

Veolia ES Arbor Hills Landfill Construction Permit  
Public Hearing  
October 20, 2009

JON RUSSELL: Good evening. I would like to welcome everybody on behalf of the Department of Environmental Quality (DEQ), Waste and Hazardous Materials Division (WHMD). My name is Jon Russell and I am the Jackson District Supervisor for the DEQ Water Bureau. I will be serving as the hearing officer for this public hearing on the proposed landfill expansion for the Veolia ES Arbor Hills Landfill. With me tonight are the following DEQ staff who will be assisting with this hearing:

I would like to introduce Mr. Lawrence Bean, WHMD Jackson District Supervisor, Mr. Patrick J. Brennan, Environmental Engineer, and Mr. Stan Idziak, Environmental Quality Analyst. Also with us tonight is Mr. Arnold Geldermans, P.E., of Midwestern Consulting, who will give a brief presentation of the proposed landfill expansion. If you have questions while the hearing is being held, Mr. Stan Idziak is here tonight to help answer your questions.

Let me begin by outlining tonight's agenda. We will begin with some background program information about why we are here tonight. Then the purpose of the hearing will be described and how your comments will be used. Next, the procedures that will be used to receive your comments will be summarized followed by a description of how the information received tonight will be used. The final part of the introduction will be to describe what will happen after tonight's hearing. It will then be your opportunity to provide comments, and we will spend the majority of our time tonight receiving those comments. At the end of the hearing, a short summary will be given and the hearing will be closed. If time allows after the end of the hearing, staff will be available to informally answer questions and discuss the proposal with you.

By way of background information, the WHMD is responsible for ensuring that solid waste disposal in Michigan is done properly and protects public health and the environment. The law governing those responsibilities is Part 115 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. We are here tonight because Veolia ES Arbor Hills Landfill, Inc. has applied for a Construction Permit.

The proposal modifies the design of the existing Arbor Hills West Expanded Sanitary Landfill. It involves removing all of the waste from the north end of the closed Arbor Hills East Landfill and placing it in a to-be constructed Cell 4. Then Veolia would construct Cell 6 in the excavated area and up and over the north slope of the remaining Arbor Hills East Landfill. This will be a lateral expansion of Arbor Hills West onto 17.76 acres of area now occupied by Arbor Hills East. The plans will also allow the landfill to be constructed to a higher elevation, from 1140 feet to 1310 feet above mean sea level or about 200 feet higher than it is today.

To help all to better understand the proposal, a brief presentation will be given before we hear public comments. Please note that the speaker is with the consulting firm employed by Veolia ES Arbor Hills Landfill, Midwestern Consulting, and he will not be speaking for the DEQ and yet he is in the best position to describe Veolia's proposal.

In order for the landfill expansion to occur, the DEQ must approve the construction permit application. Before the DEQ can approve the construction permit application, we must find that landfill expansion application meets the criteria set forth in Part 115. In general, there are three such criteria: First, the proposed new landfill must be authorized in the solid waste management plan developed by, in this case, Washtenaw County. Second, the landfill can be

located no less than the required distance from other structures, such as homes or water wells, or environmental features, such as lakes and streams. Finally, the proposed landfill must meet design standards pertaining to certain features such as its liner system, monitoring system, side slope, and cap.

The purpose of tonight's hearing is to give anyone interested in the proposed landfill expansion an opportunity to provide information that the DEQ can use in making the decision. Please recognize that the DEQ can only use the information you provide if it relates to the criteria that the DEQ must use in making a decision. Some of you may want to simply express your support or opposition to the proposed landfill expansion. We will be happy to make note of your position, but please understand that the DEQ is, by law, not allowed to base our decision on whether or not there is widespread support or opposition to the proposed landfill expansion.

In just a minute, I will outline the procedures we will use in taking your comments tonight. Before I do so, however, I need to mention that the notice of this hearing was published in *The Northville Record* and in *The South Lyon Herald* on Thursday, October 1, 2009.

As you came in this evening, you were asked to fill out a public comment card and indicate if you wish to make comments. These cards will be used both to maintain a record of people interested in the proposed landfill expansion and to call upon those who want to make a statement tonight. To ensure that the hearing is conducted in a fair manner, we will follow these steps:

1. I will call on those who have indicated on the cards that they would like to speak in the general order in which the cards were turned in. When all of the people who indicated that they would like to speak have finished with their statements, I will ask if anyone else would like to make a statement.
2. When your name is called, please come to the microphone, face me, and make your statement. Prior to making your statement, please state your name and any group or association you may represent. If you have written comments or materials you would like to present for the record, please hand them to me before you return to your seat.
3. Each person will be given 5 minutes to make their comments. I will indicate to you when you have a minute left. Please begin wrapping up your comments and end within the allotted time. If need be, I will indicate when your time has ended. Additional comments can be submitted to the DEQ in writing by October 23, 2009.

