF BEGINNING,

thence N 01°20'11" W 1229.28 feet;  
thence N 88°39'47" E 1236.65 feet;  
thence S 03°05'28" E 299.39 feet;  
thence S 02°11'22" E 829.31 feet;  
thence S 15°32'04" W 22.66 feet;

thence S 88°20'11" W 60.64 feet;  
thence S 88°31'02" W 330.79 feet;  
thence S 00°43'32" E 373.05 feet;  
thence N 90°00'00" W 621.58 feet;  
thence N 41°15'26" W 365.84 feet to the POINT OF BEGINNING. Being a part of the S  
1/2 of said Section 17, and containing 39.43 acres of land, more or less.

Total acreage of the above described parcel is 201.01 acres. Being subject to easements and restrictions of record, if any.

Parts of:

Tax Parcel No. 83-068-99-0001-001

Tax parcel No. 83-065-99-0001-000

Tax Parcel No. 83-067-99-0002-002

Tax Parcel No. 83-066-99-0002-000

Tax Parcel No. 83-067-99-0002-002

**EXHIBIT B****Legal Description****SITE NO. 1**

A parcel of land in the South ½ of Section 18, Town 3 South, Range 8 East, Van Buren Township, Wayne County, Michigan, more particularly described as follows: Beginning at the South ¼ corner of Section 18 and proceeding thence North 87 degrees 36 minutes East along the South line of said section, 575.22 feet; thence North 1 degree 30 minutes West, 1663.44 feet; thence South 87 degrees 35 minutes West 2698.08 feet; thence South 18 degrees 30 minutes East 270.07 feet; thence South 41 degrees East, 269.28 feet; thence South 51 degrees East, 218.46 feet; thence South 39 degrees 30 minutes East 295.68 feet; thence South 27 degrees East 126.06 feet; thence South 37 degrees East 561.66 feet; thence South 60 degrees 37 minutes East 365.33 feet; thence North 87 degrees 55 minutes East along the South line of said section 827.07 feet to the point of beginning.

Excepting therefrom the Southerly 87 feet of land conveyed by Quit Claim Deed dated July 30, 1941, by Quirk Farms to Board of County Road Commissioners of the County of Wayne; also excepting therefrom a parcel of land conveyed by instrument, dated January 17, 1952, by Ford Motor Company to State of Michigan and described as follows: All that part of the South ½ of Section 18, Town 3 South, Range 8 East, Van Buren Township, Wayne County, Michigan, described as: Beginning at a point, which is North along the North and South ¼ line of said Section 18, a distance of 87 feet from the South ¼ corner of said Section 18; thence East along a line which is the North right-of-way line of Highway M-56 and which is parallel to the South line of said Section 18, a distance of 575.22 feet; thence North 1 degree 44 minutes 15 seconds East 50 feet; thence West along a line which is 137 feet North of (measured at right angles) and parallel to the South line of said Section 18, a distance of, 430.34 feet, thence North 20 feet; thence West along a line which is 157 feet North of (measured at right angles) and parallel to the South line of said Section 18, a distance of, 500 feet; thence North 20 feet; thence West along a line which is 177 feet North of (measured at right angles) and parallel to the South line of said Section 18, a distance of 400 feet; thence South 20 feet, thence West along a line which is 157 feet North of (measured at right angles) and parallel to the South line of said Section 18, a distance of 311 feet more or less to a fence, thence South 60 degrees 37 minutes East along said fence line 134.10 feet to the North right-of-way line of Highway M-56; thence East along said North right-of-way line of Highway M-56 a distance of 969.22 feet to the point of beginning. Also excepting therefrom lands from proposed Interstate 94 right-of-way, as more fully described in Deed recorded in Liber 18385, page 706, Wayne County Records.

Tax Parcel No. 071-99-0004-001

**SITE NO. 2**

Commencing at the Southwest corner of fractional Section 18, Town 3 South, Range 8 East, Van Buren Township, Wayne County, Michigan; thence North 00 degrees 04 minutes 28 seconds West 716.02 feet along the East line of fractional Section 18 to the point of beginning; thence North 00 degrees 04 minutes 28 seconds West 1926.82 feet along the East line of fractional Section 18; thence South 89 degrees 16 minutes 38 seconds West 1332.32 feet along the East-West  $\frac{1}{4}$  line of said Section 18; thence North 00 degrees 24 minutes 00 seconds East 1177.41 feet; thence North 88 degrees 39 minutes 48 seconds East 6571.00 feet; thence South 00 degrees 40 minutes 52 seconds East 1153.58 feet along the East line of Section 17, Town 3 South, Range 8 East and the center line of Beck Road; thence South 88 degrees 15 minutes 32 seconds West 1316.05 feet along the East-West  $\frac{1}{4}$  line of said Section 17; thence South 00 degrees 37 minutes 59 seconds East 2292.53 feet; thence South 88 degrees 35 minutes 33 seconds West 1144.97 feet along the North right-of-way line of the I-94 Service Road; thence North 00 degrees 47 minutes 42 seconds West 952.06 feet; thence South 88 degrees 20 minutes 09 seconds West 163.96 feet; thence South 88 degrees 31 minutes 03 seconds West 330.79 feet; thence South 00 degrees 43 minutes 33 seconds East 950.90 feet; thence along the Northerly right-of-way line of said I-94 Service Road in the following eight (8) courses: South 88 degrees 35 minutes 33 seconds West 8.05 feet; North 66 degrees 25 minutes 22 seconds West 406.47 feet; North 59 degrees 27 minutes 20 seconds West 624.43 feet; North 80 degrees 05 minutes 40 seconds West 387.83 feet; South 79 degrees 16 minutes 00 seconds West 387.83 feet; South 58 degrees 37 minutes 40 seconds West 482.90 feet; North 72 degrees 31 minutes 18 seconds West 208.85 feet; South 89 degrees 55 minutes 32 seconds West 33.00 feet to the point of beginning.

Excepting therefrom all of the property described on Exhibit A, attached hereto.

