

**MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY**

In the Matter of:

The Shiawassee Sanitary Landfill Group  
Shiawassee Sanitary Landfill  
Owosso Township  
Shiawassee County, Michigan

MDEQ Reference No.  
AOC-RRD-13-002

Modification of the Administrative Order by Consent for Response Activities and Payment of Response Activity Costs (AOC), Michigan Department of Environmental Quality (MDEQ) Reference No. AOC-RRD-13-002, for The Shiawassee Sanitary Landfill Group (Group), Shiawassee Sanitary Landfill, Owosso Charter Township, Shiawassee County, Michigan. Pursuant to Executive Order 2019-6 effective April 22, 2019, the MDEQ was restructured and renamed the Michigan Department of Environment, Great Lakes, and Energy (EGLE).

This Modification of the AOC (Modification) is entered into voluntarily by EGLE, Remediation and Redevelopment Division (RRD), the Group and the Michigan Department of Attorney General (MDAG). This Modification shall be effective upon the signature of the Director of the RRD. This Modification shall be executed in two (2) duplicate counter parts, each of which shall be deemed one original. By execution of this Modification, EGLE, the Group and the MDAG, collectively referred to as the "Parties", stipulate and agree to be bound by all its terms and conditions herein. Unless otherwise defined herein, all terms used in this Modification shall have the same meaning as defined in the AOC. This Modification is authorized by, and is pursuant to, Section XXIII (Modifications) of the AOC.

**I. RECITALS**

The Parties acknowledge the accuracy of the following facts and circumstances surrounding this Modification:

1.1 On September 23, 2015, the Parties entered into the AOC pursuant to Section 20134(1) of Part 201, Environmental Remediation, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

1.2 On January 11, 2016, Owosso Charter Township (Township) passed Water Ordinance 1-2016 requiring owners of all improved premises in a restricted zone to connect all buildings and structures on the premises to the Township water supply and distribution system. The ordinance also required abandonment of private water

wells upon connection to the Township water supply and distribution system and prohibited private water wells on all properties connected to the Township water supply and distribution system in the restricted zone.

1.3 On July 31, 2017, the Township amended Water Ordinance No. 1-2016 to delete the word "Required" in Paragraph 2.1(a), permitting owners of all improved premises in a restricted zone to connect to the Township water supply and distribution system at their discretion. The amended ordinance retained the requirement to abandon private water wells upon connection to the Township water supply and distribution system and the prohibition on private water wells on all properties connected to the Township water supply and distribution system in the restricted zone.

1.4 Paragraph 7.1(b)(ii) of the AOC requires the Group to connect certain homes to the municipal water supply, and to execute and file a restrictive covenant prohibiting future groundwater withdrawal at all such homes.

1.5 Paragraph 7.1(b)(iii) of the AOC references the potential for the Group to execute and file a restrictive covenant prohibiting future groundwater withdrawal at all homes where the property owner consents in writing to connection to the municipal drinking water supply, abandonment of any existing groundwater well, and execution and filing of a restrictive covenant preventing future groundwater withdrawal.

1.6 On September 25, 2017, the Group completed connecting the required homes to the municipal water supply pursuant to Paragraph 7.1(b)(ii).

1.7 On February 4, 2019, the Group requested to modify the AOC to replace existing language in Section VII to permit reliance on Township Water Ordinance No. 1-2016, as amended, in lieu of restrictive covenants.

## **II. TERMS OF AGREEMENT**

Accordingly, in consideration of the recitals set forth above, the Parties agree to the following Modification:

2.1 Paragraph 7.1(b)(ii) of the AOC shall say: Respondents shall connect municipal drinking water supply to (1) the homes at the addresses listed on Attachment 4 of this Order and (2) all homes in the Project Area where analytical data obtained from the private drinking water well collected after the Effective Date confirms, based on the results of two (2) consecutive sampling events, that a drinking water source does not meet Michigan residential drinking water criteria for VOCs.

Respondents shall also be responsible for execution and filing of a restrictive covenant prohibiting future groundwater withdrawal on all properties where such homes are located. As an alternate to the filing of a restrictive covenant, Respondents may rely on an ordinance that prohibits the installation of private water wells on such properties. For purposes of this Paragraph 7.1(b) and 7.3, a second sampling event shall be conducted within thirty (30) days of initial sampling suggesting that a drinking water source may not meet Michigan residential drinking water criteria for VOCs.

2.2 Paragraph 7.1(b)(iii) of the AOC shall say: Within three (3) years of the Effective Date, Respondents shall also connect the municipal drinking water supply to all other homes in the Project Area, abandon any existing groundwater well, and record restrictive covenants, where the property owner consents in writing to: (1) connection to the municipal drinking water supply; (2) abandonment of any existing groundwater well, and (3) execution and filing of a restrictive covenant prohibiting future groundwater withdrawal. As an alternate to the recording of a restrictive covenant, Respondents may rely on an ordinance that prohibits the installation of private water wells on such properties. Respondents cannot refuse to connect any property owner to the municipal drinking water supply based upon the refusal of any such property owner to consent to commercially unreasonable conditions for connection.

Except as specifically modified as provided for herein, all other provisions of the AOC remain in full force and effect.

IT IS SO STIPULATED AND AGREED:

MICHIGAN DEPARTMENT OF ENVIRONMENT,  
GREAT LAKES, AND ENERGY

By: Kathleen Shirey Date: 7/2/2019  
~~Susan Leeming, Director~~  
Remediation and Redevelopment Division  
Kathleen Shirey, Acting Director

MICHIGAN DEPARTMENT OF ATTORNEY GENERAL

By: Andrew Prins Date: July 2, 2019  
Andrew Prins (P70157)  
Assistant Attorney General  
Environment, Natural Resources, and Agriculture Division

Michigan Department of Attorney General

THE SHIAWASSEE SANITARY LANDFILL GROUP

By: Sharon R. Newlon

Sharon R. Newlon  
Dickinson Wright PLLC

Date: 7/1/19

LF: Shiawassee Sanitary Landfill DEQT; AG# 2011-0018710-A/AOC Modification 2019-06-25