

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

WAYNE DISPOSAL, INC.,
49350 North I-94 Service Drive,
Belleville, Michigan 48111-1854
MID 048 090 633

APPLICANT.

)
) **COORDINATED APPROVAL**
) **OF RCRA/TSCA LANDFILL MASTER CELL VI**
) **FOR LAND DISPOSAL OF**
) **POLYCHLORINATED BIPHENYLS WASTE**
)
)
)

AUTHORITY

This Coordinated Approval and Waiver of Technical Requirements (Approval) is issued by the U.S. Environmental Protection Agency (EPA) to Wayne Disposal, Inc., located at 49350 North I-94 Service Drive, Belleville, Michigan (WDI), pursuant to Section 6(e) of the Toxic Substances Control Act of 1976 (TSCA), 15 U.S.C. 2601 *et seq.*, and the Federal PCB Regulations at 40 Code of Federal Regulations (C.F.R.) §§ 761.75 and 761.77. Conditions of this Approval supersede any conflicting elements of the Application and previous Approvals by the EPA. Should any conflicts arise between this approval and the WDI permits issued pursuant to the Resource Conservation and Recovery Act (RCRA), the more stringent provisions shall be effective.

EPA Headquarters Delegation 12-5 authorizes the re-delegation of approval authority for PCB disposal facilities from Regional Administrators to Regional Division Directors. Under EPA, Region 5 Delegation 12-5, dated July 28, 2014, the approval authority for PCB disposal facilities was delegated to the Director, Land and Chemicals Division, EPA, Region 5. On April 24, 2019, those delegations to the Director, Land and Chemicals Division were redelegated to the Director of Land, Chemicals, and Redevelopment Division (LCRD) when EPA Region 5's realignment took effect.

EFFECTIVE DATE AND APPROVAL EXPIRATION

This Approval shall become effective upon signature of the Director of the Land, Chemicals and Redevelopment Division, EPA, Region 5 (Director of LCRD). WDI's authorization to place PCB waste in Master Cell VI (MC VI) of the WDI landfill will expire ten (10) years after the effective date the Approval. WDI shall submit a written request to the Director of LCRD, at least one hundred and eighty (180) days prior to the expiration date, for a renewal of the Approval to extend this expiration date. The authorization to place PCB waste in MC VI will remain in effect beyond the expiration date if WDI has submitted a timely, complete and adequate request for renewal of the Approval and, through no fault of WDI, the Director of LCRD has not issued a renewal of the Approval.

SUSPENSION AND TERMINATION OF PCB DISPOSAL AUTHORIZATION

WDI's failure to comply with any provision of this Approval, TSCA, the PCB regulations at 40 C.F.R. Part 761, or any other applicable federal, State law or regulation, or local requirement, may constitute a sufficient basis for suspension or termination of WDI's authorization to dispose of PCB waste in MC VI of the WDI landfill.

WDI's PCB disposal authorization may also be terminated if the Director of LCRD, EPA, Region 5 determines that MC VI of the WDI landfill poses an unreasonable risk of injury to health or the environment.

The Director of LCRD, EPA, Region 5 may reinstate WDI's authorization to dispose of PCB waste in MC VI of the WDI landfill or remove any disposal restrictions, if it is determined that any unsafe practices have been permanently discontinued and unsafe conditions have been eliminated.

SEVERABILITY

All terms and conditions of this Approval are severable. If any provision of this Approval or any application of any provision, is changed, amended or held invalid, the remaining terms and conditions will still be valid and not affected thereby.

RESERVATIONS

Nothing in this Approval relieves WDI from the duty to comply with all applicable federal and State laws and regulations, including, but not limited to CERCLA, RCRA and TSCA and the regulations promulgated under those statutes.

Violation of this Approval, TSCA or the PCB regulations may subject WDI to civil or criminal enforcement action and associated penalties.

EPA reserves the right to impose additional Conditions of Approval if EPA finds such Conditions are necessary to ensure that operation of MC VI of the WDI landfill does not present an unreasonable risk of injury to health or the environment from PCBs, or if EPA issues new regulations or standards for TSCA PCB landfills.

EPA may require the removal of some or all of the PCBs disposed of in MC VI of the WDI landfill if EPA finds such actions are necessary to ensure that the Landfill does not present an unreasonable risk of injury to health or the environment from PCBs.

WDI is responsible for the actions of its agents, assigns, employees, and contractors regarding compliance with this Approval and all federal, State and local regulations applicable to operation of the WDI landfill, including, but not limited to, emergency notification and reporting requirements.

DEFINITIONS

All definitions contained in 40 C.F.R §§ 761.3 and 761.123 are incorporated by reference into this TSCA Approval. Terms not defined in the regulations or in the Approval shall be defined by a generally accepted scientific meaning, industrial meaning, or a standard dictionary meaning.

“Application” means all data, documents, licenses, permits and other information submitted by WDI to EPA regarding the Agency’s review of the request for a TSCA Coordinated Approval for the WDI landfill, including the following documents:

| Section | Name | Date |
|----------------|---|-------------|
| Not Applicable | Letter to Ed Nam, Director of LCRD, EPA Region 5, and Elizabeth Brown, Michigan Environment, Great Lakes and Energy (EGLE), Part III Hazardous Waste Permit Renewal Application and Major Modification Request, and TSCA PCB Chemical Landfill PCB Coordinated Approval Request | 11/5/2021 |
| A.1. | General Facility Description | 11/5/2021 |
| A.2. | Chemical and Physical Analyses | 11/5/2021 |
| A.3. | Waste Analysis Plan | 11/5/2021 |
| A.4. | Security Procedures and Equipment | 11/5/2021 |
| A.5. | Inspection Schedules | 5/19/2025 |
| A.6. | Preparedness/Prevention or Waiver | 5/19/2025 |
| A.7. | Contingency Plan | 5/19/2025 |
| A.8. | Traffic Information | 11/5/2021 |
| A.9. | Location Information | 11/5/2021 |
| A.10. | Personnel Training Program | 11/5/2021 |
| A.11. | Closure and Postclosure Plan | 5/19/2025 |
| A.12. | Closure and Postclosure Cost Estimates | 5/19/2025 |
| A.13. | Topographic Map | 11/5/2021 |
| A.14. | Liability Mechanism | 11/5/2021 |
| A.15. | Financial Assurance Instrument | 11/5/2021 |
| B.1. | Status of Compliance with Other Federal Laws | 11/5/2021 |
| B.2. | Corrective Action | 5/19/2025 |
| B.3. | Hydrogeological Report | 5/19/2025 |
| B.4. | Environmental Assessment | 5/19/2025 |
| B.5. | Environmental Monitoring Programs | 6/5/2025 |
| B.6. | Engineering Plans | 5/19/2025 |
| B.7. | Proof of Issuance of other Permits or Licenses | 5/19/2025 |
| B.8. | Capability Certification/Compliance Schedule | 11/5/2021 |