Parts of:

Tax Parcel No. 83-068-99-0001-001

Tax parcel No. 83-065-99-0001-000

Tax Parcel No. 83-067-99-0002-002

Tax Parcel No. 83-066-99-0002-000

Tax Parcel No. 83-067-99-0002-002

DET\_B\247685.1



STATE OF MICHIGAN



JAMES J. BLANCHARD, Governor

DEPARTMENT OF NATURAL RESOURCES

STEVENS T. MASON BUILDING  
P.O. BOX 30028  
LANSING, MI 48909

DAVID F. HALES, Director

NATURAL RESOURCES COMMISSION

THOMAS J. ANDERSON  
ARLENE J. FLUHARTY  
ORDON E. GUYER  
KERRY KAMMER  
ELLWOOD A. MATTSO  
O. STEWART MYERS  
RAYMOND POUPORE

February 13, 1990

Mr. Ernest Turpel  
Wayne County Register of Deeds  
400 Monroe, 6th Floor  
Detroit, Michigan 48826

Dear Mr. Turpel:

SUBJECT: Restrictive Covenant for the Wayne Disposal Hazardous  
Waste Landfill

Pursuant to Michigan's Hazardous Waste Management Act, 1978 Public Act 64, as amended, enclosed is a restrictive covenant to be attached to the deed for the parcel of land owned by Ford Motor Company as described in Attachment A of the covenant and operated by Wayne Disposal, Inc. Also enclosed is a check for \$24.00 to cover the cost of filing.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in dark ink, appearing to read "Peter Quackenbush".

Peter Quackenbush, Engineer  
Hazardous Waste Permits Section  
Waste Management Division  
517-373-7397



IMPREST CASH FUND  
DEPARTMENT OF NATURAL RESOURCES

P. O. BOX 30028  
LANSING, MICHIGAN 48909

TO THE TREASURER  
STATE OF MICHIGAN  
LANSING, MICHIGAN 48901

05706

2/7/90

PAY TO THE ORDER OF Wayne Co. Register of Deeds

\$ \*\*\*\*\*24.00

Twenty-Four and 00/100\*\*\*\*\* DOLLARS

Wayne Co. Register of Deeds  
Earnest Turpel  
400 Monroe  
Detroit, MI 48226

MEMO 1

⑈005706⑈ ⑆072400706⑆ 75⑈229⑈1⑈

R1566-1

RESTRICTIVE COVENANTS RUNNING WITH THE LAND

FORD MOTOR COMPANY, ("Ford"), a Delaware corporation, is located at The American Road, Dearborn, MI 48121-1899. Ford is the record owner of land located in Van Buren Township, Wayne County, Michigan, described in Exhibit A attached ("the land").

WAYNE DISPOSAL, INC., ("Wayne"), a Michigan corporation, is located at 1349 Huron St., Ypsilanti, MI 48197. Wayne applied for and received a license under provisions of 1979 P.A. 64, MCLA 299.503 eq seq, as amended ("Act 64") to operate a hazardous waste facility ("Disposal Facility") located at the land. This license authorized disposal of hazardous waste at the Disposal Facility on the land pursuant to all of the terms of that license and Michigan law, including, but not limited to, Act 64. The land and the Disposal Facility are herein referred to as the "Property". The following restrictive covenants are executed by Ford as the sole owner of the land and by Wayne as the owner and operator of the Disposal Facility pursuant to Section 39 of Act 64 to ensure the care, maintenance, monitoring and long-term integrity of the Property for the protection of the health, safety and welfare of the people of the State of Michigan and the natural resources and the environment of the State of Michigan.

1. The Property has been used to manage hazardous wastes.
2. The Property has been used as a landfill for hazardous waste disposal.
3. Use of the Property, including use of the land and/or the Disposal Facility, shall not disturb the final cover, liners, components of any containment system, or the function of the monitoring systems on or in the Property.
4. No one, including Ford, Wayne, any purchaser of the land or Disposal Facility, any purchaser of the land or Disposal Facility, or any of their agents, employees, heirs, successors, lessees, or assignees, shall engage in any development, including any filling, grading, excavating, building, drilling or mining on the Property following completion of the landfill closure without obtaining prior written authorization from the Director of the Department of Natural Resources.
5. The survey plat and records of the types, locations and quantities of hazardous wastes on or in the Property have been filed by Wayne with the local zoning or land use authority as required by Act 64 and its rules.

RECEIVED

JAN 4 1989

6. Ownership of all or a portion of the land or Disposal Facility shall not be conveyed without the owner of the land or Disposal Facility sending prior written notice to the prospective purchaser(s) of the existence of these restrictive covenants. Such notice shall state:

- (1) that there are restrictive covenants on the Property;
- (2) that development on the Property is prohibited without prior written authorization from the Director of the Department of Natural Resources;
- (3) that the prospective purchaser(s) must comply with the restrictive covenants, Act 64 and rules promulgated under Act 64; and
- (4) that the prospective purchaser(s) cannot interfere with the containment or monitoring systems on or in the Property.

Such notice shall include a copy of these restrictive covenants and shall be sent to the prospective purchaser(s) by certified mail with a copy sent to the Director of the Department of Natural Resources.

These restrictions may be enforced in law or in equity in a court of competent jurisdiction. Such action(s) may be taken against anyone, including any person, corporation, partnership, agent, successor, assignee, heir, employee or lessee, who violates or threatens to violate any of these restrictive covenants.

These restrictive covenants shall run with the land in perpetuity and shall be binding upon Ford, Wayne, any purchaser of the record owner of the land or Disposal Facility, any purchaser of the land or Disposal Facility, or any of their agents, employees, heirs, successors, lessees, or assignees.

Signed in presence of:

FORD MOTOR COMPANY

George Kueni  
(witness name)

By:

J. M. Rostamani

J. M. Rostamani  
Assistant Secretary

Its:

Linda G. Donovan  
(witness name)

STATE OF MICHIGAN )  
COUNTY OF Wayne ) SS:

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of  
JAN 2 1990, 19\_\_\_\_, by J. M. ROSTAMANI, of  
FORD MOTOR COMPANY, a Delaware corporation, on  
behalf of the corporation.

Marilyn J. Schulze  
Notary Public

\_\_\_\_\_, County, Michigan  
My commission expires \_\_\_\_\_.

