

**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

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

**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 of 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:

<b>Section</b>	<b>Name</b>	<b>Date</b>
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

Section	Name	Date
B.8.	Capability Certification/Compliance Schedule	11/5/2021
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 January 29, 2026, 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 January 29, 2026, 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). The Operating License is provided as Attachment 1 to this Approval.
- 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. If the depth of leachate over the primary liner exceeds one foot due to needed maintenance and the leachate depth is restored to less than one foot within 72 hours, then notification by phone is not necessary.
- 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.

DARREN  
IRELAND

 Digitally signed by  
DARREN IRELAND  
Date: 2026.01.30  
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D. Scott Ireland  
Acting Director  
Land, Chemicals, & Redevelopment Division

## **ATTACHMENTS**

1. Hazardous Waste Management Facility Operating License issued to Wayne Disposal, Inc. (MID 048 090 633) by the Michigan Department of Environment, Great Lakes, and Energy (EGLE)
2. Findings

**ATTACHMENT 1**

**HAZARDOUS WASTE MANAGEMENT FACILITY OPERATING LICENSE ISSUED TO WAYNE  
DISPOSAL, INC. (MID 048 090 633) BY THE MICHIGAN DEPARTMENT OF ENVIRONMENT,  
GREAT LAKES, AND ENERGY (EGLE)**

**State of Michigan**  
**Department of Environment, Great Lakes, and Energy**  
**HAZARDOUS WASTE MANAGEMENT FACILITY OPERATING LICENSE**



NAME OF LICENSEE: Wayne Disposal, Inc.

NAME OF FACILITY OWNER: Wayne Disposal, Inc.

NAME OF FACILITY OPERATOR: Wayne Disposal, Inc.

NAME OF TITLEHOLDER OF LAND: Wayne Disposal, Inc.

FACILITY NAME: Wayne Disposal, Inc.

FACILITY LOCATION: 49350 North I-94 Service Drive  
Belleville, Michigan 48111

EFFECTIVE DATE: January 29, 2026

EPA IDENTIFICATION (ID) NUMBER: MID 048 090 633

FIVE-YEAR REVIEW DATE: January 29, 2031

REAPPLICATION DATE: July 29, 2035

EXPIRATION DATE: January 29, 2036

**AUTHORIZED ACTIVITIES**

Pursuant to Part 111, Hazardous Waste Management, of Michigan's Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451), being §§324.11101 to 324.11153 of the Michigan Compiled Laws, and the hazardous waste management administrative rules (hereafter called the "rules") promulgated thereunder, being R 299.9101 *et. seq.* of the Michigan Administrative Code, by the Michigan Department of Environment, Great Lakes, and Energy (EGLE), an operating license (hereafter called the "license") is issued to Wayne Disposal, Inc. (hereafter called the "licensee") to operate a hazardous waste management facility (hereafter called the "facility") located at latitude 42.22518 and longitude -83.51787. The licensee is authorized to conduct the following hazardous waste management activities:

<input checked="" type="checkbox"/> STORAGE	<input type="checkbox"/> TREATMENT	<input checked="" type="checkbox"/> DISPOSAL	<input checked="" type="checkbox"/> POSTCLOSURE
<input checked="" type="checkbox"/> Container	<input type="checkbox"/> Container	<input checked="" type="checkbox"/> Landfill	<input type="checkbox"/> Tank
<input type="checkbox"/> Tank	<input type="checkbox"/> Tank	<input type="checkbox"/> Land Application	<input type="checkbox"/> Surface Impoundment
<input type="checkbox"/> Waste Pile	<input type="checkbox"/> Surface Impoundment	<input type="checkbox"/> Surface Impoundment	<input checked="" type="checkbox"/> Landfill
<input type="checkbox"/> Surface Impoundment	<input type="checkbox"/> Incinerator	<input type="checkbox"/> Other:	<input type="checkbox"/> Waste Pile
<input type="checkbox"/> Drip Pad			

**APPLICABLE REGULATIONS AND LICENSE APPROVAL**

The conditions of this license were developed in accordance with the applicable provisions of the rules, effective May 5, 2025. The licensee shall comply with all terms and conditions of this license, Part 111, and its rules. This license consists of the 42 pages of conditions attached hereto as well as those in Attachments 1 through 18, and the applicable rules contained in R 299.9101 through R 299.11008, as specified in the license. For purposes of compliance with this license, applicable rules are those that are in effect on the date of issuance of this license in accordance with R 299.9521(3)(a).

