



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: Southeast Berrien County Landfill Authority
LICENSEE/OPERATOR: Southeast Berrien County Landfill Authority
FACILITY OWNER: Southeast Berrien County Landfill Authority
PROPERTY OWNER: Southeast Berrien County Landfill Authority
FACILITY TYPE(S): Municipal Solid Waste Landfill
FACILITY ID NUMBER: 458632
COUNTY: Berrien
LICENSE NUMBER: 9330
ISSUE DATE: June 6, 2012
EXPIRATION DATE: June 6, 2017

FACILITY DESCRIPTION: The Southeast Berrien County Landfill, a municipal solid waste landfill, consists of 160 acres located in the N 1/2 of Section 6, Bertrand Township, Berrien County, Michigan, as identified in Attachment A and fully described in this license.

AREA AUTHORIZED FOR DISPOSAL OF SOLID WASTE: Identified in Item 2 of this Operating License.

RESPONSIBLE PARTY: Sonny Fuller, General Manager
Southeast Berrien County Landfill Authority
3200 Chamberlain Road
Buchanan, Michigan 49107
269-695-2500

RENEWAL OPERATING LICENSE: This License Number 9330 supersedes and replaces Solid Waste Disposal Area Operating License Number 9228 issued to Southeast Berrien County Landfill on August 26, 2009.

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: Southeast Berrien County Landfill Authority
Facility Name: Southeast Berrien County Landfill Authority
Operating License Number: 9330
Issue Date: June 6, 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:

ACTIVE PORTIONS NOT AT FINAL GRADE: The area(s) identified as portions of Phase IIIA, IIIB, IIIC, IVA, IVB, IVC, VA, VB, and VC were authorized to receive waste by the previous license. This area's total acreage is 36.1 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 Phase VIA, totaling 6.5 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 Phases VIB, and VIC 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 16.57 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 Phase I and Phase II had final closure certified on October 17, 1984, and September 9, 1992. This certification was reviewed and approved by the MDEQ on October 14, 1992. This area's total acreage is 10.8 acres.
 - ii. **EXISTING UNIT(S):** The unit(s) identified as portions of Phase IIIA, IIIB, IIIC, IVA, IVA Overfill, and IVB had final closure certified on June 16, 1997, July 12, 2000, January 3, 2002, February 24, 2004, and June 22, 2007. This certification was reviewed and approved by the MDEQ on August 14, 1997, September 8, 2000, March 1, 2002, April 5, 2004, and July 13, 2007. This area's total acreage is 23.1 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 April 26, 2012, 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), Kalamazoo District Supervisor, of any inaccuracies in the information in the Application upon discovery.

Licensee: Southeast Berrien County Landfill Authority
Facility Name: Southeast Berrien County Landfill Authority
Operating License Number: 9330
Issue Date: June 6, 2012

7. This license is issued based on the MDEQ's review of the Application, submitted by Southeast Berrien County Landfill Authority, for the Southeast Berrien County Landfill, dated April 11, 2012, and revised with a receipt date of May 18, 2012. The Application consists of the following:

- a. Application Form EQP 5507.
- b. Application fee in the amount of \$1,250.00.
- c. Certification of construction by N/A.
- d. Waste Characterization: N/A.
- e. Restrictive Covenant:

The September 28, 1998 restrictive covenant on 93 acres is on file at the Berrien County Register of Deeds recorded on February 2, 1999, as Liber 1948 pages 12-15. A copy is on file with the MDEQ.

- f. Perpetual Care Fund Agreement, established as an escrow account, signed by Mr. Bruce Knapp, P.E., General Manager, Southeast Berrien County Landfill on January 29, 1997, was executed by the MDEQ on February 11, 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 \$9,567,780.40.

The Facility has provided financial assurance totaling \$9,573,539.70, 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, iii, and iv, 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 \$2,018,007.70 in the Facility's Perpetual Care Fund as of March 31, 2012. Of this amount, the MDEQ has granted the request to use \$2,018,007.70 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:

Irrevocable Letter of Credit	\$5,753,096.00
Total Amount Received:	\$5,753,096.00

Licensee: Southeast Berrien County Landfill Authority
Facility Name: Southeast Berrien County Landfill Authority
Operating License Number: 9330
Issue Date: June 6, 2012

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 \$1,802,436.00. Financial capability demonstrated by a financial test must be updated each fiscal year. The next update is due December 30, 2012, and each year 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 on June 6, 2013, and each year thereafter.

