



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: Delta County Landfill

LICENSEE/OPERATOR: Delta Solid Waste Management Authority

FACILITY OWNER: Delta Solid Waste Management Authority

PROPERTY OWNER: Delta Solid Waste Management Authority

FACILITY TYPE(S): Municipal Solid Waste Landfill

FACILITY ID NUMBER: 410730

COUNTY: Delta

LICENSE NUMBER: 9667

ISSUE DATE: January 13, 2022

EXPIRATION DATE: January 13, 2027

FACILITY DESCRIPTION: The Delta County Landfill, a municipal solid waste landfill, consists of 277.90 acres located in the N 1/2 of Section 22 and the S 1/2 of Section 15, T39N, R23W, Wells Township, Delta County, Michigan, as identified in Attachment A and fully described in this license.

AREA AUTHORIZED FOR DISPOSAL OF SOLID WASTE: Cell 5, totaling 8.82 acres, Cell 6A totaling 5.8 acres, and 1.7 acres of Cell 6B.

RESPONSIBLE PARTY: Mr. David Lundquist, Operations Manager  
Delta Solid Waste Management Authority  
5701 19th Avenue, North  
Escanaba, Michigan 49829  
(906) 786-9056

**RENEWAL OPERATING LICENSE:** This License Number 9667 supersedes and replaces Solid Waste Disposal Area Operating License Number 9571 issued to Delta Solid Waste Management Authority on September 25, 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

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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:
  - a. **ACTIVE PORTIONS NOT AT FINAL GRADE:** The area(s) identified as Cell 5 were authorized to receive waste by the previous license. This area's total acreage is 8.82 acres.
  - b. **CONSTRUCTED AREAS CERTIFIED WITH THIS APPLICATION:** The area(s) identified as Cell 6A and 1.7 acres of Cell 6B were not authorized to receive solid waste by the previous license but are authorized to receive waste by this license. This area's total acreage is 7.50 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 The North 1/2 of 6B - 9C 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 42.11 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. **EXISTING UNIT(S):** The unit(s) identified as Phase I East and Phase I West had final closure certified on July 15, 1998, as amended on January 15, 1999. This certification was reviewed and approved by EGLE on April 13, 1999. The unit(s) or portion(s) of unit(s) identified as Phase 2 had final closure certified on December 14, 1997. This certification was reviewed and approved by EGLE on February 10, 1999. The unit(s) or portion(s) of unit(s) identified as Phases 3A, 3B, and 4, had final closure certified on April 16, 2014. This certification was reviewed and approved by EGLE on June 16, 2014. The unit(s) or portion(s) of unit(s) identified as Phases 1, 2, 3B, 4A, and 4B, had final closure certified on March 2017, as amended in July and August 2017. This certification was reviewed and approved by EGLE on September 20, 2017. This area's total acreage is 21.59 acres.
    - ii. **OTHER DISPOSAL AREAS:** This license does not authorize the placement of waste in the closed Type III landfill located on site, which covers an area of 8.37 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 November 19, 2021, 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 Marquette 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 the Delta Solid Waste Management Authority, for the Delta County Landfill, dated November 18, 2021, and modified on November 24, 2021, November 29, 2021, and December 21, 2021 . The Application consists of the following:

- a. Application Form EQP 5507.
- b. Application fee in the amount of \$500.00.
- c. Certification of construction by Golder Associates Inc, for the Construction of Cell 6A and 1.7 Acres of Cell 6B, dated December 7, 2021.
- d. Waste Characterization: N/A.
- e. Restrictive Covenants:
  - i. The Delta County Landfill restrictive covenant on 63.2 acres is on file at the Delta County Register of Deeds recorded on January 15, 1997, as Liber 471 pages 465-478. A copy is on file with EGLE.
  - ii. The Delta County Landfill restrictive covenant on 209.60 acres is on file at the Delta County Register of Deeds, recorded on November 5, 2014, as Liber 1118, pages 148-151. A copy is on file with EGLE.
- f. Perpetual Care Fund Agreement, established as an escrow account, signed by Mr. Thomas Vitito, Chairman, Delta Solid Waste Management Authority on January 27, 1997, was executed by EGLE on February 6, 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 \$4,037,238.64.

