



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: Orchard Hill Sanitary Landfill

LICENSEE/OPERATOR: Landfill Management Co.

FACILITY OWNER: Landfill Management Co.

PROPERTY OWNER: Hennesey Land Company

FACILITY TYPE(S): Municipal Solid Waste Landfill

FACILITY ID NUMBER: 458867

COUNTY: Berrien

LICENSE NUMBER: 9740

ISSUE DATE: June 27, 2024

EXPIRATION DATE: June 27, 2029

FACILITY DESCRIPTION: The Orchard Hill Sanitary Landfill,, a Municipal Solid Waste Landfill, consists of 283 acres located in the SE 1/4 of Section 28, T3S, R17W, Watervliet Township, the SE 1/4 of Section 28, and the East 1/2 of Section 33, T3S, R17W, Coloma 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: Michael Balkema, Vice President  
Landfill Management Co.  
5300 E ML Avenue  
Kalamazoo, Michigan 49048

**RENEWAL OPERATING LICENSE:** This License Number 9740 supersedes and replaces Solid Waste Disposal Area Operating License Number 9599 issued to Landfill Management Co. on April 10, 2020.

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.**

 for \_\_\_\_\_

Rhonda S. Oyer, Manager, Solid Waste Section  
Materials Management Division

Licensee: Landfill Management Co.  
Facility Name: Orchard Hill Sanitary Landfill  
Operating License Number: 9740  
Issue Date: June 27, 2024

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 a portion of Parcel A, Parcel B, Portions of Cells 5, 1A, and 1B of Parcel C, and Cells 6A, 6B, 7A, and 7B of Parcel D were authorized to receive waste by the previous license. This area's total acreage is 98.642 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 Cells 3 and 4 of Parcel C, totaling 14.980 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:

a. **UNCONSTRUCTED AREA(S) WITHOUT FINANCIAL ASSURANCE:** The area(s) identified as Portions of Parcels A & C, Cell 2 of Parcel C, Cells 8, 9, and 10 of Parcel D 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 65.711 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:

**EXISTING UNIT(S):** The unit(s) or portion(s) of unit(s) identified as area contained by a portion of Parcel A had final closure certified on December 26, 2008. This certification was reviewed and approved by EGLE on June 26, 2009. This area's total acreage is 24.667 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 April 4, 2024, 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.

7. This license is issued based on EGLE's review of the Application, submitted by Chris Phillips, for the Landfill Management Co., Orchard Hill Sanitary Landfill, dated April 2, 2024, and revised June 25, 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 N/A, dated N/A.
- d. Waste Characterization: N/A.

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e. Restrictive Covenant:

The April 02, 2024, restrictive covenant on 152.76 acres is on file at the Berrien County Register of Deeds recorded on June 07, 2024, as Liber 3427 pages 2963-2966. A copy is on file with EGLE.

f. Landfill Care Fund Agreement (LCF), established as a trust fund with a stand by trust account, signed by Michael Balkema, Vice-President, Landfill Management Co. on May 22, 2024, was executed by EGLE on June 11, 2024.

g. Financial Assurance.

i. Financial Assurance Required:

The amount of financial assurance required for this Facility was calculated based on the calculation worksheet form EQP5507 entitled, "Form A, Financial Assurance Required," and is \$24,125,794.81.

The Facility has provided financial assurance totaling \$26,000,000.00, 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, 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:

Trust Fund	\$26,000,000.00
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Total Amount Received: \$26,000,000.00

iii. Financial Assurance Provided Via a Perpetual Care Fund: N/A.

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 post-closure 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) 4083 issued to Landfill Management Co. on November 27, 2006, are incorporated in this license by reference:

- a. Construction Permit Application Volumes 1-3, June 2006 - Rev. 1, October 24, 2006.
- b. Hydrogeological Monitoring Plan, Orchard Hill Sanitary Landfill, June 2006 - Rev. 1, October 24, 2006.
- c. Engineering Plan Sheets 1-37, dated June 2006, titled, "Construction Permit Application Orchard Hill Sanitary Landfill".

