



MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY

MATERIALS MANAGEMENT DIVISION

**SOLID WASTE DISPOSAL AREA 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 of Midland Sanitary Landfill

LICENSEE/OPERATOR: City of Midland - Utilities Division

FACILITY OWNER: City of Midland

PROPERTY OWNER: City of Midland

FACILITY TYPE(S): Municipal Solid Waste Landfill

FACILITY ID NUMBER: 470453

COUNTY: Midland

LICENSE NUMBER: 9720

ISSUE DATE: December 19, 2023

EXPIRATION DATE: December 19, 2028

FACILITY DESCRIPTION: The City of Midland Landfill, a municipal solid waste landfill, consists of 329.14 acres located in Section 12, Midland Township, Midland County, Michigan, as identified in Attachment A and fully described in this license.

AREA AUTHORIZED FOR DISPOSAL OF SOLID WASTE: See Attachment A, and items 2 and 3 of this license.

RESPONSIBLE PARTY: Karen Murphy – Director of Public Services  
333 Ellsworth Street  
Midland, MI 48640

**RENEWAL OPERATING LICENSE:** This License Number 9720 supersedes and replaces Solid Waste Disposal Area Operating License Number 9532 issued to City of Midland on September 28, 2018.

This license is subject to revocation by the Director of the Michigan Department of Environment, Great Lakes, and Energy, 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.**

Rhonda S. Oyer, Manager, Solid Waste Section  
Materials Management Division

Licensee: City of Midland – Utilities Division  
Facility Name: City of Midland Sanitary Landfill  
Operating License Number: 9720  
Issue Date: December 19, 2023

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 14, 15, 16, and 17S were authorized to receive waste by the previous license. This area's total acreage is 40.39 acres.

3. The following portions of the Facility **WILL BE** authorized to receive solid waste by this license following approval by EGLE of construction certification:

**UNCONSTRUCTED AREA(S) WITH FINANCIAL ASSURANCE:** The area(s) identified as Cell 17N, totaling 4.61 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 EGLE, as required by Section 11516(3) of Part 115, and determined by EGLE 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 18 and 19 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 21.5 acres.

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

i. **PRE-EXISTING UNIT(S):** The unit(s) identified as Area A had final closure certified on December 29, 1992. This certification was reviewed and approved by EGLE on January 15, 1993. This area's total acreage is 32.1 acres.

ii. **EXISTING UNIT(S):** The unit(s) or portion(s) of unit(s) identified as Cells 1-13 had final closure certified on December 8, 2004. This certification was reviewed and approved by EGLE on February 15, 2005. This area's total acreage is 40.2 acres.

iii. **OTHER DISPOSAL AREAS:** Area B (9.6 acres) closed in 1972.

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 EGLE on September 12, 2023, 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 EGLE's MMD Bay City District Supervisor, of any inaccuracies in the information in the Application upon discovery.

Licensee: City of Midland – Utilities Division  
Facility Name: City of Midland Sanitary Landfill  
Operating License Number: 9720  
Issue Date: December 19, 2023

7. This license is issued based on EGLE's review of the Application, submitted by Scott O'Laughlin, for the City of Midland, dated September 12, 2023, and revised November 13, 2023. The Application consists of the following:

- a. Application Form EQP 5507.
- b. Application fee in the amount of \$6,500.00.
- c. Certification of construction by N/A, dated N/A.
- d. Waste Characterization: N/A.
- e. Restrictive Covenant:

The February 25, 2013, restrictive covenant on 138.8 acres is on file at the Midland County Register of Deeds recorded on September 18, 2013, as Liber 1570 pages 831. A copy is on file with EGLE.

- f. Perpetual Care Fund Agreement (PCF), established as a trust account, signed by R. Drummond Black, Mayor, City of Midland on November 18, 1997, was executed by EGLE on November 20, 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 EQP5507ACE entitled, "Form A, Financial Assurance Required," and is \$10,502,172.45.

The Facility has provided financial assurance totaling \$10,502,190.02, 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, a Landfill Care Fund established under Section 11525d, 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, iii, and iv, respectively.

ii. 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	\$987,000.00
Total Amount Received:	\$987,000.00

iii. Financial Assurance Provided Via a Perpetual Care Fund:

The Perpetual Care Fund Agreement statement showed a balance of \$2,613,069.30 in the Facility's Perpetual Care Fund as of June 30, 2023. Of this amount, EGLE has granted the request to use \$2,613,069.30 toward the total amount of financial assurance required.

iv. Financial Assurance Provided Via a Financial Test for a Type II Landfill:

A financial test may be used by the owner of a Type II landfill as a means to meet an amount up to, but not exceeding, 70 percent of the closure, postclosure, and corrective action cost estimate pursuant to Section 11523a of Part 115. This Facility has provided a financial test in the amount of \$6,902,120.72. Financial capability demonstrated by a financial test must be updated each fiscal year. The next update is due 2024 and each year

Licensee: City of Midland – Utilities Division  
Facility Name: City of Midland Sanitary Landfill  
Operating License Number: 9720  
Issue Date: December 19, 2023

thereafter. If the owner/operator fails to update the test, or is no longer able to satisfy the test, the owner/operator must obtain alternate financial assurance within 210 days following the close of the owner/operator's fiscal year.

v. 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 one year from the date of this license, and each year thereafter.

vi. Other Required Financial Assurance: N/A.

8. The following documents approved with Construction Permit Number(s) 0279 and 0306 issued to City of Midland on December 2, 1992, and August 3, 1994, respectively, are incorporated in this license by reference:

- a. Hydrogeologic Investigation prepared by CTI Associates, Inc., dated November 15, 1988.
- b. Environmental Assessment Report, Cells 9-13 Vertical Expansion, prepared by McNamee Industries, Inc., dated December 1991.
- c. Engineering Plans for Leachate Pumping System in Cells 9-13, prepared by McNamee Industries, Inc., dated February 5, 1992.
- d. Construction Plans, Cells 9-13 Vertical Expansion, prepared by McNamee Industries Services, Inc., dated September 30, 1992.
- e. Engineering Report Volumes I & II prepared by AWD Technologies, Inc., dated April 1994.
- f. Hydrogeologic Report Volumes I & II prepared by AWD Technologies, Inc., dated February 1994, and revised June 1994.
- g. Environmental Assessment Report prepared by AWD Technologies, Inc., dated March 1994.
- h. Construction Plans, Pages G1-G5, C1-C30, and L1, prepared by AWD Technologies, Inc., dated April 6, 1994.

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. Closure Certification for "Area A," prepared by McNamee, Porter & Seeley, Inc., dated December 29, 1992.
- b. A letter regarding the construction certification of the vertical expansion for Cells 9-13, prepared by McNamee, Porter & Seeley, Inc., dated February 4, 1993.
- c. Engineering Plans for the closure of Cells 1-8, prepared by McNamee Industrial Services, Inc., dated September 1993.
- d. City of Midland Hydrogeological Report and Monitoring Plan, dated January 13, 1995, revised June 2, 1995, September 1999, October 4, 1999, December 17, 1999, March 2005, July 28, 2006, and February 21, 2021.
- e. Cell 14 Construction Certification, prepared by Wenck Associates, Inc., dated June 1995, revised September 5, 1995, and September 22, 1995.
- f. North Half Cell 14 Leachate Collection System Certification, prepared by Radian International, dated September 1998.

Licensee: City of Midland – Utilities Division  
Facility Name: City of Midland Sanitary Landfill  
Operating License Number: 9720  
Issue Date: December 19, 2023

- g. South Slope Riser Trench Cell 14 Leachate Collection System Certification, prepared by Radian International, dated November 1998.
  - h. Engineering Plans for the capping and closure of Cells 1-13, prepared by McDowell & Associates, dated October 30, 2000.
  - i. Gas Management/Leachate Condensation Collection Plans for Cell 9-13, prepared by McDowell & Associates, dated July 9, 2001.
  - j. Engineering Plans for the capping and closure of Cells 8-13, prepared by McDowell & Associates, dated August 13, 2002.
  - k. Minor Permit Modification, Cells 15-19, prepared by Earth Tech, dated April 2003.
  - l. Construction Quality Assurance Plan for the Installation of Lining Systems, prepared by Earth Tech, dated April 2003.
  - m. Leachate Extraction System Plans, Cells 1-6, prepared by Earth Tech, dated October 7, 2003, revised May 14, 2004.
  - n. Construction Quality Assurance Report, Cell 15, prepared by McDowell & Associates, dated November 2003.
  - o. Construction Documentation Report, City of Midland Landfill, Cells 1-8 & Cells 9-13 Closure, prepared by Ayers Associates, dated December 8, 2004.
  - p. Work Plan for Landfill Gas Probe Installation, City of Midland Landfill, prepared by NTH Consultants, Ltd., dated November 28, 2006.
  - q. Engineering Improvements to Cell 16, City of Midland Landfill, prepared by CTI and Associates, Inc., dated January 30, 2007, revised on March 9, 2007, and May 2, 2007.
  - r. Leachate Collection System Maintenance Plan, City of Midland Landfill, prepared by CTI and Associates, Inc., dated May 4, 2007.
  - s. Construction Quality Assurance Plan for the Installation of Lining Systems, Midland Municipal Solid Waste Landfill, Cells 15 through 19, prepared by Earth Tech, Inc., dated April 2003, revised May 2007.
  - t. Cell 14 Perimeter Leachate Interceptor Trench, City of Midland Landfill, prepared by CTI Associates, Inc., dated November 1, 2007.
  - u. Cell 16 Construction Documentation Report, City of Midland Landfill, prepared by CTI Associates, Inc., dated November 29, 2007.
  - v. Gas Collection and Control System Design Plan, prepared by CTI and Associates, Inc., dated November 2008, revised February 2009.
  - w. Alternate Daily Cover Plan, dated November 2012
  - x. Landfill Gas Monitoring Plan, prepared by TriMedia, dated April 22, 2014
  - y. Cell 17 South Construction Documentation Report, City of Midland Landfill, prepared by CTI Associates, Inc., dated January 11, 2021.
10. Consent Order/Judgment Number: MMD Consent Judgement Number 90-008278-CE-C entered on January 7, 1991 is incorporated into this license by reference.