I ask that we all be courteous and respectful to one another tonight. Only one person should be speaking at a time. Please do not interrupt a speaker and please also recognize that the DEQ staff are here tonight to provide a fair opportunity for you to express your comments on the proposed landfill expansion and to listen to those comments.

Because this hearing is being recorded and your comments will be a part of the information the DEQ will consider in making its decision on the proposed landfill expansion, please speak clearly when making your comment. The public comment period for the Construction Permit Application is open until Friday, October 23, 2009. Additional information can be submitted until then and will also be considered when the DEQ makes a decision. Additional information can be submitted to Mr. Patrick J. Brennan, WHMD.

- (1) The timing of the decision is November 18, 2009.
- (2) The decision will be issued in a letter to Veolia and copies sent to Salem Township and Washtenaw County. Interested persons can learn of the decision by contacting either of those offices or the Jackson District Office starting November 19, 2009.
- (3) A response to comments document will be prepared and interested individuals can obtain a copy of the response document by requesting one on the signup sheet at the table.

At this time we will hear a presentation on the proposed landfill expansion by Mr. Arnold Geldermans, P.E., Midwestern Consultants, representing Veolia ES Arbor Hills Landfill, Inc. Let's give him our attention.

ARNOLD GELDERMANS, MIDWESTERN: I'm going to run through a series of slides that try to explain what the proposal is here. Let me first start up with the status of the landfill. The landfill is located on 337 acres that is bounded by Six Mile, Napier, the railroad tracks and the Detroit Edison high tension lines. That is what we mean by the "Facility." It is part of 641 acres that is controlled by Veolia. Veolia also owns property south of the railroad tracks and north of Six Mile Road and east of Napier Road. The current construction permit which we are operating under was approved in 1999. Today that is still valid. The permitted capacity of the landfill nearly 46 million cubic yards. Today as of right now roughly 16 million cubic yards remains. The landfill has entered into a host community agreement with Salem Township which regulates certain parts of the operation of the landfill. That was approved on June 9, 2009. As mentioned earlier Washtenaw county has to give their approval consistent with the Washtenaw County Solid Waste Plan and that letter of consistency was received on May 27, 2009.

This aerial view, which shows up better on my screen in color than it shows up here, but Six Mile, Napier and this is the high tension lines. The active portion of the landfill we're filling is taking place in this area and the area of lateral expansion right up here close to Six Mile Road north of what's called old Arbor Hills East Landfill. The Arbor Hills East Landfill was this, that was the old gravel pit, and Arbor Hills West is this, and then filled over the top of Arbor Hills East.

This drawing shows where horizontal expansion is, this is the area along Six Mile Road north of Arbor Hills East which is right here this is the area where we're expanding laterally.

Now part of the lateral expansion the area I've pointed out is right here, this is a relatively flat area that's out in front of the landfill. This is the area where we're going to be digging out roughly one million cubic yards of waste. The old Arbor Hills East Landfill was in an old unlined area. We'll be digging out approximately a million yards and putting it into a constructed lined facility known as Cell 6. All of this will be lined per the regulations and then we'll also line up the slope here and this area will also be filled along with tying into the existing hill This gives you just a quick cross section of what's going to happen. This is that relatively flat area we're going to be digging all of this waste out, replacing this with soil and then building the landfill here. So this will remove approximately a million cubic yards of unlined, unprotected waste and put it into the lined permitted landfill.

There are a few other things, technical issues, there's a slurry wall there and a few other environmental controls. I won't get into all of that.

On the left side this is the existing, permitted landfill. You can see right here this is the area where we're going to be expanding. This is shown right now, this is the currently approved final cover grades. The maximum elevation there is 1140. By doing this lateral expansion and this permit would allow us to go up to 1308.

I guess in summary, the footprint of the landfill facility—remember what I said about facility, that's 337 acres that is managed, we're operating on the same 337 acres—the lateral expansion of the landfill and the expansion over the existing landfill and approximately a million cubic yards of waste will be relocated and we'll be adding approximately 18 million cubic yards of landfill capacity. That translates to anything from 15 to 20 years additional capacity depending upon the waste rates. Waste rates have varied, right now waste rates are down and the life of the landfill is extended.

