



Michigan Department of Environmental Quality  
Resource Management 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: Escanaba Paper Company Type III Landfill

LICENSEE/OPERATOR: Escanaba Paper Company

FACILITY OWNER: Escanaba Paper Company

PROPERTY OWNER: Escanaba Paper Company

FACILITY TYPE(S): Type III Industrial Landfill

FACILITY ID NUMBER: 395326

COUNTY: Delta

LICENSE NUMBER: 9323

ISSUE DATE: February 10, 2012

EXPIRATION DATE: February 10, 2017

FACILITY DESCRIPTION: The Escanaba Paper Company Type III Landfill, a Type III industrial landfill, consists of 132.4 acres located in the N 1/2 of Section 36 and the S 1/2 of Section 25, T40N, R23W, Wells Township, Delta County, Michigan, as identified in Attachment A and fully described in this license.

AREA AUTHORIZED FOR DISPOSAL OF SOLID WASTE: Phases 1, 3, 4, 5, and 6.

RESPONSIBLE PARTY: Mr. Todd Schmidt  
Escanaba Paper Company  
7100 County Road 426  
Escanaba, Michigan 49829  
906-233-2929

**RENEWAL OPERATING LICENSE:** This License Number 9323 supersedes and replaces Solid Waste Disposal Area Operating License Number 9270 issued to Escanaba Paper Company on June 3, 2010.

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, Solid Waste and Land Application Section  
Resource Management Division

Licensee: Escanaba Paper Company  
Facility Name: Escanaba Paper Company Type III Landfill  
Operating License Number: 9323  
Issue Date: February 10, 2012

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:
  - a. **ACTIVE PORTIONS NOT AT FINAL GRADE:** The area(s) identified as Phases 1, 3, 4, and 5 were authorized to receive waste by the previous license. This area's total acreage is 33.9 acres.
  - b. **CONSTRUCTED AREAS CERTIFIED WITH THIS APPLICATION:** The area(s) identified as Phase 6 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 8 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: None.
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 Phases 0 and 7-11 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 48.5 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:  
  
**EXISTING UNIT(S):** The unit(s) identified as Phase 2 had final closure certified on December 28, 1995. This certification was reviewed and approved by the MDEQ on April 2, 1996. This area's total acreage is 9.3 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 November 7, 2011, 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 Resource Management Division (RMD), Upper Peninsula District Supervisor, of any inaccuracies in the information in the Application upon discovery.
7. This license is issued based on the MDEQ's review of the Application, submitted by Escanaba Paper Company, for the Escanaba Paper Company, dated October 19, 2011, and revised on November 30, 2011. The Application consists of the following:
  - a. Application Form EQP 5507.
  - b. Application fee in the amount of \$2,500.00.
  - c. Certification of construction by AECOM, dated September 21, 2011.
  - d. Waste Characterization: N/A.

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e. Restrictive Covenant:

The Escanaba Paper Company Type III Landfill restrictive covenant on 132.4 acres is on file at the Delta County Register of Deeds recorded on January 21, 2005, as Liber 0791 pages 778-783. A copy is on file with the MDEQ.

f. Perpetual Care Fund Agreement, established as an escrow account, signed by Mr. Gary Butryn, President, Escanaba Paper Company on February 28, 1997, was executed by the MDEQ on May 30, 1997, for Phase II and III. Perpetual Care Fund Agreement established as an escrow account, signed by Mr. Dave DeVet, Escanaba Paper Company on December 6, 2002, was executed by the MDEQ on January 10, 2003, for Phase I.

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 includes a Surety Bond of \$20,000.00 per acre of licensed landfill, and the Perpetual Care Fund requirement.

The Facility has provided financial assurance totaling \$1,943,254.98 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, and the bonding requirements of Section 11523 (1)(a) of Part 115. The financial assurance mechanisms used by the Facility are summarized below in Items ii, iii, and iv respectively.

ii. Financial Assurance Provided Via a Perpetual Care Fund:

The Perpetual Care Fund Agreement statement showed a balance of \$326,454.98 in the Facility's Perpetual Care Fund as of September 30, 2011.

iii. Financial Assurance Provided Via Bond:

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

Irrevocable Letters of Credit:	\$1,026,000.00
Total Amount Received:	\$1,026,000.00

iv. Other Required Financial Assurance:

a. Corrective Action: Irrevocable Letter of Credit: \$590,800.00

8. The following documents approved with Construction Permit Number(s) 4068 issued to Escanaba Paper Company on January 24, 2005, are incorporated in this license by reference:

- a. Landfill Construction and Closure Quality Assurance Plan, Escanaba Paper Company prepared by STS Consultants, Ltd., and dated December 9, 2004.
- b. Phase 3-11 Landfill Modified Closure Plan, Escanaba Paper Company, Engineering Plans, Sheets 1-5, prepared by STS Consultants, Ltd., and dated August 2004.
- c. The following documents approved with the issuance of Construction Permit Numbers 0158 and 0277 issued to Mead Publishing Paper Division and Mead Paper Corporation on September 24, 1985 and July 31, 1992, respectively, and modified by this Construction Permit as cited by item 4 are incorporated into this construction permit by reference and become enforceable portions of this permit:
  - i. Environmental Assessment dated April 6, 1992.

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- ii. Engineering Report, dated April 6, 1992 and revised June 1992.
- iii. Engineering Plans, dated April 6, 1992 and revised June 1992.
- iv. Hydrogeological Investigation and Monitoring Program, dated April 6, 1992, and revised July 1992.
- v. Phase 3 Landfill Operations and Maintenance Plan, dated March 1995.
- vi. Revised Hydrogeological Monitoring Plan, Phases 2-11, Revision 7, dated October 31, 2000 and revised January 2001 and September 2002.
- vii. Revised Engineering Plans and Construction Quality Assurance Plan, Phase 5, dated January 6, 2000.
- viii. Phase 1 Hydrogeological Monitoring Plan, revised November 2002, approved January 1, 2003.
- ix. Phase 1 Engineering Reports and Plans, Construction Quality Assurance Plan, Leachate Manhole Replacement Plan and Modified Operational Plan, dated July 3, 2002, and approved August 26, 2002. The Operational Plan was modified on September 3, 2002.

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:

Phase 6 Construction Certification Report and Engineering Plans, dated September 21, 2011.

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

11. 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.

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 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 RMD, Upper Peninsula District Supervisor, for review and approval.

13. The licensee shall conduct hydrogeological monitoring in accordance with the approved hydrogeological monitoring plan, dated October 31, 2000, and revised January 2001, September 2002, November 2002, and March 2008. The sampling analytical results shall be submitted to the MDEQ's RMD, Upper Peninsula District Office.

14. Modifications to the approved hydrogeological monitoring plan referenced in Item 13 may be approved, in writing, by the RMD, Upper Peninsula 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 RMD, Upper Peninsula District Supervisor.

16. 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 RMD, Upper Peninsula District Supervisor.

17. Requests for alternate daily cover may be approved, in writing, by the RMD, Upper Peninsula 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 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 5 gallons/acre/day. The response flow rate for each unit containing a leak detection system is 25 gallons/acre/day.

19. **VARIANCES:** The licensee is granted the following variance(s) from Part 115 and/or the Part 115 Rules: None

20. **SPECIAL CONDITIONS:** N/A.

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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**

ATTACHMENT A

Figure 1