MARILYN J. SCHULZE  
Notary Public, Wayne County, Michigan  
My Commission Expires December 11, 1990

270.14 (b) (14)

NOTICE IN DEED TO PROPERTY

In response to 270.14 (b) (14), attached herein is a copy of WDI's, Site #2, MID048090633, hazardous waste notice in the property deed, entitled "RESTRICTIVE COVENANT".

This document was executed and submitted to the Michigan Department of Natural Resources on August 14, 1981, in response to licensing requirements under Act 64, PA of 1979, 299.539, Section 39 and R299.6503, Rule 503 (1) (i).

ACT 64

299.539 Condition of obtaining operating license for disposal facility; condition of obtaining operating license for landfill.

Sec. 39. (1) As a condition of obtaining an operating license for a disposal facility pursuant to section 22, the applicant shall demonstrate to the director that the owner of the property has recorded on the deed to the property or some other document which is normally examined during a title search a notice that will notify in perpetuity any potential purchaser of the following:

(a) That the property has been used to manage hazardous wastes.

(b) That the use of the land should not disturb the final cover, liners, components of any containment system, or the function of the monitoring systems on or in the property.

(c) That the survey plat and records of type, location, and quantity of hazardous wastes on or in the property have been filed with the local zoning or land use authority as required by the rules promulgated under this act.

(2) As a condition of obtaining an operating license for a landfill pursuant to section 22, the applicant shall demonstrate to the director that an instrument imposing a restrictive covenant upon the land involved has been executed by all of the owners of the tract of land upon which the landfill is to be located. The instrument imposing the restrictive covenant shall be filed for record by the department in the office of the register of deeds in the county in which the disposal facility is located. The covenant shall state that the land has been or may be used as a landfill for disposal of hazardous waste and that neither the property owners, agents, or employees, nor any of their heirs, successors, lessees, or assignees shall engage in filling, grading, excavating, building, drilling, or mining on the property following completion of the landfill without authorization of the director. In giving authorization, the director shall consider, at a minimum, the original design, type of operation, hazardous waste deposited, and the state of decomposition of the fill. Before authorizing any activity that would disturb the integrity of the final cover of a landfill, the director must find either that the disturbance of the final cover is necessary to the proposed use of the property and will not increase the potential hazard to human health or the environment or that disturbance of the final cover is necessary to reduce a threat to human health or the environment.

History: New 1979, Act 64, Iff. Jan. 1, 1980;—Am. 1982, Act 454, Iff. Mar. 30, 1983.

Accordingly, as required under Section 39, the Restrictive Covenant was executed by the MDNR Director and filed with the Wayne County Register of Deeds.

RESTRICTIVE COVENANT

THIS RESTRICTIVE COVENANT made as of the 13th day of August, 1981, by and among, Ford Motor Company (Ford) whose address is The American Road, Dearborn, Michigan 48121, Wayne Disposal, Inc. (Wayne) whose address is P. O. Box 5187, Dearborn, Michigan 48128, and Howard A. Tanner, (Director) Director of the Michigan Department of Natural Resources for and on behalf of the State of Michigan, whose address is DNR Executive Division, 7th Floor Mason Bldg., Lansing, Michigan, 48909.

WITNESSETH THAT:

WHEREAS, Wayne has applied or will apply for licensure under provisions of 1979 PA 64, MCLA 299.501 et seq, for the purpose of conducting, managing, maintaining or operating a disposal area upon land situated in the Township of Van Buren, County of Wayne, more particularly described on the Exhibit A attached hereto; and

WHEREAS, 1979 PA 64, supra, Section 39 requires that before operation of a landfill, an instrument which imposes a restrictive covenant upon the land involved shall be executed by all the owners of the tract of land upon which the landfill is located and the Director.

NOW THEREFORE, Ford and Wayne do for themselves, their heirs, successors, lessees, or assigns declare, covenant and agree that the land hereinbefore described has been or will hereafter be used as a landfill for disposal of hazardous waste, and that neither Ford, Wayne nor their servants, agents, employees, nor any of the heirs, successors, lessees or assignees shall engage in filling, grading, excavating, building, drilling or mining on the property

Signed in presence of:

\* Virginia Garrity  
Virginia Garrity  
\* Michael J. O'Reilly  
Michael J. O'Reilly

Signed in presence of:

\* Jerome L. Ambler  
Jerome L. Ambler  
\* George Anderson  
George Anderson

Signed in presence of:

\* \_\_\_\_\_  
\* \_\_\_\_\_

STATE OF MICHIGAN )  
COUNTY OF WAYNE ) ss

The foregoing instrument was acknowledged before me this  
13<sup>th</sup> day of August, 1981 by Sidney Kelly, an  
Assistant Secretary of Ford Motor Company, a Delaware corporation, on  
behalf of the corporation.

Signed

FORD MOTOR COMPANY - OWNER

By Sidney Kelly  
SIDNEY KELLY  
Its Assistant Secretary

WAYNE DISPOSAL, INC. - LICENSEE

By Michael J. Ferrantino  
Michael J. Ferrantino  
Its President

STATE OF MICHIGAN

By \_\_\_\_\_  
Howard A. Tanner

Its Director of the Department  
of Natural Resources for  
the State of Michigan

Sandra G. Quinn



STATE OF MICHIGAN)

) ss

COUNTY OF INGHAM )

The foregoing instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 1981, by Howard A. Tanner, Director of the Department of Natural Resources, on behalf of the State of Michigan.

\_\_\_\_\_  
\*Notary Public

Ingham County, Michigan  
My Commission Expires \_\_\_\_\_

When recorded, return to:

State of Michigan  
Department of Natural Resources  
Solid Waste Management Division  
Lansing, Michigan 48910

\*Type or print name under signature

Drafted By:

Michael J. O'Reilly  
The American Road  
Warborn, Michigan 48121

DENTON

7000 N.

East 470.00'

North 710.00'

South 710.00'

P.A.B.

