



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: Pitsch Sanitary Landfill

LICENSEE/OPERATOR: Pitsch Recycling & Disposal, Inc.

FACILITY OWNER: Pitsch Recycling & Disposal, Inc.

PROPERTY OWNER: Pitsch Recycling & Disposal, Inc. & Pitsch Sanitary Landfill, Inc.

FACILITY TYPE(S): Municipal Solid Waste Landfill

FACILITY ID NUMBER: 407345

COUNTY: Ionia

LICENSE NUMBER: 9594

ISSUE DATE: March 5, 2020

EXPIRATION DATE: March 5, 2025

FACILITY DESCRIPTION: The Pitsch Sanitary Landfill, a municipal solid waste landfill, consists of 142.95 acres located in E 1/2, NW 1/4, and the N 1/2 of the NE 1/4 of Section 7, T8N, R7W, Orleans Township, Ionia County, Michigan, as identified in Attachment A and fully described in this license.

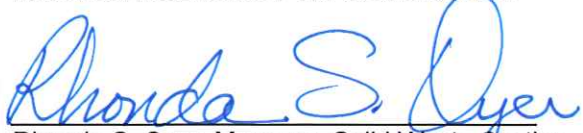
AREA AUTHORIZED FOR DISPOSAL OF SOLID WASTE: Identified in Item 2.

RESPONSIBLE PARTY: Mr. Steven Pitsch, CFO
Pitsch Recycling & Disposal, Inc.
675 Richmond Street, NW
Grand Rapids, Michigan 49504
616-363-4895

NEW OPERATING LICENSE: The previous Operating License Number 9401 for this Facility expired on August 20, 2019 prior to receipt of the application for this Operating License Number 9594. Therefore, this license is a new license issued to the licensee for the existing Facility.

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: Pitsch Recycling & Disposal, Inc.
Facility Name: Pitsch Recycling & Disposal, Inc.
Operating License Number: 9594
Issue Date: March 5, 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 Unclosed portions of Cells 5A, 5B, 5C, 6A, and 6B were authorized to receive waste by the previous license. This area's total acreage is 20.23 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 7, totaling 7.26 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 8 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 8.38 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) or portion(s) of unit(s) identified as Cells 1-4 owned by Pitsch Sanitary Landfill, Inc. and portions of Phase 5 A-C had final closure certified on August 11, 2003 and January 29, 2018. This certification was reviewed and approved by EGLE on March 9, 2004 and April 2, 2018. This area's total acreage is 25.91 acres.
- ii. **OTHER DISPOSAL AREAS:** Pitsch Sanitary Landfill, Inc., owns and operates a 5-acre Type III area, and a 5-acre Act 87 cell, on the eastern 79.79-acre portion of this 142.95 acre facility. Pitsch Sanitary Landfill, Inc., retains the regulatory responsibility for these disposal areas. (See Special Condition 20b.)

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 19, 2019, 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.
7. This license is issued based on EGLE's review of the Application, submitted by Pitsch Recycling & Disposal, Inc., for the Pitsch Sanitary Landfill, dated September 11, 2019, and subsequent revisions dated September 26, 2019, and January 22, 2020. The Application consists of the following:
 - a. Application Form EQP 5507.
 - b. Application fee in the amount of \$1,000.00.

- c. Certification of construction by N/A, dated N/A.
- d. Waste Characterization: N/A.
- e. Restrictive Covenant:

The February 8, 2000, restrictive covenant on 79.44 acres is on file at the Ionia County Register of Deeds recorded on March 6, 2000, as Liber 548 pages 3541-3552. The October 12, 2009, restrictive covenant on 63.51 acres is on file at the Ionia County Register of Deeds recorded on December 4, 2009, as Liber 0614 pages 7545 1 of 6. A copy is on file with EGLE.

- f. Perpetual Care Fund Agreement, established as two trust accounts:
 - i. For Pitsch Recycling and Disposal, Inc, signed by Mr. Gary Pitsch, President, Pitsch Recycling and Disposal, Inc. on January 17, 2000, was executed by EGLE on February 7, 2000.
 - ii. For Pitsch Sanitary Landfill, signed by Mr. Loren Pitsch, President, Pitsch Sanitary Landfill, Inc. on May 21, 1997, was executed by the EGLE on May 22, 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 \$7,164,186.97.

The Facility has provided financial assurance totaling \$7,268,295.61, 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 \$2,641,856.99 in the Pitsch Recycling and Disposal, Inc, Perpetual Care Fund Account, and \$2,644,955.62 in the Pitsch Sanitary Landfill, Inc. Perpetual Care Fund Account as of December 31, 2019. Of this amount, the EGLE has granted the request to use \$2,641,856.99 toward the total amount of financial assurance required for the Pitsch Recycling and Disposal, Inc. portion of the facility, and \$2,644,955.62 toward the financial assurance required for the Pitsch Sanitary Landfill, Inc. portion of the facility.

- 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	\$1,602,483.00
Irrevocable Letter of Credit	\$ 303,000.00
Irrevocable Letter of Credit	\$ 76,000.00
Total Amount Received:	\$1,981,483.00

Licensee: Pitsch Recycling & Disposal, Inc.
Facility Name: Pitsch Recycling & Disposal, Inc.
Operating License Number: 9594
Issue Date: March 5, 2020

- 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.

