



Michigan Department of Environmental Quality
Waste Management Division

SOLID WASTE DISPOSAL AREA CONSTRUCTION PERMIT

This construction permit is issued under the provisions of Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.11501 et seq., (Part 115), to permit the construction of a solid waste disposal area (Facility) in the state of Michigan. This permit does not obviate the necessity of obtaining other authorization as may be required by state law.

FACILITY NAME: Elk Run Sanitary Landfill

PERMITTEE/FACILITY OWNER: Republic Services of Michigan V, LLC

PROPERTY OWNER: Republic Services of Michigan V, LLC

TYPE OF FACILITY: Municipal Solid Waste Landfill

FACILITY ID: 71-000018

COUNTY: Presque Isle

PERMIT NUMBER: 0389. This permit modifies Construction Permit Number 0265 issued July 7, 1992.

ISSUE DATE: June 18, 2001

EXPIRATION DATE: One year from date of issuance unless development of the Facility begins within the year.

FACILITY DESCRIPTION: The Elk Run Sanitary Landfill, a Municipal Solid Waste Landfill, consists of 99.1 acres located in the NE 1/4 of Section 5, T33N, R2E, Allis Township, Presque Isle County, Michigan. The Facility is identified in Attachment A and is fully described in this permit.

RESPONSIBLE PARTY: Mr. Gary McLaren, General Manager
Republic Services of Michigan V, LLC
20667 Five Mile Highway
Onaway, Michigan 49765
810-639-3328

This permit is subject to revocation by the Director of the Michigan Department of Environmental Quality (Director) if the Director finds that the disposal area 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. This permit shall be available through the applicant during its term and remains the property of the Director. Failure to comply with the terms and provisions of this permit may result in legal action leading to civil and/or criminal penalties as stipulated in Part 115.

THIS PERMIT IS NOT TRANSFERABLE UNLESS PRIOR AUTHORIZATION HAS BEEN OBTAINED FROM THE DIRECTOR.


Russell J. Harding, Director
Michigan Department of Environmental Quality

Permittee/Facility Owner: Republic Services of Michigan V, LLC
Facility Name: Elk Run Sanitary Landfill
Construction Permit Number: 0389
Month/year: June 2001

The permittee shall comply with all terms of this permit and the provisions of Part 115 and its rules. This permit includes the permit application and any attachments to this permit.

1. The permittee shall construct the Facility in a manner that will not violate any state or federal law.
2. This permit authorizes the construction of the disposal area as defined in the Application for Solid Waste Disposal Area Construction Permit (Application) documents, dated March 8, 2001, and received by the Michigan Department of Environmental Quality (Department) on March 12, 2001. The new disposal area authorized by this permit shall not be utilized for the disposal of solid waste until an operating license for the disposal area is issued by the Department.
3. The attached map (Attachment A) shows the Facility, the area permitted for construction, area(s) authorized for the placement and/or acceptance of solid waste, monitoring points, leachate storage units, site roads, and related appurtenances.
4. Issuance of this permit is based on the assumption that the information submitted by the Applicant in the Application dated March 8, 2001, received by the Department on March 12, 2001, and any subsequent amendments are accurate. Any inaccuracies or deviations found in this information may be grounds for the revocation or modification of this permit and/or other enforcement action. The permittee shall inform the Department's Waste Management Division, Cadillac District Supervisor, of any known inaccuracies and/or any deviation in the information of the Application which would affect the permittee's ability to comply with the applicable rules or permit conditions. This permit is issued based on Department review of the Application, EQP 5506. The Application includes the following documents or their approved revisions which are incorporated by reference and become enforceable portions of this permit:
 - a. Application Form EQP 5506.
 - b. Fee in the amount of \$250.00.
 - c. Application for Permit Modification Report, dated February 2001.
 - d. Permit Modification Plans, dated February 2001, with revisions, dated May 2001.
 - e. Statistical Monitoring Plan, dated May 2001, and amended June 4, 2001 (amends Hydrogeological Monitoring Plan).
 - f. Revised Surface Water Monitoring Plan, dated May 17, 2001 (amends Hydrogeological Monitoring Plan).
5. The sampling parameters and monitoring frequencies are outlined in the Hydrogeological Monitoring Plan. The sampling results shall be submitted to the Department's Waste Management Division, Cadillac District Office.
6. **VARIANCES:** None.
7. **SPECIAL CONDITIONS:** At the time Construction Permit Number 0265 was issued in July 1992, Allis Township and certain other parties sued the original developer of the landfill, Allis Park Sanitary Landfill, Inc., the Department of Natural Resources, and the Presque Isle County Board of Commissioners in *Allis Township, et al v Allis Park Sanitary Landfill, Inc., et al*, Presque Isle County Circuit Court No. 92-001748-CE. The plaintiffs alleged that the proposed landfill would violate various environmental laws, including the former Michigan Environmental Protection Act, now Part 17 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, MCL 342.1701 et seq.; MSA 13A.1701 et seq.

Following an evidentiary hearing, the Court issued an Opinion and Order dated July 14, 1992. In that Opinion and Order, the Court stated that the landfill site:

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Facility Name: Elk Run Sanitary Landfill
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[m]ust be constructed substantially in accordance with the design outlined in open court and [the Court] places both the MDNR and Allis Park [Landfill, Inc.] on notice that if construction is not so made, there is no assurance that the landfill can be operated.