RUSSELL: Now I'll begin calling the names of those who have indicated they wish to make a statement. As I suggested earlier, please go to the microphone, state your name, and we'll give you about five minutes each.

[UNABLE TO DISCERN TAPED COMMENTS]

[COMMENT APPEARS TO CONCERN QUESTION AND ANSWER PERIOD]

RUSSELL: Not during the hearing. We're going to be doing the hearing first, let people have their time to make their statements, which is required under the law, and then after that we'll close the hearing and we'll stick around and have more of a public meeting and you can ask questions at that time.

[UNDISCERNIBLE]

BEAN: We can keep the recorder on we will continue recording, but the formal public hearing is a chance for you to make a public statement on the record and so that is recorded and then after that we want to be sure that people felt comfortable with getting a result back a discussion going and we thought we'd open it up beyond that. Our legal requirement is to get your comment on the record. We want to go beyond that and open it up for discussion afterwards. We'll keep the recording going.

[UNDISCERNIBLE]

I also wanted to add that the proposal also includes the option for processing liquid wastes on top of the landfill. In their permit application they have included a process where they would on top of the landfill put a temporary metal containment tub dump, liquid industrial waste in there, and then solidify that. Sometimes that's done at other facilities to solidify liquid waste and once it's solidified it goes into the solid waste landfill. They can't take a tanker truck of liquid waste and dump it in the landfill, but if the liquid waste has been solidified it can go in the landfill. So this application includes that as part of their operations. They would like to have that option to solidify liquid waste on top of the landfill so it would be in a container, solidify it and make sure it meets the test that determines that it's solid waste at that point and then they would move it from that vat into the landfill with the other waste. I just wanted to be sure that you knew that

that was included in this proposal as an operation they want to expand into. There are other landfills in the area that are doing that process.

[UNDISCERNIBLE]

RUSSELL: I'll open it back up for people to have a second chance if they declined at first. So I'll be calling names and keeping track on the big clock and we're going to limit it to five minutes. If someone gets long we'll ask them to stop and we'll use time at the end. Debra Brown?

DEBRA BROWN: I have two or three concerns. We've lived on Napier Road north of the landfill for probably 27 years. I'm at 9140 Napier which is actually north of Seven Mile. I'm actually on the Northville side but we still get affected by the dump. The truck traffic is supposed to go down the truck route to Five Mile. We have residences so noise of the landfill and it isn't getting [UNDISCERNIBLE] There isn't any homes on Five Mile. We have a major concern of the truck traffic that we have now let alone with increased truck traffic that we're going to have. They have a legal right to use the road because it is maintained by the county but there is no left turn as you come out of the dump and it's posted in the dump but not posted on the road [UNDISCERNIBLE] with the residents that live up and down that road. We ask that you try to help us get the county and the township to work together to try to help the individuals that live on the road that have houses on that road, it's residential and if you go south you see that there are no homes [UNDISCERNIBLE] I'm concerned about our roads.

[UNDISCERNIBLE] Who's going to test our wells...to make sure that this expansion is affecting them—I don't think mine's affected at this point, I've been there quite a while and I'm pretty healthy. I'm concerned about the liquids you were talking about which is going to be a different situation from what we have at this point. And air quality. When they start digging up and disturbing this dirt and going higher than they are now who's going to monitor our air quality? That's my questions and comments and I'd like some answers to some of it and I'd really like to see some help with the trucks.

RUSSELL: Thank you for your comments. As I mentioned, at the end of the hearing we'll try to answer some of those questions. Wayne Wallazy?

WALLAZY: I'll reserve my questions.

RUSSELL: Okay. David Trent?

TRENT: Good evening. My name is David Trent. I'm the clerk of Salem Township. And on behalf of the elected officials of Salem Township and our residents I'd like to welcome representatives from the Michigan Department of Environmental Quality staff members of Veolia Environmental Services, and citizens and concerned residents of nearby communities that attended this function tonight. Just as some background information for some of the residents here tonight we wanted to provide some information on the process that occurred since the beginning of the year, Salem Township involvement in this request Veolia presented. Representatives of Veolia Environmental Services made a presentation to the board of trustees at the beginning of this year outlining their request to proceed forward with the vertical and horizontal expansion of the present landfill operations. As a result of their presentation and request to the board to consider this business proposal, the township board of trustees established a committee to investigate this proposal and also with representatives of not only of the township but also Veolia Environmental Services and legal counsel proceeded to draft an

amended host agreement to move forward in this process. As a result of the committee's presentation to the board of trustees the board ultimately ended up approving the request of Veolia to proceed forward and approved the concept of the vertical and horizontal expansion earlier this year. And as a result of that Veolia then proceeded forward with making a formal request to the Michigan Department of Environmental Quality. Our board voted six to one to move forward with this expansion. There are a number of benefits that the board saw that would be beneficial to Salem Township.