West 470.00'

182.63'

382.18'

53.00'

6000 N.

1754.04'

I-94



# Michigan Disposal, Inc.

Post Office Box 5116  
Dearborn, Michigan 48128  
(313) 326-0204

Section 17, T3S, R8E  
Van Buren Township, Wayne County  
Michigan Disposal  
82018  
Nov. 14, 1983

DESCRIPTION OF A 7.66 ACRE PARCEL  
OF LAND LOCATED IN THE S.W. 1/4 OF  
SECTION 17, T3S, R8E, VAN BUREN TOWNSHIP,  
WAYNE COUNTY, MICHIGAN

(HAZARDOUS WASTE  
TREATMENT FACILITY)

Commencing at the S.W. corner of Section 17, T3S, R8E Van Buren Township, Wayne County, Michigan, thence N 00° 04' 28" W 1154.04 feet along the west line of said Section 17, thence N. 89° 55' 32" E 33.00 feet, thence N 88° 39' 48" E 382.18 feet; thence N 0° 00' 00" E 182.03 feet to the POINT OF BEGINNING,

thence N 00° 00' 00" E 710.00 feet;

thence N 90° 00' 00" E 470.00 feet;

thence S 00° 00' 00" E 710.00 feet;

thence S 90° 00' 00" W 470.00 feet to the

POINT OF BEGINNING, being a part of the S.W. 1/4 of Section 17, T3S, R8E containing 7.66 acres of land more or less, subject to easements or restrictions of record if any.

W01 2.1.8

LAW OFFICES  
HONIGMAN MILLER SCHWARTZ AND COHN LLP  
2290 FIRST NATIONAL BUILDING  
660 WOODWARD AVENUE  
DETROIT, MICHIGAN 48226-3583  
FAX (313) 465-8000

JEFFREY L. WOOLSTRUM  
TELEPHONE: (313) 465-7612  
FAX: (313) 465-7613  
E-MAIL: jlw@honigman.com

LANSING, MICHIGAN

November 9, 2000

**VIA FACSIMILE & CERTIFIED MAIL**

Mr. Jim Sygo  
Chief, Waste Management Division  
Michigan Department of Environmental Quality  
608 W. Allegan Street  
John A. Hannah Building  
Lansing, Michigan 48933

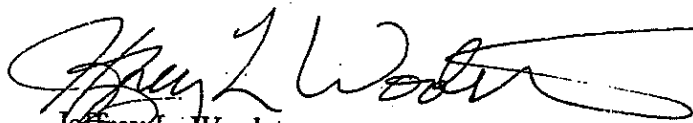
**Re: *Wayne Disposal, Inc.***  
***Notice Regarding Statutory Obligations Applicable to Property***

Dear Mr. Sygo:

Pursuant to Rule 525 of the September 11, 2000 administrative rules promulgated under Part 111 of the Natural Resources and Environmental Protection Act, enclosed please find a copy of the Notice Regarding Statutory Obligations Applicable To Property (the "Notice") relating to Wayne Disposal, Inc.'s ("WDI") hazardous waste treatment and storage facility located in Van Buren Township, Michigan. WDI has executed the Notice and filed it for recording with the Register of Deeds for Wayne County.

Please call me with any questions regarding the enclosed.

Sincerely,

  
Jeffrey L. Woolstrum

Enclosure

cc: Mr. Scott Maris

DET\_BV250351.1

00 NOV -9 P1:54

REST E. YOUNG 8100H  
REGISTER OF DEEDS  
WAYNE COUNTY, MI

**NOTICE REGARDING  
STATUTORY OBLIGATIONS APPLICABLE TO PROPERTY**

This Notice Regarding Statutory Obligations Applicable to Property (the "Notice") has been executed this 8<sup>th</sup> day of November, 2000, by Wayne Disposal, Inc., a Michigan corporation ("Owner"), whose address is 49350 North I-94 Service Drive, Bellville, Michigan 48111, and is being recorded with the Register of Deeds for Wayne County, Michigan, pursuant to Rule 525 of the September 11, 2000 administrative rules promulgated under Part 111 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended ("Act 451").

The property owned by Owner and described on Exhibit A, attached hereto (the "Exhibit A Property"), has been used to manage hazardous waste and is subject to the corrective action requirements of Part 111 of Act 451 and the Resource Conservation and Recovery Act, as amended by the 1984 Hazardous and Solid Waste Amendments.

The property owned by Owner and described on Exhibit B, attached hereto (the "Exhibit B Property"), has not been used to manage hazardous waste, but is contiguous to the Exhibit A Property. Accordingly, the Exhibit B Property is also subject to the corrective action requirements of Part 111 of Act 451 and the Resource Conservation and Recovery Act, as amended by the 1984 Hazardous and Solid Waste Amendments.

IN WITNESS HEREOF, Owner has caused this Notice to be executed on this 8<sup>th</sup> day of November, 2000.

WITNESS:

Wayne Disposal, Inc., a Michigan corporation

Creeie Marshall  
Name Creeie Marshall

By: Thomas R. Schuck  
Thomas R. Schuck

Scott Maris  
Name Scott Maris

Its: CPO

STATE OF MICHIGAN  
COUNTY OF Wayne

The foregoing instrument was acknowledged before me this 8<sup>th</sup> day of November, 2000 by Thomas R. Schuck, CFO of Wayne Disposal, Inc., a Michigan corporation, on behalf of the corporation.