| Section | Name | Date |
|----------------|--|-----------|
| B.9. | Restrictive Covenant | 11/5/2021 |
| B.10. | Construction Certification | 11/5/2021 |
| C.1. | Containers | 5/19/2025 |
| C.7. | Landfills | 5/19/2025 |
| C.13. | Air Emissions from process vents, equipment leaks, tanks, containers, and surface impoundments | 11/5/2021 |
| Not Applicable | MI EGLE Form EQP 5111 | 5/19/2025 |
| Not Applicable | MI EGLE Form EQP 5150 | 5/19/2025 |

“Cell” means the specially prepared unit into which PCBs are disposed. In the case of MC VI of the WDI landfill, it consists of the entirety of MC VI (Subcells A, B, C, D, E, F, and G), and any related appurtenances thereto.

“EGLE” means Michigan Department of Environment, Great Lakes, and Energy.

“EPA” means the United States Environmental Protection Agency, Region 5.

“Free Liquid” means fluid that drains freely from waste material under the Paint Filter Test, EPA SW- 846 Method 9095. Wastes containing these fluids shall not be disposed of in the WDI landfill. The Liquid Release Test is recommended to estimate leachate production.

“Major Modification” means a material change in the design or operation of the WDI landfill. Such changes include but are not necessarily limited to: any change in ownership; an increase in the disposal capacity of the Landfill; any change in the manner of waste placement; any change to the closure/post-closure plan; cap repairs; and abandonment. A major modification requires the approval of the Director of LCRD, EPA, Region 5.

“Minor Modification” means a minor change in the design, construction or day-to-day operation of the WDI landfill or any other change in operations that is not a major modification. Such changes in operations include but are not limited to: changing the groundwater, leachate or air monitoring sites or the analytical methodology; any change to any portion of the leachate collection, detection and removal system, not including repairs; changes in waste acceptance procedures; changes in the closure post-closure plan that are not major; and minor inflationary adjustments to WDI’s annual cost estimates.

“Operating License” means the EGLE *[fill in date]*, Part 111 Hazardous Waste Management Facility Operating License issued to WDI landfill (EPA ID MID 048 090 633) which includes conditions for the landfilling of hazardous waste and PCBs.

“PCB(s)” mean Polychlorinated Biphenyl(s), as defined at 40 C.F.R. § 761.3.

“PCB Items” means Articles, article containers, containers or equipment that contain PCBs, as defined at 40 C.F.R. § 761.3.

“PCB Waste(s)” means PCBs and PCB Items that are subject to the disposal requirements of 40 C.F.R. Part 761, Subpart D.

“TSCA” means the Toxic Substances Control Act of 1976, 15 U.S.C. 2601, *et seq.*

“WDI” means Wayne Disposal, Inc., 49350 North I-94 Service Drive, Belleville, Michigan 48111-1854, the owner and operator of the WDI landfill, including MC VI.

CONDITIONS OF APPROVAL

- 1) The terms and conditions of the *[fill in date]* Michigan Department of Environment, Great Lakes, and Energy (EGLE) Part 111 Hazardous Waste Management Facility Operating License for MID 048 090 633 (Operating License) shall apply to the TSCA disposal requirements for PCB waste accepted for disposal at WDI in Master Cell VI (MC VI).
- 2) PCB disposal shall be carried out exclusively within MC VI of the WDI landfill, as described in WDI's Application.
- 3) Reports required by the Operating License to be submitted to EGLE shall be submitted to EPA by email to the EPA Region 5 PCB Coordinator. The reports shall be submitted to EPA in accordance with the same schedule described in the Operating License. These reports include:
 - a. Groundwater Monitoring
 - b. Leachate Monitoring
 - c. Leak Detection System Monitoring
 - d. Surface Water Monitoring
 - e. Ambient Air Monitoring
 - f. Soil Monitoring
 - g. Sedimentation Basin Monitoring
 - h. Annual Inspection and Maintenance Summary
 - i. Construction Progress Reports
 - j. Certifications for each phase of the Construction of Subcells within MC VI
 - k. Final As-Built Construction Reports
- 4) In accordance with 40 C.F.R. § 761.75(b)((6)(iii) (*Water Analysis*), groundwater, surface water, leachate, and leak detection monitoring must include the following analytical parameters: PCBs, pH, specific conductance, and chlorinated organics. All reporting limits must meet those as stated in the Operating License.
- 5) Any TSCA waste that fails the RCRA paint filter test, for reasons other than incidental liquids in accordance with 40 C.F.R. § 761.60(a)(3), shall not be disposed of in MC VI of the WDI landfill. Incidental water produced during transport may be handled according to the TSCA regulations.
- 6) Ignitable waste, as defined in 40 C.F.R. § 761.75(b)(8)(iii), shall not be disposed of in MC VI of the WDI landfill.
- 7) This Approval is subject to WDI having provided the EPA with all material facts necessary for determinations made herein. Any misrepresentation or omission by WDI of any material fact in the Application for this Approval, or the Application for the RCRA Permit, or any other applicable reporting of data or other requirements under the Operating License, shall constitute sufficient cause for the EPA to revoke, suspend and/or modify this Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue under applicable law.

- 8) The *requirements* of the Operating License referenced in this Approval are incorporated into this Approval with the full force and effect as is fully set forth herein. WDI shall notify the EPA, in writing, in advance of any pending amendment to the Operating License requirements referenced in this Approval affecting the conditions found at 40 C.F.R § 761.75, or of any new provision concerning PCB waste which is not included under 40 C.F.R § 761.75, which also requires approval, or which would be less stringent than a requirement of the PCB regulations. EPA shall have an opportunity to comment on any proposed Operating License amendments affecting PCB waste management at the WDI landfill and/or any applicable term or condition of the Operating License. For Operating License amendments that would constitute a minor modification of existing conditions and/or standard operating procedures affecting PCB waste management and/or other requirements of the Operating License, WDI shall notify the EPA in writing no later than five calendar days of such change to the Operating License, or requirements thereof. Where WDI has notified the EPA of the amendment as required, the minor modification amendment of the Operating License will be automatically incorporated as an amendment to this TSCA Coordinated Approval as of the date such amendment takes effect in the Operating License, unless otherwise specified in writing by the EPA. An Operating License amendment that would constitute a major modification, *see above* “Definitions,” “Major Modification,” affecting PCB waste management at the WDI landfill and/or any applicable term or condition of the Operating License, requires approval of the Director of LCRD, EPA, Region 5.

