



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: Southeast Berrien County Landfill

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: 9732

ISSUE DATE: May 15, 2024

EXPIRATION DATE: May 15, 2029

FACILITY DESCRIPTION: The Southeast Berrien County Landfill, a Municipal Solid Waste Landfill, consists of 228.8 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: See Attachment A, and items 2 and 3 of this license.

RESPONSIBLE PARTY: Thomas Gordon
Southeast Berrien County Landfill Authority
1540 Mayflower Road
Niles, Michigan, 49120
269-695-2500

RENEWAL OPERATING LICENSE: This License Number 9732 supersedes and replaces Solid Waste Disposal Area Operating License Number 9689 issued to Southeast Berrien County Landfill Authority on December 9, 2022.

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

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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 III-A, III-B, III-C, IV-A, IV-B, IV-C, V-A, V-B, V-C, VI-A, VI-B were authorized to receive waste by the previous license. This area's total acreage is 55 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 VI-C, totaling 8.3 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:

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 Phase I and Phase II had final closure certified on October 17, 1984, and September 9, 1992. This certification was reviewed and approved by EGLE on October 14, 1992. This area's total acreage is 10.8 acres.
- ii. **EXISTING UNIT(S):** The unit(s) or portion(s) of unit(s) identified as III-A, III-B, III-C, IV-A, IV-A overfill and IV-B 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 EGLE 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.
- iii. **OTHER DISPOSAL AREAS:** Three old fill areas certified closed on July 3, 1990. This area's total acreage is 2.7 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 December 6, 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 Kalamazoo District Supervisor, of any inaccuracies in the information in the Application upon discovery.

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7. This license is issued based on EGLE's review of the Application, submitted by Richard Simon (Accounting Manager), for the License to Operate a Solid Waste Disposal Area Application, dated December 6, 2023, and revised April 30, 2024. 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 NA, dated N/A.
- d. Waste Characterization: N/A.
- e. Restrictive Covenant:

A restrictive covenant on 99.9 acres signed by the Applicant on May 1, 2024, was included in the Application and will be signed by EGLE and filed with the Berrien County Register of Deeds.

- f. Perpetual Care Fund Agreement (PCF), established as an escrow account, signed by Bruce Knapp, General Manager, Southeast Berrien County Landfill Authority on January 29, 1997, was executed by EGLE 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 EQP5507ACE entitled, "Form A, Financial Assurance Required," and is \$20,783,608.13.

The Facility has provided financial assurance totaling \$21,452,629.24, 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:

Surety Bond	\$5,179,016.00
Irrevocable Letter of Credit	\$9,965,000.00
Total Amount Received:	\$15,144,016.00

iii. Financial Assurance Provided Via a Perpetual Care Fund:

The Perpetual Care Fund Agreement statement showed a balance of \$3,053,302.24 in the Facility's Perpetual Care Fund as of March 31, 2024. Of this amount, EGLE has granted the request to use \$3,053,302.24 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 \$3,255,311.00. Financial capability demonstrated by a financial test must be updated each fiscal year. The next update is due December 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) 4185 issued to Southeast Berrien County Landfill on July 14, 2023, are incorporated in this license by reference:

Southeast Berrien County Landfill 2023 Construction Permit Application (CPA) Phase VI Expansion Dated March 13, 2023, and last revised June 29, 2023, including:

- a. Permit Forms included in Appendix A of the 2023 CPA containing the Application for Permit to Construct a Solid Waste Disposal Area, signature sheet revised June 29, 2023.
- b. List of Drawings 1 to 7L prepared March 2023 and revised June 2023.
- c. Environmental Assessment Information included in Appendix B of the 2023 CPA containing the General Site Layout sheets revised June 27, 2023.
- d. Engineering Calculations revised June 26, 2023, included in Appendix C of the 2023 CPA.
- e. Southeast Berrien County Landfill Random Load Waste Screening Plan dated November 1996 included as Appendix D of the 2023 CPA.
- f. Construction Quality Assurance Plan Southeast Berrien County Landfill dated 2007 and revised June 2023 included as Appendix E of the 2023 CPA.
- g. Southeast Berrien County Landfill Hydrogeologic Investigation Phase VI Expansion dated March 2008 included as Appendix F of the 2023 CPA.
- h. Hydrogeologic Monitoring Plan Southeast Berrien County Landfill, Revision 6, dated November 2007 included as Appendix G of the 2023 CPA.
- i. Remedial Action Plan for the Southeast Berrien County Landfill dated July 30, 2009, and revised January 29, 2010, containing a Proposed Modification to the Remedial Action Plan and an Agreement for a Limited Residential Remedial Action dated March 22, 2010, included as Appendix H of the CPA.
- j. PFAS Sampling Summary dated July 22, 2022, included as Appendix I of the 2023 CPA.
- k. NSPS XXX/NESHAP AAAA- Landfill Gas Collection and Control System Design Plan dated April 2023 and revised June 2023 included as Appendix J of the 2023 CPA.

