



Michigan Department of Environmental Quality
Office of Waste Management and Radiological Protection

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: Presque Isle Power Plant Ash Landfill, Type III Solid Waste Disposal Area

LICENSEE/OPERATOR: Wisconsin Electric Power Company

FACILITY OWNER: Wisconsin Electric Power Company

PROPERTY OWNER: Wisconsin Electric Power Company

FACILITY TYPE(S): Type III Low Hazard Industrial Landfill

FACILITY ID NUMBER: 397348

COUNTY: Marquette

LICENSE NUMBER: 9380

ISSUE DATE: April 3, 2014

EXPIRATION DATE: April 3, 2019

FACILITY DESCRIPTION: The Wisconsin Electric Power Company, Presque Isle Power Plant Ash Landfill, a Type III low hazard industrial landfill, consists of 200 acres located in the SW 1/4 of the NW 1/4 of Section 5, T48N, R25W, South 1/2 of the NE 1/4 and the North 1/2 of the SE 1/4 of Section 6, T48N, R25W, Marquette Township, Marquette County, Michigan, as identified in Attachment A and fully described in this license.

AREA AUTHORIZED FOR DISPOSAL OF SOLID WASTE: Landfill #3, Cells 1-4, totaling 26.9 acres.

RESPONSIBLE PARTY: Mr. Leslie Kowalski
Wisconsin Electric Power Company
2701 Lakeshore Blvd North
Marquette, Michigan 49855
(906) 226-5757

RENEWAL OPERATING LICENSE: This License Number 9380 supersedes and replaces Solid Waste Disposal Area Operating License Number 9353 issued to Wisconsin Electric Power Company on April 26, 2013.

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 Section
Office of Waste Management and Radiological Protection

Licensee: Wisconsin Electric Power Company
Facility Name: Presque Isle Power Plant Ash Landfill, Type III Solid Waste Disposal Area
Operating License Number: 9380
Issue Date: April 3, 2014

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 Landfill #3 Cells 1-2 were authorized to receive waste by the previous license. This area's total acreage is 12.2 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 Landfill #3 Cells 3-4, totaling 14.7 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:

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) or portion(s) of unit(s) identified as Landfill #1 (Cells A, B and C) and Landfill #2 (Cells 1-5) had final closure certified on November 22, 1994, for Landfill #1 and January 12, 2007, (as amended April 16, 2007) for Landfill #2. This certification was reviewed and approved by the MDEQ on November 28, 1994, for Landfill #1 and April 27, 2007, for Landfill #2. This area's total acreage is 52.7 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 January 21, 2014, 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 Office of Waste Management and Radiological Protection (OWMRP), 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 Wisconsin Electric Power Company, for the Wisconsin Electric Power Company, dated January 15, 2014. 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 N/A.
 - d. Waste Characterization: N/A.

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e. Restrictive Covenant:

The Wisconsin Electric Power Company restrictive covenant on 200 acres is on file at the Marquette County Register of Deeds recorded on February 24, 2005, as Liber 2005R pages 2351. A copy is on file with the MDEQ.

f. Perpetual Care Fund Agreement, established as an escrow account, signed by Mr. Jeffrey West, Vice President and Treasurer, Wisconsin Electric Power Company on February 19, 2008, was executed by the MDEQ on March 31, 2008.

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 \$1,228,886.25 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 and iii, respectively.

ii. Financial Assurance Provided Via a Perpetual Care Fund:

The Perpetual Care Fund Agreement statement showed a balance of \$228,886.25 in the Facility's Perpetual Care Fund as of December 31, 2013.

