



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: St Marys Cement U.S. LLC, Charlevoix Plant

LICENSEE/OPERATOR: St Marys Cement U.S. LLC

FACILITY OWNER: St Marys Cement U.S. LLC

PROPERTY OWNER: St Marys Cement U.S. LLC

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

FACILITY ID NUMBER: 396814

COUNTY: Charlevoix

LICENSE NUMBER: 9627

ISSUE DATE: November 9, 2020

EXPIRATION DATE: November 9, 2025

FACILITY DESCRIPTION: The St Marys Cement U.S. LLC, Charlevoix Plant, a Type III low hazard industrial landfill, consists of 69.67 acres located in SE 1/4 of Section 28 and SW 1/4 of Section 33, Charlevoix Township, Charlevoix County, Michigan, as identified in Attachment A and fully described in this license.

AREA AUTHORIZED FOR DISPOSAL OF SOLID WASTE: Phase I, consisting of 11.51 acres and Phase II, consisting of 8.49 acres.

RESPONSIBLE PARTY: Mr. Matthew Simon, Operations Manager
St Marys Cement U.S. LLC
16000 Bells Bay Road
Charlevoix, Michigan 49720
231-237-1343

RENEWAL OPERATING LICENSE: This License Number 9627 supersedes and replaces Solid Waste Disposal Area Operating License Number 9451 issued to St. Marys Cement, Inc. (U.S.) on August 5, 2015.

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: St. Marys Cement U.S. LLC
Facility Name: St. Marys Cement U.S. LLC, Charlevoix Plant
Operating License Number: 9627
Issue Date: November 9, 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 Phase I, consisting of 11.51 acres, and Phase II, consisting of 8.49 acres were authorized to receive waste by the previous license. This area's total acreage is 20 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: 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 Phase III, Phase IV, and Phase 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 17.46 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:

OTHER DISPOSAL AREAS: Old CKD Piles 6, 7, and 9 have been closed in accordance with Part 201, Environmental Remediation, of the NREPA.
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 Cadillac District 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 St Marys Cement U.S. LLC, for the St. Marys Cement U.S. LLC, Charlevoix Plant, dated June 26, 2020 and revised August 3, 2020, and August 10, 2020. 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 N/A.
 - d. Waste Characterization: N/A.

e. Restrictive Covenant:

The December 10, 2004, restrictive covenant on 76.582 acres is on file at the Charlevoix County Register of Deeds recorded on January 20, 2005, as Liber 633 pages 560 to 563. A copy is on file with EGLE.

f. Perpetual Care Fund Agreement, established as an escrow account, signed by Mr. Mike Pengelly, Vice President, St. Marys Cement (U.S.) on December 14, 1998, was executed by EGLE on January 22, 1999.

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 amount of financial assurance required for this facility is \$689,756.84.

The Facility has provided financial assurance totaling \$689,756.84 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 \$289,756.84 in the Facility's Perpetual Care Fund as of March 31, 2020.

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	\$400,000.00
Total Amount Received:	\$400,000.00

iv. Other Required Financial Assurance:

The approved Interim Response Plan (IRAP) dated August 1997, with revisions dated October 1997 and October 11, 2001, requires that a Financial Assurance Mechanism (FAM) be maintained for CKD Piles 6, 7, and 9. The FAM is a letter of Credit, for \$934,020.00 the amount of the financial assurance reflects an estimate of the costs necessary to ensure the effectiveness and integrity of the IRAP for the initial thirty year period of WHMD Consent Order 115-17-02 (Order).

8. The following documents approved with Construction Permit Number(s) in the form of an Authorization letter signed by Jim Sygo, Waste Management Division (now MMD) issued to the Medusa Portland Cement Company (now St Marys Cement U.S. LLC) on April 28, 1998, are incorporated in this license by reference:

- a. Volume I of III, Interim Response Plan, dated August 1997, with revisions dated October 1997.
- b. Volume II of III, Landfill Engineering Design Report, dated August 1997, with revisions dated November 1997.
- c. Volume III of III, Hydrogeologic Report and Environmental Assessment, dated November 1997.
- d. Engineering Plan, entitled "Southdown, Inc., Formerly Medusa Portland Cement Company, Charlevoix, Michigan Type III Landfill Development," dated August 1997.