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 Quality Assurance Plan Southeast Berrien County Landfill dated 2007 and revised August 2023.
- b. Alternate daily cover material request for the use of Posi-Shell Base Mix approved by EGLE on February 22, 2024.
- c. Hydrogeologic Monitoring Plan Southeast Berrien County Landfill revision 7, May, 2024.

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10. Consent Order/Judgment Number: MMD Consent Order Number 115-07-31-01-04 entered on July 19, 2004, and MMD Consent Order Number 115-07-31-04-06A and 115-07-31-04-06A-08B entered on April 6, 2006, and August 8, 2008, are 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 Kalamazoo District Supervisor, for review and approval.
13. The licensee shall conduct hydrogeological monitoring in accordance with the approved hydrogeological monitoring plan, dated May 2024. The sampling analytical results shall be submitted to EGLE's MMD Kalamazoo District Office.
14. Modifications to the approved hydrogeological monitoring plan referenced in Item 13 may be approved, in writing, by EGLE's MMD Kalamazoo 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 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 EGLE's MMD Kalamazoo District Supervisor.
17. Requests for alternate daily cover may be approved, in writing, by EGLE's MMD Kalamazoo District Supervisor.
18. Leakage Control Criteria:

The active portions of the unit(s) authorized to receive waste by this license is an unmonitorable unit(s) designed with a double-liner systems 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 and response flow rates are as follows:

 - a. 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.
 - b. The action flow rate for Phase IVB, IVC, VA, VB, VC, VIA, and VIB is 5 gallons/acre/day. The response flow rate for Phase IVB, IVC, VA, VB, VC, VIA, and VIB is 25 gallons/acre/day.
 - c. The action flow rate for Phase VIC will be 5 gallons/acre/day. The response flow rate for Phase VIC will be 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.

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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>
Wood Chips Consistent with the Berrien County Solid Waste Management Plan	Tree Trimmings, Take Downs, and Storm Damaged Trees	2580 cubic yards
Petroleum Contaminated Soils Consistent with the Berrien County Solid Waste Management Plan	Varies	Varies
Tire Chips Consistent with the Berrien County Solid Waste Management Plan	Varies	Varies
Posi-Shell	NA	

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.

b. Additional authorizations and/or reporting obligations may be required by Part 115. If material recovery, composting, waste diversion, electronics recycling, scrap tire collection, or solid waste processing/transfer activities are also being conducted at this Facility, please contact your MMD District Office to evaluate the need for additional authorizations and/or reporting.

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- c. The "Old Fill Area" was determined to consist of 2.7 acres after a re-survey of the property. This changed the permitted area from 99.2 acres (as identified in WDS) to the 99.9 acres identified in this 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.

