



Michigan Department of Environmental Quality
Waste and Hazardous Materials Division

SOLID WASTE DISPOSAL AREA OPERATING LICENSE

This license is issued under the provisions of Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, MCL 324.11501 et seq., and authorizes the operation of this solid waste disposal area (Facility) in the state of Michigan. This license does not obviate the need to obtain other authorizations as may be required by state law.

FACILITY NAME: City Environmental Services Landfill, Inc. of Hastings
LICENSEE/OPERATOR: City Environmental Services Landfill, Inc. of Hastings
FACILITY OWNER: City Environmental Services Landfill, Inc. of Hastings
PROPERTY OWNER: City Environmental Services Landfill, Inc. of Hastings
FACILITY TYPE(S): Municipal Solid Waste Landfill
FACILITY ID NUMBER: 470343
COUNTY: Barry
LICENSE NUMBER: 9240
ISSUE DATE: November 16, 2009
EXPIRATION DATE: November 16, 2014

FACILITY DESCRIPTION: The City Environmental Services Landfill, Inc. of Hastings, a municipal solid waste landfill, consists of 330.22 acres located in the N 1/2 of the NE 1/4 of Section 6, Hastings Township, and the SE 1/4 of Section 31, Carlton Township, Barry County, Michigan, as identified in Attachment A and fully described in this license.

AREA AUTHORIZED FOR DISPOSAL OF SOLID WASTE: The area identified on Attachment A as Cells 2-02 and 2-03, portions of 2-04, Cell 5, and Cell 6, consisting of 25.37 acres.

RESPONSIBLE PARTY: Mr. Don Johnson, Site Manager
City Environmental Services Landfill, Inc. of Hastings
1899 North M-43 Highway
Hastings, Michigan 49058
269-945-2260

RENEWAL OPERATING LICENSE: This License Number 9240 supersedes and replaces Solid Waste Disposal Area Operating License Number 9049 issued to City Environmental Services Landfill, Inc. of Hastings on October 20, 2004.

This license is subject to revocation by the Director of the Michigan Department of Environmental Quality if the Director finds that this Facility is not being constructed or operated in accordance with the approved plans, the conditions of a permit or license, Part 115, or the rules promulgated under Part 115. Failure to comply with the terms and provisions of this license may result in legal action leading to civil and/or criminal penalties pursuant to Part 115. This license shall be available through the licensee during its term and remains the property of the Director.

THIS LICENSE IS NOT TRANSFERABLE.

Steven R. Sliver, Chief, Storage Tank and Solid Waste Section
Waste and Hazardous Materials Division

Licensee: City Environmental Services Landfill, Inc. of Hastings
Facility Name: City Environmental Services Landfill, Inc. of Hastings
Operating License Number: 9240
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The licensee shall comply with all terms of this license and the provisions of Part 115 and the administrative rules implementing Part 115 (Part 115 Rules). This license includes the license application and any attachments to this license.

1. The licensee shall operate the Facility in a manner that will prevent violations of any state or federal law.
2. The following portions of the Facility are authorized to receive solid waste by this license:

ACTIVE PORTIONS NOT AT FINAL GRADE: The area(s) identified as Cell 2-02 (3.44 acres), Cell 2-03 (3.5 acres), portions of Cell 2-04 (1.1 acres), Cell 5 (5.33 acres), and Cell 6 (12 acres) were authorized to receive waste by the previous license. This area's total acreage is 25.37 acres.

3. The following portions of the Facility **WILL BE** authorized to receive solid waste by this license following approval by the Michigan Department of Environmental Quality (MDEQ) of construction certification:

UNCONSTRUCTED AREA(S) WITH FINANCIAL ASSURANCE: The area(s) identified as Cell 4, totaling 9 acres, are included in the calculation of financial assurance as required by Section 11523 of Part 115. This portion(s) of the Facility shall be authorized to receive waste, as part of this license, when acceptable certification is submitted to the MDEQ, as required by Section 11516(5) of Part 115, and determined by the MDEQ to be consistent with Part 115 and the Part 115 Rules. The certification shall verify that construction of this area(s) was in accordance with the Construction Permit(s) listed in Item 8 of this license, Part 115, and the Part 115 Rules.