NOTIFICATIONS

- 9) WDI shall notify the EPA in accordance with Conditions 10 through 14 below. For the required notifications, WDI shall contact the EPA Region 5 PCB Coordinator by telephone. Any required written communication shall be submitted electronically by email to the EPA Region 5 PCB Coordinator. See <https://www.epa.gov/pcbs/epa-region-5-polychlorinated-biphenyls-pcbs> for current contact information.
- 10) Within one working day of when it knows or should have known of applicable analytical results, WDI must notify EPA by telephone of any statistically significant increase of PCBs in monitored groundwater or Leak Detection, Collection and Removal System samples from the WDI landfill. WDI also must provide a written notification of such increase within seven (7) days.
- 11) Within one working day of when it knows or should have known of applicable monitoring results, WDI must notify EPA by phone if the leachate over the primary liner of MC VI exceeds one (1) foot depth, or the volume of water or leachate from MC VI exceeds the mean value plus three (3) standard deviations calculated from the last two years records for the sample point.
- 12) Within one working day of when it knows of applicable monitoring results, WDI must notify EPA by telephone of any WDI landfill perimeter air station sample result exceeding the established PCB screening levels. WDI also must provide a written notification of such a result within seven (7) days.
- 13) If there is a spill or release of anything from MC VI of the WDI landfill which poses a threat to

health or the environment, the event must be reported immediately to the EPA. In addition, WDI must abide by all other applicable federal, State and local notification and reporting requirements regarding such an incident.

- 14) If there is a detection of PCBs that require a notification to EGLE in the Operating License other than those listed above in conditions 10-13, then WDI must also notify EPA and within the same timeframe required by the Operating License.

TRANSFER OF OWNERSHIP

- 15) The requirements under this Approval for closure and post-closure care of MC VI shall transfer to any new owner of the Landfill.
- 16) WDI must notify EPA, at least one hundred and eighty (180) days before transferring ownership of MC VI of the WDI landfill, where a new Approval must be issued, or thirty (30) days before transferring ownership of MC VI where the Approval is current and the new owner's records are complete.
- 17) Should the transferor fail to timely provide EPA with the required written documentation of sale or transfer of MC VI of the WDI landfill, this Approval may be terminated.
- 18) At least sixty (60) days before the transfer of MC VI of the WDI landfill, the prospective transferee must submit to EPA:
- a. a written statement identifying the name, address and telephone number of the transferee;
 - b. copies of the transferee's last four (4) years of federal income tax returns, including all schedules;
 - c. a notarized affidavit signed by the transferee which states that the transferee will abide by the transferor's Approval;
 - d. a listing of past environmental violations by the transferee, its employees or assigns;
 - e. the qualifications of the principals and key employees;
 - f. proof of financial assurance acceptable to EPA and funding in a manner similar to that set forth at 40 C.F.R. §§ 264.142 and 145; and
 - g. any other applicable materials to document compliance with the requirements of 40 C.F.R. § 761.75.
- 19) After reviewing the notification, affidavit and background information, EPA will either issue an amended Approval in the transferee's name or require the transferee to apply for a new TSCA PCB disposal Approval. In the latter case, the transferee must abide by the transferor's Approval until the EPA issues the new Approval.
- 20) If the transferee is required to apply for a new TSCA PCB Approval, the transferee must submit to the Director of LCRD, EPA, Region 5 a complete Application, pursuant to the requirements of 40

C.F.R. § 761.75.

- 21) WDI shall comply with all applicable TSCA Approvals and PCB regulations including, but not limited to, marking, storage, notification, manifesting, annual document logs, and annual reports as a commercial disposer.

FINANCIAL ASSURANCE FOR CLOSURE AND POST-CLOSURE CARE

- 22) WDI shall establish and maintain financial assurance for closure for MC VI of the WDI landfill, based on a closure cost estimate established pursuant to the RCRA requirements at 40 C.F.R. § 264.142 (Cost estimate for closure), and utilizing financial assurance mechanisms set out at 40 C.F.R. § 264.143 (Financial assurance for closure).
- 23) WDI shall establish and maintain financial assurance for post-closure care for MC VI of the WDI landfill, based on a post-closure cost estimate established pursuant to the RCRA requirements at 40 C.F.R. § 264.144 (Cost estimate for post-closure care), and utilizing financial assurance mechanisms set out at 40 C.F.R. § 264.145 (Financial assurance for post-closure care).
- 24) As required under the RCRA regulations at 40 C.F.R. §§ 264.142 and 264.144, WDI shall adjust the closure and post-closure care cost estimates for MC VI of the WDI landfill for inflation annually, which may require an increase in the financial assurance.
- 25) WDI shall revise the closure and post-closure care cost estimates for MC VI of the WDI landfill within thirty (30) days of any modification or change that increases such costs, including any extension of the post-closure time period. This may require an increase in the financial assurance.
- 26) WDI shall submit proof of financial assurance for closure and post-closure care for MC VI of the WDI landfill to EPA annually. If EPA determines that the amount of financial assurance is inadequate to ensure that MC VI does not present an unreasonable risk of injury to health or the environment from PCBs, WDI shall obtain additional financial assurance funding. Failure to do so will result in a termination of WDI's authority to dispose of PCBs in MC VI or, if MC VI has been closed, may subject WDI to civil or criminal penalties under TSCA.

