



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: K and W Landfill, Inc.

LICENSEE/OPERATOR: K and W Landfill, Inc.

FACILITY OWNER: K and W Landfill, Inc.

PROPERTY OWNER: K and W Landfill, Inc.

FACILITY TYPE(S): Municipal Solid Waste Landfill

FACILITY ID NUMBER: 408328

COUNTY: Ontonagon

LICENSE NUMBER: 9716

ISSUE DATE: October 30, 2023

EXPIRATION DATE: October 30, 2028

FACILITY DESCRIPTION: The K and W Landfill, Inc., a Municipal Solid Waste Landfill, consists of 85.17 acres located in the S 1/2 of the NE 1/4 and the N 1/2 of the SE 1/4, Section 28, T51N, T38W, Greenland Township, Ontonagon 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: Mr. Clayton Hella, District Manager
K and W Landfill, Inc.
11877 Highway M38
Ontonagon, Michigan 49953
(906) 883-3505

RENEWAL OPERATING LICENSE: This License Number 9716 supersedes and replaces Solid Waste Disposal Area Operating License Number 9635 issued to K and W Landfill, Inc on January 15, 2021.

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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Operating License Number: 9716
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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 Portions of Phase II Section II and Phase III Cells 1-4, and all of Phase III Cell 5 North were authorized to receive waste by the previous license. This area's total acreage is 28.3 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 Phase III Cell 5 South, totaling 3.8 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:

EXISTING UNIT(S): The unit(s) or portion(s) of unit(s) identified as Phase I, Section I (5.7 acres) had final closure certified on August 24, 1994; Phase I, Section I (3.9 acres) and Phase II, Section I (5.1 acres) had final closure certified on November 2, 2012; and portions of Phase II Section II and Phase III Cells 1-4 (10 acres) had final closure certified on January 4, 2023. This certification was reviewed and approved by EGLE on October 26, 1994, November 27, 2012, and January 6, 2023, respectively. This area's total acreage is 24.7 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 September 25, 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 Marquette 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 K and W Landfill, Inc., for the K and W Landfill, Inc., dated September 25, 2023, and revised September 25, 2023, and October 19, 2023. The Application consists of the following:

- a. Application Form EQP 5507.
- b. Application fee in the amount of \$4,000.00.
- c. Certification of construction by NA, dated NA.
- d. Waste Characterization: N/A.

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e. Restrictive Covenant:

The K and W Landfill, Inc., February 22, 1999 restrictive covenant on 85.17 acres is on file at the Ontonagon County Register of Deeds recorded on June 15, 1999, as Liber 68 pages 97-99. A copy is on file with EGLE.

f. Perpetual Care Fund Agreement (PCF), established as a standby trust account, signed by Diana Seng, Authorized Representative, K and W Landfill, Inc. on January 13, 2015, was executed by EGLE on January 22, 2015.

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 \$16,450,571.10.

The Facility has provided financial assurance totaling \$16,450,571.10, 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	\$13,483,571.10
Total Amount Received:	\$13,483,571.10

iii. Financial Assurance Provided Via a Perpetual Care Fund:

The Perpetual Care Fund Agreement statement showed a balance of \$2,967,000.00 in the Facility's Perpetual Care Fund as of September 20, 2023. Of this amount, EGLE has granted the request to use \$2,967,000.00 toward the total amount of financial assurance required.

iv. Financial Assurance Provided Via a Financial Test for a Type II Landfill: N/A.

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) 0353 issued to K and W Landfill, Inc. on July 21, 1997, are incorporated in this license by reference:

- a. Construction Permit Application Volume 1 (Volume 1), prepared by Wenck Associates, Inc., for K and W Landfill, Inc., dated March 1997, revised on June 20, 1997, and approved by EGLE on July 3, 1997. Volume 1 contains the Hydrogeological Investigation Report, the Landfill

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Environmental Assessment, the Design Report, Operations Plan, Closure and Post-Closure Plan, and Engineering Plan Sheets 1-13.