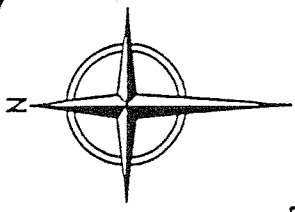
The liner design proposed by Republic in its application for permit modification and described in paragraph 4 above differs in certain respects from the design described in the July 1992 court proceeding. The Department believes that the modified design meets or exceeds the generally applicable requirements of Part 115 and its rules and provides a degree of environmental protection substantially equivalent to the design approved by the Court in the *Allis Township* litigation.

However, because of the specific requirement of the July 14, 1992 Opinion and Order, and because the modified design proposed by Republic has not been determined by the Court to be equivalent to that mandated by the Court in 1992, the permittee's right to construct the Facility as provided in the application is subject to the following special condition.

Prior to beginning construction of the modified design, Republic shall seek and obtain a written determination by the Presque Isle County Circuit Court that such construction is permissible, notwithstanding the July 14, 1992 Opinion and Order in *Allis Township, et al v Allis Park Sanitary Landfill, Inc., et al* referenced above.

8. **TERM:** This construction permit shall expire one year after the date of issuance, unless development under the construction permit is initiated within that year.

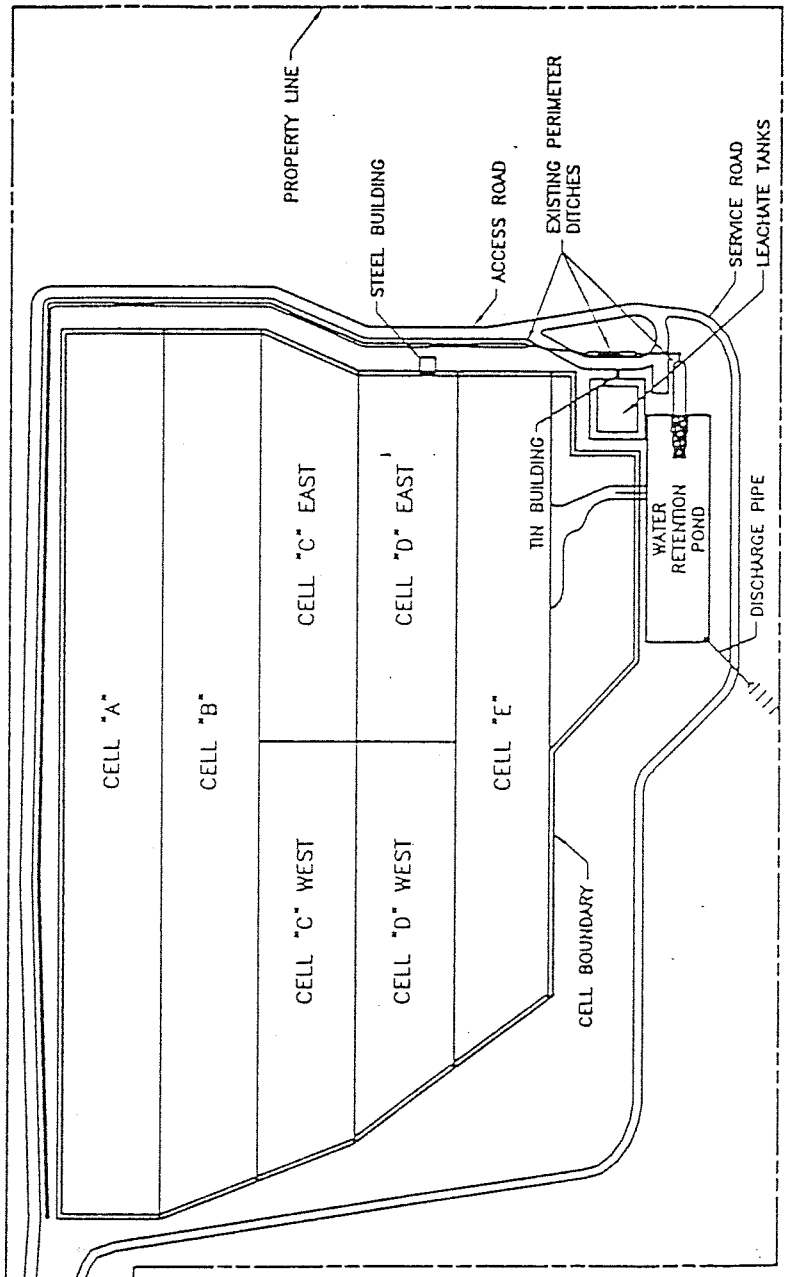
END OF PERMIT



N 1/4 COR.
SECT. 5
T.33N - R.2E

TO HIGHWAY M-33

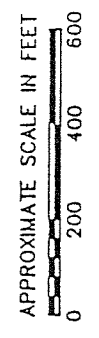
FIVE MILE HIGHWAY
STEEL BUILDING
SALES OFFICE



CONSTRUCTION SEQUENCE

- 1) EAST 1/2 D
- 2) EAST 1/2 C
- 3) EAST 1/2 B
- 4) EAST 1/2 A
- 5) EAST 1/2 E
- 6) WEST 1/2 E
- 7) WEST 1/2 D
- 8) WEST 1/2 C
- 9) WEST 1/2 B
- 10) WEST 1/2 A

DATE	02/28/01
DWN	NAM
APP	SDW
REV	SDW
PROJECT NO.	823280



EMCON/OWT
Solid Waste Services

REPUBLIC SERVICES, INC.
ELK RUN LANDFILL
ALLIS TWP., PRESQUE ISLE COUNTY, MICHIGAN

SITE PLAN