Licensee: City of Midland – Utilities Division  
 Facility Name: City of Midland Sanitary Landfill  
 Operating License Number: 9720  
 Issue Date: December 19, 2023

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 EGLE.
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 EGLE before receiving waste in that portion of the certified liner or leachate collection system. The licensee shall submit the recertification to EGLE's MMD Bay City District Supervisor, for review and approval.
13. The licensee shall conduct hydrogeological monitoring in accordance with the approved hydrogeological monitoring plan, dated February 21, 2021. The sampling analytical results shall be submitted to EGLE's MMD Bay City District Office.
14. Modifications to the approved hydrogeological monitoring plan referenced in Item 13 may be approved, in writing, by EGLE's MMD Bay City Supervisor. Proposed revisions must be submitted in a format specified by EGLE.
15. Leachate may be recirculated if a leachate recirculation plan has been approved, in writing, by EGLE's MMD Bay City 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 EGLE's MMD Bay City District Supervisor.
17. Requests for alternate daily cover may be approved, in writing, by EGLE's MMD Bay City District Supervisor.

18. Leakage Control Criteria:

The active portions of the unit(s) authorized to receive waste by this license is a monitorable unit(s) which is located over a natural soil barrier and that is in compliance with the provisions of R 299.4422(2) of the Part 115 Rules. In addition, the Facility has elected to install a secondary leachate collection system. The action flow rate for each unit 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:**

- 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 MMD, 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>
Untreated Wood Chips	Various	No Limit
Foundry Sand	Various	No Limit
Finished Compost	City of Midland	No Limit
Approved Contaminated Soils	Various	No Limit

- 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.

Licensee: City of Midland – Utilities Division  
Facility Name: City of Midland Sanitary Landfill  
Operating License Number: 9720  
Issue Date: December 19, 2023

- (2) The licensee shall maintain copies of the testing performed on Class B and Class C materials in the facility operating record.
- (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 EGLE that the alternative cover is not being used in accordance with listed conditions, that the alternative cover is not providing the necessary protection, that the material no longer meets the alternative daily cover guidelines, or that the process producing the waste material has changed.
- (6) If the material does not meet the guidelines from Appendix 2 of Policy and Procedure OWMRP-115-10, 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 alternative cover shall expire upon 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.