April F. Raddatz  
Notary Public, <sup>\*acting in</sup> Wayne County, Michigan  
April F. Raddatz  
My Commission Expires: 01-30-01

\*Monroe County

Drafted by and when recorded return to:  
Jeffrey L. Woolstrum, Esq.  
Honigman Miller Schwartz and Cohn  
2290 First National Building  
Detroit, Michigan 48226  
Telephone: (313) 465-7612

**EXHIBIT A**

LEGAL DESCRIPTION OF AREA USED TO  
MANAGE HAZARDOUS WASTE  
A 201.01 ACRE PARCEL OF LAND  
LOCATED IN SECTION 17, T3S, R8E,  
VAN BUREN TOWNSHIP, WAYNE COUNTY, MICHIGAN

Commencing at the SW corner of Section 17, T3S, R8E, Van Buren Township, Wayne County, Michigan, thence N 00°04'28" W 716.02 feet along the West line of said Section 17, thence N 89°55'50" E 33.00 feet to the Easterly right-of-way line of Denton Road (66.00 feet wide) and to the POINT OF BEGINNING,

thence N 00°04'28" W 1924.68 feet along the Easterly right-of-way line of Denton Road;  
thence N 89°55'42" E 80.02 feet;  
thence N 00°04'29" W 1196.07 feet;  
thence N 88°39'48" E 3820.25 feet;  
thence S 00°37'58" E 1685.07 feet;  
thence N 89°56'55" W 1247.15 feet;  
thence S 02°11'22" E 850.36 feet;  
thence N 88°20'11" E 76.42 feet;  
thence S 00°47'42" E 952.06 feet to the Northerly right-of-way line of Interstate 94;  
thence along the Northerly right-of-way line of Interstate 94, the following seven (7) courses:

S 88°35'32" W 495.86 feet;  
N 66°53'38" W 413.81 feet;  
N 59°27'20" W 624.43 feet;  
N 80°05'38" W 387.83 feet;  
S 79°16'00" W 387.84 feet;  
S 58°37'42" W 482.90 feet;

N 72°31'25" W 208.85 feet to the POINT OF BEGINNING. Being a part of said Section 17, T3S, R8E, containing 240.44 acres of land, more or less.

Excepting the following described parcel of land:

Commencing at the SW corner of Section 17, T3S, R8E, Van Buren Township, Wayne County, Michigan, thence N 00°04'28" W 716.02 feet along the West line of said Section 17, thence N 89°55'50" E 33.00 feet to the Easterly right-of-way line of Denton Road (66.00 feet wide), thence N 00°04'28" W 438.02 feet along the Easterly right-of-way line of Denton Road, thence S 88°39'49" W 1426.00 feet; thence N 01°20'11" W 96.03 feet to the POINT OF BEGINNING,

thence N 01°20'11" W 1229.28 feet;  
thence N 88°39'47" E 1236.65 feet;  
thence S 03°05'28" E 299.39 feet;  
thence S 02°11'22" E 829.31 feet;  
thence S 15°32'04" W 22.66 feet;

thence S 88°20'11" W 60.64 feet;  
thence S 88°31'02" W 330.79 feet;  
thence S 00°43'32" E 373.05 feet;  
thence N 90°00'00" W 621.58 feet;  
thence N 41°15'26" W 365.84 feet to the POINT OF BEGINNING. Being a part of the S  
1/2 of said Section 17, and containing 39.43 acres of land, more or less.

Total acreage of the above described parcel is 201.01 acres. Being subject to easements and  
restrictions of record, if any.

Parts of:

Tax Parcel No. 83-068-99-0001-001

Tax parcel No. 83-065-99-0001-000

Tax Parcel No. 83-067-99-0002-002

Tax Parcel No. 83-066-99-0002-000

Tax Parcel No. 83-067-99-0002-002



## **EXHIBIT B**

### **Legal Description**

#### **SITE NO. 1**

A parcel of land in the South  $\frac{1}{2}$  of Section 18, Town 3 South, Range 8 East, Van Buren Township, Wayne County, Michigan, more particularly described as follows: Beginning at the South  $\frac{1}{4}$  corner of Section 18 and proceeding thence North 87 degrees 36 minutes East along the South line of said section, 575.22 feet; thence North 1 degree 30 minutes West, 1663.44 feet; thence South 87 degrees 35 minutes West 2698.08 feet; thence South 18 degrees 30 minutes East 270.07 feet; thence South 41 degrees East, 269.28 feet; thence South 51 degrees East, 218.46 feet; thence South 39 degrees 30 minutes East 295.68 feet; thence South 27 degrees East 126.06 feet; thence South 37 degrees East 561.66 feet; thence South 60 degrees 37 minutes East 365.33 feet; thence North 87 degrees 55 minutes East along the South line of said section 827.07 feet to the point of beginning.

Excepting therefrom the Southerly 87 feet of land conveyed by Quit Claim Deed dated July 30, 1941, by Quirk Farms to Board of County Road Commissioners of the County of Wayne; also excepting therefrom a parcel of land conveyed by instrument, dated January 17, 1952, by Ford Motor Company to State of Michigan and described as follows: All that part of the South  $\frac{1}{2}$  of Section 18, Town 3 South, Range 8 East, Van Buren Township, Wayne County, Michigan, described as: Beginning at a point, which is North along the North and South  $\frac{1}{4}$  line of said Section 18, a distance of 87 feet from the South  $\frac{1}{4}$  corner of said Section 18; thence East along a line which is the North right-of-way line of Highway M-56 and which is parallel to the South line of said Section 18, a distance of 575.22 feet; thence North 1 degree 44 minutes 15 seconds East 50 feet; thence West along a line which is 137 feet North of (measured at right angles) and parallel to the South line of said Section 18, a distance of, 430.34 feet, thence North 20 feet; thence West along a line which is 157 feet North of (measured at right angles) and parallel to the South line of said Section 18, a distance of, 500 feet; thence North 20 feet; thence West along a line which is 177 feet North of (measured at right angles) and parallel to the South line of said Section 18, a distance of 400 feet; thence South 20 feet, thence West along a line which is 157 feet North of (measured at right angles) and parallel to the South line of said Section 18, a distance of 311 feet more or less to a fence, thence South 60 degrees 37 minutes East along said fence line 134.10 feet to the North right-of-way line of Highway M-56; thence East along said North right-of-way line of Highway M-56 a distance of 969.22 feet to the point of beginning. Also excepting therefrom lands from proposed Interstate 94 right-of-way, as more fully described in Deed recorded in Liber 18385, page 706, Wayne County Records.

