



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF  
ENVIRONMENT, GREAT LAKES, AND ENERGY  
LANSING



PHILLIP D. ROOS  
DIRECTOR

VIA EMAIL

**ENFORCEMENT NOTICE**

In the matter of:

County of St. Clair  
Smiths Creek Landfill  
6779 Smiths Creek Road  
Kimball, Michigan 48074-3506

SRN: N6207; County of St. Clair  
Waste Data System Number 452546

ATTENTION: Matthew Williams, Landfill Resource Recovery Manager

This letter is to advise you of the commencement of an escalated enforcement action against St. Clair County that owns and operates Smiths Creek Landfill (SCL) by the Michigan Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD) and Materials Management Division (MMD). This action is in response to the Violation Notices (VNs) issued by EGLE on October 25, 2023, November 7, 2023, November 14, 2023, December 19, 2023, and January 16, 2024. In the VNs, SCL was cited by EGLE staff for multiple violations of Part 55, Air Pollution Control (Part 55), and Part 115, Solid Waste Management (Part 115), of Michigan's Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, MCL 324.101 *et seq.*; and the administrative rules promulgated pursuant to Part 55 and Part 115.

Specifically, the AQD has alleged the following violations of the National Emissions Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills for Source Categories, 40 Code of Federal Regulations, Part 63, Subpart AAAA; Rule 201 of the Michigan Air Pollution Control Rules, Mich Admin Code, R 336.1201; Rule 901 of the Michigan Air Pollution Control Rules, Mich Admin Code, R 336.1901; and Rule 910 of the Michigan Air Pollution Control Rules, Mich Admin Code, R 336.1910.

Additionally, MMD alleges that SCL failed to comply with the requirements of Part 115 and the Part 115 Rules as follows:

1. R 299.4433(1)(c) which states that the owner and operator of a type II landfill shall ensure that "the 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.” EGLE has determined that the SCL’s gas collection and control system (GCCS) has deficiencies that need to be adequately addressed to prevent the release of excessive landfill gas odors that migrate into the adjacent residents’ community.

2. MCL 324.11511(b)(5)(c)(iv) states that a Research, Development, and Demonstration Project (RDDP) must have “an active gas collection and control system. The system shall be of adequate size for the anticipated methane production rates and to control odors. The system must be operational before the addition of any material to accelerate or enhance bio-stabilization of the solid waste.” MMD has reviewed SCL’s gas collection and control system as-built information and has concerns that the effective capacity of the GCCS in the RDDP subject portions of the landfill is not adequate to capture gases produced by SCL.

EGLE has concluded that the violations require a formal resolution through entry of a legally enforceable agreement. Therefore, pursuant to MCL 324.5528 and MCL 324.11519, EGLE proposes entry of an Administrative Consent Order (Consent Order) that will include a compliance program and payment of a monetary penalty as an appropriate means of resolving this matter.

You are requested to meet with staff of EGLE to discuss the alleged violations and their resolution through entry of a Consent Order at a virtual or in-person meeting. The purpose of the meeting is to: (1) provide you with an opportunity to demonstrate compliance by presenting any documentation or factual information that should be considered regarding the alleged violations; and (2) discuss options for satisfactorily resolving the violations. In order to be considered, such documentation or factual information must be submitted to the contact person for EGLE, identified below, prior to or at the scheduled meeting. This offer to meet with staff of EGLE to discuss this enforcement action and its proposed resolution is made pursuant to MCL 324.1511.

You must respond to the EGLE contact person identified below no later than ten (10) business days after receipt of this Enforcement Notice to advise EGLE of your intentions to schedule a meeting and enter into a Consent Order. You are requested to promptly take all necessary actions to correct the alleged violations.

Be advised that failure to respond to this Enforcement Notice in a timely manner and adequately resolve or address the cited violations may result in further enforcement proceedings, including but not limited to, referral of the matter to the Michigan Department of Attorney General for commencement of civil litigation. This Enforcement Notice does not preclude or limit EGLE’s ability to initiate any other enforcement action under federal or state law as appropriate.

The EGLE contact person for this matter is Dave Willard, Enforcement Analyst. Dave Willard may be reached at 517-230-4393; WillardD@Michigan.gov; or Enforcement Section, MMD, EGLE, P.O. Box 30241, Lansing, Michigan 48909-7741.

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DEPARTMENT OF ENVIRONMENT,  
GREAT LAKES, AND ENERGY

By: Alexandra Clark  
Alexandra Clark, Manager  
Enforcement Section  
Materials Management Division

By: Jenine Camilleri  
Jenine Camilleri, Supervisor  
Enforcement Unit  
Air Quality Division

Date: 3/12/2024

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cc: Sarah Marshall, U.S. EPA, Region 5  
Elizabeth M. Browne, EGLE  
Annette Switzer, EGLE  
Tracy Kecskemeti, EGLE  
Chris Ethridge, EGLE  
Phil Roycraft, EGLE  
Brad Myott, EGLE  
Rhonda Oyer, EGLE  
Mary Carnagie, EGLE  
Greg Morrow, EGLE  
Carolyn Parker, EGLE  
Aaron Darling, EGLE  
Joyce Zhu, EGLE  
Jeff Rathbun, EGLE  
David Willard, EGLE