This license is based on the information in the license application submitted on November 5, 2021 and any subsequent amendments (hereafter referred to as the "application"). Pursuant to R 299.9519(11)(c), the license may be revoked if the licensee fails, in the application or during the license issuance process, to disclose fully all relevant facts or, at any time, misrepresents any relevant facts. As specified in R 299.9519(1), the facility shall be constructed, operated, and maintained in accordance with Part 111 of Act 451, the rules, and this license.

This license is effective on the date of issuance and shall remain in effect for 10 years from the date of issuance, unless revoked pursuant to R 299.9519 or continued in effect as provided by the Michigan Administrative Procedures Act, 1969 PA 306, as amended (Act 306). Pursuant to R 299.9516(3), this license shall be reviewed by EGLE 5 years after the date of issuance and shall be modified as necessary in accordance with the provisions of R 299.9519 and R 299.9520.

Issued this 29th day of January, 2026

By: Tracy Kecskemeti  
Tracy Kecskemeti, Acting Director  
Materials Management Division

**HAZARDOUS WASTE MANAGEMENT FACILITY OPERATING LICENSE  
FOR**

**Wayne Disposal, Inc.  
MID 048 090 633**

**TABLE OF CONTENTS**

	Page
<b>PART I: STANDARD CONDITIONS</b>	
A. Terminology and References .....	1
B. Effect of License .....	1
C. Severability .....	1
D. Responsibilities .....	1
E. Submittal Deadlines .....	2
<b>PART II: GENERAL OPERATING CONDITIONS</b>	
A. General Waste Analysis .....	3
B. Security .....	3
C. General Inspection Requirements .....	3
D. Personnel Training .....	3
E. Preparedness and Prevention .....	3
F. Contingency Plan .....	3
G. Duty to Mitigate .....	4
H. Manifest System .....	4
I. Record Keeping and Reporting .....	4
J. Closure .....	5
K. Postclosure .....	6
L. Financial Assurance for Closure .....	7
M. Financial Assurance for Postclosure .....	7
N. Financial Assurance for Corrective Action .....	7

O.	Financial Responsibility for Liability Coverage .....	7
P.	Waste Minimization .....	7
Q.	Land Disposal Restrictions .....	7
R.	Air Emission Standards .....	8
S.	Documents to be Maintained at the Facility .....	8
T.	Engineering Plans .....	9

### **PART III: CONTAINER STORAGE CONDITIONS**

A.	Coverage of License .....	10
B.	Waste Identification and Quantity .....	10
C.	Use and Management of Containers .....	10
D.	Prohibition on Storage of Ignitable or Reactive Wastes .....	11
E.	Special Requirements for Incompatible Wastes or Materials .....	11

### **PART IV: LANDFILL DISPOSAL CONDITIONS**

A.	Coverage of License .....	12
B.	Waste Identification and Quantity .....	12
C.	Design and Run-On, Runoff, and Containment Control .....	13
D.	Waste Placement .....	16
E.	Closure .....	17
F.	Additional Reporting .....	17

### **PART V: ENVIRONMENTAL MONITORING CONDITIONS**

A.	Groundwater Monitoring Program .....	19
B.	Ambient Air Monitoring Program .....	23
C.	Soil Monitoring Program .....	24
D.	Surface Water Monitoring Program .....	26
E.	Leachate Monitoring Program .....	27
F.	Leak Detection System Monitoring Program .....	29

