



Michigan Department of Environment, Great Lakes, and Energy  
Materials Management Division

**SOLID WASTE DISPOSAL AREA OPERATING LICENSE**

Effective April 22, 2019, the Michigan Department of Environmental Quality, by Executive Order Number 2019-06, became the Michigan Department of Environment, Great Lakes, and Energy (EGLE). Effective April 22, 2019, the Waste Management and Radiological Protection Division became the Materials Management Division (MMD).

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: South Kent Landfill

LICENSEE/OPERATOR: Kent County Department of Public Works

FACILITY OWNER: Kent County Department of Public Works

PROPERTY OWNER: Kent County Department of Public Works

FACILITY TYPE(S): Municipal Solid Waste Landfill and Municipal Solid Waste Incinerator Ash Landfill

FACILITY ID NUMBER: 475646

COUNTY: Kent

LICENSE NUMBER: 9625

ISSUE DATE: October 22, 2020

EXPIRATION DATE: October 22, 2025

FACILITY DESCRIPTION: The South Kent Landfill, a municipal solid waste landfill and municipal solid waste incinerator ash landfill, consists of 299.43 acres located in the SW 1/4 of Section 36; the S 1/2 of the NW 1/4 of Section 36; and the E 1/2 of the NE 1/4 of Section 35, Byron Township, Kent County, Michigan, as identified in Attachment A and fully described in this license.

AREA AUTHORIZED FOR DISPOSAL OF SOLID WASTE: Identified in Item 2.

RESPONSIBLE PARTY: Mr. Daniel Rose, Solid Waste Manager  
Kent County Department of Public Works  
1500 Scribner Avenue, N.W.  
Grand Rapids, Michigan 49504  
616-336-4370

**RENEWAL OPERATING LICENSE:** This License Number 9625 supersedes and replaces Solid Waste Disposal Area Operating License Number 9525 issued to Kent County Department of Public Works on June 25, 2018.

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: Kent County Department of Public Works  
Facility Name: South Kent Landfill  
Operating License Number: 9625  
Issue Date: October 22, 2020

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 Cells 17-40 MSW (71.18 acres), Ash Cells 45-47 w/MSW overliner (6.37 acres), and Ash Cells 48-55 14.85 acres) were authorized to receive waste by the previous license. This area's total acreage is 92.4 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 41 (3.09 acres), and Cell 42 (2.76 acres), totaling 5.85 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(5) 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 56 (6.14 acres) 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 6.14 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 Cells 1-10 had final closure certified on September 26, 1989. This certification was reviewed and approved by EGLE on December 30, 1989. This area completed Post Closure in December 1994. This area's total acreage is 28.10 acres.

- ii. **EXISTING UNIT(S):** The unit(s) or portion(s) of unit(s) identified as Cells 11-16 had final closure certified on February 29, 2012. This certification was reviewed and approved by EGLE on March 1, 2012. This area's total acreage is 15.89 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 June 29, 2020, 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.

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7. This license is issued based on EGLE's review of the Application, submitted by Kent County Department of Public Works, for the South Kent Landfill, dated June 22, 2020, and revised September 18, 2020, and October 20, 2020. The Application consists of the following:

- a. Application Form EQP 5507.
- b. Application fee in the amount of \$5,000.00.
- c. Certification of construction by N/A, dated N/A.
- d. Waste Characterization: N/A.
- e. Restrictive Covenant:

The October 5, 1998, restrictive covenant on 248.55 acres is on file at the Kent County Register of Deeds recorded on December 3, 1998, as Liber 4539 pages 1335-1338. A copy is on file with EGLE.

- f. Perpetual Care Fund Agreement, established as a trust account, signed by Mr. Curt A. Kemppainen, Director, Kent County Department of Public Works, on February 3, 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 EQP 5507A entitled, "Form A, Financial Assurance Required," and is \$12,412,949.00.