CLOSURE AND POST-CLOSURE

- 27) WDI has submitted a Closure Plan and Post-closure Plan (Attachment A.11 of the Operating License) for MC VI of the WDI landfill. Within one hundred and eighty (180) days prior to closure of MC VI, WDI shall provide updates of these Plans to EPA for review and approval.
- 28) Closure of MC VI of the WDI landfill must be approved in writing by EPA prior to closure and shall be implemented pursuant to updated Closure and Post-closure Plans approved in writing by the Director of LCRD, Region 5, EPA.
- 29) The updated Closure and Post-closure Plans for MC VI of the WDI landfill shall comply with applicable RCRA requirements at 40 C.F.R. Part 264, Subpart G (Closure and Post-Closure), as

provided for in the Operating License, and shall include any additional provisions necessary to ensure that MC VI does not present an unreasonable risk of injury to health and the environment from PCBs during closure and the post-closure period. The updated Closure and Post-closure Plans shall comply with the RCRA requirements at 40 C.F.R. § 264.310 (Closure and post-closure care) and include detailed descriptions of how MC VI will be closed and the long-term care that will be provided after closure; updated closure and post-closure cost estimates; and an updated demonstration of financial responsibility for implementing closure and providing post-closure care throughout the post-closure period.

- 30) The current Closure Plan for MC VI of the WDI landfill requires installation of a final cap, and the Post-closure Plan provides for maintenance of the cap during the post-closure period. The final cap design is subject to approval in writing by EPA.
- 31) The current Post-closure Plan for MC VI of the WDI landfill contains a post-closure period of thirty (30) years applicable to RCRA hazardous waste landfills. At any time prior to closure of MC VI or during the post-closure period in the EPA-approved Post-closure Plan for MC VI, EPA may extend the post-closure period upon finding that an extended period of post-closure care is necessary to ensure that MC VI does not present an unreasonable risk of injury to health or the environment from PCBs. Regardless, of any such extension, WDI shall maintain the approved final cap on MC VI in perpetuity.

RECORDKEEPING

- 32) WDI shall comply with the recordkeeping requirements set out at 40 C.F.R. § 761.75(b)(8)(iv) and 40 C.F.R. § 761.180(b), including the requirements to maintain annual records on the disposition of PCB waste at the WDI landfill and a written annual document log containing the information required by 40 C.F.R. § 761.180(b)(2).
- 33) As required by 40 C.F.R. § 761.180(b), the annual records and annual document logs shall be maintained for at least twenty (20) years after MC VI is no longer used for the disposal of PCB waste. The required documents shall be kept at one central location and shall be available for inspection by authorized representatives of EPA.
- 34) As required by 40 C.F.R. § 761.180(d), WDI shall collect and maintain for at least twenty (20) years after MC VI is no longer used for the disposal of PCB waste, the following:
- a. all water analyses obtained under this Approval and the applicable TSCA regulations; and
 - b. all operating records, including the burial coordinates of wastes, obtained under this Approval and the applicable TSCA regulations.
- 35) As required by 40 C.F.R. § 761.180(f), WDI shall maintain for at least twenty (20) years after MC VI is no longer used for the disposal of PCB waste, the following:

- a. all documents, correspondence and data provided by WDI to any State and local governmental agencies pertaining to disposal of PCB waste at the WDI landfill;
- b. all documents, correspondence and data provided by and State any local governmental agencies to WDI pertaining to disposal of PCB waste at the WDI landfill; and
- c. all applications and related correspondence sent from WDI to governmental agencies regarding specified permits for the WDI landfill.

MODIFICATIONS

Any major modification, as defined above, of the Operating License affecting PCB waste management and/or the application of any requirement of the PCB regulations at the WDI landfill requires the written approval of the Director of LCRD, EPA, Region 5. If there is any question as to whether a change in operations at the WDI landfill, the terms and conditions of the Operating License, or any other proposed modification, is a major or minor modification, such question should be submitted to an appropriate representative(s) of EPA as soon as possible. In such cases, EPA will solely determine whether a proposed change is major or minor modification of the Operating License. No oral modifications shall be granted. Any major modification of this Coordinated Approval requires written approval of the Director of LCRD.

Unless otherwise modified per Condition 8, any minor modification of the Operating License affecting PCB waste management and/or any applicable requirement thereof, requires prior notification to EPA, but does not require prior EPA approval. EPA shall have an opportunity to comment on any minor modification affecting PCB waste management at the WDI landfill and/or any applicable term or condition of the Operating License. WDI shall notify the EPA in writing no later than five calendar days of any minor modification of the Operating License. Any minor modification of this Coordinated Approval requires written approval of the Manager, Land and Chemicals Branch, EPA Region 5.

WAIVER

EPA hereby waives for MC VI of the WDI landfill the requirement for a fifty-foot distance between the bottom of the landfill liner and the historical high groundwater table, set out at 40 C.F.R. § 761.75(b)(3). This requirement is waived because of Finding 6(b) attached herein which states the bottom of MC VI is underlain by a clay pan that meets regulatory requirements consisting of ten (10) feet of clay with a permeability of 10⁻⁷ cm/sec, and Findings 7, 8, 9 and 14 which state that MC VI is constructed with safety features that exceed regulatory requirements, such as two liners and a compacted clay interliner; a compound leachate collection system; and a leak detection, collection and removal system. The EPA has determined that the operations of the landfill will not present an unreasonable risk of injury to health or the environment from PCBs when the requirement at 40 C.F.R § 761.75(b)(3) is waived.

APPROVAL STATEMENT

- 1) The EPA finds that the operations to be authorized under this Approval, conducted in accordance therewith, will not present an unreasonable risk of injury to health or the environment. This Approval may be revoked, suspended and/or modified at any time if the EPA determines that implementation of this Approval presents an unreasonable risk of injury to health or the environment. Nothing in this Approval is intended, or is to be construed, to prejudice any right or remedy concerning the operation of the WDI facility otherwise available to the EPA under section 6(e) of TSCA, 15 U.S.C. § 2605 and/or 40 C.F.R Part 761.
- 2) WDI shall be responsible for the actions (or the failure to act) of all individuals who implement or are otherwise involved in any activities taken pursuant to or otherwise required under this Approval. WDI ' acceptance of this Approval constitutes WDI ' agreement to comply with a) all conditions and terms of this Approval, and b) all applicable provisions of federal, state or local law. Any failure by WDI to comply with any condition or term of this Approval shall constitute a violation of said Approval, which has been issued pursuant to 40 C.F.R §§ 761.77 and 761.75. Any such violation(s) may result in an action by the EPA for any legal or equitable relief or remedy available under applicable law. Any such violation might also result in the EPA revoking, suspending and/or modifying this Approval.
- 3) This Approval is conditional upon the ongoing consent of WDI to allow the EPA employees or agents, upon presentation of credentials, to enter onto the site, and inspect, sample, copy records or otherwise monitor the WDI ' PCB landfill activities at any reasonable time for the purpose of determining compliance with this Approval and/or the PCB regulations.
- 4) Operation of MC VI by WDI shall constitute acceptance of and agreement to all conditions of this Approval.
- 5) WDI is authorized to dispose of PCB waste in MC VI in accordance with the specifications in its Application. Any Subcell not already built shall only have PCB waste placed within it after these Subcells are constructed and certified by the EGLE.