- b. Construction Permit Application Volume 2, prepared by Wenck Associates, Inc., for K and W Landfill, Inc., dated March 1997, revised June 20, 1997, and approved by EGLE on July 3, 1997. Volume 2 contains references and attachments cited in various sections of Volume 1.
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. Design Modification, prepared by Wenck Associates, Inc., for K and W Landfill, Inc., received by EGLE on April 12, 2002, and approved by EGLE on May 28, 2002.
 - b. Design Modification Application (associated with the construction of Cell 4), prepared by Wenck Associates, Inc., for K and W Landfill, Inc., dated May 16, 2013, and approved by EGLE on May 29, 2013.
 - c. Revised Hydrogeological Monitoring Plan, prepared by Gosling Czubak Engineering Sciences, Inc., for K and W Landfill, Inc., dated April 2013, and approved by EGLE on June 14, 2013.
 - d. K and W Landfill Phase III Cell 4 Construction Documentation Report (North Side - 3.2 acres), prepared by Golder Associates Inc., for K and W Landfill, Inc., dated October 2013, and approved by EGLE on November 27, 2013.
 - e. Design Modification Application (for the North Sedimentation Basin), prepared by Wenck Associates, Inc., for K and W Landfill, Inc., dated September 2014, and approved by EGLE on September 24, 2014.
 - f. K and W Landfill Phase III Cell 4 Construction Documentation Report (South Side - 3.5 acres), prepared by Golder Associates Inc., for K and W Landfill, Inc., dated October 2014, and approved by EGLE on October 31, 2014.
 - g. K and W Landfill North Sedimentation Modification Record Drawings, prepared by Wenck Associates, Inc., for K and W Landfill, Inc., dated December 2016, and approved by EGLE on January 5, 2017.
 - h. Landfill Improvements for the K and W Landfill Report and Record Drawings, prepared by Wenck Associates, Inc., for K and W Landfill, Inc., dated April 2018, and approved by EGLE on May 10, 2018.
 - i. Construction Drawings for Phase III, Cell 5 North, prepared by Wenck, dated February 2020, for the K and W Landfill, Inc., approved by EGLE on April 24, 2020.
 - j. Construction Quality Assurance Plan, prepared by Wenck Associates, Inc., for the K and W Landfill, Inc., dated May 2012, updated April 2020, and approved by EGLE on April 27, 2020.
 - k. K and W Landfill Phase III Cell 5 North Construction Documentation Report and Record Drawings, prepared by Golder Associates Inc., for the K and W Landfill, Inc., dated November 12, 2020, revised November 23, 2020, and November 30, 2020, approved by EGLE on January 15, 2021.
 - l. K and W Landfill Phase III, Cell 5N Liner Repair Construction Documentation Report, prepared by Golder Associates Inc., for K and W Landfill, Inc., dated May 20, 2021, and approved by EGLE on May 21, 2021.
 - m. Leachate Recirculation Plan, prepared by K and W Landfill, Inc., for K and W Landfill Inc., dated August 2022, and approved by EGLE on August 18, 2022.

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- n. K and W Landfill, Inc. Phase III, Cell 5 South 2023 Construction Drawings, prepared by WSP, for the K and W landfill, Inc., dated January 23, 2023, and approved by EGLE on March 21, 2023.
 - o. Gas Migration Monitoring Plan, prepared by Waste Management, for the K and W Landfill, Inc., dated July 2023, and approved by EGLE on July 7, 2023.
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, dated April 2013 and approved by EGLE on June 14, 2013. 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 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.
 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) 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 capable of detecting and collecting leakage through the primary composite liner. The action flow rate for each unit containing a secondary collection system 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:**
 - 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. Alternate cover shall be restricted as indicated in Item ii and applied as per the approved operational plan submitted by the licensee.

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- i. Approved alternate cover shall be any of the following:

Product/Waste Material

Geosynthetic Materials

Petroleum Impacted Soils

Chipped Tires

L'Anse Warden Processed Railroad Ties

- 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.

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.