The Facility has provided financial assurance totaling \$12,512,949.00, 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, bonds, 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 a Perpetual Care Fund:

The Perpetual Care Fund Agreement statement showed a balance of \$2,351,000.00 in the Facility's Perpetual Care Fund as of May 29, 2020. Of this amount, EGLE has granted the request to use \$2,351,000.00 toward the total amount of financial assurance required.

iii. 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	\$2,100,000.00
Total Amount Received:	\$2,100,000.00

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 \$8,061,949.00. Financial capability demonstrated by a financial test must be updated each fiscal year. The next update is due June 30, 2021, and each year thereafter. If the owner/operator fails to update the test, or is no longer able to

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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) 4161 issued to the Kent County Department of Public Works on September 22, 2017, are incorporated in this license by reference:

- a. Construction Permit Application, South Kent Landfill Expansion, Volumes 1-3.
- b. South Kent Landfill Expansion Engineering Plans 100-1 - 900-4 (49 sheets).
- c. Multiunit Groundwater Quality Monitoring Plan, revised August 2017.

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:

Figure 1, CELL 39 Dewatering Trench and Sump Subgrade Improvement dated September 22, 2017.

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 Grand Rapids District Supervisor, for review and approval.

13. The licensee shall conduct hydrogeological monitoring in accordance with the approved hydrogeological monitoring plan, dated August 2017. 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 District 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:

- a. The active portions of the unit(s) authorized to receive waste by this license is a monitorable unit(s) which is located over a natural soil barrier and that is in compliance with the provisions of R 299.4422(2) of the Part 115 Rules.
- b. 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

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capable of detecting and collecting leakage through the primary composite liner. The action flow rate for each unit containing a secondary collection system is (Cells 35 - 42 and Cell 56) 25 gallons/acre/day.