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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 Plan Changes Sheets 1-37, dated May 2010, titled, "Construction Permit Minor Modification Orchard Hill Sanitary Landfill".
  - b. Leachate Recirculation Plan, Amendment 1, dated August 8, 2011.
  - c. Proposed Leachate Forcemain Design dated May 2013, with additional clarification plans submitted in July 2013.
  - d. Proposed Cell 6B and Future Cell Design Upgrade (the design revision of the leachate collection "V" trench) submitted on April 27, 2017, and approved on June 19, 2017.
  - e. Proposed Cell 6B and Future Cell Design Upgrade (proposed changes to the construction quality assurance (CQA) plan) submitted on April 27, 2017, and approved on June 19, 2017.
  - f. Request for Use of Textured HDPE Geomembrane Liner on The Floor submitted on January 26, 2018, and approved on February 12, 2018.
  - g. Request for Leachate Collection Sump Improved Configuration dated October 24, 2022, revised November 2, 2022, and approved on November 3, 2022.
10. Consent Order/Judgment Number: MMD Consent Order Number 115-05-31-05-00 entered on September 14, 2000, 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 Kalamazoo District Supervisor, for review and approval.
13. The licensee shall conduct hydrogeological monitoring in accordance with the approved hydrogeological monitoring plan, dated October 24, 2006. 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 are 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 flow rate for Parcel B and Cell 5 of Parcel C is 50 gallons/acre/day and the response flow rate for Parcel B and Cell 5 of Parcel C is 200 gallons/acre/day. The action flow rate for Parcel C (Cells 1A, 1B, 3 and 4) and Parcel D (Cells 6A, 7A, 6B, and 7B) is 5 gallons/acres/day. The response flow rate for Parcel C (Cells 1A, 1B, 3, and 4) and Parcel D (Cells 6A, 7A, 6B, and 7B) is 25 gallons/acres/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.

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

<u>Product/Waste Material</u>	<u>Source</u>	<u>Monthly Volume</u>
Posi-Shell		N/A

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 non-volatiles, 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.

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**

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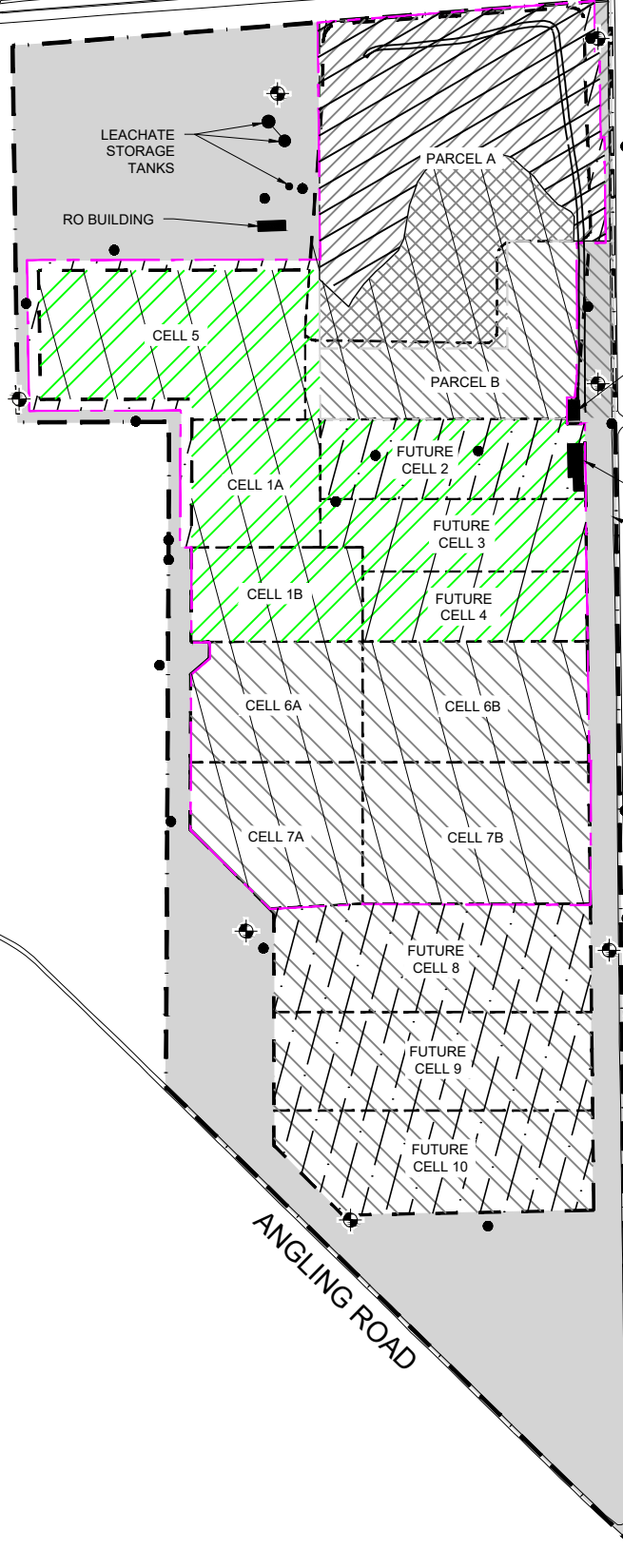
Licensee: Landfill Management Co.  
Facility Name: Orchard Hill Sanitary Landfill  
Operating License Number: 9740  
Issue Date: June 27, 2024