Cecilia Alford, Acting Director
Land, Chemicals, and Redevelopment Division

ATTACHMENTS

1. Hazardous Waste Management Facility Operating License issued to Wayne Disposal, Inc. (MID 048 090 633) by the Michigan Department of Environmental Quality(MDEQ) on [insert date] (to be attached when finalized)
2. Findings

DRAFT

BACKGROUND

The WDI Landfill Site # 2, located at 49350 North I-94 Service Drive, Belleville, Michigan (WDI Landfill), is a 193-acre chemical waste landfill that is divided into Master Cells V, VI and VII. The WDI Landfill is owned and operated by Wayne Disposal, Inc. Republic Services owns Wayne Disposal, Inc.

The WDI Landfill was originally authorized under authority granted by the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. § 6901 *et seq.*, and was operated pursuant to a RCRA Hazardous Waste Management Permit issued by EPA and a Hazardous Waste Management Facility Operating License issued by the predecessor agency to the Michigan Department of Environmental Quality (MDEQ). WDI Landfill Master Cells V and VII, which do not contain PCBs, have been filled and closed, and are currently in post-closure care.

On March 15, 1995, WDI, as lessee and operator of the Landfill, submitted an application to MDEQ for a Hazardous Waste Management Facility Operating License, pursuant to Part 111 of the Michigan Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451), for Master Cell VI of the WDI Landfill.

On July 10, 1995, WDI, as lessee and operator of the Landfill, submitted an application to EPA for approval under 40 C.F.R. § 761.75, to dispose of PCBs and PCB-contaminated waste in Master Cell VI of the WDI Landfill.

On April 14, 1997, MDEQ issued a Hazardous Waste Management Facility Operating License to WDI for Master Cell VI of the WDI Landfill.

On April 14, 1997, EPA issued a TSCA Approval to WDI to allow the disposal of PCBs and PCB Items in Master Cell VI of the WDI Landfill. On December 23, 1998, the Approval was modified to reflect a transfer of ownership of the landfill property from the Ford Motor Company to WDI.

On August 24, 1999, WDI submitted an application to MDEQ requesting a major modification of the April 14, 1997, Hazardous Waste Management Facility Operating License for the WDI Landfill. WDI sought a modification of the Operating License to allow for a design change to expand the capacity of Master Cell VI by extending the cell both vertically and horizontally over closed Master Cell V.

On March 23, 2000, WDI submitted to EPA an application, pursuant to TSCA and 40 C.F.R. § 761.75, for an amended Approval to allow the disposal of PCB waste in the redesigned and expanded Master Cell VI of the WDI Landfill.

On July 13, 2001, pursuant to Part 111 of Michigan Act 451 and RCRA, MDEQ issued a major modification of the Hazardous Waste Management Facility Operating License for the WDI Landfill. The modified Operating License was set to expire on April 14, 2007.

On August 21, 2001, EPA issued a TSCA Approval pursuant to 40 C.F.R. § 761.75, to allow

WDI to continue to dispose of PCBs in Master Cell VI of the WDI Landfill. The Approval allowed WDI to continue to dispose of PCB waste in the remaining part of the previously approved 1.435 million cubic yards in Master Cell VI and generally authorized the disposal of an additional 2.89 million cubic yards of PCB waste in the Master Cell VI expansion area.

The August 2001 Approval required, among other things, that WDI construct an underlying grid and liner for Master Cell VI, Subcell E, which was to be constructed on top of closed Master Cell V. The Approval also required WDI to prepare and submit a Settlement Monitoring Plan for Master Cell VI, Subcell E, to assure the integrity of the liner during loading of Master Cell VI.

WDI submitted a Settlement Monitoring Work Plan for Master Cell VI, Subcell E on October 19, 2001, and a Settlement Monitoring Plan on August 12, 2002. On September 19, 2002, EPA approved the Settlement Monitoring Plan.

On November 3, 2003, WDI submitted to MDEQ a Construction Documentation Report and Certification for Phase I of Master Cell VI, Subcell E. On June 4, 2004, MDEQ approved the certification and authorized waste disposal in a portion of Master Cell VI, Subcell E. Thereafter, WDI continued to construct Master Cell VI, Subcell E in phases, and MDEQ continued to approve certifications and authorize waste disposal as each newly constructed portion of Master Cell VI, Subcell E was completed.

On September 24, 2004, WDI submitted to EPA a Geotechnical Instrumentation Installation and Baseline Data Report that described the settlement monitoring instrumentation and pre-load background data for Master Cell VI, Subcell E.

On May 12, 2006, EPA extended the TSCA Approval for the WDI Landfill until April 14, 2007. At that time, EPA also agreed to change the frequency of PCB air sampling from once every sixth day to once every twelfth day.

On October 11, 2006, WDI submitted to EPA an Application for Renewal of the TSCA Approval for the WDI Landfill and to MDEQ a Hazardous Waste Management Facility Operating License Renewal Application for the WDI Landfill.

On April 23, 2007, EPA extended the TSCA Approval for the WDI Landfill until November 14, 2007.

On September 6, 2007, MDEQ determined that WDI's Hazardous Waste Management Facility Operating License Renewal Application was complete, which allowed the WDI Landfill to continue operating in accordance with the existing Operating License, pending a decision on the renewal application.

On November 16, 2007, EPA extended the TSCA Approval for the WDI Landfill until November 14, 2008.

On March 3, 2008, WDI submitted to MDEQ and to EPA a proposed design modification to increase the vertical and horizontal dimensions of Master Cell VI of the WDI Landfill. On

January 23, 2009, WDI submitted a revised design modification for Master Cell VI.

On August 26, 2008, WDI submitted to EPA a request to terminate Settlement Monitoring for Master Cell VI, Subcell E of the WDI Landfill, based on monitoring data indicating that Master Cell VI was able to adequately support the maximum approved waste load without adversely affecting the leachate collection system or the geomembrane liner.

November 14, 2008, EPA extended the TSCA Approval for the WDI Landfill until November 14, 2009.