Tax Parcel No. 071-99-0004-001

## SITE NO. 2

Commencing at the Southwest corner of fractional Section 18, Town 3 South, Range 8 East, Van Buren Township, Wayne County, Michigan; thence North 00 degrees 04 minutes 28 seconds West 716.02 feet along the East line of fractional Section 18 to the point of beginning; thence North 00 degrees 04 minutes 28 seconds West 1926.82 feet along the East line of fractional Section 18; thence South 89 degrees 16 minutes 38 seconds West 1332.32 feet along the East-West  $\frac{1}{4}$  line of said Section 18; thence North 00 degrees 24 minutes 00 seconds East 1177.41 feet; thence North 88 degrees 39 minutes 48 seconds East 6571.00 feet; thence South 00 degrees 40 minutes 52 seconds East 1153.58 feet along the East line of Section 17, Town 3 South, Range 8 East and the center line of Beck Road; thence South 88 degrees 15 minutes 32 seconds West 1316.05 feet along the East-West  $\frac{1}{4}$  line of said Section 17; thence South 00 degrees 37 minutes 59 seconds East 2292.53 feet; thence South 88 degrees 35 minutes 33 seconds West 1144.97 feet along the North right-of-way line of the I-94 Service Road; thence North 00 degrees 47 minutes 42 seconds West 952.06 feet; thence South 88 degrees 20 minutes 09 seconds West 163.96 feet; thence South 88 degrees 31 minutes 03 seconds West 330.79 feet; thence South 00 degrees 43 minutes 33 seconds East 950.90 feet; thence along the Northerly right-of-way line of said I-94 Service Road in the following eight (8) courses: South 88 degrees 35 minutes 33 seconds West 8.05 feet; North 66 degrees 25 minutes 22 seconds West 406.47 feet; North 59 degrees 27 minutes 20 seconds West 624.43 feet; North 80 degrees 05 minutes 40 seconds West 387.83 feet; South 79 degrees 16 minutes 00 seconds West 387.83 feet; South 58 degrees 37 minutes 40 seconds West 482.90 feet; North 72 degrees 31 minutes 18 seconds West 208.85 feet; South 89 degrees 55 minutes 32 seconds West 33.00 feet to the point of beginning.

Excepting therefrom all of the property described on Exhibit A, attached hereto.

Parts of:

Tax Parcel No. 83-068-99-0001-001

Tax parcel No. 83-065-99-0001-000

Tax Parcel No. 83-067-99-0002-002

Tax Parcel No. 83-066-99-0002-000

Tax Parcel No. 83-067-99-0002-002

WAYNE COUNTY REGISTER OF DEEDS  
RECORDING TRANSACTION AND RECEIPT

DOCUMENT RECEIVED: NOV - 9 2000 #219351

TYPE OF DOCUMENT(S): NOT

NUMBER OF DOCUMENT(S): 1

RECORDING FEE: \$ 28<sup>00</sup>

TRANSFER TAX: \$ \_\_\_\_\_

COPY FEE \$ \_\_\_\_\_

TOTAL AMOUNT RECEIVED: \$ 28<sup>00</sup> clerks initials: PB

Check / Cash \_\_\_\_\_ Money Order \_\_\_\_\_ Other \_\_\_\_\_

89025197

U24079-400

NOTICE IN ACCORDANCE WITH  
40 C.F.R. §264.119(b)(1)

In accordance with the provisions of 40 C.F.R. §264.119(b)(1), the undersigned, Wayne Disposal, Inc., hereby states, with respect to the property described in Exhibit A attached hereto, as follows:

1. The subject land has been used to manage hazardous wastes; and
2. Its use is restricted under 40 C.F.R. Subpart G regulations; and
3. The survey plat and record of the type, location, and quantity of hazardous wastes disposed of within each cell or other hazardous waste disposal unit of the facility required by 40 C.F.R. §§264.116 and 264.119(a) have been filed with the Van Buren Township Zoning Board and with the Regional Administrator for Region V of the United States Environmental Protection Agency.

Dated: February 15, 1989

Witnessed by:

WAYNE DISPOSAL, INC.,  
a Michigan corporation

Richard L. Taylor  
Richard L. Taylor

By: Jerry A. Fore  
Jerry A. Fore

Its: Vice President

Michael J. Miller  
Michael J. Miller

STATE OF MICHIGAN )  
COUNTY OF ) ss.

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of February, 1989, by Jerry A. Fore, who is a Vice President of Wayne Disposal, Inc., a Michigan corporation, on behalf of the corporation.

BETTY KANE  
NOTARY PUBLIC - WAYNE COUNTY, MICH.  
MY COMMISSION EXPIRES 9-15-92

Betty Kane  
Notary Public, Wayne County, MI

My Commission Expires: 9-15-92

Drafted by and when recorded  
return to:

Robert A. Hykan, Esq.  
Honigman Miller Schwartz and Cohn  
2290 First National Building  
Detroit, Michigan 48226

C17801

Page  
CASE

LEM,  
DAT  
ENC

89025197

89 FEB 20 11:11

FOREMAN  
REGISTERED  
WAYNE COUNTY, MI

# MIDWESTERN CONSULTING, INC.



CIVIL ENGINEERS

PLANNERS

SURVEYORS

2045 HOGBACK ROAD  
ANN ARBOR, MICHIGAN 48104  
TELEPHONE: 313-971-8000

U24979-401

Section 17, T3S, R8E  
Van Buren Township, Wayne County  
Wayne Disposal  
80057

## EXHIBIT "A"

DESCRIPTION OF A 119.74 ACRE PARCEL OF  
LAND LOCATED IN THE W 1/2 OF SECTION 17,  
T3S, R8E, VAN BUREN TOWNSHIP, WAYNE COUNTY,  
MICHIGAN.

(HAZARDOUS WASTE DISPOSAL AREA)

Commencing at the S. W. corner of Section 17, T3S, R8E Van Buren  
Township, Wayne County Michigan, thence N 00° 04' 28" W 1154.04 feet along  
the west line of said Section 17, thence N 89° 55' 32" E 33.00 feet to  
the POINT OF BEGINNING,

thence N 00° 04' 28" W 1486.72 feet;

thence N 89° 55' 32" E 80.00 feet;

thence N 00° 04' 28" W 1196.00 feet;

thence N 88° 39' 48" E 2444.52 feet;

thence S 01° 20' 12" E 1355.00 feet;

thence S 88° 39' 48" W 1157.59 feet;

thence S 01° 20' 12" E 1325.31 feet;

thence S 80° 39' 48" W 1426.00 feet to the POINT OF BEGINNING.

being a part of the W 1/2 of Section 17, T3S, R8E containing 119.74 acres of land  
more or less, subject to easements or restrictions of record, if any.