8. The following documents approved with Construction Permit Number(s) 4112 issued to Southeast Berrien County Landfill Authority on July, 21, 2010, are incorporated in this license by reference:
 - a. Phase VI Expansion Construction Permit Application Package Binder.
 - c. Southeast Berrien County Landfill Hydrogeologic Investigation; Phase VI Expansion.
 - c. Engineering Plan Sheets 1 - 7L.
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: N/A.
10. Consent Order/Judgment Number: RMD Consent Order Number 115-07-31-01-04 entered on July 19, 2004 is incorporated into this license by reference.
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, Kalamazoo District Supervisor, for review and approval.
13. The licensee shall conduct hydrogeological monitoring in accordance with the approved hydrogeological monitoring plan, dated November 2007. The sampling analytical results shall be submitted to the MDEQ's RMD, Kalamazoo District Office.
14. Modifications to the approved hydrogeological monitoring plan referenced in Item 13 may be approved, in writing, by the RMD, Kalamazoo 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, Kalamazoo 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, Kalamazoo District Supervisor.
17. Requests for alternate daily cover may be approved, in writing, by the RMD, Kalamazoo District Supervisor.

Licensee: Southeast Berrien County Landfill Authority
 Facility Name: Southeast Berrien County Landfill Authority
 Operating License Number: 9330
 Issue Date: June 6, 2012

18. Leakage Control Criteria:

The action flow rate for Phase IIIA side slope, IIIA, IIIB, IIIC, IVA side slope, and IVA is 50 gallons/acre/day. The response flow rate for Phase IIIA side slope, IIIA, IIIB, IIIC, IVA side slope, and IVA is 200 gallons/acre/day.

The action flow rate for Phase IVB, IVC, VA, VB, and VC is five gallons/acre/day. The response flow rate for Phase IVB, IVC, VA, VB, and VC is 25 gallons/acre/day.

The action flow rate for Phase VIA will be five gallons/acre/day. The response flow rate for Phase VIA will be 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(1) of the Part 115 Rules. Suitable cover shall be either uncontaminated soil or an alternate cover approved by the RMD, 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) Tarpomatic Tarping System	N/A	N/A
(2) Wood Chips consistent with the Berrien County Solid Waste Management Plan	Tree Trimmings, Take Downs, and Storm Damaged Trees	2580 cubic yds.
(3) Petroleum Contaminated Soils consistent with the Berrien County Solid Waste Management Plan	Varies	Varies
(4) Tire Chips consistent with the Berrien County Solid Waste Management Plan	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 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 the MDEQ 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.

Licensee: Southeast Berrien County Landfill Authority
Facility Name: Southeast Berrien County Landfill Authority
Operating License Number: 9330
Issue Date: June 6, 2012