The Facility has provided financial assurance totaling \$4,037,377.27, 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 \$1,172,957.27 in the Facility's Perpetual Care Fund as of October 18, 2021. Of this amount, EGLE has granted the request to use \$1,172,957.27 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:

Irrevocable Letter of Credit	\$2,588,000.00
Total Amount Received:	\$2,588,000.00

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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 \$276,420.00. Financial capability demonstrated by a financial test must be updated each fiscal year. The next update is due June 30, 2022, 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) 4103 issued to the Delta Solid Waste Management Authority on July 9, 2009, are incorporated in this license by reference:

- a. Construction Permit Application for Delta County Northern Expansion: Engineering Report prepared by Engineering and Environmental Solutions, LLC, dated February 2009, and amended June 2009.
- b. Construction Permit Application for Delta County Northern Expansion: Environmental Assessment Report prepared by Engineering and Environmental Solutions, LLC, dated February 2009, and amended June 2009.
- c. Construction Permit Application for Delta County Northern Expansion: Operational Plan prepared by Engineering and Environmental Solutions, LLC, dated February 2009, and amended June 2009.
- d. Construction Permit Application for Delta County Northern Expansion: Hydrogeological Investigation Report, Volumes 1, 2, and 3, prepared by Engineering and Environmental Solutions, LLC, dated February 2009, and amended June 2009.
- e. Construction Permit Application for Delta County Northern Expansion: Engineering Plans (Sheets 1 to 37) prepared by Engineering and Environmental Solutions, LLC, dated February 2009, and amended June 2009.

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. Delta County 2013 Final Cover Construction Certification Report prepared by Bittner Engineering, Inc. for the Delta County Waste Management Authority, received on April 16, 2014, and approved by EGLE on June 16, 2014.
- b. Certification Report, Geosynthetic Construction Quality Assurance, Cell 5 Construction prepared by Wilcox Professional Services, LLC for the Delta Solid Waste Management Authority, received on June 13, 2013, and approved by EGLE on October 16, 2014.
- c. Certification Report, Cell 5 Construction, prepared by Engineering and Environmental Solutions, LLC for the Delta County Landfill, received on June 13, 2013, and approved by EGLE on October 16, 2014.
- d. Construction Quality Assurance Plan, prepared by Engineering and Environmental Solutions, LLC for the Delta County Landfill, dated July 2017, and approved by EGLE on August 17, 2017.

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- e. Delta County Landfill 2016 Final Cover Construction Certification Report, prepared by Bittner Engineering, Inc., for the Delta County Solid Waste Management Authority, dated March 2017, revised July 2017, and August 2017, and approved by EGLE on September 20, 2017.
  - f. 2019 Gas System Construction Drawings (Drawings) for Cell 5 at the Delta County Landfill, prepared by Golder Associates Inc., prepared for the Delta County Solid Waste Management Authority, dated June 5, 2019, and approved by EGLE on July 22, 2019.
  - g. 2019 Gas System As-Constructed Records Report (Report) for the Delta County Landfill (Landfill) prepared by Golder Associates Inc., for the Delta County Solid Waste Management Authority, dated May 2020, and approved by EGLE on May 18, 2020.
  - h. 2019 Gas System As-Constructed Drawings for the Delta County Landfill (Landfill) prepared by Golder Associates Inc., for the Delta County Solid Waste Management Authority, dated April 17, 2020, and approved by EGLE on May 18, 2020.
  - i. Delta County Solid Waste Management Authority, Delta County Landfill, Cell 6A and 1.7 Acres Cell B Construction Plans, prepared by Golder Associates Inc. for the Delta County Solid Waste Management Authority, dated July 6, 2021, and approved by EGLE on July 13, 2021.
  - j. The Work Plan for PFAS Groundwater Sampling, prepared by Golder Associates Inc., for the Delta County Landfill, dated August 20, 2021, and approved by EGLE on August 24, 2021.
  - k. The Work Plan for PFAS Groundwater Sampling, prepared by Golder Associates Inc., for the Delta County Landfill, dated December 13, 2021, and approved by EGLE on December 14, 2021.
  - l. Hydrogeological Monitoring Plan, Revision 12 Update of August 2012 Plan, prepared by Engineering & Environmental Solutions, LLC, prepared for the Delta County Landfill, dated December 2021, and approved by EGLE on December 20, 2021.
  - m. The Delta County Landfill – Type II Landfill, Cell 6A and 1.7 Acres Cell B, Construction Documentation Report, prepared by Golder Associates Inc., for the Delta County Solid Waste Management Authority, dated December 7, 2021, is approved by EGLE upon issuance of this license..
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 Marquette District Supervisor, for review and approval.
13. The licensee shall conduct hydrogeological monitoring in accordance with the approved hydrogeological monitoring plan, Revision 12 Update of August 2012 plan dated December 2021, and approved by EGLE on December 20, 2021. The sampling analytical results shall be submitted to EGLE's MMD Marquette District office.
14. Modifications to the approved hydrogeological monitoring plan referenced in Item 13 may be approved, in writing, by EGLE's MMD Marquette 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 Marquette District Supervisor.

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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 Marquette District Supervisor.

17. Requests for alternate daily cover may be approved, in writing, by EGLE's MMD Marquette 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) 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. In addition, the Facility has elected to install a secondary leachate collection system. The action flow rate for each unit 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:**

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>
Petroleum -Contaminated Soil	Leaking Underground Storage Tank Clean Ups
Woven Geotextile	Various
Paper Sludge	Resolute Forest Products

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 Attachment 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

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(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**

