



James R. Fouts - Mayor

OFFICE OF THE MAYOR

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November 22, 2016

Mayor Michael Taylor
City of Sterling Heights

mctaylor@sterling-heights.net

Dear Mayor Taylor,

Your media comments about me on the Freedom Hill landfill contamination issue merit a response from me.

You seem to suggest that I should not have commented on this environmental issue. What you may not be aware of is the City of Warren pays 47 percent of the cost of maintaining and remediating SMDA landfills. For example, SMDA paid \$3 million since 2009 to remediate the Freedom Hill landfill site. (Warren paid 47 percent of this cost.) So, clearly as mayor of Warren, I will speak out on any matter that disturbs this landfill.

Your comments echo the comments made by the county executive who also publicly chastised me for my facebook entry. That's why I refer to you and the county executive as the "**pollution cover-up tag team**".

Before you criticized me, you had a responsibility to learn the facts about this pollution. If you had, you would have recognized the following:

1. An excavation company has been illegally dumping at Freedom Hill. Estimates are 150,000 yards of excavation were dumped over the last six months.

2. This illegal dumping was verbally approved by the county executive with a soil erosion permit approved by the City of Sterling Heights.
3. This illegal dumping was never approved by the Michigan Department of Environmental Quality or the SMDA, neither of which would have approved this action.
4. This dumping is a violation of state environmental regulations and of a consent decree that mandated no disturbance whatsoever of the landfill without approval.
5. The result of this illegal dumping is 300,000 pounds of pressure on the landfill that pushed leachate within 40 feet of the Red Run Drain.
6. This illegal dumping also buried/or destroyed over 40 methane gas monitoring wells and 100-150 trees that were planted to absorb leachate.
7. The church ballfield to the west has traces of methane gas that have been aggravated by this illegal dumping. Methane gas has the potential to explode.
8. Clearly, the City of Sterling Heights and the county executive conspired on an environmental cover-up to protect the illegal dumping allowed as a special favor to a contractor.

My questions to you are what authority did the City of Sterling Heights have to approve this illegal dumping and when did you as mayor find out about this illegal dumping?

At a November 18, 2016 meeting with the county executive present, Roy Rose, SMDA engineer, reported the following:

- Outbreak of leachate at several tree well locations and along the east driveway - 12
- Methane Gas vent disturbance - 44
- Filling over trees that were planted - 64 plus

- High readings of methane gas along the west property line/ high concentration – 3 points measuring 50-75%
- Areas along the north property that need regrading due to erosion; and
- The back slope of the berm along the Red Run is too steep to maintain.

This is contrary to the “no problems at Freedom Hill” comment by county executive Hackel on WDIV-TV last Sunday.

In his memo, Mr. Rose also suggested the following corrective actions be taken on November 21:

“To resolve the leachate breakouts it was discussed excavating the area about 3’ deep and plugging with certified clean clay fill. All gas vents will have to be restored to their original condition (8’ above final grade, with nozzles, ports and vent caps), checked to verify that they are not plugged, and verified that the bottom of the vents are at the installation elevation. The slope of the back side of the berm, along the Red Run Drain, will have to be re-graded to a more gentle slope (TRC will advise of the slope in the Corrective Action Plan). New tree wells will have to be drilled in the spring and new trees installed, this will also be addressed in the Corrective Action Plan. Punch holes will have to occur on the Bethesda property to determine how far the methane gas has traveled to the west (this will be addressed in the Corrective Action Plan).”

“Following the meeting Greg Barrows from MDEQ arrived and along with Greg, TRC and AEW, we walked the site and identified the leachate breakout areas and marked them in the field with orange spray paint. MDEQ authorized Dan’s Excavating to start plugging the breakouts and clean up the runoffs. The breakouts will require excavating 3’ deep, placing the contaminated spoils in a roll off box and disposing at a regulated solid waste landfill facility, excavating about 6” deep runoff leachate, backfilling with certified clean clay fill (on-site material is not acceptable). A pump and drums for leachate water may be necessary to control the flow while excavating. Also a boom liquid absorbing sock should be on site to control

any potential runoff of leachate.” **(Copy of Mr. Rose’s memo attached)**

At the same meeting, it was estimated by professional engineers that the cost of remediation would be \$400,000 to \$500,000 over a 9-month period.

The results of this meeting clearly prove that there was indeed pollution as a result of this illegal dumping.

You, as mayor, should have been aware of this before you approved of the illegal dumping. In my opinion, you and the county executive are guilty of violating state regulations governing landfill sites, and both of you are derelict in your duties as elected officials.

Also, had I not brought this to the public’s attention, would you or the county executive have?

