



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: County of Muskegon Solid Waste Facility

LICENSEE/OPERATOR: County of Muskegon Board of Public Works

FACILITY OWNER: County of Muskegon Board of Public Works

PROPERTY OWNER: County of Muskegon Board of Public Works

FACILITY TYPE(S): Municipal Solid Waste Landfill

FACILITY ID NUMBER: 440983

COUNTY: Muskegon

LICENSE NUMBER: 9715

ISSUE DATE: October 6, 2023

EXPIRATION DATE: October 6, 2028

FACILITY DESCRIPTION: The County of Muskegon Solid Waste Facility, a municipal solid waste landfill, consists of 301.31 acres located in the S 1/2 of the S 1/2 of Section 19, T10N, R14W Moorland Township and the S 1/2, Egelston Township, Muskegon 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: Gregory A. Leverence, Solid Waste Manager
County of Muskegon Department of Public Works
9366 Apple Avenue
Ravenna, Michigan 49451
231-724-6003

RENEWAL OPERATING LICENSE: This License Number 9715 supersedes and replaces Solid Waste Disposal Area Operating License Number 9548 issued to County of Muskegon Solid Waste Facility on April 9, 2019.

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: County of Muskegon Board of Public Works
Facility Name: County of Muskegon Solid Waste Facility
Operating License Number: 9715
Issue Date: October 6, 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 4, Cell 5 and Gap Cell were authorized to receive waste by the previous license. This area's total acreage is 35.3 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 6 and Cell 7, totaling 26.2 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 8 and Cell 9 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 25.4 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 Act 87 and Cell 1 had final closure certified on November 3, 1987, and July 16, 1991. This certification was reviewed and approved by EGLE on September 4, 2007, and December 29, 2010. This area's total acreage is 26 acres.

ii. **EXISTING UNIT(S):** The unit(s) or portion(s) of unit(s) identified as Cell 2 and Cell 3 had final closure certified on June 1994, November 1992, October 5, 2017, and May 5, 2021. This certification was reviewed and approved by EGLE on May 26, 1999, December 8, 2017, and June 23, 2021. This area's total acreage is 28.7 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 EGLE on July 11, 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 Grand Rapids District Supervisor, of any inaccuracies in the information in the Application upon discovery.

Licensee: County of Muskegon Board of Public Works
Facility Name: County of Muskegon Solid Waste Facility
Operating License Number: 9715
Issue Date: October 6, 2023

7. This license is issued based on EGLE's review of the Application, submitted by County of Muskegon Board of Public Works, for the County of Muskegon Solid Waste Facility, dated July 7, 2023, and revised October 4, 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:
 - i. The February 18, 2000 restrictive covenant on 147.28 acres is on file at the Muskegon County Register of Deeds recorded on March 21, 2000, as Liber 3026 pages 256-258. A copy is on file with EGLE.
 - ii. A restrictive covenant on 154.03 acres signed by the Applicant on September 8, 2023, was included in the Application and will be signed by EGLE and filed with the Muskegon County Register of Deeds.

f. Perpetual Care Fund Agreement (PCF), established as a trust account, signed by Louis McMurry, Chairman, Muskegon County Board of Public Works on February 19, 1997, was executed by EGLE on May 21, 1997.

g. Landfill Care Fund:

- i. Landfill Care Fund Agreement (LCF), established as an escrow account, signed by Angela Gasiewski, Finance Director, Muskegon County on September 27, 2023, was executed by EGLE on October 4, 2023.
- ii. LCF bond with a standby escrow account, signed by Angela Gasiewski, Finance Director, Muskegon County on September 27, 2023, was executed by EGLE on October 4, 2023.

h. 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 \$17,092,209.00.

The Facility has provided financial assurance totaling \$18,657,500.45, 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:

Irrevocable Letter of Credit \$4,000,000.00

Total Amount Received: \$4,000,000.00

- iii. Financial Assurance Provided Via a Perpetual Care Fund: N/A.