4. The following portions of the Facility are **NOT** authorized to receive solid waste by this license:

- a. **UNCONSTRUCTED AREA(S) WITHOUT FINANCIAL ASSURANCE:** The area(s) identified as Cell 3 are not constructed and are not included in the calculation of financial assurance as required by Section 11523 of Part 115. This area's total acreage is 6 acres.

- b. **CLOSED UNIT(S) OR A PORTION OF A UNIT WHERE THE FINAL COVER HAS BEEN CERTIFIED CLOSED AND ACCEPTED BY THE MDEQ:** The following unit(s) and/or portion(s) are closed:

- i. **PRE-EXISTING UNIT(S):** The unit(s) identified as those portions of Cell 1, and Cell 2-01 not involved in overfills had final closure certified on November 8, 1989, and October 10, 1990, respectively. This certification was reviewed and approved by the MDEQ on February 27, 1990 (License Number 7682), and November 26, 1990. This area's total acreage is 3.6 acres.
- ii. **EXISTING UNIT(S):** The unit(s) identified as portions of Cell 2-04 had final closure certified on December 21, 2001. This certification was reviewed and approved by the MDEQ on June 18, 2002. This area's total acreage is 3.5 acres.
- iii. **OTHER DISPOSAL AREAS:** Those portions of the former Act 87 areas not involved in overfills. This area's total acreage is 5.13 acres.

5. The attached map (Attachment A) shows the Facility, the area permitted for construction, monitoring points, leachate storage units, site roads, other disposal areas, and related appurtenances.
6. Issuance of this license is conditioned on the accuracy of the information submitted by the Applicant in the Application for License to Operate a Solid Waste Disposal Area (Application) received by the MDEQ on July 28, 2009, and any subsequent amendments. Any material or intentional inaccuracies found in that information is grounds for the revocation or modification of this license and may be grounds for enforcement action. The licensee shall inform the MDEQ's Waste and Hazardous Materials Division (WHMD), Grand Rapids District Supervisor, of any inaccuracies in the information in the Application upon discovery.

Licensee: City Environmental Services Landfill, Inc. of Hastings
Facility Name: City Environmental Services Landfill, Inc. of Hastings
Operating License Number: 9240
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7. This license is issued based on the MDEQ's review of the Application, submitted by City Environmental Services Landfill, Inc. of Hastings, for the City Environmental Services Landfill, Inc. of Hastings, dated July 20, 2009, and revised with a receipt date of August 10, 2009. The Application consists of the following:

- a. Application Form EQP 5507.
- b. Application fee in the amount of \$1,000.00.
- c. Certification of construction by N/A.
- d. Waste Characterization: N/A.
- e. Restrictive Covenant:

The October 31, 2002, restrictive covenant on 176 acres is on file at the Barry County Register of Deeds recorded on January 15, 2003, as Liber 1095589, pages 1-4. A copy is on file with the MDEQ.

- f. Perpetual Care Fund Agreement, established as an escrow account, signed by Ms. Kathleen B. McCann, Vice President, City Environmental Services Landfill, Inc. of Hastings, on February 18, 1997, was executed by the MDEQ on April 29, 1997.
- g. Financial Assurance.

i. Financial Assurance Required:

The amount of financial assurance required for this Facility was calculated based on the calculation worksheet form EQP 5507A entitled, "Form A, Financial Assurance Required," and is \$5,198,716.61.

The Facility has provided financial assurance totaling \$5,248,716.86, based on the requirements of Section 11523 of Part 115, consisting of a combination of the Perpetual Care Fund established under Section 11525 of Part 115, bonds, and the financial capability of the Applicant as evidenced by a financial test. The financial assurance mechanisms used by the Facility are summarized below in Items ii and iii, respectively.

ii. Financial Assurance Provided Via a Perpetual Care Fund:

- (1) The amount of the required financial assurance can be reduced pursuant to Section 11524 of Part 115, if the amount of money in the Perpetual Care Fund plus the amount of the reduced financial assurance equals the amount of financial assurance required in Section 11523 of Part 115 and is approved by the MDEQ.
- (2) The Perpetual Care Fund Agreement statement showed a balance of \$1,095,707.86 in the Facility's Perpetual Care Fund as of May 13, 2009. Of this amount, the MDEQ has granted the request to use \$1,095,707.86 toward the total amount of financial assurance required.