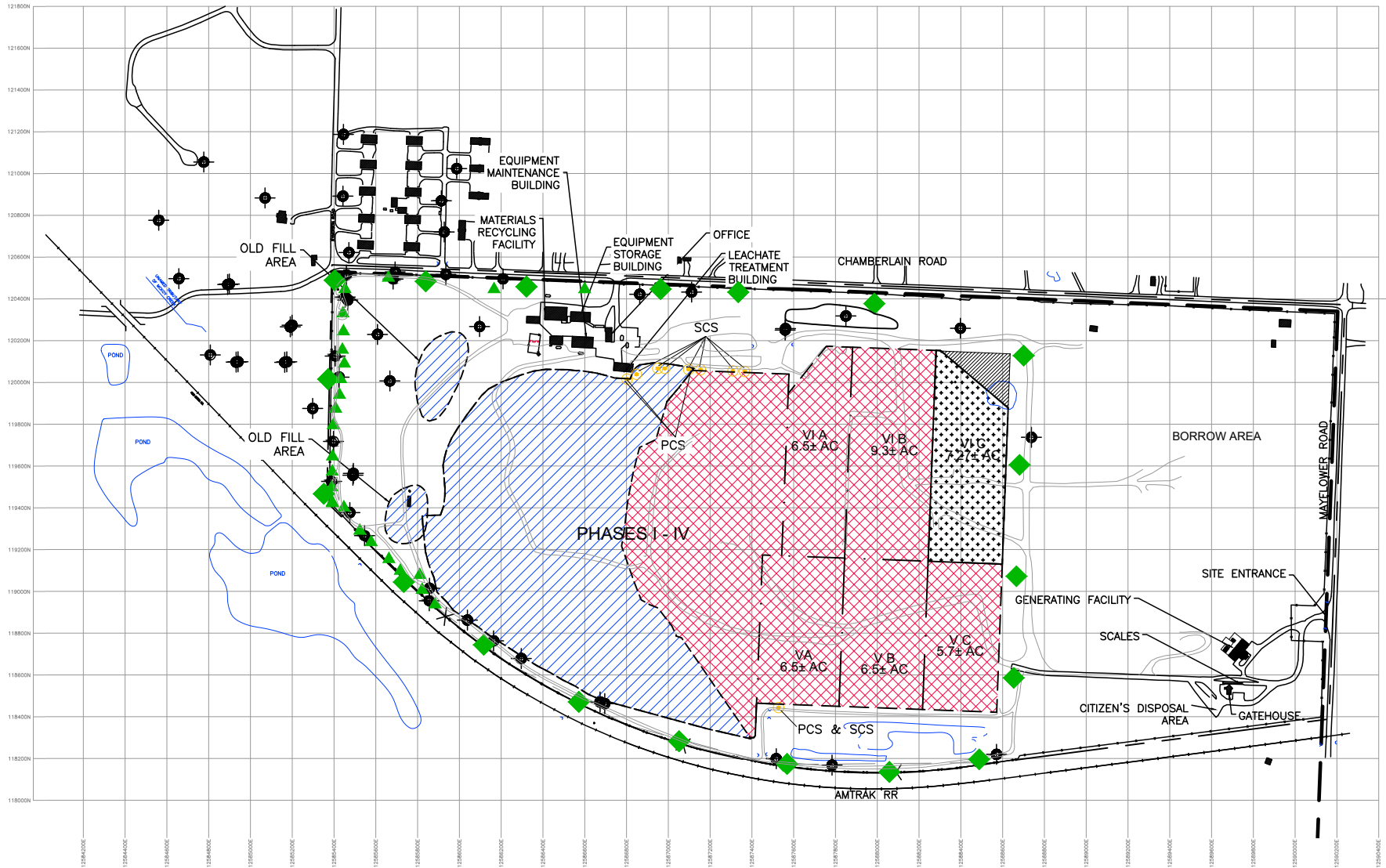
END OF LICENSE

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.

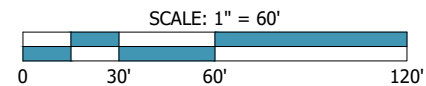
This form and its contents are subject to the Freedom of Information Act and may be released to the public.

Attachment A



LEGEND

- | | | | |
|--|-------------------------------------|--|---|
| | PROPERTY BOUNDARY | | AREA UNDER FINAL COVER (36.6 AC) |
| | CLOSURE BOUNDARY | | ACTIVE CONSTRUCTED AREA (55 AC) |
| | PHASE BOUNDARY | | UNCONSTRUCTED AREA WITH FINANCIAL ASSURANCE (7.27 AC) |
| | SOLID WASTE BOUNDARY | | LATERAL EXPANSION (1.0 AC) |
| | MONITOR WELL | | |
| | RECOVERY WELL | | |
| | GAS PROBE | | |
| | PRIPARY/SECONDARY COLLECTION POINTS | | |



DRAWN BY: JCN
 REVIEWED BY: BED
 DATE: 04/29/2024
 FILE: 1474-351-DWG
 CAD: SEBCL000102.dwg
FIGURE 1

Weaver Consultants Group
 GRANGER, INDIANA
 (574) 271-3447 www.wcgrp.com

**GENERAL SITE LAYOUT
 2023 LICENCE APPLICATION
 SOUTHEAST BERRIEN COUNTY LANDFILL**
 NILES, MICHIGAN

REUSE OF DOCUMENTS
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PREPARED FOR:
**SOUTHEAST BERRIEN
 COUNTY LANDFILL
 AUTHORITY**

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