One, obviously, of the financial revenue stream that the township has enjoyed for many years. As a result of that revenue stream the Township has not had to impose a local millage on property taxes. As a result Salem Township residents enjoy the opportunity of living in the only municipality in the state that does not have a local property millage.

Secondly, at the end of the landfill expansion and the closure of the landfill, Veolia has agreed to donate 80 acres of property to the township on the north side of Six Mile and that is property that the township would have the benefit of utilizing in the future as a park or some other type of purpose for the benefit of its residents.

Additionally, one of the benefits we see based on the presentation that was made tonight, is that one million cubic yards of waste that currently is lying in an unfilled or unlined area would be moved and then reburied in a lined area.

So we see a variety of benefits to the township and to our residents as a result of this expansion. The folks that manage Veolia Environmental Services have proven themselves to be good corporate citizens and have worked very diligently and effectively with the township staff over the years. And so I just wanted to present that background information not only to members of the Michigan Department of Environmental Quality but also to residents that are here tonight who may not be familiar with the background that led up to this public hearing tonight. Thank you.

RUSSELL: Thank you. Nicole Blades?

BLADES: No Comment.

RUSSELL: James Quigly?

QUIGLY: [UNDISCERNIBLE] There are a couple of things I think are real important. One is that to rectify the situation at the landfill, put a new liner in and correct some kind of issue that we feel. [UNDISCERNIBLE] Secondly authorize . . . and it reduces the need for a new landfill. . . I think that's important. . . it's going to run another ten or so years without an addition and this goes beyond that ten years. I think it's important to realize that these two issues are a benefit to the township. Thank you.

RUSSELL: Thank you. Sharon Deron?

DERON: [DECLINES]

RUSSELL: Would anyone else like to make a statement at this time?

UHEREK: My name is Bob Uherek. I'm a forty year resident of Salem Township. ... I'm concerned the both in Lansing and a federal level, that we make sure that [UNDISCERNIBLE] As some of you know I've been some kind of a pest [UNDISCERNIBLE] The last time I called we didn't have anybody in Jackson, they had one person and ... it's kind of difficult to [UNDISCERNIBLE] I would like to know who I contact to be able to check monitoring around these wells for the migration. [UNDISCERNIBLE] When I make an inquiry, there's nobody in your office, there's nobody in Ann Arbor and nobody in Jackson. [UNDISCERNIBLE]

RUSSELL: We're going to accept comment and have an open question and answer, we'll give you answers in a minute, after I close the hearing. Thank you. Do you want to make a comment?

WALLAZY: I'm Wayne Wallazy, Salem Township Trustee, [UNDISCERNIBLE] . . .to protect the health, safety and welfare of the residents of Salem Township. I'd like to encourage you to be sure to monitor the drinking water of Salem Township [UNDISCERNIBLE]

RUSSELL: Unless anyone else would like to make a comment on the record, and we'll keep the recorder going and we'll collect the comments, and everything they've said tonight will be used in the decision making process. I'm going to move to close the hearing unless someone else would like to make a comment. Thank you for your comments and cooperation tonight, we appreciate your interest in the proposed landfill expansion and that you took the time to be here tonight. As stated previously, the closing date of the public comment period is Friday, October 23, 2009. Following that the DEQ will prepare a responsiveness summary and forward it to all interested parties. If you fill out that card and indicate that you want a copy of the responsiveness summary essentially, if you asked a question or made a statement on the record, the DEQ will make an attempt to answer the question and address it and then you can get that answer.

Any comments that bear on the technical merits of the proposal or that can demonstrate the proposal is not in compliance with Part 115, must be satisfactorily addressed by Veolia before the DEQ could issue a construction permit. The deadline for a decision is November 18, 2009.

The hearing is now closed. Thank you again.

Staff will now be available to informally answer your questions and discuss the proposed landfill expansion.

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