90032823

RESTRICTIVE COVENANTS RUNNING WITH THE LAND

U24547PA698

FORD MOTOR COMPANY, ("Ford"), a Delaware corporation, is located at The American Road, Dearborn, MI 48121-1899. Ford is the record owner of land located in Van Buren Township, Wayne County, Michigan, described in Exhibit A attached ("the land").

WAYNE DISPOSAL, INC., ("Wayne"), a Michigan corporation, is located at 1349 Huron St., Ypsilanti, MI 48197. Wayne applied for and received a license under provisions of 1979 P.A. 64, MCLA 299.503 eq seq, as amended ("Act 64") to operate a hazardous waste facility ("Disposal Facility") located at the land. This license authorized disposal of hazardous waste at the Disposal Facility on the land pursuant to all of the terms of that license and Michigan law, including, but not limited to, Act 64. The land and the Disposal Facility are herein referred to as the "Property". The following restrictive covenants are executed by Ford as the sole owner of the land and by Wayne as the owner and operator of the Disposal Facility pursuant to Section 39 of Act 64 to ensure the care, maintenance, monitoring and long-term integrity of the Property for the protection of the health, safety and welfare of the people of the State of Michigan and the natural resources and the environment of the State of Michigan.

1. The Property has been used to manage hazardous wastes.
2. The Property has been used as a landfill for hazardous waste disposal.
3. Use of the Property, including use of the land and/or the Disposal Facility, shall not disturb the final cover, liners, components of any containment system, or the function of the monitoring systems on or in the Property.
4. No one, including Ford, Wayne, any purchaser of the record owner of the land or Disposal Facility, any purchaser of the land or Disposal Facility, or any of their agents, employees, heirs, successors, lessees, or assignees, shall engage in any development, including any filling, grading, excavating, building, drilling or mining on the Property following completion of the landfill closure without obtaining prior written authorization from the Director of the Department of Natural Resources.
5. The survey plat and records of the types, locations and quantities of hazardous wastes on or in the Property have been filed by Wayne with the local zoning or land use authority as required by Act 64 and its rules.

50 FEB 26 PM 3:45  
FOREST E. YOUNGER, JUD  
REGISTER OF DEEDS  
WAYNE COUNTY, MI

RECEIVED

JAN 9 1990

Waste Management  
Division

L124547PA699

6. Ownership of all or a portion of the land or Disposal Facility shall not be conveyed without the owner of the land or Disposal Facility sending prior written notice to the prospective purchaser(s) of the existence of these restrictive covenants. Such notice shall state:

- (1) that there are restrictive covenants on the Property;
- (2) that development on the Property is prohibited without prior written authorization from the Director of the Department of Natural Resources;
- (3) that the prospective purchaser(s) must comply with the restrictive covenants, Act 64 and rules promulgated under Act 64; and
- (4) that the prospective purchaser(s) cannot interfere with the containment or monitoring systems on or in the Property.

Such notice shall include a copy of these restrictive covenants and shall be sent to the prospective purchaser(s) by certified mail with a copy sent to the Director of the Department of Natural Resources.

These restrictions may be enforced in law or in equity in a court of competent jurisdiction. Such action(s) may be taken against anyone, including any person, corporation, partnership, agent, successor, assignee, heir, employee or lessee, who violates or threatens to violate any of these restrictive covenants.

These restrictive covenants shall run with the land in perpetuity and shall be binding upon Ford, Wayne, any purchaser of the record owner of the land or Disposal Facility, any purchaser of the land or Disposal Facility, or any of their agents, employees, heirs, successors, lessees, or assignees.



L124547PA700

Signed in presence of:

WAYNE DISPOSAL, INC.

Jerry A. Fore  
(witness name)

By: Jerry A. Fore

Betty Kane  
(witness name)

Its: Vice President

STATE OF MICHIGAN }  
COUNTY OF Wayne } SS.

The foregoing instrument was acknowledged before me this 27th day of  
December, 19 89, by Jerry A. Fore, of  
Wayne Disposal, Inc., a Michigan corporation, on  
behalf of the corporation.

Betty Kane  
Notary Public

Wayne County, Michigan  
My commission expires 9/15/92

BETTY KANE  
NOTARY PUBLIC-WAYNE COUNTY, MICH.  
MY COMMISSION EXPIRES 9-15-92



LI24547PA701

Signed in presence of:

FORD MOTOR COMPANY

George Kueni  
(Witness name)

By:

J. M. Rintamaki

J. M. Rintamaki  
Assistant Secretary

Its:

Linda G. Donovan  
(Witness name)

STATE OF MICHIGAN

COUNTY OF WAYNE } SS.

The foregoing instrument was acknowledged before me this        day of JAN 3 1990, 19       , by J. M. RINTAMAKI, of FORD MOTOR COMPANY, a Delaware corporation, on behalf of the corporation.

Marilyn J. Taulbee  
Notary Public

My commission expires        County, Michigan.

MARILYN J. TAULBEE  
Notary Public, Wayne County, Michigan  
My Commission Expires December 11, 1990

L124547PA702

Signed in presence of:

STATE OF MICHIGAN

Margaret L. Curry  
(witness name)

By: [Signature]  
David F. Hales

Jasper H. Smith  
(witness name)

Its: Director of the Department of  
Natural Resources for the State  
of Michigan

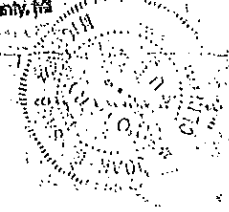
STATE OF MICHIGAN )  
COUNTY OF INGHAM ) SS.

The foregoing instrument was acknowledged before me this 29th day of  
January, 19 90, by David F. Hales, of the  
Michigan Department of Natural Resources, on behalf of the Department.