The Perpetual Care Fund Agreement statement showed a balance of \$3,056,954.15 in the Facility's Perpetual Care Fund as of September 30, 2023. Of this amount, EGLE has granted the request to use \$3,056,954.15 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 \$11,600,546.30. Financial capability demonstrated by a financial test must be updated each fiscal year. The next update is due March 30, 2024, 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 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) 4176 issued to County of Muskegon Board of Public Works on August 25, 2022, are incorporated in this license by reference:
- a. Engineering Plans Sheet Numbers 1-5 (1980); 1 - 14 (2002); C-1 - C-16 (Gap Cell 2007); Sheets 100-1 - 900-4 (2022 Cells 6-9) (77 sheets total).
 - b. Volume I (Introduction and Environmental Assessment).
 - c. Volume II (Hydrogeologic Investigation).
 - d. Volume III (Hydrogeologic Monitoring Plan and Topographic Map Report).
 - e. Volume IV (Engineering Report).
 - f. Volume V (Operations Plan, CQA Plan and Copy of RAP).
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: None.
10. Consent Order/Judgment Number: MMD Consent Order Number 115-05-2022 entered on April 14, 2022, 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 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 Grand Rapids District Supervisor, for review and approval.

Licensee: County of Muskegon Board of Public Works
 Facility Name: County of Muskegon Solid Waste Facility
 Operating License Number: 9715
 Issue Date: October 6, 2023

13. The licensee shall conduct hydrogeological monitoring in accordance with the approved hydrogeological monitoring plan, dated August 2022. The sampling analytical results shall be submitted to EGLE's MMD Grand Rapids District Office.
14. Modifications to the approved hydrogeological monitoring plan referenced in Item 13 may be approved, in writing, by EGLE's MMD Grand Rapids 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 Grand Rapids 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 Grand Rapids District Supervisor.
17. Requests for alternate daily cover may be approved, in writing, by EGLE's MMD Grand Rapids 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) designed with a double-liner system that is in compliance with the provisions of R 299.4422(3) of the Part 115 Rules and that is capable of detecting and collecting leakage through the primary composite liner. The action flow rate for each unit containing a secondary collection system 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>
(1) Foundry Sand	Kurdziel Iron	Varies
(2) Foundry Sand	Eagle Alloy	Varies
(3) Foundry Sand	CWC	Varies
(4) Foundry Sand	DML (Montague)	Varies
(5) Foundry Sand	Tri State Aluminum	Varies
(6) Foundry Sand	NFCA	Varies
(7) Foundry Sand	Century Foundry	Varies
(8) Foundry Sand	Ravenna Ductile Iron	Varies
(9) Processed Foundry Sand	RRC–Ottawa County Farms	Varies

- (10) Dried Wastewater Sludge with a density of fecal coliform in the biosolids of less than 1000 most probable number per gram of total solids (dry weight basis). Muskegon County Wastewater 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 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.

