



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: Niagara Development LLC d/b in Michigan as Niagara Development Partners

LICENSEE/OPERATOR: Niagara Development LLC

FACILITY OWNER: Niagara Development LLC

PROPERTY OWNER: Niagara Development LLC

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

FACILITY ID NUMBER: 470397

COUNTY: Dickinson

LICENSE NUMBER: 9452

ISSUE DATE: September 3, 2015

EXPIRATION DATE: September 3, 2020

FACILITY DESCRIPTION: The Niagara Development LLC d/b in Michigan as Niagara Development Partners, a Type III low hazard industrial landfill and Type III Construction and Demolition Landfill, consists of 68 acres located in the E 1/2 of the SW 1/4 of Section 13, T39N, R30W, Breitung Township, Dickinson County, Michigan, as identified in Attachment A and fully described in this license.

AREA AUTHORIZED FOR DISPOSAL OF SOLID WASTE: Phase II, totaling 5.9 acres.

RESPONSIBLE PARTY: Mr. Nick Ghere, Manager
1101 Mill Street
Niagara, Wisconsin 54151
(715) 251-3151

RENEWAL OPERATING LICENSE: This License Number 9452 supersedes and replaces Solid Waste Disposal Area Operating License Number 9333 issued to Niagara Development Partners LLC on July 27, 2012.

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: Niagara Development LLC
Facility Name: Niagara Development LLC d/b/a in Michigan as Niagara Development Partners
Operating License Number: 9452
Issue Date: September 3, 2015

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 Phase II were authorized to receive waste by the previous license. This area's total acreage is 5.9 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: None.
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 III-V 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 16.8 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:
EXISTING UNIT(S): The unit(s) or portion(s) of unit(s) identified as Phase I had final closure certified on December 21, 2011. This certification was reviewed and approved by the MDEQ on February 27, 2012. This area's total acreage is 6.3 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 June 10, 2015, 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 Niagara Development LLC, for the Niagara Development LLC d/b in Michigan as Niagara Development Partners, dated June 8, 2015, and revised on June 11, 2015. 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 STS Consultants, LTD, dated December 18, 2006.
 - d. Waste Characterization: N/A.

Licensee: Niagara Development LLC
Facility Name: Niagara Development LLC d/b/a in Michigan as Niagara Development Partners
Operating License Number: 9452
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e. Restrictive Covenant:

The Niagara Development LLC restrictive covenant on 42.9 acres is on file at the Dickinson County Register of Deeds recorded on September 30, 2002, as Liber 478 pages 595-597. A copy is on file with the MDEQ.

f. Perpetual Care Fund Agreement, established as an escrow account, signed by Mr. Eric Spirtas, President, Niagara Development LLC on May 23, 2012, was executed by the MDEQ on July 27, 2012.

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 \$315,167.82 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, iii, and iv respectively.

ii. Financial Assurance Provided Via a Perpetual Care Fund:

The Perpetual Care Fund Agreement statement showed a balance of \$71,167.82 in the Facility's Perpetual Care Fund as of May 31, 2015.

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 | \$244,000.00 |
| Total Amount Received: | \$244,000.00 |

8. The following documents approved with construction permit 4144 issued to the Niagara Development, LLC d/b Niagara Development Partners on May 8, 2015, are incorporated in this license by reference:

Construction Permit Application, Niagara Development Type III Landfill, Dickinson County, Volume I of II prepared for Niagara Worldwide by Golder Associates, dated January 2015, which contains the following:

- Section A – General Information (revised April 2015)
- Section B – Environmental Assessment
- Section C – Hydrogeologic Study
- Section D – Hydrogeologic Monitoring Plan (revised April 2015 and August 2015)

Construction Permit Application, Niagara Development Type III Landfill, Dickinson County, Volume II of II prepared for Niagara Worldwide by Golder Associates, dated January 2015, which contains the following:

- Section E – Topographic Maps
- Section F – Engineering Report (revised April 2015)
- Section G – Operations Plan
- Section H – Construction Quality Assurance Plan (revised April 2015)
- Section I – Drawings (revised April 2015).