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	\$1,000,000.00
Total Amount Received:	\$1,000,000.00

8. The following documents approved with Construction Permit Number(s) 400 issued to the Wisconsin Electric Power Company on February 27, 2002, are incorporated in this license by reference:

- a. Environmental Assessment, Presque Isle Power Plant Ash Landfill #3, prepared by STS Consultants, Ltd., dated January 12, 2000.
- b. Hydrogeological Investigation Report, Presque Isle Power Plant Ash Landfill #3, prepared by STS Consultants, Ltd., dated August 17, 2001.
- c. Hydrogeological Monitoring Plan, Presque Isle Power Plant Ash Landfill #3, prepared by STS Consultants, Ltd., dated August 17, 2001, with most recent amendments dated January 14, 2008, and approved by the DEQ on May 2, 2008.
- d. Engineering Report, Presque Isle Power Plant Ash Landfill #3, prepared by STS Consultants, Ltd., dated October 16, 2001.
- e. Engineering Plans, Sheets D1-D17, Presque Isle Power Plant Ash Landfill #3, prepared by STS Consultants, Ltd., dated October 18, 2001.

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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. Operation and Maintenance Manual, We Energies, Presque Isle Power Plant Ash Landfill #3, prepared by STS Consultants, Ltd., dated January 24, 2005.
 - b. Operation and Maintenance Plan, Wisconsin Electric Power Company Presque Isle Power Plant Ash Landfill #1 prepared by Wisconsin Electric Power Company on November 22, 1994, revised January 15, 2014, and approved by the DEQ on January 22, 2014.
 - c. Postclosure Care Plan, Wisconsin Electric Power Company Presque Isle Power Plant Ash Landfill #2 prepared by Wisconsin Electric Power Company on January 8, 2007, revised January 6, 2014 and approved by the DEQ on January 22, 2014.
 - d. Groundwater Monitoring Plan, Wisconsin Electric Power Company Presque Isle Power Plant Ash Landfill #1 (Cells A, B and C), prepared by STS Consultants, Ltd., with the most recent amendments on January 3, 2014, and approved by the DEQ on January 31, 2014.
 - e. Groundwater Monitoring Plan, Wisconsin Electric Power Company Presque Isle Power Plant Ash Landfill #2 (Cells 1-5), prepared by STS Consultants, Ltd., with the most recent amendments on March 7, 2007, and approved by the DEQ on March 21, 2007.
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 OWMRP, Upper Peninsula District Office Supervisor, for review and approval.
13. The licensee shall conduct hydrogeological monitoring in accordance with the following approved hydrogeological monitoring plans:
- a. Landfill #1 (Cells A, B, and C): prepared by STS Consultants, Ltd., with most recent amendments on January 3, 2014, and approved by the DEQ on January 31, 2014.
 - b. Landfill #2 (Cells 1-5): prepared by STS Consultants, Ltd., with most recent amendments on March 7, 2007, and approved by the DEQ on March 21, 2017.
 - c. Landfill #3: prepared by STS Consultants, Ltd., dated August 17, 2001, with recent amendments dated January 14, 2008, and approved by the DEQ on May 2, 2008.
- The sampling analytical results shall be submitted to the MDEQ's, OWMRP, Upper Peninsula and Gaylord District Office.
14. Modifications to the approved hydrogeological monitoring plan referenced in Item 13 may be approved, in writing, by the OWMRP, 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 OWMRP, 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 OWMRP, Upper Peninsula District Supervisor.
17. Requests for alternate daily cover may be approved, in writing, by the OWMRP, Upper Peninsula District Supervisor.

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18. Leakage Control Criteria:

This Type III Facility is a monitorable unit and, therefore, does not need to be in compliance with the leakage control criteria of R 299.4422 of the Part 115 Rules.