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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:
 - a. Engineering Plans entitled, "Type III Development Plan," with revisions dated September 1998 and April 2001.
 - b. Leachate Recirculation Plan dated January 1998.
 - c. Phase I Construction Documentation Report and as-built plans dated November 1998.
 - d. Monitor Well Installation and Abandonment Records dated October 28, 1998, December 23, 1998, September 12, 2001, and July 3, 2001.
 - e. Volume I of III, IRAP, revisions dated October 1, 2001.
 - f. Phase II Construction Documentation Report and as-built plans dated December 17, 2002.
 - g. IRAP 30-Year Future Cost Estimate for O & M of CKD Piles 6 and 9 dated October 30, 2013.
 - h. Operation and Maintenance Plan dated November 1, 2001, and revised October 2013.
 - i. Hydrogeological Monitoring Plan dated December 3, 2007, and revised July 2015.
 - j. Operation and Maintenance (O & M) Plan and SMC 30-Year Future Cost of O & M, dated April 2019 and approved by EGLE on May 15, 2019.
10. Consent Order/Judgment Number: OWMRP Consent Order Number 115-17-2 entered on November 1, 2002, 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 Cadillac District Supervisor, for review and approval.
13. The licensee shall conduct hydrogeological monitoring in accordance with the approved hydrogeological monitoring plan, dated July 2015. The sampling analytical results shall be submitted to EGLE's MMD Cadillac District office.
14. Modifications to the approved hydrogeological monitoring plan referenced in Item 13 may be approved, in writing, by EGLE's MMD Cadillac 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 Cadillac 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 Cadillac District Supervisor.
17. Requests for alternate daily cover may be approved, in writing, by EGLE's MMD Cadillac 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:** The licensee is granted the following variance(s) from Part 115 and/or the Part 115 Rules:

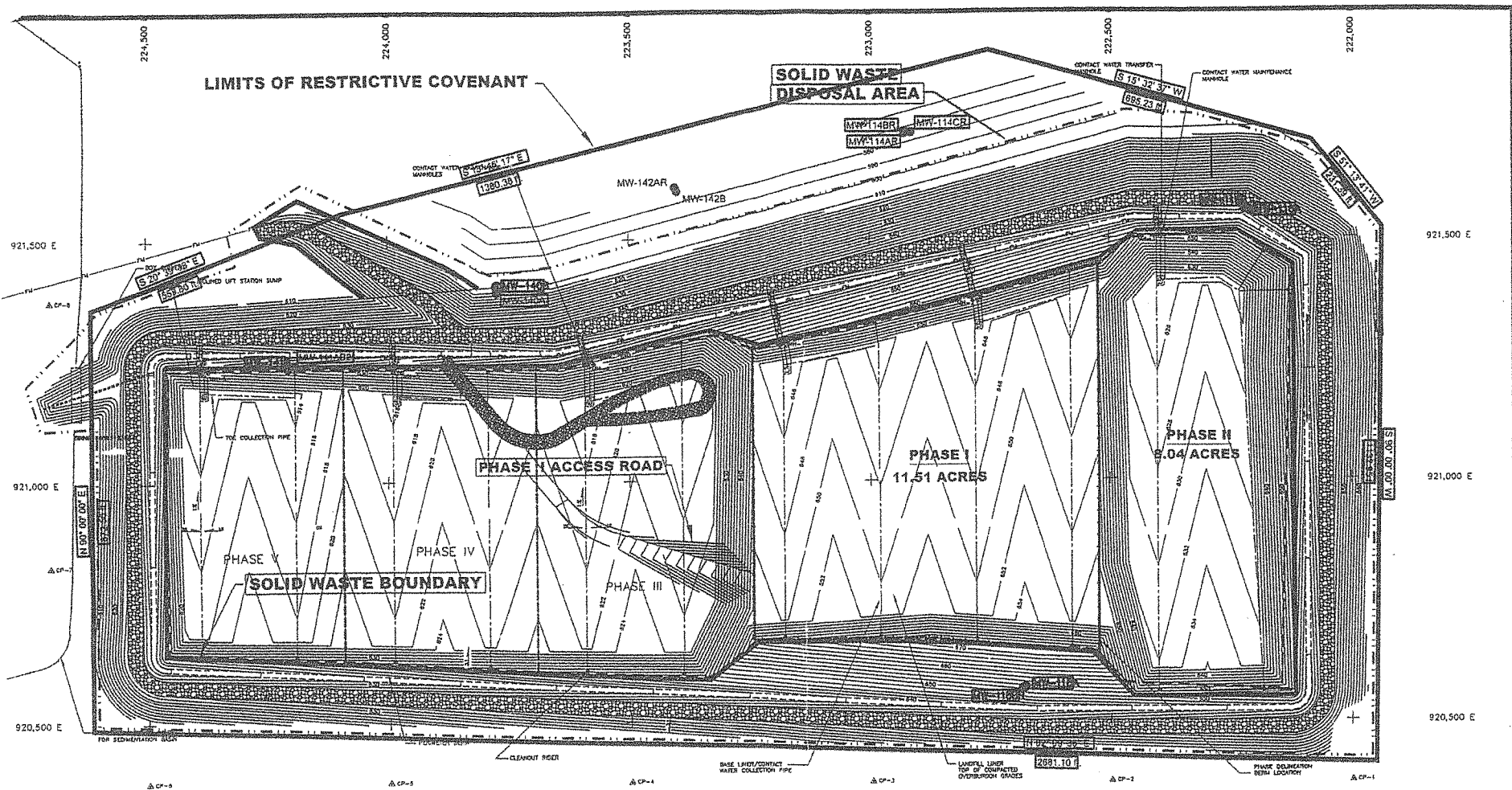
St Marys is granted a variance from Part 115, Rule 108 (4) (j), closure time period. The Landfill shall be maintained in accordance with the variance request documents dated October 13, 27, and 30, 2020 submitted to EGLE. The variance is effective until the expiration of this license. St Marys may petition EGLE to renew the variance request as part of the next license.