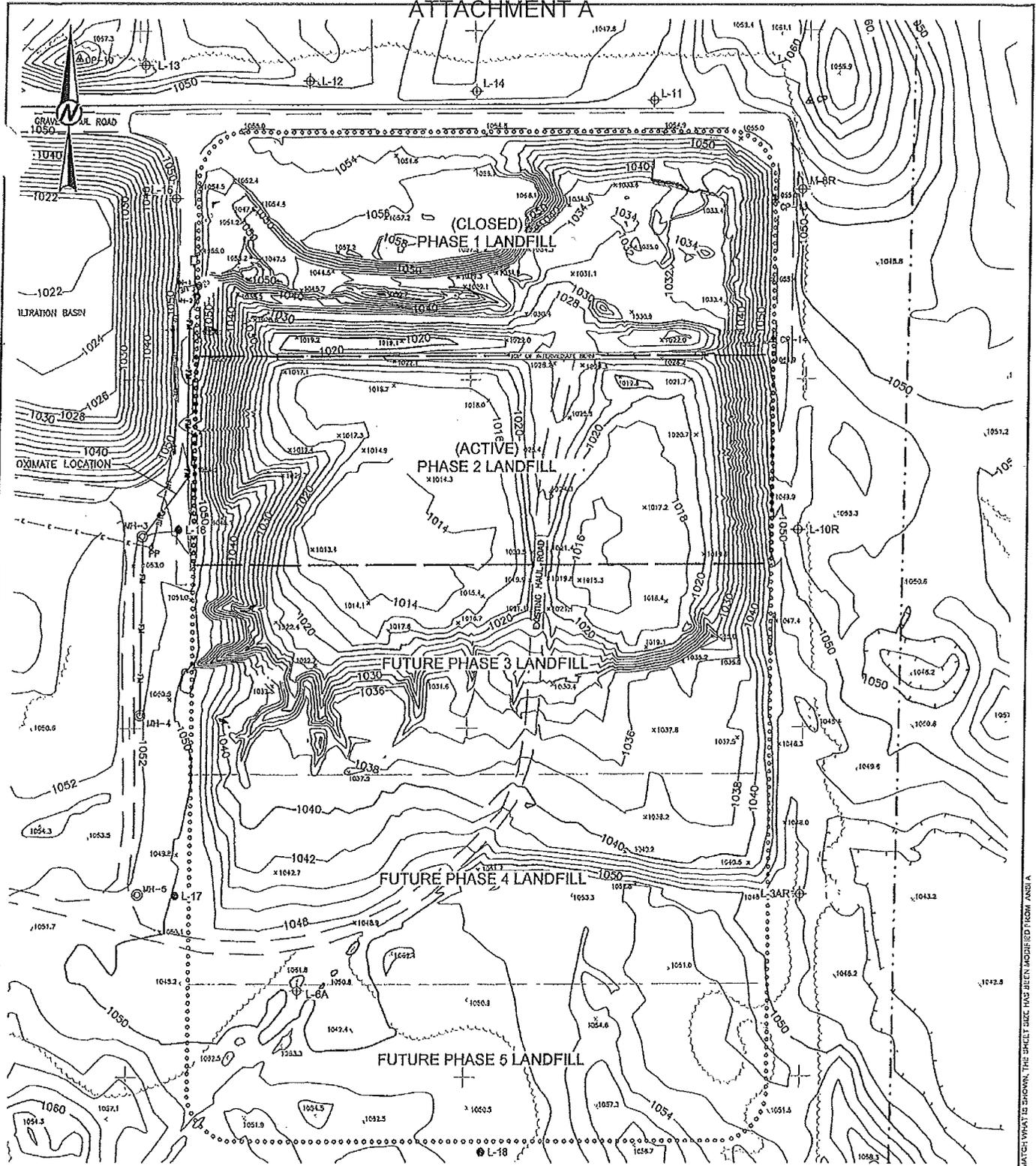
Licensee: Niagara Development LLC
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Operating License Number: 9452
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9. The following additional documents, approved since the issuance of the construction permit(s) referenced in Item 8, are incorporated in this license by reference: None.
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 approved hydrogeological monitoring plan, dated January 2015, and revised April 21, 2015, and August 2015. The sampling analytical results shall be submitted to the MDEQ's OWMRP, Upper Peninsula and Cadillac 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.
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:** None.
20. **SPECIAL CONDITIONS:**
 - a. All future landfill cells at the Niagara Development Landfill will be constructed with a single composite liner system that includes a geomembrane on top of a geosynthetic clay liner.
 - b. The Action Flow Rate (AFR) for the Secondary Collection System at the Niagara Development Landfill is 25 gallons/acre/day. Monthly reports showing the AFRs shall be kept at the Landfill.
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



REFERENCE
 BASE MAP TAKEN FROM "EXISTING SITE CONDITIONS",
 DATED 10/2008, FROM STS CONSULTANTS TYPE III
 LANDFILL-CONSTRUCTION DOCUMENTATION DRAWINGS.

LEGEND
 EXISTING MONITORING WELL LOCATION
 PROPOSED MONITORING WELL LOCATION

0 100 200
 SCALE: APPROX. FEET

CLIENT
 NIAGARA WORLDWIDE
 DICKINSON COUNTY, MICHIGAN

PROJECT
 TYPE III LANDFILL
 PERMIT APPLICATION

| | | |
|------------|------------|------------|
| CONSULTANT | YYYY-MM-DD | 2014-11-12 |
| | PREPARED | JJS |
| | DESIGN | JJS |
| | REVIEW | DML |
| | APPROVED | CEP |



TITLE
 ENVIRONMENTAL MONITORING LOCATION MAP

PROJECT No 1414160 CONTROL Rev. --- FIGURE 2

4:1181_NiagaraProduction-Help | File Name: 1414160001.dwg

Path: Niara\eng\CAD\Projects\1414160

1 in. IF THIS MEASUREMENT DOES NOT MATCH WHAT IS SHOWN, THE SHEET SIZE HAS BEEN MODIFIED FROM ANSI A