On April 9, 2009, EPA approved WDI's request to terminate Settlement Monitoring for Master Cell VI, Subcell E of the WDI Landfill.

On May 15, 2009, WDI entered into a Consent Order with the State of Michigan to resolve alleged RCRA violations regarding a flood event from storm water control structures and several onsite leachate releases at the WDI Landfill. The Consent Order included provisions for WDI to expand storm water management systems; treat storm water before discharge to surface water; enact SOPs for fugitive dust control, vehicle track-out, wind speed monitoring, and storm water management; and implement several enhancements to soil, surface water and sediment monitoring programs. The Consent Order required that those provisions be included in the next renewal of the Hazardous Waste Management Facility Operating License for the WDI Landfill.

On November 13, 2009, EPA extended the TSCA Approval for the WDI Landfill until May 14, 2010.

On December 17, 2009, WDI submitted to EPA a revised Application for Renewal of the TSCA Approval for the WDI Landfill and to MDEQ a revised Hazardous Waste Management Facility Operating License Renewal Application for the WDI Landfill. These Applications replaced the October 2006 Applications.

On May 14, 2010, EPA extended the TSCA Approval for the WDI Landfill until October 15, 2010.

On September 30, 2010, the Michigan Department of Natural Resources and the Environment (MDNRE) issued to WDI a Hazardous Waste Management Facility Operating License for Master Cell VI of the WDI Landfill.

On October 12, 2010, EPA extended the TSCA Approval for the WDI Landfill until April 8, 2011.

On April 12, 2011, EPA extended the TSCA Approval for the WDI Landfill until September 30, 2011.

On September 29, 2011, EPA issued a TSCA Approval for the WDI Landfill that was set to expire on September 29, 2016.

On March 4, 2011, WDI submitted to MDEQ an Application for an 11.73 million cubic yard expansion to the WDI Landfill. This application was amended in September 2011 to address comments by MDEQ.

On April 18, 2012, WDI submitted to EPA a request to amend its TSCA Approval to include the 11.73 million cubic yard expansion area to the WDI Landfill. The request included the September 2011 application that had been submitted to MDEQ.

On May 4, 2012, MDEQ issued an Operating License for a Hazardous Waste landfill to WDI that included the previously permitted 10.72 million cubic yards and the 11.73 million cubic yard expansion area at the WDI Landfill.

On October 1, 2012, EPA provided comments to WDI on its request to amend its TSCA Approval.

On October 31, 2012, WDI submitted a response to EPA's comments on the TSCA Approval amendment request.

On September 27, 2013, EPA issued a TSCA Approval, pursuant to 40 C.F.R. § 761.75, to allow WDI to continue to dispose of PCB waste in the previously approved and constructed Master Cell VI area of the WDI Landfill, and to dispose of up to another 11.73 million cubic yards of PCB waste in Master Cell VI expansion area, including Subcells F and G, after these Subcells are constructed and certified by the MDEQ.

On April 14, 2015, EPA issued a Minor Modification to the TSCA Approval to allow WDI to dispose of an additional 275,274 cubic yards of material in Master Cell VI. This was allowed due to the removal of a height restriction on the landfill cell which had been required by the adjacent Willow Run Airport because of a former runway.

On March 29, 2018, WDI submitted a renewal application to EPA for continued disposal of PCBs in Master VI of the WDI landfill.

On May 4, 2018, WDI submitted engineering plans to EPA and MDEQ for modification of the cell liner for the Phase 2 construction of Master Cell VI, Subcell G. The modification consists of using Geosynthetic Clay Liner in place of compacted clay liner. Other components of the previously approved liner system, including the primary and secondary leachate collection systems, are not being modified.

On February 14, 2019, EPA a TSCA Approval, pursuant to 40 C.F.R. § 761.75, to allow WDI to continue to dispose of PCB waste in the previously approved and constructed Master Cell VI area of the WDI Landfill (Subcells A through E); to modify the baseliner to include a Geosynthetic Clay Liner; and to dispose of up to another 12 million cubic yards of PCB waste in Master Cell VI, Subcells F and G, after these Subcells area constructed and certified by the MDEQ.

On March 28, 2019, EPA issued a Minor Modification to the TSCA Approval for the

abandonment of groundwater monitoring well OB-34 and replacing it with groundwater monitoring well OB-52.

On April 19, 2022, EPA issued a Major Modification to the TSCA Approval for an engineered design change to the previously approved liner design for Master Cell VI (MC VI) Subcell F1 through F4 (MC VI- F) and MC VI Subcell G4 through G7 (MC VI-G) to incorporate Geosynthetic Clay Liner into the baseliner system; and to modify the liner grad for MC VI Subcell F.

On October 28, 2022, EPA issued a Minor Modification to the TSCA Approval for an engineered design change to Attachment 7 Engineering Plans, of the Major Modification application approved by EPA on April 19, 2022, in order to improve the liner grade of Master Cell VI (MC VI) Subcell F3 and account for intercell clay berm settlement.

On November 5, 2022, WDI submitted an application to EPA to request a Coordinated Approval pursuant to 40 C.F.R. 761.77 for the renewal of their TSCA Approval pursuant to 40 C.F.R. 761.75 for continued disposal of PCB waste in Master Cell VI of the WDI Landfill. The application also included modifications to the liner grades, final cover, relocation of existing leachate sumps, and a volume increase of 5.1 million cubic yards. Subsequent to this initial application, WDI submitted updates to the application based on EGLE and EPA comments. Final updates to portions of the application were submitted on May 19, 2025 and June 5, 2025.

FINDINGS

The following Findings are made pursuant to 40 C.F.R. § 761.75(c)(3), and are based on EPA's review of information submitted by WDI in the December 2009 Application for Renewal of its Hazardous Waste Operating License and Application for TSCA Approval, the September 2011 revised Application for an Operating License to expand the Hazardous Waste landfill, the March 2018 PCB TSCA Renewal Application, the May 2018 Proposed Permit Modification with engineering diagrams, and pursuant to 40 C.F.R. § 761.75(c)(1) and (2).