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

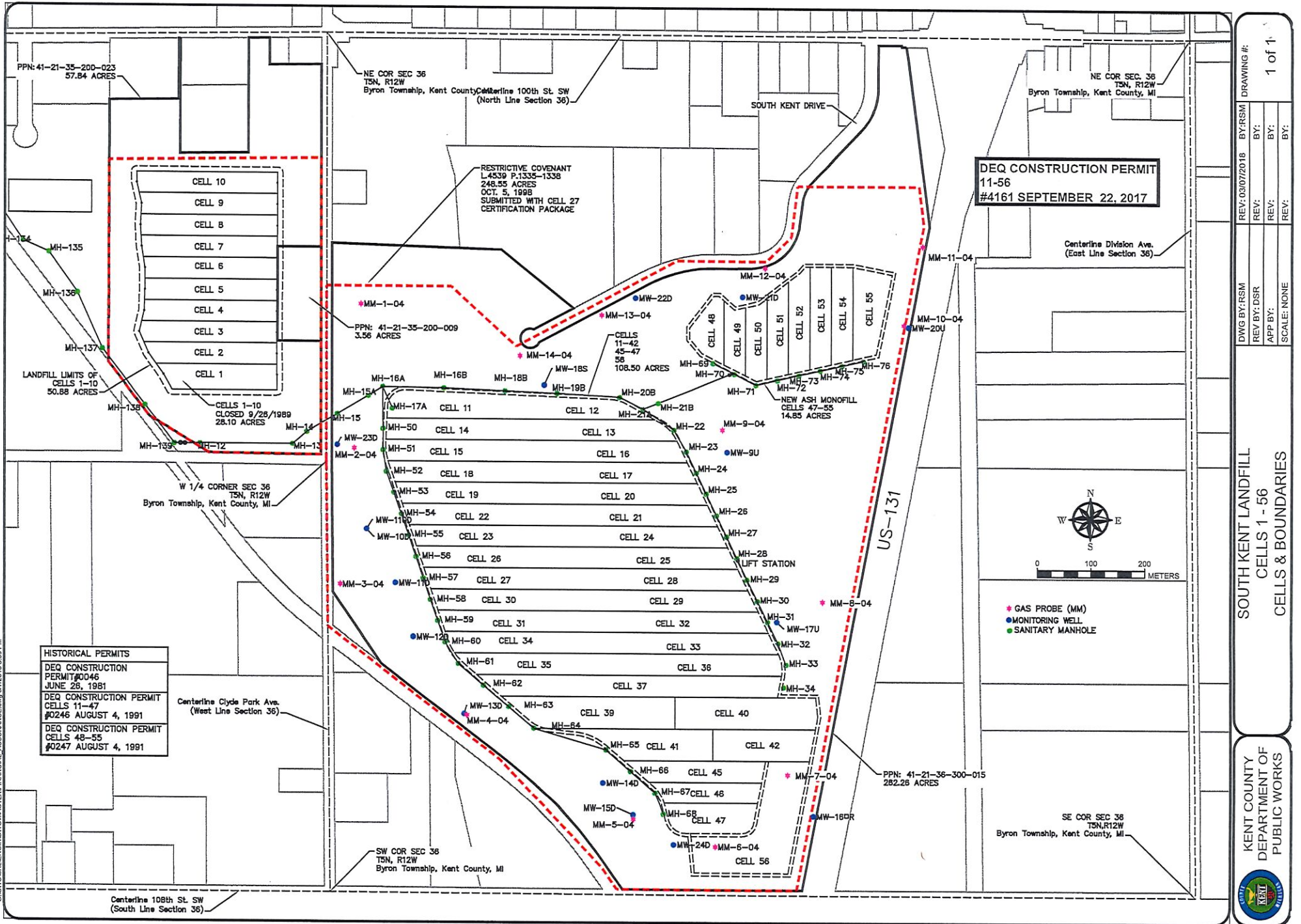
20. **SPECIAL CONDITIONS:**

Kent County Department of Public Works will continue to provide the financial assurance cost of closure for the Ash Monofill for a period of 10 years after successful closure certification in order to assess the performance of the ClosureTurf that has been approved for closure. EGLE may decrease this period if it has been demonstrated that the final cover performance is acceptable, and that ongoing maintenance and/reconstruction is deemed to be minimal. The financial assurance for closure, after certification, may be offset utilizing a local government financial test as permitted under the provision of Section 11523a of Part 115.

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



**DEQ CONSTRUCTION PERMIT**  
 11-56  
 #4161 SEPTEMBER 22, 2017

HISTORICAL PERMITS	
DEQ CONSTRUCTION PERMIT #0046	JUNE 26, 1981
DEQ CONSTRUCTION PERMIT CELLS 11-47 #0246	AUGUST 4, 1991
DEQ CONSTRUCTION PERMIT CELLS 48-55 #0247	AUGUST 4, 1991

SOUTH KENT LANDFILL  
 CELLS 1 - 56  
 CELLS & BOUNDARIES

PPN: 41-21-35-200-023 57.84 ACRES	NE COR SEC 36 TSN, R12W Byron Township, Kent County, MI	NE COR SEC 36 TSN, R12W Byron Township, Kent County, MI
CELL 10 CELL 9 CELL 8 CELL 7 CELL 6 CELL 5 CELL 4 CELL 3 CELL 2 CELL 1	RESTRICTIVE COVENANT L.4539 P.1335-1338 248.55 ACRES OCT. 5, 1998 SUBMITTED WITH CELL 27 CERTIFICATION PACKAGE	Centerline Division Ave. (East Line Section 36)
LANDFILL LIMITS OF CELLS 1-10 50.88 ACRES	PPN: 41-21-35-200-009 3.56 ACRES	DEQ CONSTRUCTION PERMIT 11-56 #4161 SEPTEMBER 22, 2017
CELLS 1-10 CLOSED 9/28/1989 28.10 ACRES	CELLS 11-42 45-47 58 108.50 ACRES	Centerline 100th St. SW (North Line Section 36)
W 1/4 CORNER SEC 36 TSN, R12W Byron Township, Kent County, MI	NEW ASH MONOFILL CELLS 47-55 14.85 ACRES	Centerline 108th St. SW (South Line Section 36)
		Centerline Clyde Park Ave. (West Line Section 36)
		SE COR SEC 36 TSN, R12W Byron Township, Kent County, MI

US-131

0 100 200 METERS

\* GAS PROBE (MM)  
 ● MONITORING WELL  
 ● SANITARY MANHOLE

KENT COUNTY  
 DEPARTMENT OF  
 PUBLIC WORKS

DRAWING #:  
 BY: RSM  
 REV: 03/07/2018  
 BY: DSR  
 REV: [blank]  
 APP BY: [blank]  
 SCALE: NONE

1 of 1

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