EGLE

Michigan Department of Environment, Great Lakes, and Energy
Materials 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: Presque Isle Power Plant Ash Landfill

LICENSEE/OPERATOR: Wisconsin Electric Power Company

FACILITY OWNER: Wisconsin Electric Power Company

PROPERTY OWNER: Wisconsin Electric Power Company

FACILITY TYPE(S): Coal Ash Landfill

FACILITY ID NUMBER: 397348

COUNTY: Marquette

LICENSE NUMBER: 9576

ISSUE DATE: October 25, 2019

EXPIRATION DATE: October 25, 2024

FACILITY DESCRIPTION: The Wisconsin Electric Power Company, Presque Isle Power Plant Ash Landfill, a Coal Ash 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: None.

RESPONSIBLE PARTY: Mr. Les Kowalski, Asset Manager
Wisconsin Electric Power Company
2701 Lakeshore Boulevard
Marquette, Michigan 49855
(906) 226-5757

RENEWAL OPERATING LICENSE: This License Number 9576 supersedes and replaces Solid Waste Disposal Area Operating License Number 9380 issued to Wisconsin Electric Power Company on April 3, 2014.

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

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: N/A.

3. The following portions of the Facility **WILL BE** authorized to receive solid waste by this license following approval by the Michigan Department of Environment, Great Lakes, and Energy (EGLE) of construction certification: N/A.

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 Landfill #3, Cells 3-4 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 14.7 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. **EXISTING UNIT(S):** The unit(s) or portion(s) of unit(s) identified as Ash Landfill #1 (Cells A, B, and C) and Ash Landfill #2 (Cells 1-5) had final closure certified on November 22, 1994, for Ash Landfill #1, and January 12, 2007, (as amended April 16, 2007) for Ash Landfill #2. This certification was reviewed and approved by EGLE on November 28, 1994, for Ash Landfill #1, and April 27, 2007, for Ash Landfill #2. This area's total acreage is 52.7 acres.

      ii. The units identified as Ash Landfill #3, Cells 1 and 2 had final closure certified on October 21, 2019. This area's total acreage is 12.2 acres. Therefore, the post-closure period for Wisconsin Electric Power Company Ash Landfill #1, Ash Landfill #2, and Ash Landfill #3 began on October 21, 2019.

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 March 27, 2019, 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 Materials Management Division (MMD), Marquette District Office Supervisor, of any inaccuracies in the information in the Application upon discovery.

7. This license is issued based on EGLE's review of the Application, submitted by Wisconsin Electric Power Plant, for the Wisconsin Electric Power Plant, dated March 22, 2019. The Application consists of the following:

   a. Application Form EQP 5507.

   b. Application fee in the amount of $13,000.00.

   c. Certification of construction by GEI Consultants, dated October 2019.

   d. Waste Characterization: N/A.

   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 EGLE.

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 EGLE 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 $1,243,369.09 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 $243,369.09 in the Facility's Perpetual Care Fund as of September 30, 2019.

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

iv. Financial Assurance Updates Required: N/A.

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., received by EGLE on October 31, 2001, and approved on February 27, 2002.

b. Hydrogeological Investigation Report, Presque Isle Power Plant Ash Landfill #3, prepared by STS Consultants, Ltd., received by EGLE on October 31, 2001, and approved on January 23, 2002.

d. Engineering Report, Presque Isle Power Plant Ash Landfill #3, prepared by STS Consultants, Ltd., received by EGLE on October 31, 2001, and approved on February 27, 2002.

e. Engineering Plans, Sheets D1-D17, Presque Isle Power Plant Ash Landfill #3, prepared by STS Consultants, Ltd., received by EGLE on October 31, 2001, and approved on February 27, 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:

a. Construction Documentation Report, Volumes 1 and 2, We Energies Presque Isle Power Plant Ash Landfill #3 Cell 1, prepared by STS Consultants, LTD., dated October 25, 2004, and approved by EGLE on November 22, 2004.

b. Operation and Maintenance Manual, We Energies, Presque Isle Power Plant Ash Landfill #3, prepared by STS Consultants, Ltd., dated January 24, 2005.

c. 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 EGLE on March 21, 2007.

d. Construction Documentation Report, We Energies Presque Isle Power Plant Ash Landfill #3, Cell 2, prepared by STS/AECOM, dated January 21, 2008, and approved by EGLE on May 2, 2008.

e. 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 EGLE on January 22, 2014.

f. 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 EGLE on January 31, 2014.

g. Wisconsin Electric Power Company Presque Isle Power Plant Ash Landfill #3 Cell #1 Final Cover Construction Certification Report, prepared by GEI Consultants, dated March 5, 2015, revised August 10, 2015, and August 14, 2015, and approved by EGLE on August 20, 2015.

h. We-Energies Presque Isle Power Plant Ash Landfill #3 Final Cover Construction Report, prepared by GEI Consultants, dated January 17, 2019, and approved by EGLE on March 19, 2019.

i. 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 October 1, 2019, and approved by EGLE on October 7, 2019.

j. Postclosure Care Plan Wisconsin Electric Power Company Presque Isle Power Plant Ash Landfill #3, prepared by Wisconsin Electric Power Company on October 1, 2019, and approved by EGLE on October 7, 2019.

k. Construction Documentation Report, Presque Isle Power Plant Landfill #3, Cell 2, prepared by GEI Consultants, dated October 2019, and approved by EGLE on Octobe21, 2019.

l. We Energies Hydrogeologic Monitoring Plan Presque Isle Power Plant Ash Landfill #3, prepared by Ramboll, dated October 17, 2019, and approved by EGLE on October 21, 2019.