1. WDI currently operates an EPA-approved TSCA chemical waste landfill with an active cell, Master Cell VI, located at the WDI Landfill in Belleville, Michigan.
2. The WDI Landfill, including Master Cell VI, is also regulated by the State of Michigan under RCRA-equivalent Hazardous Waste Management regulations at Part 111 of Michigan's Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451), and the rules promulgated thereunder.
3. WDI's mailing address and physical address is: 49350 North I-94 Service Drive, Belleville, Michigan 48111-1854.
4. The WDI Landfill is bounded on the north and west by the Willow Run Airport; to the south by the I-94 North Service Drive; and to the east by Beck Road.
5. Master Cell V and Master Cell VI (Subcells A, B, C, D, E, F, and G) are located on a thick, relatively impermeable large-area clay pan, as required by 40 C.F.R. § 761.75(b)(1) (*Soils*). Most of Master Cell VI, Subcell E is built on top of Master Cell V or overlies a narrow earthen berm of undisturbed clay pan between Master Cell V and Master Cell VI. Most of Master Cell VI Subcells F and G will be built on top of Master Cells I and IV. Master Cell VI Subcell G Phase 1 was built on a wooded lot between Master Cells I and IV.
6. The local soil profile is made up of five units:
 - a. The Upper Sand Unit is thin, unprotected, permeable, water-bearing, silty sand. Although water-bearing, the Upper Sand Unit is not considered an aquifer due to the limited quantity and low quality of the water yielded. During construction of the Landfill, the whole Upper Sand Unit was removed from around the Cells and replaced with a ten-foot thick compacted clay isolation barrier.
 - b. The Clay Pan is a laterally extensive, glacially-derived silty clay layer. It is a regional barrier to water flow and maintains a minimum of ten (10) feet of relatively impermeable material below both Master Cell V and Master Cell VI. The permeability under Master Cell VI is certified by laboratory soil testing to be less than 1×10^{-7} cm/sec. The permeability of native clay samples from under Master Cell V is similar to that under Master Cell VI, with permeability of 1×10^{-7} cm/sec or less.

- c. The Transition Silt Unit is a partly water-bearing fine grained sand silt aquitard unit with as much as 16-35% clay in it, directly underlying most of the Clay Pan but overlying the Upper Aquifer. Permeability tests on the Unit yield laboratory values of 1.3×10^{-8} to 6.9×10^{-6} cm/sec.
 - d. The Lower Sand Drift Aquifer is a partly-confined, protected, highly permeable, and useable sandy aquifer located on fractured limestone and shale, whose pressure head varies from ten feet below the secondary liner to just at the base of the primary liner of Master Cell VI. The Drift Aquifer is defined as the Upper Aquifer for regulatory purposes despite being below the Clay Pan. Local groundwater resources are generally unused. The Drift Aquifer has generally been abandoned in favor of Detroit municipal water sources, but the Drift Aquifer is being monitored because it may be used in the future.
 - f. The bedrock units are non-water bearing Paleozoic Antrim Shale and Traverse Group limestones containing useable, but generally undesirable, water.
7. WDI has constructed Master Cell VI, Subcells A, B, C, D, E, and G Phase 1 with an eighty (80) mil thick density polyethylene synthetic membrane primary liner that exceeds the requirements of 40 C.F.R. § 761.75(b)(2) (*Synthetic membrane liners*) of a minimum thickness of 30 mils, and with additional safety features such as:
- a. a sixty (60) or eighty (80) mil thick density polyethylene synthetic membrane secondary liner;
 - b. sixty (60) inches of re-compacted clay between the primary and secondary synthetic membranes, which substantially exceeds the minimum compacted soil liner thickness specified in 40 C.F.R. § 761.75(b)(1);
 - c. thirty-six (36) inches of re-compacted clay below the primary liner;
 - d. a relatively impermeable clay dike surrounding Master Cell VI; and
 - e. a biaxial polymeric geo-grid to strengthen the base of Master Cell VI, Subcell E.
8. WDI's modified the design of the Master Cell VI, Subcells F and G, liner system. The proposed system is comprised of a Geosynthetic Clay Liner (GCL) in lieu of the previously approved compacted clay liner. WDI stated in its Proposed Permit Modification that GCL has the following benefits when compared to the compacted clay liner:
- a. GCL is man-made with superior consistency and reliability;
 - b. GCL has superior resistance to freeze-thaw damage and is preferred considering Michigan's climate;

- c. GCL has superior resistance to settlement induced tensioning;
 - d. GCL reduces the need for compaction and is more consistent in achieving the approved grades; and
 - e. GCL has substantially lower hydraulic conductivity.
9. WDI stated that the modified engineering design for Master Cell VI, Subcells F and G, is equivalent to the engineering design presented in Finding 7 for previously constructed Subcells. The engineered liner design includes:
- a. GCL primary and secondary liners;
 - b. eighty (80) mil thick density polyethylene synthetic geomembrane primary and secondary liners, each of which exceeds the minimum membrane thickness specified in 40 C.F.R. § 761.75(b)(2);
 - c. synthetic geomembrane liners separated by a sixty (60)-inch cohesive soil attenuation layer; and
 - d. a biaxial geo-grid and 2 feet of structural fill to strengthen the base of the Subcell.
10. Pursuant to the prior TSCA Approval for the WDI Landfill, WDI conducted Settlement Monitoring on Master Cell V during the loading of Master Cell VI, Subcell E to assure the integrity of the liner under Master Cell VI, Subcell E.
11. According to the Hydrogeological Report submitted by WDI, which cited several related background reports prepared by its consultant over the years, the hydrogeological characteristics at the WDI Landfill provide a level of hydrologic protection that exceeds the TSCA requirements specified in 40 C.F.R. § 761.75(b)(3) (*Hydrologic conditions*), including but not limited to the following:
- a. The Clay Pan underlying the WDI Landfill covers a large area of at least 480 acres and is effectively continuous and relatively impermeable. Testing has demonstrated no downward natural seepage of water through the clay pan. Breakthrough times for the Clay Pan are very long, and piezometers installed in the clay indicate that the water flux across the clay is very low.
 - b. There is no hydraulic connection between the base of the Master Cell VI (Subcells A, B, C, D, E, F and G) lowermost geomembrane and standing or flowing surface water. The Clay Pan serves as an aquiclude and naturally protects the Upper Aquifer below it. The unprotected, thin Upper Sand Unit resting on the Clay Pan was excavated during construction so that the liner for Master Cell VI, Subcell E rests either on a clay cap or on the Clay Pan.

