



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, Inc. of Waters
LICENSEE/OPERATOR: City Environmental Services, Inc. of Waters
FACILITY OWNER: City Environmental Services, Inc. of Waters
PROPERTY OWNER: City Environmental Services, Inc. of Waters
FACILITY TYPE(S): Municipal Solid Waste Landfill
FACILITY ID NUMBER: 407066
COUNTY: Crawford
LICENSE NUMBER: 9169
ISSUE DATE: November 14, 2007
EXPIRATION DATE: November 14, 2012

FACILITY DESCRIPTION: The City Environmental Services, Inc. of Waters, a Municipal Solid Waste Landfill, consists of 254.21 acres located in the W 1/2 of Section 4T 28N, R3W, Maple Forest Township, Crawford County; and the NE 1/4 of Section 5, T28N, R3W, Maple Forest Township, Crawford County; and Sections 32 and 33, T32N, R3W, Otsego Lake Township, Otsego County, Michigan, as identified in Attachment A and fully described in this license.

AREA AUTHORIZED FOR DISPOSAL OF SOLID WASTE: Active cells not at final grade: Cell A - Phase I; Cell A - Phase II; Cell B - Phase I; Cell B - Phase II; Cell B/C - Phase I; Cell ABC; Cell D; and Cell E West, for a total of 45.2 acres. The unconstructed area identified as Cell E East, consisting of 2.8 acres, is included in the financial assurance calculations. Cell E East will be authorized for solid waste disposal when acceptable certification of construction is submitted to the Michigan Department of Environmental (MDEQ) in accordance with the Part 115 regulations. See Item 3.

RESPONSIBLE PARTY: Ms. Debora Johnston, Division Engineer
City Environmental Services, Inc. of Waters
11375 Sherman Road
Frederic, Michigan 49733
989-539-6111

RENEWAL OPERATING LICENSE: This License Number 9169 supersedes and replaces Solid Waste Disposal Area License Number 8989 issued to City Environmental Services, Inc. of Waters on January 23, 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

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The licensee shall comply with all terms of this license and the provisions of Part 115 and its administrative 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:
 - a. **ACTIVE PORTIONS NOT AT FINAL GRADE:** The area(s) identified as Cell A - Phase I; Cell B - Phase I; Cell A - Phase II; Cell B - Phase II; Cell B/C - Phase I; Cell ABC; and Cell D were authorized to receive waste by the previous license. This area's total acreage is 40.1 acres.
 - b. **CONSTRUCTED AREAS CERTIFIED WITH THIS APPLICATION:** The area(s) identified as Cell E - West were not authorized to receive solid waste by the previous license, but are authorized to receive waste by this license. This area's total acreage is 5.1 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 E - East, totaling 2.8 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 administrative 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 administrative rules implementing Part 115.
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 F, Cell G, and Cell H 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 52 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 Cell 3 - Phase 3; Cell 2 - Phase 3; Area E; Area F; Area B1; Area D; Area C; Area B2; and Area A had final closure certified on July 17, 1992; June 18, 1999; July 7, 1990; July 7, 1990; November 11, 1998; November 11, 1998, December 17, 1986; July 9, 1990; and July 9, 1990 respectively. This certification was reviewed and approved by the MDEQ on the aforementioned dates. This area's total acreage is 44.90 acres.
 - ii. **EXISTING UNIT(S):** The unit(s) identified as Cell 2 - Phase 4 and Cell 1 - Phase 4 had final closure certified on August 26, 1994. This certification was reviewed and approved by the MDEQ on the aforementioned date. This area's total acreage is 13.75 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 August 30, 2007, 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, Cadillac District Supervisor, of any inaccuracies in the information in the Application upon discovery.

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7. This license is issued based on the MDEQ's review of the Application, submitted by City Environmental Services, Inc. of Waters, for the City Environmental Services, Inc. of Waters Landfill, dated August 29, 2007. The Application consists of the following:

- a. Application Form EQP 5507.
- b. Application fee in the amount of \$7,500.00.
- c. Certification of construction by Mark D. Sieracke, P.E., Weaver Boos Consultants, LLC, City Environmental Services, Inc. of Waters Cell E - West Documentation Report, Frederic, Michigan, dated August 24, 2007.
- d. Waste Characterization: N/A.
- e. Restrictive Covenant:

A restrictive covenant on 242.15 acres signed by the Applicant on October 9, 2007, was included in the Application and will be signed by the MDEQ and filed with the Crawford County Register of Deeds.

- f. Perpetual Care Fund Agreement, established as an escrow account, signed by Ms. Kathleen B. McCann, Vice President, City Environmental Services, Inc. of Waters 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 \$7,612,420.00.

