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STATE OF MICHIGAN

DEPARTMENT OF NATURAL RESOURCES

IN RE: Sanitary Landfill License of  
Michigan Waste Systems, Inc.

Cause No. 80-7-641

STIPULATION; CONSENT ORDER

This Stipulation, entered into on the dates hereinafter set forth, by and between the Department of Natural Resources of the State of Michigan (hereinafter "Department") and Ottawa County (hereinafter "County") and Michigan Waste Systems, Inc. (hereinafter "Systems");

WHEREAS, the Director of the Department is the state official charged with the administration and enforcement of the Solid Waste Management Act, 1978 PA 641, MCLA 299.401 et seq; MSA 13.29 et seq, an act to protect the public health and the environment;

WHEREAS, Systems presently operates a solid waste disposal area (hereinafter "Disposal Area") under contract with County and at a site identified as the Southwest Ottawa County Disposal Center, Section 15, Park Township, Ottawa County, Michigan, consisting of approximately forty-three (43) acres;

WHEREAS, the Department has issued its Notice of Violation dated August 16, 1979, and has issued its Notice and Order of Denial and Revocation dated October 28, 1980,

ordering County and Systems to terminate acceptance of refuse and other solid waste materials at the Disposal Area;

WHEREAS, petitions for an administrative hearing, to appeal the Department's October 28, 1980, Order of Denial and Revocation, were filed by Systems and the County, respectively, on November 6 and 12, 1980;

WHEREAS, the parties hereto wish to stipulate to entry of an Order setting forth methods and timetables for the closure, monitoring, and subsequent maintenance of the Disposal Area by County and Systems.

NOW THEREFORE, the parties hereto, in consideration of and agreement with the foregoing, and in further consideration of the mutual covenants and agreements set forth herein, hereby stipulate and agree to entry of an Order directing that the following actions shall be conducted by County and Systems to bring about closure of the Disposal Area and to monitor the condition of underground waters in and about the Disposal Area.

A. DESCRIPTION OF CLOSURE PLAN

County and Systems shall implement and complete, at the Disposal Area, at their sole expense, that certain written Closure Plan (hereinafter "Closure Plan") prepared by Dell Engineering, Environmental Consultants, Holland, Michigan, dated April 20, 1981, and identified as "An Addendum To Concept For Closure Of The Southwest Ottwawa County Landfill,



Holland, Michigan" and which Closure Plan is hereby incorporated by reference, in its entirety, and made a part of this Stipulation and Consent Order as if the same were more fully set forth herein. Department, County, and Systems hereby acknowledge having received and being in current possession of a complete copy of said written Closure Plan consisting of thirty-five (35) pages, plus title page, Table of Contents, and Appendix A (consisting of an additional nine (9) pages).

B. TIMETABLE FOR IMPLEMENTATION OF CLOSURE PLAN

1. Commencing on the date hereof, County and Systems shall not knowingly permit, or cause to be permitted, the receipt at the Disposal Area of any industrial wastes. For purposes of this Stipulation and Consent Order, the term "industrial wastes" shall mean all sludges and liquid wastes and wastes from industrial or manufacturing processes, as distinct from domestic, commercial, or institutional solid wastes.

2. Not later than 5:00 p.m. on October 15, 1981, County and Systems shall permanently close the Disposal Area and shall not thereafter permit, or cause to be permitted, the receipt at the Disposal Area of refuse, garbage or any other waste matter.

3. Not later than 5:00 p.m. on October 15, 1981, County and Systems shall have completed application of the

polymer-treated bentonite and shall have placed vegetation, all of the foregoing to be performed as recommended in the Closure Plan, over at least thirty-five (35) acres of the forty-three (43) acre Disposal Area.

4. Not later than 5:00 p.m. on October 31, 1981, County and Systems shall have completed application of polymer-treated bentonite and shall have placed vegetation, all of the foregoing to be performed as recommended in the Closure Plan, over the remaining eight (8) acres of the forty-three (43) acre Disposal Area.

5. Not later than 5:00 p.m. on November 15, 1981, County and Systems shall have completed installation of all gas vents as well as all other steps recommended by the Closure Plan with respect to the entire area of the Disposal Area.

6. Not later than 5:00 p.m. on November 15, 1981, County and Systems shall file with the Department, a certified engineering report attesting to the full and complete implementation of closure of the Disposal Area in conformity with the Closure Plan.

C. MAINTENANCE OF CLOSED DISPOSAL AREA

County and Systems shall, for a period of four (4) consecutive years following November 15, 1981, maintain the surface characteristics of the closed Disposal Area, such maintenance to include control and correction of any erosion; repair and reconstruction of any damage to the cap; maintenance



and repair of all gas vents; additional application of fertilizers; and replacement or reestablishment of any lost or damaged vegetation, all of the foregoing to be performed as recommended in the Closure Plan.

D. MONITORING OF DISPOSAL AREA

1. County and Systems shall monitor the cover stability, as described on page fourteen (14) of the Closure Plan, at the closed Disposal Area, such monitoring to include the sand cushion above the refuse; the treated bentonite and soil barrier blanket; the soil cover over the barrier blanket; the vegetation; the slopes; and all other erosion control features, such monitoring to occur on a quarterly basis for the first year following November 15, 1981, and thereafter on an annual basis for a period of four (4) consecutive years.

2. County and Systems shall inspect the gas vents installed at the Disposal Area, on a quarterly basis for the first year following November 15, 1981, and thereafter on an annual basis for a period of four (4) consecutive years. Such inspection shall confirm that all gas vents are functioning and that birds, insects and other matter have not plugged or otherwise diminished the operability of the double-L top on such gas vents.