iii. Financial Assurance Provided Via Bond:

The following financial assurance has been received from the Applicant to meet the amount of financial assurance required:

Surety Bond	\$4,153,009.00
Total Amount Received:	\$4,153,009.00

Licensee: City Environmental Services Landfill, Inc. of Hastings
Facility Name: City Environmental Services Landfill, Inc. of Hastings
Operating License Number: 9240
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iv. Financial Assurance Updates Required:

For Type II landfills, the financial assurance cost estimates of closure and postclosure activities must be updated annually and the corresponding requisite amount of financial assurance must be adjusted annually for the costs of inflation. The corresponding financial assurance, as adjusted for inflation and other factors, is due on November 16, 2010, and each year thereafter.

8. The following documents approved with Construction Permit Number(s) 0121 issued to Hastings Sanitary Service on June 7, 1984, are incorporated in this license by reference:
 - a. Engineering Plans.
 - b. Engineering Report.
9. The following additional documents, approved since the issuance of the construction permit(s) referenced in Item 8, are incorporated in this license by reference:
 - a. Cell 2-02 Plan, Sheets 1-3, including approved revisions.
 - b. Cell 2-02b Plan, Sheets 1-2, including approved revisions.
 - c. Cell 2-03 Plan, Sheets 1-3, including approved revisions.
 - d. Cell 2-04 Redesign Plans, Sheets 1-6, including approved revisions.
 - e. Leachate Storage Tank and Spill Containment Facilities Plan, Sheets 1-2, including approved revisions.
 - f. Remedial Action Plans, including Groundwater Purging, Monitoring, and Treatment.
 - g. Hydrogeological Monitoring Plan, Revision 5, prepared by NTH Consultants, Ltd., dated December 2002.
10. The following documents approved with Construction Permit Number 0357 issued to City Environmental Services Landfill, Inc. of Hastings on April 28, 1998, are incorporated in this license by reference (if documents have been amended and approved, the latest date of revision is listed):
 - a. Operational Plan contained in Volume 1 of the "Construction Permit Application," dated December 1997.
 - b. Environmental Assessment contained in Volume 1 of the "Construction Permit Application," dated December 1997.
 - c. Hydrogeological Report contained in Volumes 2 and 3 of the "Construction Permit Application," dated December 1997.
 - d. Construction Quality Assurance Plan contained in Volume 5 of the "Construction Permit Application," dated December 1997.
 - e. Engineering Plans, Sheets 1 through 27, dated November 1997, and prepared by Midwest Consulting.
11. Consent Order/Judgment Number: WHMD Consent Order Number 641-01-245-01-90 entered on February 8, 1990, and Consent Judgment/Order Alteration Number 641-01-245-01-90A is incorporated into this license by reference.
12. The licensee shall repair any portion of the certified liner or leachate collection system that is found to be deficient or damaged during the term of this license unless determined otherwise by the MDEQ.
13. The licensee shall have repairs to any portion of the certified liner or leachate collection system recertified by a registered professional engineer in accordance with R 299.4921 of the Part 115 Rules and approved by the MDEQ before receiving waste in that portion of the certified liner or leachate collection system. The licensee shall submit the recertification to the MDEQ's WHMD, Grand Rapids District Supervisor, for review and approval.

Licensee: City Environmental Services Landfill, Inc. of Hastings
 Facility Name: City Environmental Services Landfill, Inc. of Hastings
 Operating License Number: 9240
 Issue Date: November 16, 2009

14. The licensee shall conduct hydrogeological monitoring in accordance with the approved hydrogeological monitoring plan, dated December 2002. The sampling analytical results shall be submitted to the MDEQ's WHMD, Grand Rapids District Office.
15. Modifications to the approved hydrogeological monitoring plan referenced in Item 14 may be approved, in writing, by the WHMD, Grand Rapids District Supervisor. Proposed revisions must be submitted in a format specified by the MDEQ.
16. Leachate may be recirculated if a leachate recirculation plan has been approved, in writing, by the Waste and Hazardous Materials Division, Grand Rapids District Supervisor.
17. Modifications to approved engineering plans that constitute an upgrading, as defined in R 299.4106a(l) of the Part 115 Rules, may be approved, in writing, by the WHMD, Grand Rapids District Supervisor.
18. Requests for alternate daily cover may be approved, in writing, by the Waste and Hazardous Materials Division, Grand Rapids District Supervisor.
19. Leakage Control Criteria:

The active portions of the unit(s) authorized to receive waste by this license is an unmonitorable unit(s) designed with a double-liner systems that is in compliance with the provisions of R 299.4422(3) of the Part 115 Rules and that is capable of detecting and collecting leakage through the primary composite liner. The action flow rate for each unit containing a leak detection system is 50 gallons/acre/day. The response flow rate for each unit containing a leak detection system is 200 gallons/acre/day.

20. **VARIANCES:** None.

21. **SPECIAL CONDITIONS:**

- a. The licensee shall place a compacted layer of not less than six inches of earthen material, unless an exemption is granted, of suitable cover material on all exposed solid waste by the end of each working day, as required by R 299.4429(1) of the Part 115 Rules. Suitable cover shall be either uncontaminated soil or an alternate cover approved by the WHMD, listed in Item i, below. Alternate cover shall be restricted as indicated in Item ii and applied as per the approved operational plan submitted by the licensee.

- i. Approved alternate cover shall be any of the following:

<u>Product/Waste Material</u>	<u>Source</u>	<u>Monthly Volume</u>
(1) Petroleum Contaminated Soil	Varies	Varies
(2) Class A Materials	Varies	Varies

- ii. The above materials are approved for daily cover when used in the following manner:

- (1) The licensee shall use the material as daily cover only. The material cannot be used for road building or fill in other areas of the Facility's operation.
- (2) The licensee shall maintain written authorization on-site, from the generator of the material, to use the material as daily cover.
- (3) The licensee shall only stockpile material in a secure manner within the active cell.
- (4) This approval does not preclude the licensee from disposing of the material as waste in the active fill area instead of using the material as daily cover.

Licensee: City Environmental Services Landfill, Inc. of Hastings
Facility Name: City Environmental Services Landfill, Inc. of Hastings
Operating License Number: 9240
Issue Date: November 16, 2009

- (5) This approval shall immediately become void upon documentation by the MDEQ that the alternate cover is not being used in accordance with the listed conditions, that the alternate cover is not providing the necessary protection, or that the process producing the waste has changed.
 - (6) If the material does not meet the guidelines from Attachment 2 of the WHMD's Operational Memo 115-10, Revision 1, for nonvolatiles, the licensee shall ensure that fugitive dust emissions from this material do not occur. Acceptable methods to ensure fugitive emissions do not occur are:
 - (a) Implement a schedule to wet down material; or
 - (b) Cover the material with a tarp; or
 - (c) Apply an approved foam or other appropriate commercial dust control product.
 - (7) This approval to use alternate cover shall expire upon the expiration of this operating license.
- b. Leachate may be reintroduced into the active portions of the facility in accordance with the approved "City Environmental Services Landfill, Inc. of Hastings Leachate Recirculation Plan" included in Volume 1 of the "Construction Permit Application," dated December 1997.
 - c. Within 60 days of the effective date of this license, the licensee shall submit a new, originally signed Perpetual Care Fund Escrow Agreement or Perpetual Care Fund Trust Agreement to replace the current Perpetual Care Fund Escrow Agreement executed by the MDEQ on April 29, 1997.
21. **TERM:** This license shall remain in effect until its expiration date, unless revoked or continued in effect, as provided by, the Administrative Procedures Act, 1969 PA 306, as amended, or unless superseded by the issuance of a subsequent license.