[Signature]  
Notary Public

County, Michigan  
My commission expires

RONALD E. SAUB  
Notary Public, Clinton County, MI  
My Commission Expires April 7, 1991  
Acting in Ingham County, MI



# MIDWESTERN CONSULTING, INC.



CIVIL ENGINEERS • PLANNERS • SURVEYORS

2045 HOGBACK ROAD  
ANN ARBOR, MICHIGAN 48104  
TELEPHONE: 313-971-6800

L124547PA703

Section 17, T3S, R8E  
Van Buren Township, Wayne County  
Wayne Disposal  
30057

## EXHIBIT "A"

DESCRIPTION OF A 119.74 ACRE PARCEL OF  
LAND LOCATED IN THE W 1/2 OF SECTION 17,  
T3S, R8E, VAN BUREN TOWNSHIP, WAYNE COUNTY,  
MICHIGAN.

(HAZARDOUS WASTE DISPOSAL AREA)

Commencing at the S. W. corner of Section 17, T3S, R8E Van Buren  
Township, Wayne County Michigan, thence N 00° 04' 28" W 1154.04 feet along  
the west line of said Section 17, thence N 89° 55' 32" E 33.00 feet to  
the POINT OF BEGINNING,

thence N 00° 04' 28" W 1486.72 feet;  
thence N 89° 55' 32" E 80.00 feet;  
thence N 00° 04' 28" W 1196.00 feet;  
thence N 80° 39' 48" E 2444.52 feet;  
thence S 01° 20' 12" E 1355.00 feet;  
thence S 88° 39' 48" W 1157.59 feet;  
thence S 01° 20' 12" E 1325.31 feet;  
thence S 88° 39' 48" W 1426.00 feet to the POINT OF BEGINNING,

being a part of the W 1/2 of Section 17, T3S, R8E containing 119.74 acres of land  
more or less, subject to easements or restrictions of record, if any.



**Section 37. Information on Each Solid Waste Management Unit**

**INFORMATION FOR EACH SOLID WASTE MANAGEMENT UNIT**

**40 CFR 264.14d**

**AND**

**NREPA 451, Part 111 R504(1)c**

**INFORMATION FOR EACH SOLID WASTE MANAGEMENT UNIT**

**40 CFR 270.14d and NREPA 451, Part 111 R504(1)c**

In accordance with the previous RCRA permit for the facility, a Phase I RCRA Facility Investigation (RFI) for Wayne Disposal Site #2 Landfill was completed and submitted to USEPA. A copy of this report, "RCRA Corrective Action Plan RFI Phase I- Environmental Monitoring Report (Volumes I and II)", dated July 17, 1990, was submitted separately. This report includes a description of the location, design, and history of the operation of all Solid Waste Management Units at the facility. In addition, environmental monitoring data collected throughout the period of interim status was summarized and evaluated for evidence of the presence or absence of a release. The report concluded that data generated over this time period did not yield evidence for the presence of a release. In addition, a work plan for a Phase II investigation Wayne Disposal Site #1 Landfill, titled "RFI Phase II Release Assessment-Task A: RFI Phase II Workplan", dated September 21, 1989 was submitted to the USEPA. USEPA responded to the submission of the Phase I Report and the Phase II Workplan in a letter dated January 3, 1991, a copy of which was included in this section. In this letter, USEPA concluded that there had been no releases of waste or waste constituents to the environment from Wayne Disposal Site #2 Landfill. In addition, the letter approved the Phase II workplan for Wayne Disposal Site #1 Landfill.

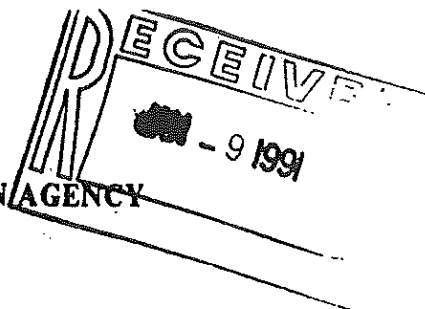
The Phase II release assessment investigation of Wayne Disposal Site #1 Landfill has been conducted in accordance with the approved workplan. A report, titled "Draft Report- RCRA Facility Investigation Phase II Release Assessment for Wayne Disposal Site #1 Landfill (Volumes I, II, and III)" dated October 7, 1992 was submitted to USEPA. This report is reproduced electronically on compact disk for this application as Appendix B. The investigation found no clear evidence of a release to the environment, but recommended limited additional work to be conducted to resolve the origin of some anomalous groundwater monitoring results at one monitoring well. To date, there has been no response from USEPA regarding this draft report.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.  
CHICAGO, ILLINOIS 60604



JAN 03 1991

REPLY TO THE ATTENTION OF:

5H-12

CERTIFIED MAIL P 175 505 917  
RETURN RECEIPT REQUESTED

Mr. Jerry A. Fore  
Vice President  
Wayne Disposal, Inc.  
1349 Huron Road  
Ypsilanti, Michigan 48197

Re: Approval of RFI Phase I and II  
Wayne Disposal  
MID 048 090 633

Dear Mr. Fore:

The RFI Phase I Environmental Monitoring Report, dated July 17, 1990, submitted for Site I (Landfill) and Site II (Solid and Hazardous Waste Landfill) and the RFI Phase II Release Assessment Work Plan for Site I Landfill have been reviewed by the United States Environmental Protection Agency (U.S. EPA). The submittal of these documents was required by the Corrective Action provisions (Condition V.) of the Federal Hazardous and Solid Waste Amendments (HSWA) Permit issued to Wayne Disposal, Inc. by the U.S. EPA on March 30, 1990.

Based upon this information, the U.S. EPA has concluded that there have been no releases of hazardous waste or hazardous constituents to the environment from Site II. Therefore, no further action is required for Site II at this time. The Phase II Release Assessment Work Plan for the Site I Landfill is approved and is to be implemented within 30 days of receipt of this correspondence, in accordance with Condition V.A.1.

If you have any questions regarding this matter, please contact Shari Kolak of my staff, at (312) 886-6151.

Sincerely yours,

David A. Ullrich, Director  
Waste Management Division

cc: Pete Quackenbush, MDNR  
Ken Burda, MDNR

XC  
DU  
MY  
UB  
J. Rolto