



April 14, 2016

Mr. Alex H. Whitlow, E.I.T.
Environmental Engineer
Office of Waste Management and Radiological Protection
301 E. Louis Glick Highway, Jackson, MI 49201-1556

**Re: March 15, 2016 Violation Notice
Arbor Hills Landfill**

Dear Mr. Whitlow:

While the above-referenced violation notice was addressed to both Advance Disposal Services ("Advanced") and Republic Services, Inc. ("Republic"), Advanced understood that a substantive response to the violation notice was required only of Republic as the "primary responsible party" of the gas collection and control system at the landfill. Accordingly, Advanced did not join in Republic's March 29, 2016 response to the violation notice.

As discussed in Republic's March 29th response, Republic has undertaken work at the landfill, including the installation of 55 "new" wells, to address the clear need for greater collection and control of gases generated by the landfill. However, Advanced believes it is evident that Republic's work to date has not been sufficient to capture and control gas as odor complaints continue. Advanced is as concerned as the MDEQ and the local community about the need for further corrective action both in the short term and long term. This corrective action must require that Republic install and maintain, in accordance with applicable regulatory requirements and industry "best practices," an adequate gas collection and treatment infrastructure.

As MDEQ understands, Advanced does not have an ownership interest in the landfill gas or the gas collection and treatment system at the landfill. Accordingly, Advanced is not in a position to unilaterally take actions that it believes may be necessary to improve the collection and control of the landfill gas emissions. , Advanced was cautioned earlier this year by legal counsel for Republic who advised Advanced's legal counsel that, "Republic rejects the notion that ADS has any basis to perform work on Republic's gas collection system and your client is advised that no such action will be tolerated[.]"

Without an ability to directly address its concerns regarding the efficacy of the gas collection and control, Advanced is affording Republic all necessary access and information it may need to undertake measures Republic determines is necessary.

Because Advanced believes that Republic has failed to meet either its contractual or regulatory responsibility for the gas collection system, Advanced has filed the enclosed motion in the Washtenaw Circuit Court seeking a court order to require Republic to undertake a number of specific measures to correct the deficiencies in the landfill gas management systems.

Advanced has taken this step to exhaust its efforts to ensure Republic conducts a thorough analysis of both the existing landfill gas infrastructure as well as future impacts to the system as result of landfill expansions.

Advanced believes that this legal action is necessary based upon its own review of the landfill gas wellfield data. Among other things, we are concerned that the compressor and conveyance infrastructure may not be capable of managing the volume of landfill gas being generated within the Arbor Hills East and West Landfill. An area of particular concern is at the north end of the landfill gas wellfield in Arbor Hills West.

Advanced also believes there is a need to assure appropriate liquid management. In our view, Republic has not been sufficiently aggressive in managing liquid in the landfill gas extraction wells, resulting in restricting the radius of influence of these wells and allowing for excess surface emissions. While Republic has installed 6 additional vertical extraction pumps in the 55 landfill gas extraction wells completed since January, it has failed to take any effort to install vertical extraction pumps to improve the performance of these wells.

As standard operation procedures and per Part 115 rules, Advanced has placed intermediate cover soil over the north slopes of Cells 1, 2, and 5. The MDEQ has not documented any deficiencies in either daily or interim cover. In some areas, Advanced has placed over two feet of interim cover to take additional effort in an attempt to control landfill gas surface emissions. Intermediate cover soil has been more than sufficient in the past to control surface emissions and provide for the effective operation of the landfill gas collection and control system. Yet, surface emissions apparently continue. The only difference from past practices are the number of landfill gas collection wells that have been added without a corresponding increase in the landfill gas conveyance and compressor infrastructure and liquid management.

We also believe that Republic has failed to assure sufficient backup blower and flare capacity in the event of a shutdown of the landfill gas to energy plant.¹ It is our understanding that when the Fortistar plant goes offline, the collection and destruction capacity for landfill gas would be reduced to approximately 4,500 SCFM (current collection volume is 7,000 SCFM), severely limiting vacuum and collection efficiency on the north side of Arbor Hills West. The lack of sufficient back up capacity would result in landfill gas odors within hours of the plant shutdown.

In the end, the landfill gas odor problem can only be solved by implementing aggressive and effective improvements to the gas system. This is Republic's responsibility. Assuming that Republic disagrees with some or all of ADS's technical opinions, we ask that the MDEQ consider requiring Republic to immediately retain an independent third-party consultant to review the system and implement its recommendations. The enclosed order that accompanied the motion we filed in Court sets forth a protocol for this approach, as well as a corresponding monitoring plan to measure the success of the engineering changes made. However any assistance that MDEQ could provide in requiring Republic to engage an independent third party to address the following issues would be appreciated:

¹ Advanced understands that one of the existing permitted flares is not fully operational.



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1. Aggressively remove liquid from landfill gas wells to improve collection capability of the well.
2. Perform modifications to the landfill gas conveyance and compressor infrastructure to allow for greater vacuum to the north end of the landfill and provide for the management of a greater volume of landfill gas.
3. Replace the existing blowers and flares to insure increased vacuum and capacity to collect a greater volume of landfill gas in the event of a plant shutdown.

Advanced stands willing to provide whatever support and cooperation is necessary to solve the odor issue but as owner of the gas collection system, Republic must ultimately perform whatever work is necessary to bring the system into compliance.

If you have any questions or need further information, do not hesitate to contact Dave Rettell at (248) 755 9306.

Sincerely,

David M. Rettell
East Region Landfill Manager
Advanced Disposal Services

Attachments;

Defendant's Motion for Further Relief Pursuant to MCR 2.605(F)

Cc: Mr. Robert Nix, Northville Township Supervisor
Mr. Jeff Krcmarik, Washtenaw County Division of Environmental Health
Mr. Lawrence Bean, MDEQ
Mr. Scott Miller, MDEQ
Ms. Diane Kavanaugh Vetort, MDEQ
Ms. Betty LeClerc, Republic
Mr. Bill Eggleston, Republic
Ms. Christina Pearse-Bossick, Republic
Mr. Thomas Flanagan, Advanced
Mr. Jay Warzinski, Advanced
Mr. Michael Slattery, Advanced
Ms. Suparna Chakladar, Fortistar