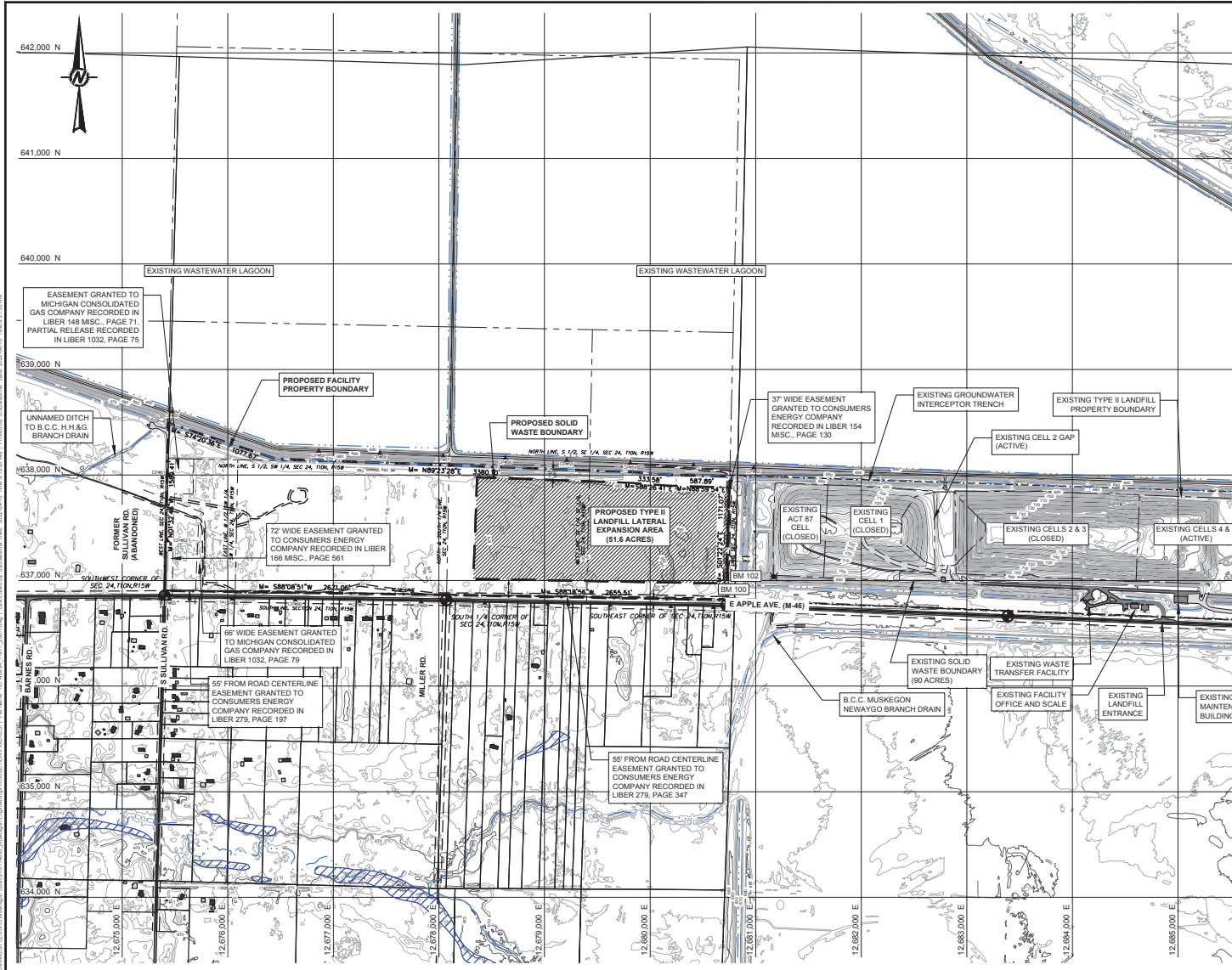
END OF LICENSE

If you need this information in an alternate format, contact EGLE-Accessibility@Michigan.gov or call 800-662-9278.

EGLE does not discriminate on the basis of race, sex, religion, age, national origin, color, marital status, disability, political beliefs, height, weight, genetic information, or sexual orientation in the administration of any of its programs or activities, and prohibits intimidation and retaliation, as required by applicable laws and regulations. Questions or concerns should be directed to the Nondiscrimination Compliance Coordinator at EGLE-NondiscriminationCC@Michigan.gov or 517 249-0906.

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

Attachment A



- LEGEND**
- EXISTING PROPERTY BOUNDARY
 - - - - EXPANSION PROPERTY BOUNDARY
 - EXISTING SOLID WASTE BOUNDARY
 - PROPOSED SOLID WASTE BOUNDARY
 - EXISTING MAJOR CONTOUR
 - EXISTING MINOR CONTOUR
 - EXISTING SECTION LINE
 - EXISTING SECTION CORNER
 - BM 100 EXISTING BENCHMARK

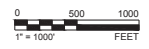
LEGAL DESCRIPTION - EXISTING FACILITY BOUNDARY
 PART OF SECTION 19, TOWN 10 NORTH, RANGE 14 WEST, MOORLAND TOWNSHIP, MUSKEGON COUNTY, MICHIGAN, DESCRIBED AS FOLLOWS, COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION, THENCE NORTH 01°34'30" WEST ALONG THE EAST LINE OF SAID SECTION, 50.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF APPLE AVENUE (HWY M-46) FOR POINT OF BEGINNING, THENCE SOUTH 89°31'00" WEST, PARALLEL TO AND 50.00 FEET NORTH OF THE SOUTH LINE OF SAID SECTION, ALONG THE NORTH RIGHT-OF-WAY LINE OF APPLE AVENUE, 5346.88 FEET TO THE WEST LINE OF SAID SECTION; THENCE NORTH 01°22'30" WEST, ALONG SAID WEST LINE, 1183.00 FEET; THENCE NORTH 89°09'58" EAST 5342.20 FEET TO THE EAST LINE OF SAID SECTION; THENCE SOUTH 01°34'30" EAST ALONG SAID EAST LINE, 1218.00 FEET TO POINT OF BEGINNING.