- 8. The following documents approved with Construction Permit Number(s) 0375 issued to the Pitsch Recycling & Disposal, Inc. on August 18, 1999, are incorporated in this license by reference:
 - a. Engineering Plans dated June 30, 1999, and those revisions documented in a letter dated August 5, 1999, prepared by Schaut Associates.
 - b. "Construction Permit Application for Proposed Type II Sanitary Landfill Expansion," dated July 1999, which contains the Environmental Assessment, Engineering Reports, Closure Plan, Post Closure Plan, Operations Report, Operations Plan, Construction Quality Assurance Plan, and Specifications.
 - c. "Pitsch Sanitary Landfill Monitoring Plan, Rev. 1," dated July 23, 1999.
 - d. "Pitsch Sanitary Landfill Hydrogeological Report," dated July 23, 1999.
- 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. "Pitsch Sanitary Landfill Detection Monitoring Plan," dated May 2001, and revised June 2003 and February 2005.
 - b. "RAP Monitoring Plan, Pitsch Sanitary Landfill" approved on April 3, 2014.
 - c. "PFAS Sampling Plan" submitted October 8, 2019 and approved on October 18, 2019.
 - b. "Assessment Monitoring Plan for MW25s" submitted October 8, 2019 and approved on October 18, 2019.
- 10. Consent Order/Judgment Number: MMD Consent Order Number FTO-115-02-2019 entered on March 5, 2020, and OWMRP Consent Order Number 99-05364-CE entered on June 7, 1999, 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 Grand Rapids District Supervisor, for review and approval.
- 13. The licensee shall conduct hydrogeological monitoring in accordance with the approved hydrogeological monitoring plan dated May 2001, and revised June 2003, February 2005, April 3, 2014, October 8, 2019, and October 18, 2019. 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.

Licensee: Pitsch Recycling & Disposal, Inc.
Facility Name: Pitsch Recycling & Disposal, Inc.
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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 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:

The active portions of the unit(s) authorized to receive waste by this license is an 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 each unit containing a leak detection system is 5 gallons/acre/day. The response flow rate for each unit containing a leak detection system is 25 gallons/acre/day.

19. **VARIANCES:** 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>
Construction and Demolition Waste	Varies	Varies
Shredded Tires	Varies	Varies

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

Licensee: Pitsch Recycling & Disposal, Inc.
Facility Name: Pitsch Recycling & Disposal, Inc.
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Issue Date: March 5, 2020

(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. Pitsch Recycling & Disposal, Inc. owns the western 63.51 acres of the 142.95-acre disposal area (Pitsch Sanitary Landfill). The remainder of the Facility is owned by Pitsch Sanitary Landfill, Inc. A Joint Operating Agreement, dated January 27, 2000, between Pitsch Sanitary Landfill, Inc., and Pitsch Recycling & Disposal, Inc., outlines the terms under which Pitsch Recycling & Disposal, Inc. is entitled to use and operate those portions of the Facility owned by Pitsch Sanitary Landfill, Inc., including, but not limited to, the existing leachate treatment and containment system, fuel system, access roads, office space, scales, mechanics shop, recycling facilities, and parking areas. In addition, Pitsch Sanitary Landfill, Inc. has filed a declaration of Restrictive Covenant on a 15.1-acre portion of their property (recorded on March 6, 2000, as Liber 3545-3548) that is included in the active fill area of Pitsch Sanitary Landfill operated by Pitsch Recycling & Disposal, Inc., and covered by this license.
- c. EGLE has approved the use of a Financial Assurance Cross-Guaranty Agreement (Agreement) for this facility. The Agreement allows Pitsch Sanitary Landfill, Inc. and Pitsch Recycling & Disposal, Inc. (together referred to as the "Pitsch Entities") to combine financial assurance mechanisms for purposes of meeting the financial assurance requirements for the entire landfill as if there were only one financial requirement and one owner of the landfill. In exchange for EGLE's approval of the Agreement, each of the Pitsch Entities agree to guarantee the others financial assurance requirement.
- d. As provided for in the Agreement, the Pitsch Entities, may combine their respective perpetual care funds and other financial assurance mechanisms and ask for any reduction of their financial assurance to the extent the combined financial assurance mechanisms of both Pitsch Entities exceed the total financial assurance required for the Landfill. However, in authorizing any such reduction of their financial assurance, EGLE shall not be required to authorize a disbursement from a perpetual care fund account of either Pitsch Entity unless the amount of the individual account exceeds the maximum amount in Section 11525(2) of Part 115.
- e. The licensee shall provide monthly reports to EGLE documenting the types, volumes, and sources of solid waste received by the disposal area to demonstrate compliance with Section 11513(1) of Part 115. Each monthly report shall be provided on or before the 15th of each month. All reports shall be delivered to the following address:

Solid Waste Section
Materials Management Division
Michigan Department of Environment, Great Lakes, and Energy
P.O. Box 30241
Lansing, Michigan 48909-7741

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