G.	Lysimeter Monitoring Program .....	32
H.	Sedimentation Basin Monitoring Program .....	34
I.	Radiological Monitoring Program .....	35

## **PART VI: CORRECTIVE ACTION CONDITIONS**

A.	Corrective Action at the Facility .....	36
B.	Corrective Action Beyond the Facility Boundary .....	36
C.	Identification of Waste Management Units .....	36
D.	Corrective Action Investigation .....	37
E.	Interim Measures .....	38
F.	Determination of No Further Action .....	38
G.	Corrective Measures Study .....	39
H.	Corrective Measures Implementation Plan .....	39
I.	Corrective Action Management Units .....	40
J.	Temporary Units .....	40
K.	Summary of Corrective Action Submittals .....	40
L.	Corrective Action Documents Retention .....	42

## **LIST OF ATTACHMENTS**

- Attachment 1    Waste Analysis Plan
- Attachment 2    Inspection Schedule
- Attachment 3    Personnel Training Program
- Attachment 4    Contingency Plan
- Attachment 5    Closure and Postclosure Plan
- Attachment 6    Engineering Plans
- Attachment 7    Acceptable Waste Types
- Attachment 8    Use and Management of Containers
- Attachment 9    Groundwater Monitoring Program Sampling and Analysis Plan
- Attachment 10    Ambient Air Monitoring Program Sampling and Analysis Plan
- Attachment 11    Soil Monitoring Program Sampling and Analysis Plan
- Attachment 12    Surface Water Monitoring Program Sampling and Analysis Plan
- Attachment 13    Leachate Monitoring Program Sampling and Analysis Plan
- Attachment 14    Leak Detection Monitoring Program Sampling and Analysis Plan
- Attachment 15    Lysimeter Monitoring Program Sampling and Analysis Plan
- Attachment 16    Sedimentation Basins Monitoring Program Sampling and Analysis Plan
- Attachment 17    Radiological Monitoring Program
- Attachment 18    Corrective Action

## **PART I STANDARD CONDITIONS**

### **A. TERMINOLOGY AND REFERENCES**

Throughout this license, the term "Division" means the Materials Management Division, and any successor organization, within EGLE responsible for administering Part 111 of Act 451 and the rules. Throughout this license, "Director" means the Director of EGLE or the Director's duly authorized designee such as the Division Director. All of the provisions of Title 40 of the Code of Federal Regulations (CFR) referenced in this license are adopted by reference in R 299.11003.

### **B. EFFECT OF LICENSE**

Except as otherwise provided by law, any treatment, storage, or disposal of hazardous waste not specifically authorized in this license is prohibited. Issuance of this license does not authorize any injury to persons or property, any invasion of other private rights, or any infringement of federal, state, or local law or regulations (R 299.9516(8)); nor does it obviate the necessity of obtaining such permits or approvals from other units of government as may be required by law. Compliance with the terms of this license does not constitute a warranty or representation of any kind by EGLE, nor does EGLE intend that compliance with this license constitutes a defense to any order issued or any action brought under Act 451 or any other applicable state statute or §106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (42 U.S.C. 9606(a)), the Resource Conservation and Recovery Act of 1976, as amended (RCRA), and its rules, or any other applicable federal statute. The licensee, however, may argue that compliance with the terms of this license may be a defense to such future regulatory actions. Each attachment to this license is a part of, and is incorporated into, this license and is deemed an enforceable part of the license.

### **C. SEVERABILITY**

The provisions of this license are severable, and if any provision of this license, or the application of any provision of this license to any circumstance, is held invalid, the application of such provision to other circumstances and the remainder of this license shall not be affected thereby.