3. County and Systems shall collect ground water samples from designated monitoring wells at the Disposal Area for purposes of monitoring ground water conditions underlying the Disposal Area; such monitoring to include the following:

(a) ground water samples shall be collected and analyzed in July, 1981, and again in October, 1981, from fourteen (14) Department-designated existing test wells located at the Disposal Area. Such ground water samples shall be analyzed by County and Systems for the following parameters: chlorides; sulfates; calcium; sodium; magnesium; iron; and, bicarbonates.

(b) ground water samples shall be collected and analyzed annually for four (4) consecutive years following November 15, 1981, from fourteen (14) Department-designated existing test wells located at the Disposal Area. Such ground water samples shall be analyzed by County and Systems for the following parameters: chlorides; sulfates; carbonate and bicarbonate alkalinity; hydrogen ion concentration (pH); specific conductance; calcium; sodium; magnesium; total organic carbon (TOC); chemical oxygen demand (COD); cadmium-total; copper-total; chromium-total; hexavalent chromium-total; mercury-total; lead-total; nickel-total; zinc-total; iron-total; phenol; oil and grease; and, volatile and persistent extractable hydrocarbon compounds.

(c) all ground water samples as required by subparagraphs (a) and (b) above shall be analyzed in accordance with the following analytical methods:

(i) American Society of Testing and Materials (1980) Annual Book of ASTM Standards, Part 31 Water; (ii) Standard Methods for Examination of Water and Wastewater



15th Edition (APHA, AWWA, WPCF; 1975); and (iii) Methods for the Chemical Analysis of Water and Wastes U.S. EPA (March, 1979).

(d) the written results of each such periodic ground water sampling and analyses shall be forwarded to the Department within thirty (30) days following the completion of each of such periodic analyses.

4. Department, its agents, employees and representatives shall have the right to enter upon the Disposal Area, at all reasonable times, for the purpose of inspecting, testing, and monitoring the surface and the sub-surface areas of the Disposal Area; removing soil and water samples; and determining compliance with the provisions of this Stipulation and Consent Order; any applicable state laws; and applicable rules promulgated pursuant to state laws, such laws and rules being more particularly described in section G, 2, of this Stipulation and Consent Order.

5. County and Systems shall preserve and maintain all existing ground water monitoring wells at the Disposal Area, in their present condition, such that they are available and usable by the Department for monitoring purposes for four (4) years following November 15, 1981.

E. WITHDRAWAL OF PETITIONS FOR CONTESTED CASE HEARINGS

County and Systems hereby withdraw their respective petitions for contested case hearings heretofore filed in the

above-entitled cause and stipulate and agree that an Order may now enter terminating the present proceedings subject, however, to the reservation of rights' provisions hereinafter set forth.

F. RESERVATION OF RIGHTS

1. The parties hereto stipulate and agree that the issue of resource damages, if any, and any liability for the same, are not addressed by execution of this Stipulation and Consent Order, nor does execution of the same constitute an admission of resource damages, or any liability of any kind on any issue.

2. The parties further stipulate and agree that the Department may hereafter institute civil actions against County and/or Systems for purposes of compelling the cleaning, purging, or other restoration of ground waters which may have been affected by leachate or other contaminants emanating from the Disposal Area.

3. The parties further stipulate and agree that execution of this Stipulation and Consent Order shall not be construed to waive, estopp or otherwise diminish Department's right to seek to impose civil liability upon, or seek appropriate civil relief from County and/or Systems, for degradation or pollution of ground waters.

G. ENFORCEMENT FORUM

1. The parties further stipulate and agree that the appropriate forum for enforcement of this Stipulation and



Consent Order shall be the Circuit Court for the County of  
Ottawa, or the County of Ingham, State of Michigan.

2. It is further stipulated and agreed that the rules  
pursuant to which this Stipulation is executed and pursuant  
to which this Consent Order shall be enforced, are those  
rules existing as of the date of this Stipulation, more  
particularly those rules promulgated pursuant to 1965 PA 87  
and identified as Michigan Administrative Code Rules 325.2701  
thru 325.2789 inclusive, it being specifically stipulated  
that County and Systems do not waive any rights to assert any  
defense to said statute or rules, on any theory whatsoever.

OTTAWA COUNTY

Dated: May 14, 1981

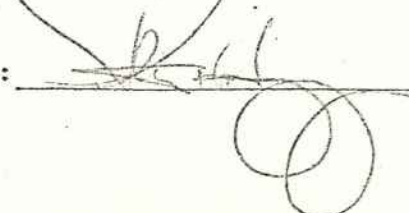
By:   
Jack Smart, Chairman  
Board of Commissioners  
County of Ottawa

MICHIGAN WASTE SYSTEMS, INC.

Dated: May 14, 1981

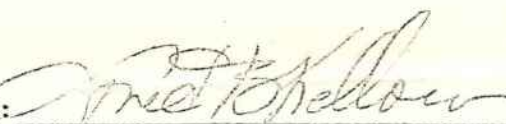
By: 

Dated: 5-14-81


By: 

STATE OF MICHIGAN  
DEPARTMENT OF NATURAL RESOURCES

Dated: 6/1/81

By:   
Fred B. Kellow, Chief  
Resource Recovery Division


Dated: May 27, 1981

By:   
Jack D. Bails, Chief  
Environmental Enforcement Division

CONSENT ORDER

IT IS HEREBY ORDERED that the foregoing Stipulation be and the same is hereby entered as a final Order thereby constituting a final decision of the Michigan Department of Natural Resources.

Dated: 4/1/81

  
HOWARD A. TANNER, Director  
Michigan Department of Natural Resources