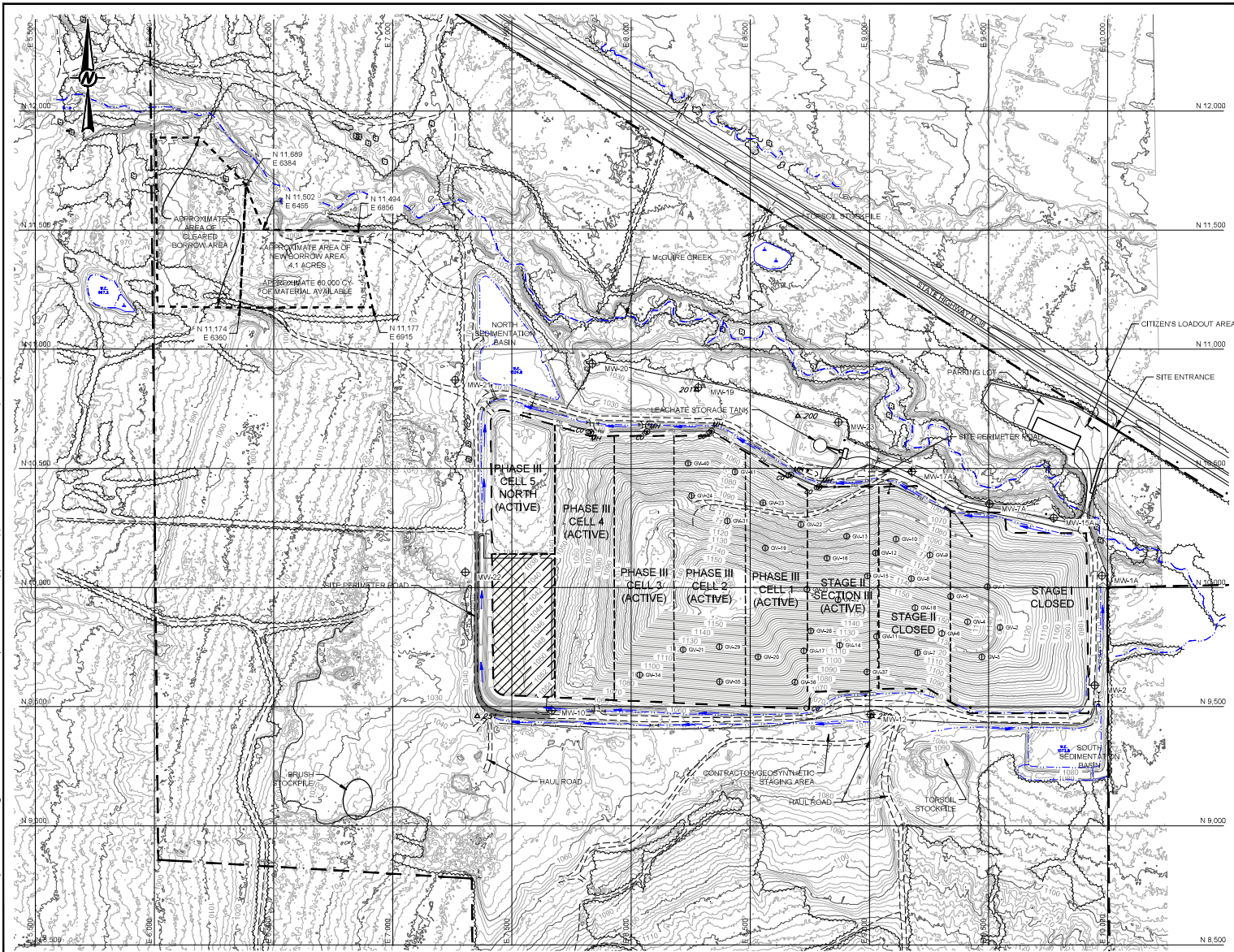
EGLE does not discriminate on the basis of race, sex, religion, age, national origin, color, marital status, disability, political beliefs, height, weight, genetic information, or sexual orientation in the administration of any of its programs or activities, and prohibits intimidation and retaliation, as required by applicable laws and regulations. Questions or concerns should be directed to the

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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
	PERMITTED SOLID WASTE BOUNDARY
	CELL BOUNDARY
	EXISTING FENCE
	EXISTING WATER BODY
	EXISTING UNPAVED ROAD
	EXISTING PAVED ROAD
	EXISTING 10' CONTOUR
	EXISTING 2' CONTOUR
	EXISTING SURVEY BENCHMARK
	EXISTING MONITORING WELL
	Δ 250
	⊕ MW
	⊕ GV
	⊕ FM
	⊕ M
	⊕ C
	⊕ P
	⊕ L
	⊕ E
	⊕ S
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