### **D. RESPONSIBILITIES**

1. The licensee shall comply with Part 111 of Act 451, the rules, and all conditions of this license, except to the extent authorized by EGLE pursuant to the terms of an emergency operating license. Any license noncompliance, except to the extent authorized by EGLE pursuant to the terms of an emergency operating license, constitutes a violation of Part 111 of Act 451 and is grounds for enforcement action, license revocation, license modification, or denial of a license renewal application. (§§11148, 11150, and 11151 of Act 451; R 299.9521(1)(a) and 40 CFR §270.30(a).)
2. If the licensee wishes to continue an activity regulated by this license after the expiration date of this license, the licensee shall submit a complete application for a new license to the Division Director at least 180 days before this license expires,

July 29, 2035, unless an extension is granted pursuant to R 299.9510(5). To the extent the licensee makes a timely and sufficient application for renewal of this license, this license and all conditions herein will remain in effect beyond the license expiration date and shall not expire until a decision on the application is finally made by EGLE, and if the application is denied or the terms of the new license are limited, until the last day for applying for judicial review of the new license or a later date fixed by order of the reviewing court consistent with §91(2) of Act 306. (40 CFR §270.30(b).

3. The licensee shall comply with the conditions specified in R 299.9521(1) and (3).
4. The licensee shall give notice to the Division Director as soon as possible prior to any planned physical alterations or additions to the licensed facility. (R 299.9501(1), R 299.9519(1), and Part 6 of the Part 111 Rules.)

#### **E. SUBMITTAL DEADLINES**

When the deadline for submittals required under this license falls on a weekend or legal state holiday, the deadline shall be extended to the next regular business day. This extension does not apply to the deadline for financial mechanisms and associated renewals, replacements, and extensions of financial mechanisms required under this license. The licensee may request extension of the deadlines for submittals required under this license. The licensee shall submit such requests at least five business days prior to the existing deadline for review and approval by the Division Director. Written extension requests shall include justification for each extension.

## **PART II** **GENERAL OPERATING CONDITIONS**

### **A. GENERAL WASTE ANALYSIS**

1. The licensee shall ensure that any waste managed at the facility has been properly characterized pursuant to R 299.9302 and comply with the procedures described in the attached Waste Analysis Plan, Attachment 1, of this license. (R 299.9605(1), and 40 CFR §264.13.)
2. The licensee shall not accept any TENORM waste unless it complies with the criteria in Appendix B of the Waste Analysis Plan, Attachment 1, of this license.
3. The licensee shall provide 14-day prior notice to the Division Director of any modification of or deviation from the approved Standard Operating Procedures (SOP) in the Waste Analysis Plan, Attachment 1, of this license. The notice shall include a copy of the revised SOP. The Division Director may require the licensee to submit a license modification if the revisions constitute a modification pursuant to R 299.9519. (R 299.9605(1), R 299.9519, and 40 CFR §264.13.)

### **B. SECURITY**

The licensee shall comply with the barrier, surveillance, and signage requirements of R 299.9605(1) and 40 CFR §264.14.

### **C. GENERAL INSPECTION REQUIREMENTS**

1. The licensee shall inspect the facility in accordance with the Inspection Schedule, Attachment 2, of this license, and comply with the inspection requirements of R 299.9605(1) and 40 CFR §264.15.
2. The licensee shall comply with the requirements of R 299.9605(2) regarding transport vehicles and other containers leaving the facility.

### **D. PERSONNEL TRAINING**

The licensee shall comply with the personnel training requirements of R 299.9605 and 40 CFR §264.16. The Personnel Training Program, Attachment 3, of this license, shall, at a minimum, cover all items in R 299.9605 and 40 CFR §264.16.

### **E. PREPAREDNESS AND PREVENTION**

The licensee shall comply with the preparedness and prevention requirements of R 299.9606 and 40 CFR Part 264, Subpart C.

### **F. CONTINGENCY PLAN**

The licensee shall comply with the contingency plan requirements of R 299.9607 and 40 CFR Part 264, Subpart D. The Contingency Plan, Attachment 4 of this license, and the

prescribed emergency procedures shall be immediately implemented by the licensee whenever there is a fire, explosion, or other release of hazardous waste or hazardous waste constituents that threatens or could threaten human health or the environment, or if the licensee has knowledge that a spill has reached surface water or groundwater.