The Facility has provided financial assurance totaling \$7,912,479.00, based on the requirements of Section 11523 of Part 115, consisting of a combination of the Perpetual Care Fund established under Section 11525, 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 and is approved by the MDEQ.
- (2) The Perpetual Care Fund Agreement statement showed a balance of \$1,712,479.00 in the Facility's Perpetual Care Fund as of May 31, 2007. Of this amount, the MDEQ has granted the request to use \$1,712,479.00 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	\$6,200,000.00
Total Amount Received:	\$6,200,000.00

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iv. Financial Assurance Updates Required:

For Type II landfills, the financial assurance cost estimates of closure and post-closure 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 14, 2008, and each year thereafter.

8. The following documents approved with Construction Permit Number(s) 4053 issued to City Environmental Services, Inc. of Waters on October 13, 2003, are incorporated in this license by reference:
 - a. Part 115 Construction Permit Application Engineering Report, dated June 2003.
 - b. Hydrogeological Monitoring Plan, dated April 11, 2003, revised in June 2003 and in September 2004.
 - c. Hydrogeological Report Addendum, dated April 11, 2003.
 - d. Construction Permit Application Engineering Drawings, dated June 2003.
 - e. Closure and Post-Closure Plans, dated April 2003.
 - f. Remedial Action Plan, dated May 2, 2003.

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 A/B, Phase I, Construction Certification, dated December 20, 1993.
 - b. Cell A/B, Phase II, Construction Certification, dated December 19, 1997.
 - c. Cell B/C, Phase I, Construction Certification, dated August 1999.
 - d. Cell ABC, Construction Certification, dated September 2001.
 - e. Cell D - North, Construction Certification, dated August 18, 2004.
 - f. Cell D - South, Construction Certification, dated July 19, 2006.
 - g. Cell E - West, Construction Certification, dated August 24, 2007.
 - h. Cell D - South Berm Repair Certification, dated June 7, 2006.
 - i. Leachate Evaporator Proposal, dated August 30, 2006.
 - j. Leachate Recirculation Plan, dated August 2007.

10. Consent Order/Judgment Number: N/A.

11. The licensee shall repair any portion of the certified liner or leachate collection system which is found to be deficient or damaged during the term of this license unless determined otherwise by the MDEQ.

12. 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 Part 115 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 Waste and Hazardous Materials Division, Cadillac District Supervisor, for review and approval.

13. The licensee shall conduct hydrogeological monitoring in accordance with the approved hydrogeological monitoring plan, dated September 2004. The sampling analytical results shall be submitted to the MDEQ's Waste and Hazardous Materials Division, Cadillac District Office.

14. Modifications to the approved hydrogeological monitoring plan referenced in Item 13 may be approved, in writing by the Waste and Hazardous Materials Division, Cadillac District Supervisor. Proposed revisions must be submitted in a format specified by the MDEQ.

15. Leachate may be recirculated if a leachate recirculation plan has been approved, in writing, by the Waste and Hazardous Materials Division, Cadillac District Supervisor.

16. Modifications to approved engineering plans that constitute an upgrading, as defined in R 299.4106a(l), may be approved, in writing, by the Waste and Hazardous Materials Division, Cadillac District Supervisor.

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17. Requests for alternate daily cover may be approved, in writing, by the Waste and Hazardous Materials Division, Cadillac District Supervisor.

18. 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 which is in compliance with the provisions of R 299.4422(3) and which 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 for Cell D and Cell E, 5 gallons/acre/day and for Cell A, Cell B, and Cell C, 25 gallons/acre/day. The response flow rate for each unit containing a leak detection system is for Cell A, Cell B, and Cell C, 200 gallons/acre/day and for Cell D and Cell E, 25 gallons/acre/day.

19. **VARIANCES:** None.

20. **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(l). Suitable cover shall be either uncontaminated soil or an alternate cover approved by the Waste and Hazardous Materials Division, 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. Sludge	Great Lakes Tissue	2,080 yards
2. Ash	Weyerhaeuser	20 yards
3. Flakes	Weyerhaeuser	400 yards
4. Fly Ash	Decorative Panels, Inc.	480 yards
5. Ash	Grayling Generation	980 yards
6. Contaminated Soil	Various Sources	1,000 yards
7. Foundry Sand	East Jordan Iron Works	5,000 yards
8. Auto Fluff	A & L Iron	3,000 yards

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.
- (5) This approval shall immediately become void upon documentation by the MDEQ that the alternate cover is not being used in accordance with 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 Operational Memo 115-10 Revision 1 for non-volatiles, the licensee shall ensure that fugitive dust emissions from this material do not occur. Acceptable methods to assure fugitive emissions do not occur are:

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- (a) Implement a schedule to wet down material; or
- (b) Cover the material with a tarp; or
- (c) Apply 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.

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