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20. SPECIAL CONDITIONS:

- a. The licensee agrees to assume responsibility for the IRAP provided as a requirement of the Order for post closure maintenance of CKD Piles 6, 7, and 9. The IRAP was approved by the DEQ on October 15, 2001.
 - b. The licensee shall provide a Financial Assurance Mechanism (FAM) in perpetuity to secure the performance of monitoring, operation, and maintenance, oversight, and other costs necessary to ensure the effectiveness and integrity of the IRAP. The FAM shall be in the amount of \$934,020.00 the amount of the FAM reflects an estimate of costs necessary to ensure the effectiveness and integrity of the IRAP for the initial thirty-year period of the Order. The language of the Order regarding review and modification of the FAM shall be followed regarding the FAM required by this Condition.
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



- NOTES**
1. RESTRICTIVE COVENANT LINE EXTENDS BEYOND CURRENTLY CLERIKED C&D DEPOSITS TO BE CONSERVATIVE
 2. PHASE I: 11.51 ACRES
 3. PHASE II: 8.49 ACRES

- LEGEND**
- LIMITS OF RESTRICTIVE COVENANT, (76.8 ACRES)
 - SOLID WASTE BOUNDARY, (37.45 ACRES)
 - SOLID WASTE DISPOSAL AREA (WASTE PLACEMENT AREA AND ANCILLARY FEATURES AROUND SITE PERIMETER, 69.67 ACRES)
 - MW-142AR MONITORING WELL LOCATION AND NUMBER

NO.	DATE	DESCRIPTION	APP'D.
1.	3/11/00	ADDED NEW BORING LOCATIONS	
2.	5/1/00	400 METERS AND BOUNDARIES	
3.	3/20/00	ADD PHASE I - HEDGECOTE	
NO.	DATE	DESCRIPTION	APP'D.

SOUTHDOWN INC.
CHARLEVOIX, MICHIGAN

OPERATING LICENSE SITE LIMITS

DESIGN BY: SJA	SCALE: NONE	PROJECT NO: 00123.92
CHECKED BY: R.L.	SHOWN: BROWN	FILE NAME: 1008.DWG
APPROVED BY: SJA	DATE PRINTED:	FIGURE 1
DATE: DECEMBER 2000		

1143 HIGHLAND DRIVE, SUITE 2
ANN ARBOR, MI 48106-1137
P.O. BOX 2811 48106-0281
PHONE: 734-911-7000
FAX: 734-911-7002

RMT INC.