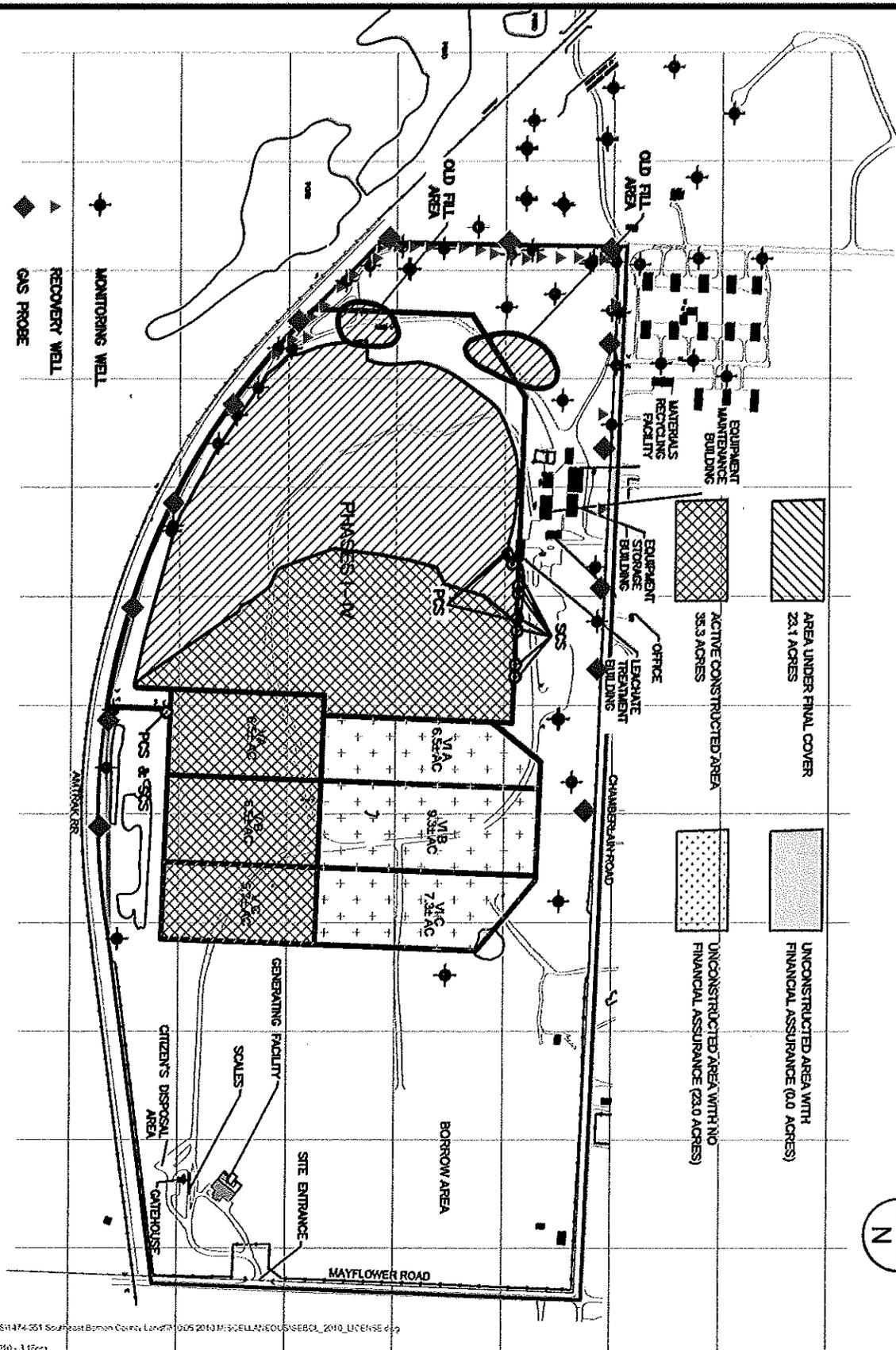
- (6) If the material does not meet the guidelines from Attachment 2 of Operational Memo 115-10, Revision 2, for nonvolatiles, the licensee shall ensure that fugitive dust emissions from this material do not occur. Acceptable methods to ensure fugitive emissions do not occur are:
- (a) Implement a schedule 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

ATTACHMENT A

- ◆ MONITORING WELL
- ▲ RECOVERY WELL
- ◇ GAS PROBE
- PRIMARY/SECONDARY COLLECTION POINTS



LOCATION: R:\FR\BOTS\1474-551 Southeast Berrien County Landfill\005 2010\PROJECT\AVENUE\SEBOL_2010_LICENSE.dwg
 LAYOUT: 5 X 11
 DATE/TIME: August 19, 2010 - 3:15pm
 PLOTTED BY: pleal

PREPARED FOR
SOUTHEAST BERRIEN COUNTY LANDFILL
 BUCHANAN, MICHIGAN

GENERAL SITE LAYOUT
 SOUTHEAST BERRIEN COUNTY LANDFILL
 BUCHANAN, MICHIGAN

WEAVER
BOOS
CONSULTANTS
 GRAND RAPIDS, MICHIGAN

DRAWN BY:
 DESIGNED BY:
 REVIEWED BY: PEB
 DATE: 08/19/2010
 FILE: 1474-351-10
 CAD/SEBOL 2010 LICENSE

ET/CI DFE 1