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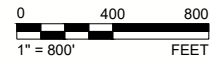
DAN SMITH ROAD

HENNESSEY ROAD

ANGLING ROAD

**LEGEND**

- PROPERTY BOUNDARY (283.000 ACRES)
- SOLID WASTE BOUNDARY (204.000 ACRES)
- CELL BOUNDARY
- RESTRICTIVE COVENANT (152.760 ACRES, AS OF 2-15-2024)
- ACTIVE PORTIONS NOT AT FINAL GRADE (98.642 ACRES)
- UNCONSTRUCTED AREAS WITH FINANCIAL ASSURANCE (14.980 ACRES)
- UNCONSTRUCTED AREAS WITHOUT FINANCIAL ASSURANCE (65.711 ACRES)
- CLOSED AREA (24.667 ACRES)
- ISOLATION AND ANCILLARY AREA (79.000 ACRES)
- GROUNDWATER MONITORING WELLS
- SUBSURFACE GAS MONITORING PROBES
- PARCEL A (25.8 ACRES PER 2006 CPA)
- OVERLINED PORTION OF PARCEL A (12.7 ACRES PER 2006 CPA)
- PARCEL B (14.5 ACRES PER 2006 CPA)
- PARCEL C (64.0 ACRES PER 2006 CPA) (54.9 ACRES ACTUAL 2006 CPA DESIGN)
- PARCEL D (87.0 ACRES PER 2006 CPA)



CLIENT  
**LANDFILL MANAGEMENT CO.**  
 ORCHARD HILL SANITARY LANDFILL  
 WATERVLIET, MICHIGAN

PROJECT  
**OPERATION LICENSE MAP**

CONSULTANT

YYYY-MM-DD	2024-06-25
DESIGNED	ERA
PREPARED	ERA
REVIEWED	KKS
APPROVED	SFS



TITLE  
**ATTACHMENT A**

PROJECT NO.	CONTROL	REV.	FIGURE
GL21450959		---	A

Last Edited By: eanderson Date: 2024-06-24 Time: 8:25:56 PM | Printed By: EAnderson Date: 2024-06-24 Time: 8:26:52 PM  
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IF THIS MEASUREMENT DOES NOT MATCH WHAT IS SHOWN, THE SHEET SIZE HAS BEEN MODIFIED FROM ANSI A