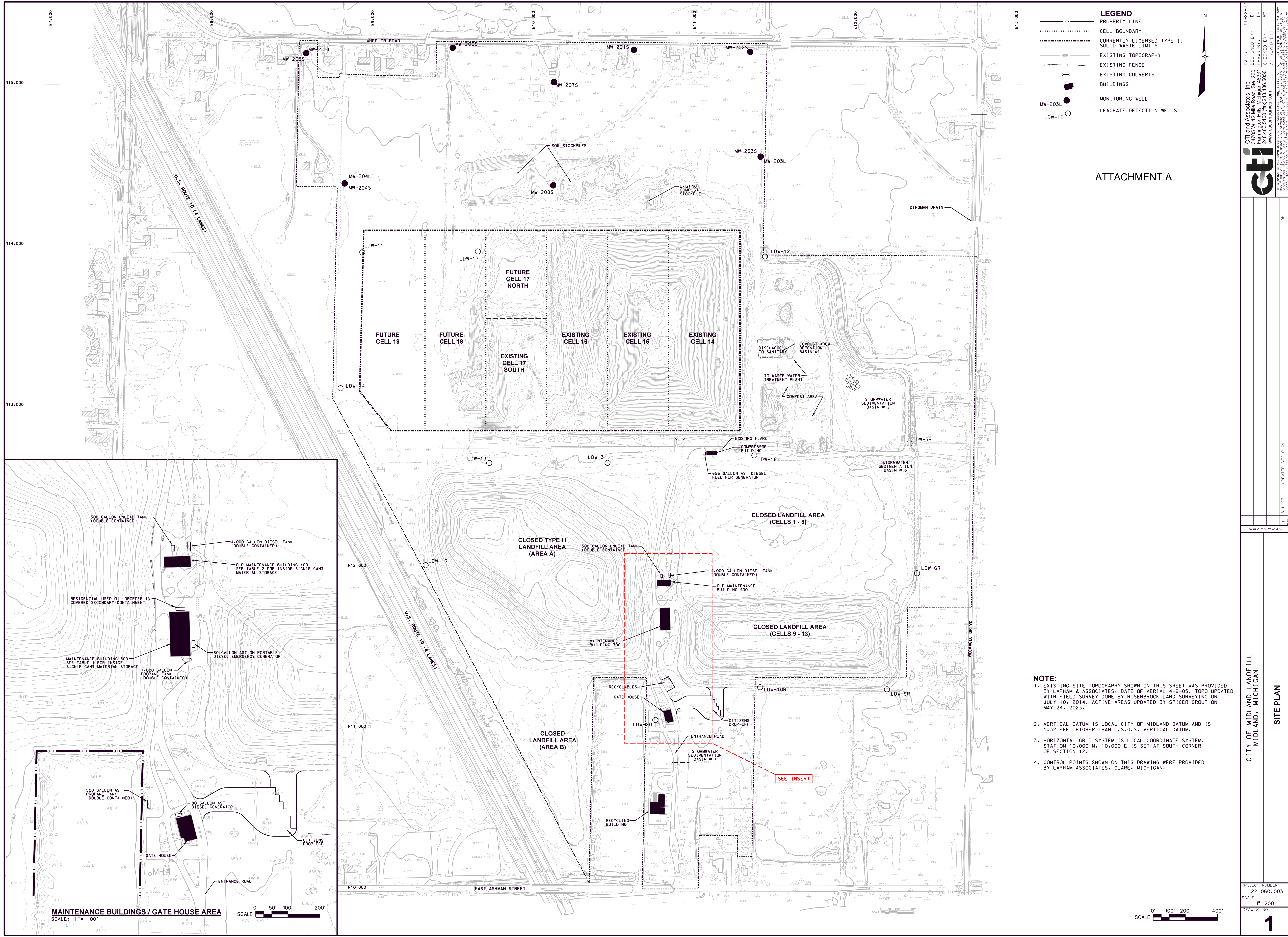
## END OF LICENSE

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This form and its contents are subject to the Freedom of Information Act and may be released to the public.



- LEGEND**
- PROPERTY LINE
  - - - CELL BOUNDARY
  - - - CURRENTLY LICENSED TYPE II SOLID WASTE LIMITS
  - - - EXISTING TOPOGRAPHY
  - - - EXISTING FENCE
  - - - EXISTING CULVERTS
  - - - BUILDINGS
  - MONITORING WELL
  - LEACHATE DETECTION WELLS

ATTACHMENT A

CTI and Associates, Inc.  
 34705 W. 17 Mile Road, Ste. 230  
 Farmington Hills, Michigan 48331  
 Phone: (248) 866-8666  
 www.cticompanies.com

DATE	REVISION DESCRIPTION
11-22-22	1. B-11-23
	2.
	3.
	4.

**CITY OF MIDLAND LANDFILL  
 MIDLAND, MICHIGAN**

**SITE PLAN**

PROJECT NUMBER: 221060.003  
 SCALE: 1" = 200'  
 DRAWING NO: 1

- NOTE:**
1. EXISTING SITE TOPOGRAPHY SHOWN ON THIS SHEET WAS PROVIDED BY LAPHAM & ASSOCIATES. DATE OF AERIAL 4-9-05. TOPO UPDATED WITH FIELD SURVEY DONE BY ROSENBRICK LAND SURVEYING ON JULY 10, 2014. ACTIVE AREAS UPDATED BY SPICER GROUP ON MAY 24, 2023.
  2. VERTICAL DATUM IS LOCAL CITY OF MIDLAND DATUM AND IS 1.32 FEET HIGHER THAN U.S.G.S. VERTICAL DATUM.
  3. HORIZONTAL GRID SYSTEM IS LOCAL COORDINATE SYSTEM. STATION 10,000 N, 10,000 E IS SET AT SOUTH CORNER OF SECTION 12.
  4. CONTROL POINTS SHOWN ON THIS DRAWING WERE PROVIDED BY LAPHAM ASSOCIATES, CLARE, MICHIGAN.