OVERALL AREA OF FACILITY AND AREA IN COVENANT = 147.28 ACRES

LEGAL DESCRIPTION - PROPOSED FACILITY BOUNDARY
 PART OF THE SOUTH 1/2 OF SECTION 24, TOWN 10 NORTH, RANGE 15 WEST, EGELSTON TOWNSHIP, MUSKEGON COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION, THENCE ALONG THE EAST LINE OF SAID SECTION, NORTH 01 DEGREES 32 MINUTES 24 SECONDS WEST 50.00 FEET TO THE NORTH RIGHT-OF-WAY OF APPLE AVENUE FOR THE POINT OF BEGINNING, THENCE SOUTH 88 DEGREES 18 MINUTES 56 SECONDS WEST 2855.51 FEET TO A POINT ON THE NORTH AND SOUTH 1/4 LINE OF SAID SECTION WHICH LIES NORTH 01 DEGREES 34 MINUTES 28 SECONDS WEST 90.00 FEET FROM THE SOUTH 1/4 CORNER OF SAID SECTION, THENCE SOUTH 88 DEGREES 18 MINUTES 51 SECONDS WEST 2671.56 FEET TO A POINT ON THE WEST LINE OF SAID SECTION WHICH LIES NORTH 01 DEGREES 32 MINUTES 48 SECONDS WEST 90.00 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION (THE PREVIOUS 2 CALLS BEING ALONG THE NORTH RIGHT-OF-WAY LINE OF APPLE AVENUE), THENCE ALONG SAID WEST LINE NORTH 01 DEGREES 32 MINUTES 48 SECONDS WEST 1598.41 FEET; THENCE SOUTH 74 DEGREES 20 MINUTES 36 SECONDS EAST 1077.07 FEET; THENCE NORTH 89 DEGREES 23 MINUTES 28 SECONDS EAST 3380.10 FEET; THENCE SOUTH 88 DEGREES 26 MINUTES 41 SECONDS EAST 333.88 FEET; THENCE NORTH 89 DEGREES 59 MINUTES 54 SECONDS EAST 897.89 FEET (THE PREVIOUS 4 CALLS BEING ALONG THE CENTERLINE OF A DRAINAGE DITCH TO THE EAST LINE OF SAID SECTION 24, THENCE ALONG SAID EAST LINE SOUTH 01 DEGREES 22 MINUTES 24 SECONDS EAST 1171.07 FEET TO THE POINT OF BEGINNING, CONTAINS 154.03 ACRES (6,709,547 ± SQ FT), SUBJECT TO EASEMENTS, RESTRICTIONS AND RIGHTS-OF-WAY APPARENT AND OF RECORD.

OVERALL AREA OF FACILITY = 154.03 ACRES

- REFERENCES)**
1. LEGAL DESCRIPTION OF EXISTING FACILITY BOUNDARY FROM MUSKEGON COUNTY LANDFILL TYPE II LANDFILL ENGINEERING PLANS, DATED MARCH 2002, SHEET 2.
 2. LEGAL DESCRIPTION OF PROPOSED FACILITY BOUNDARY WAS BASED ON PARENT PARCEL DESCRIPTION IN TRANSACTION TITLE COMMITMENT NO. 279789K, DATED AUGUST 1, 2019, MUSKEGON COUNTY RECORDS AND PREPARED BY DRESENKA AND ASSOCIATES, INC. DATED AUGUST 16, 2019.



CLIENT
MUSKEGON COUNTY DEPARTMENT OF PUBLIC WORKS
 MUSKEGON COUNTY TYPE II LANDFILL
 EGELSTON TOWNSHIP, MUSKEGON COUNTY, MI

CONSULTANT
wsp GOLDER
 HOLLAND
 400 136TH AVE., BUILDING 100, SUITE B
 HOLLAND, MI 49424
 USA
 (616) 994-6541
 www.golder.com

PROJECT
CONSTRUCTION PERMIT APPLICATION

TITLE
SITE LOCATION MAP

0	2022-04-18	ISSUED FOR ENGINEERING REPORT	DJS	SSF	BAL	BAL
REV.	YYYY-MM-DD	DESCRIPTION	DESIGNED	PREPARED	REVIEWED	APPROVED

PROJECT NO.	CONTROL	REV.	of	FIGURE
21500725		0		1

FILE: \\golder.com\c\clients\muskegon_county\type_ii_landfill\muscogon_county_type_ii_landfill_site_location_map.dwg (PLOT) - Date: 2022-04-18 10:26:27 AM
 PLOT: \\golder.com\c\clients\muskegon_county\type_ii_landfill\muscogon_county_type_ii_landfill_site_location_map.dwg (PLOT) - Date: 2022-04-18 10:26:27 AM