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

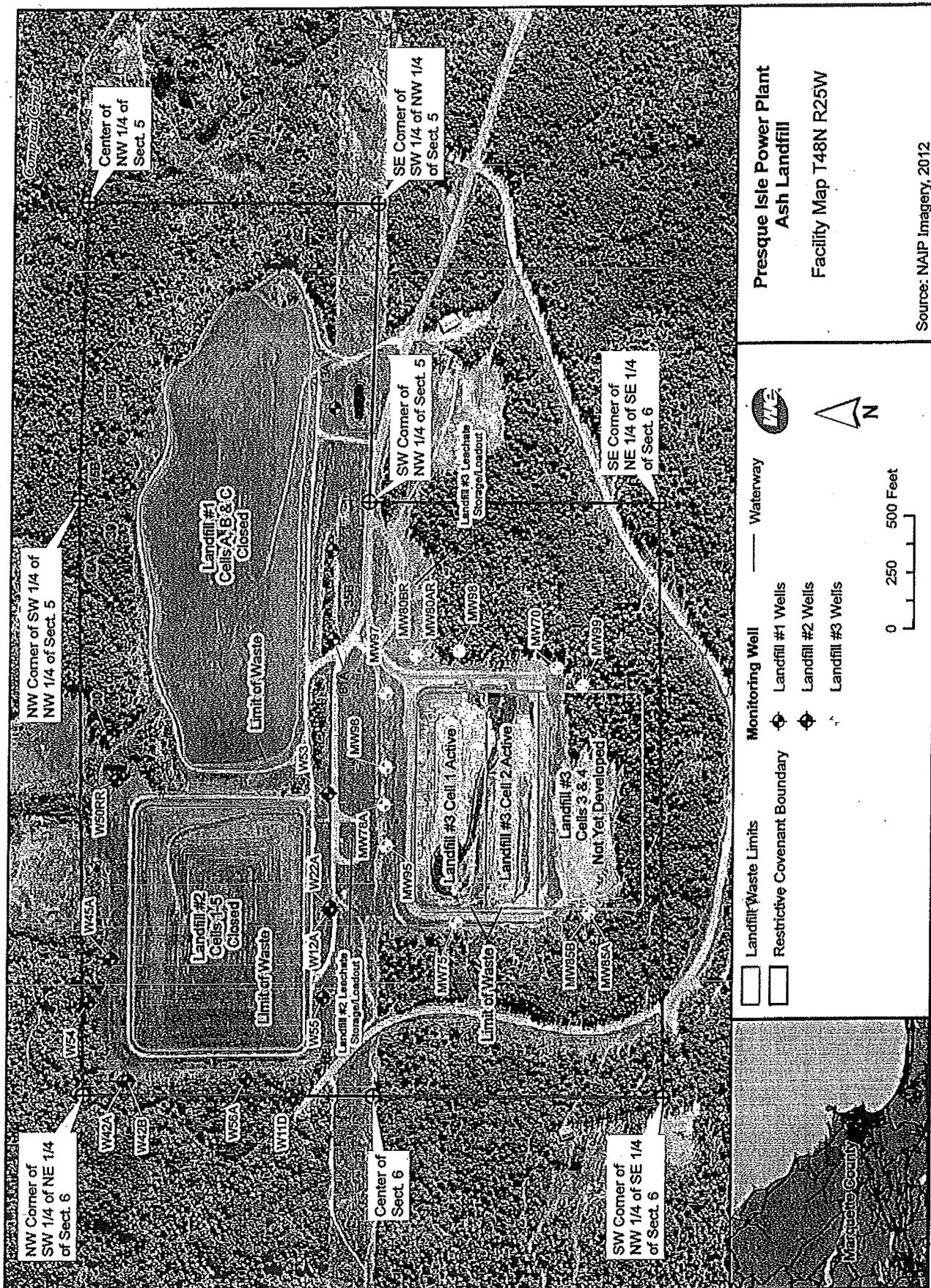
20. **SPECIAL CONDITIONS:**

- a. Ash produced by the Marquette Board of Light and Power Shiras Steam Plant is authorized for disposal at this facility.
- b. The post-closure period for Wisconsin Electric Power Company Ash Landfill #1 and Ash Landfill #2 will not begin until Ash Landfill #3 is certified closed as long as the financial assurance for the three landfill units is combined.

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



Presque Isle Power Plant
Ash Landfill
Facility Map T48N R25W

Source: NAIP Imagery, 2012