END OF LICENSE

LEGEND

ACT 87 AREA - OTHER DISPOSAL UNITS
5.13 ACRES

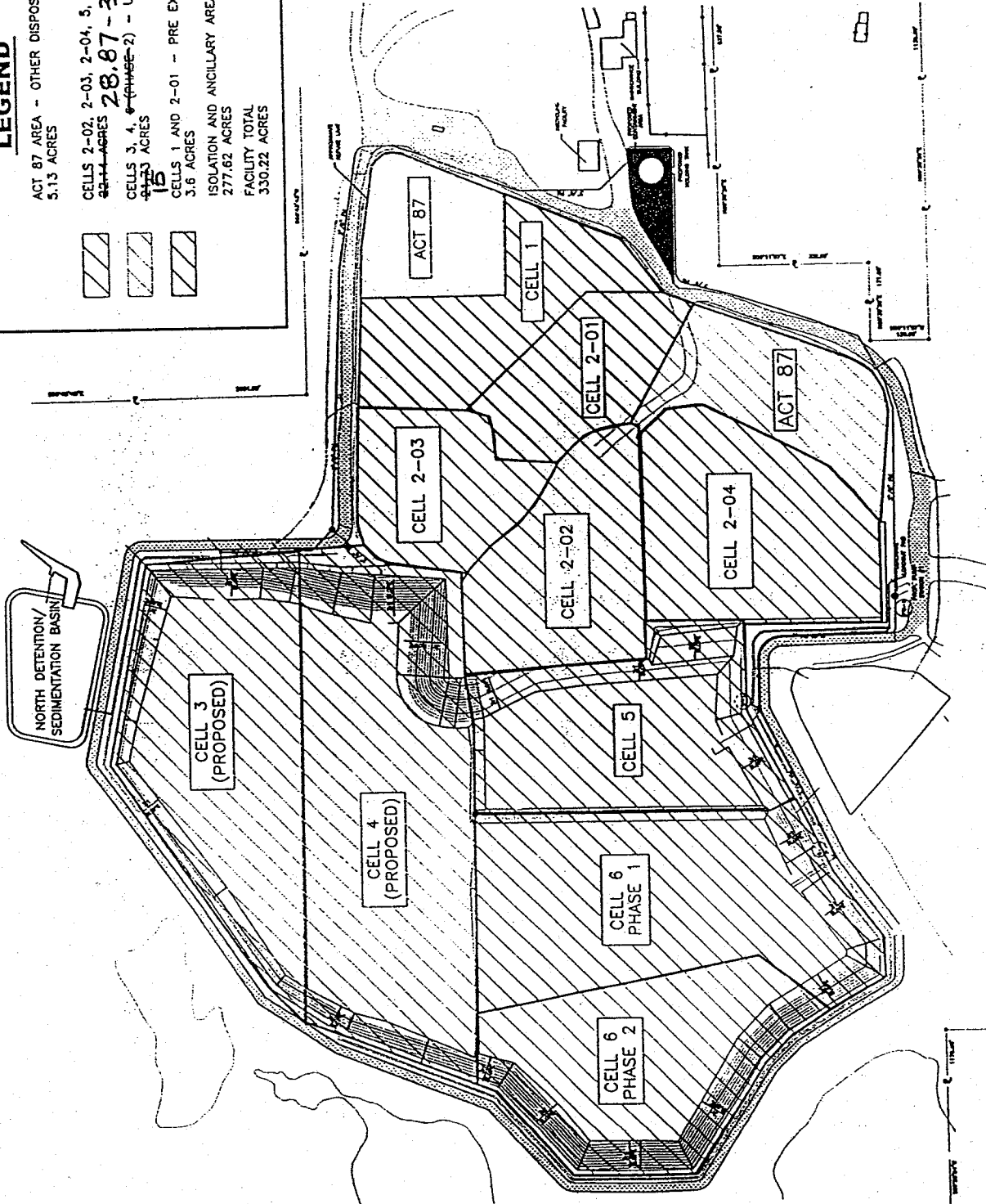
CELLS 2-02, 2-03, 2-04, 5, 6 (PHASE 1) - ACTIVE AREAS
~~28.87~~ ACRES **28.87 - 3.5 CLOSED**

CELLS 3, 4, (PHASE 2) - UNCONSTRUCTED
~~15~~ ACRES

CELLS 1 AND 2-01 - PRE EXISTING UNITS
3.6 ACRES

ISOLATION AND ANCILLARY AREAS
277.62 ACRES

FACILITY TOTAL
330.22 ACRES



PROJECT NO. HSS1749A
DRAWING NO. ATTACHA.DWG
DATE: 09.14.00
SHEET 1 OF 1

TITLE: CITY ENVIRONMENTAL SERVICES
OF HASTINGS, INC.
ATTACHMENT "A"