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 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, Marquette District Office Supervisor, for review and approval.

13. The licensee shall conduct hydrogeological monitoring in accordance with the approved hydrogeological monitoring plan, dated October 17, 2019, "We Energies Hydrogeologic Monitoring Plan Presque Isle Power Plant Ash Landfill #3, prepared by Ramboll, and approved by EGLE on October 21, 2019; 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 EGLE on March 21, 2007; and 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 EGLE on January 31, 2014. The sampling analytical results shall be submitted to EGLE's MMD, Gaylord District Office.

14. Modifications to the approved hydrogeological monitoring plan referenced in Item 13 may be approved, in writing, by the MMD, Marquette District Office 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 the MMD, Marquette District Office 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 MMD, Marquette District Office Supervisor.

17. Requests for alternate daily cover may be approved, in writing, by the MMD, Marquette District Office Supervisor.

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.

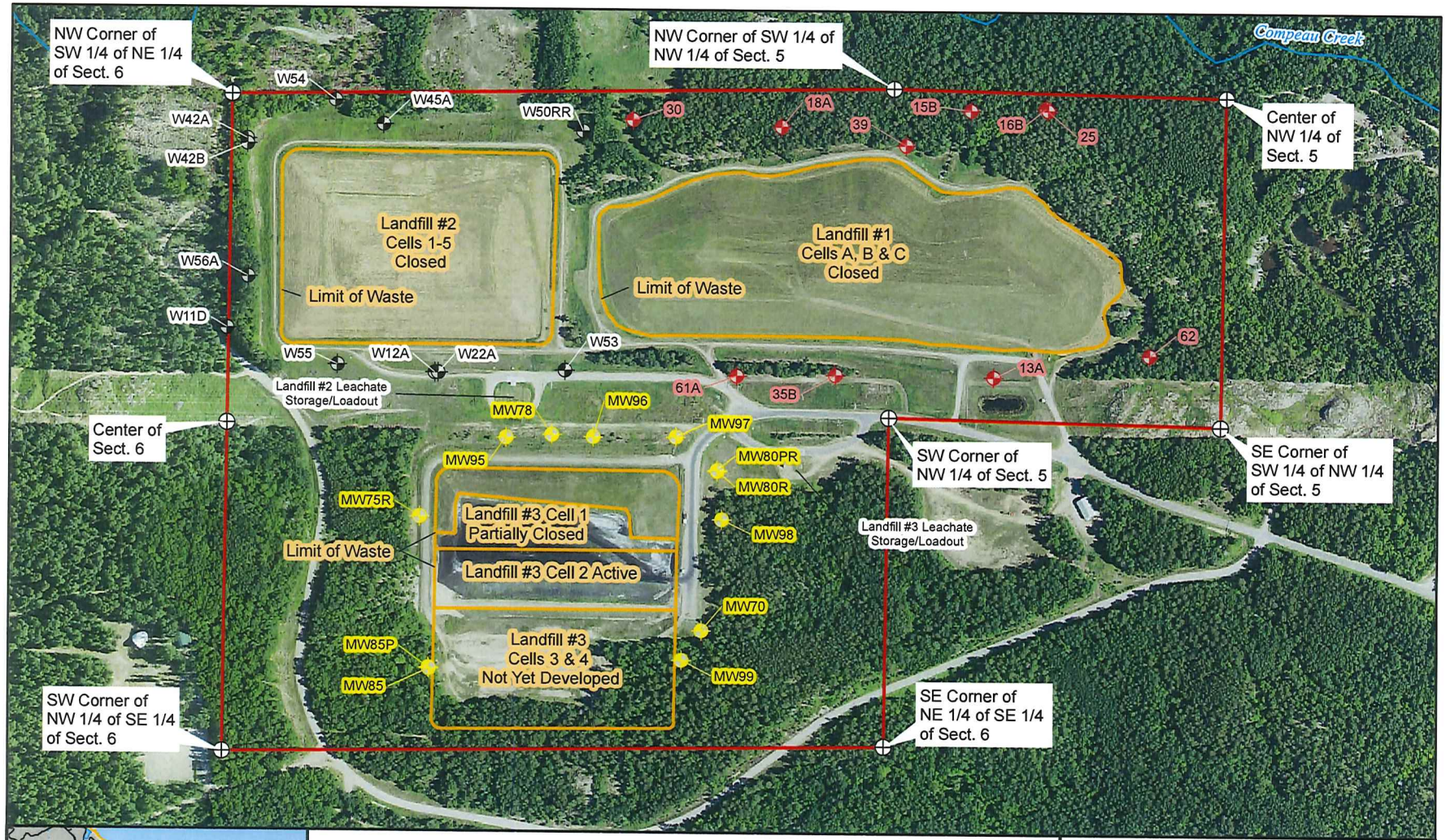
19. **VARIANCES**: The licensee is granted the following variance(s) from Part 115 and/or the Part 115 Rules: None.

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

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



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