In my opinion, you and the county executive saved the excavating company thousands in transport costs much further away from Freedom Hill. Was this a special favor and what financial arrangement was made with the contractor?

There are so many unanswered questions on this issue involving special favors to a contractor, pollution and illegal dumping. I believe an investigation of your actions and the county executive’s is necessary to answer these questions.

Your response to this letter is welcomed.

Sincerely,

A handwritten signature in black ink, appearing to read "James R. Fouts", with a long, sweeping flourish extending to the right.

James R. Fouts
Mayor

cc: Mark Hackel, Macomb County Executive

Roy Rose

From: Roy Rose
Sent: Friday, November 18, 2016 10:02 AM
To: Mark F. Deldin (deldin@macombgov.org); 'bschember@dansex.com';
jdolan@yorkdolanlaw.com; mkillen@trcsolutions.com; House, Jason
(JHouse@trcsolutions.com); Bob Binson (rab@binsons.com); Gus Ghanam
(gghanam@cityofwarren.org); Kip Walby; Robert Taylor (rtaylor@roseville-mi.gov);
Suzanne Pixley (suzannepixley@gmail.com)
Cc: Matt A. Kolis
Subject: Freedom Hill

To all:

Yesterday, November 17th, a meeting was held, on site, at Freedom Hill. In attendance was:

Mark Hackel, County Executive
Mark Deldin, Deputy County Executive
Vince Viviano, Public Relation – Macomb County Department of Roads
Jeff Wheeler, Macomb County Public Works Office
Brian Schember, Dan's Excavating
Tony Sarotte, Florence Cement
Mike Pittiglio, Florence Cement
Jack Dolan, Attorney for SMDA
Kip Walby, Chairman for the SMDA
Dr. Mark Killen, TRC
Jason House, TRC
Matt Kolis, AEW
Roy Rose, AEW

At the meeting Dr. Killen explained the effects of the berm and how it changes the character of the subsurface of the landfill. It was pointed out that the following issues have occurred due to the construction of the berms:

- Outbreak of leachate at several tree well locations and along the east driveway;
- Gas vent disturbance;
- Filling over trees that were planted;
- High readings of methane along the west property line;
- Areas along the north property that need regraded due to erosion; and
- The back slope of the berm along the Red Run is too steep to maintain.

To resolve the leachate breakouts it was discussed excavating the area about 3' deep and plugging with certified clean clay fill. All gas vents will have to be restored to their original condition (8' above final grade, with nozzles, ports and vent caps), checked to verify that they are not plugged, and verified that the bottom of the vents are at the installation elevation. The slope of the back side of the berm, along the Red Run Drain, will have to be re-graded to a more gentle slope (TRC will advise of the slope in the Corrective Action Plan). New tree wells will have to be drilled in the spring and new trees installed, this will also be addressed in the Corrective Action Plan. Punch holes will have to occur on the Bethesda property to determine how far the methane gas has traveled to the west (this will be addressed in the Corrective Action Plan).

Following the meeting Greg Barrows from MDEQ arrived and along with Greg, TRC and AEW, we walked the site and identified the leachate breakout areas and marked them in the field with orange spray paint. MDEQ authorized Dan's

Excavating to start plugging the breakouts and clean up the runoffs. The breakouts will require excavating 3' deep, placing the contaminated spoils in a roll off box and disposing at a regulated solid waste landfill facility, excavating about 6" deep runoff leachate, backfilling with certified clean clay fill (on-site material is not acceptable). A pump and drums for leachate water may be necessary to control the flow while excavating. Also a boom liquid absorbing sock should be on site to control any potential runoff of leachate.

At about 10:30 Gus Ghanam, Warren's representative on the SMDA showed up and asked several questions:

- 1) Who authorized the construction of the berms? We did not have an answer.
- 2) How many vents have been damaged? Dr. Killen said that there are approximately 120 vents on and around the landfill and all will have to be checked, as stated above, and he estimates about 40 will have to be either replaced or extended properly. Additional vents may need to be installed.
- 3) What about the leachate breakouts? Dr. Killen stated what is addressed above.
- 4) What about the berm slope? Dr. Killen said it will have to be re-graded and extended to flatten the slope for maintenance and erosion control.
- 5) What do you guess is the cost to correct the damages? Dr. Killen said probably \$400,000 to \$500,000.
- 6) Would you have approved the construction of these berms if a plan was submitted? Both Dr. Killen and Greg Barrows said no.

As a follow up Dan's Excavating plans on getting started with plugging the breakouts on Monday, November 21st.

This is my understanding of the items discussed in my presence.

Roy C. Rose, PE
President/CEO

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