- c. The bottom of the liner system for Master Cell VI (Subcells A, B, C, D, E, F and G) is underlain by at least ten (10) feet of clay with a permeability of less than 1×10^{-7} cm/sec. The bottom of the liner system for Master Cell VI, Subcell E is underlain by at least ten (10) feet of clay with a permeability of less than 1×10^{-7} cm/sec and by Master Cell V.
 - d. The WDI Landfill has monitoring wells and leachate collection systems.
 - e. The naturally protected Lower Sand Drift Aquifer below the Clay Pan (the regulatory Upper Aquifer), along with the low permeability of the Clay Pan, helps maintain the potentiometric or artesian forces that result in the local no flow zone in the Clay Pan underlying Master Cell VI.
 - f. Municipal water supplies are no longer drawn from the Lower Sand Drift Aquifer. The nine wells of the Bridge Road-Rawsonville Road array were shut down in 1994, and the seven-well array in the City of Ypsilanti and the well along Superior Road Bridge were shut down in 1996. These wells are all upstream of the WDI Landfill.
12. Master Cell VI is located above the 100-year flood level. Master Cell VI has stormwater runoff control structures, as required by 40 C.F.R. § 761.75(b)(4) (*Flood protection*).
13. Master Cell VI is located on an area of relatively flat topography, as required by 40 C.F.R. § 761.75(b)(5) (*Topography*).
14. The requirements of 40 C.F.R. § 761.75(b)(6)(i) (*Water sampling*) have been met as follows:
- a. all ground and surface water sample sites were sampled to establish background levels before PCB waste disposal began in Master Cell VI;
 - b. leachate from Master Cell V was tested to establish background levels before PCBs were disposed of in Master Cell VI;
 - c. on-site surface water (storm water) will be sampled pursuant to WDI's Surface Water Sampling and Analysis Plan; and
 - d. Quirk Drain, a surface water course designated under 40 C.F.R. § 761.75(c)(3)(ii), will be sampled for PCBs as required by National Pollution Discharge Elimination System (NPDES) Permit No. MI0056413, dated April 29, 2024.
15. WDI has a groundwater monitoring plan and requisite groundwater monitoring wells that meet the requirements of 40 C.F.R. § 761.75(b)(6)(ii) (*Groundwater monitor wells*). These wells include 27 wells monitored under the terms of WDI's Hazardous Waste Operating License and 11 wells monitored under the terms of the TSCA Approval. Additional wells will be added as Subcells are constructed.

16. WDI is required to conduct analyses on all groundwater samples obtained from the TSCA monitoring wells, pursuant to 40 C.F.R. § 761.75(b)(6)(iii) (*Water analysis*).
17. The WDI Landfill has a compound leachate collection system in Master Cell VI that meets the specifications of 40 C.F.R. § 761.75(b)(7)(ii) (*Compound leachate collection*). The system consists of a Leachate Collection System (LCS) used to collect, monitor and remove leachate above the primary liner; and a Leak Detection, Collection and Removal System (LDCRS) designed to measure flow volumes, collect and analyze samples, and remove leachate above the secondary liner. The LCS utilizes several collection sump pumps to remove leachate from the primary liner. The LDCRS utilizes several additional sumps to monitor and remove leachate from the secondary liner. Leachate collected and removed from the LCS and the LDCRS is treated at WDI's on-site water treatment plant before being discharged to the local sanitary sewer system.
18. WDI's Application indicates that operations at Master Cell VI of the WDI Landfill meet the requirements of 40 C.F.R. § 761.75(b)(8) (*Chemical waste landfill operations*), as follows:
 - a. The Waste Analysis Plan; Traffic Information; Leachate Monitoring Plan; Leak Detection, Collection and Removal System Monitoring Plan; Personnel Training Program; Emergency Contingency Plan; and other information in the Application provide detailed explanations regarding recordkeeping; surface water handling; excavation and backfilling; vehicle and equipment movement; roadways; leachate collection systems; sampling and monitoring procedures; monitoring wells; emergency contingency plans; and security measures at the WDI Landfill.
 - c. The WDI Landfill will not accept ignitable wastes.
 - d. WDI will maintain records for all PCB disposal operations, as required by the TSCA PCB regulations.
19. The WDI Landfill has features required by 40 C.F.R. § 761.75(b)(9) (*Supporting facilities*), including the following:
 - a. a fence around the Landfill to prevent unauthorized persons and animals from entering, and full-time security personnel on-site 24 hours per day;
 - b. roads adequate to support safe operations and maintenance of the Landfill; and
 - c. operating procedures to prevent safety problems or hazardous conditions resulting from spills and windblown materials, including a Personnel Training Program, an Emergency Contingency Plan, and Preparedness and Prevention Plans and Procedures that address worker safety, spill response and procedures to prevent releases to the atmosphere.

20. WDI's Application contains the information required by 40 C.F.R. § 761.75(c)(1).
21. WDI plans to modify the liner grade, alter the final cover design, and alter the geometry of the final cover grade. These design modifications result in increased landfill capacity of approximately 5 million cubic yards for Master Cell VI under this TSCA Approval.
22. WDI has the following current permits:
 - a. Michigan Department of Natural Resources and Environmental Part 111 Hazardous Waste Management Facility Operating License for MID 048 090 633; effective May 4, 2012, and expires May 4, 2022.
 - b. Industrial Pretreatment Program, Class D Wastewater Discharge Permit Number D-11202 issued by the South Huron Valley Utility Authority; issued May 30, 2018, and expires May 29, 2023 (renewal submitted).
 - c. NPDES Permit Number MI0056413, issued by EGLE; effective May 1, 2024, and expires October 1, 2028.
23. WDI has submitted a "Notification of PCB Waste Activity," Form 7710-53 (12-89), and received the unique EPA waste identification number MID 048 090 633.
24. WDI submitted to the EGLE a certificate of insurance for Closure and Post-Closure Care of the WDI Landfill, effective December 19, 2023, in the amounts of \$25,624,410 for closure and \$16,988,943 for post-closure care.
25. PCB waste in excess of 100 ppm is regulated pursuant to Part 147 of the Michigan Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. WDI's May 2012 Hazardous Waste Management Facility Operating License constitutes authorization pursuant to Part 147 of Act 451 to dispose of regulated PCB waste. The Operating License contains extensive requirements for management of PCB waste that are no less stringent in protection of health and the environment than the applicable TSCA requirements.
26. WDI's May 2012 Hazardous Waste Management Facility Operating License makes applicable to management of PCB waste in Master Cell VI of the WDI Landfill many of the RCRA-equivalent requirements for hazardous waste disposal facilities set out in the Michigan regulations at Part 111 of Act 451, including requirements for closure, post-closure care and financial assurance.