#### **G. DUTY TO MITIGATE**

Upon notification from the Division Director or his or her designee that an activity at the facility may present an imminent and substantial endangerment to human health or the environment, the licensee shall immediately comply with an order issued by the Division Director pursuant to §11148(1) of Act 451 to halt such activity and conduct other activities as required by the Division Director to eliminate the said endangerment. The licensee shall not resume the halted activity without the prior written approval from the Division Director.

#### **H. MANIFEST SYSTEM**

The licensee shall comply with the manifest requirements of Part 3 of the Part 111 Rules and R 299.9608.

#### **I. RECORD KEEPING AND REPORTING**

1. The licensee shall comply with the written operating record and quarterly operating report (EQP 5142 form) requirements of R 299.9609 and 40 CFR §264.73 and Part 264, Appendix I, and R 299.9610(3), respectively. The quarterly operating report shall be submitted on EQP 5142 form provided by the Division Director, or an equivalent form that has been approved by the Division Director.
2. The licensee shall comply with the biennial report requirements of R 299.9610(1).
3. The licensee shall submit the results of all environmental monitoring required by this license and any additional environmental sampling or analysis conducted beyond that required by this license to the Division Director within 60 days of the date of completion of the sampling or collection event. The information shall be provided electronically in the form of an Environmental Monitoring Report, using a format approved by the Division Director. The Report shall include, at a minimum, the laboratory report in pdf format and the data in an electronic spreadsheet format. (R 299.9611(6), R 299.9629(10), and 40 CFR §270.30(l)(4).)
4. The licensee shall provide environmental monitoring information or data that is required pursuant to this license, to an authorized representative of an environmental or emergency response department of the township of Van Buren or county of Wayne, who requests such information or data and that has jurisdiction over the facility. Such information or data shall be made available on the same day the licensee forwards this information to the Division Director.
5. The licensee shall immediately report to the Division Director any noncompliance with the license that may endanger human health or the environment by doing both of the following:

- (a) The licensee shall immediately notify the Hazardous Waste Section at 517-284-6546, if the noncompliance occurs Monday through Friday during the period of 8:00 a.m. to 5:00 p.m., except state holidays, or by calling EGLE's Pollution Emergency Alerting System (PEAS) at 1-800-292-4706 during all other times. This notice shall include the following:
  - (i) Information concerning the fire, explosion, release, or discharge of any hazardous waste or hazardous waste constituent that could threaten human health or the environment, that has reached surface water or groundwater, or that may endanger public drinking water supplies or the environment; and
  - (ii) A description of the occurrence and its cause, including all of the information outlined in R 299.9607(2)(a)-(i).
- (b) The licensee shall also follow up the verbal notice by providing a written report to the Division Director within five days of the time the licensee becomes aware of the circumstances. The written report shall contain all of the information in Condition II.I.5.(a)(i)-(ii) of this license along with a description of the noncompliance and its cause; the periods of noncompliance (including exact dates and times); whether the noncompliance has been corrected and, if not, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance and when those activities occurred or will occur. The Division Director may waive the 5-day written notice requirement in favor of submittal of a written report within 15 days of the time the licensee becomes aware of the circumstances.

(R 299.9521(1)(a), R 299.9607, and 40 CFR §270.30(l)(6).)

- 6. The licensee shall report all other instances of noncompliance with this license, Part 111 of Act 451, the Part 111 Rules, and any other applicable environmental laws or rules that apply to the licensed facility, at the time monitoring reports required by this license are submitted or within 30 days, whichever is sooner. The reports shall contain the information listed in Condition II.I.5. of this license. (R 299.9521(1)(a) and 40 CFR §270.30(l)(10).)
- 7. The licensee may make minor modifications to the forms contained in the attachments to this license. The modifications may include changing the format, updating existing references and information, adding necessary information, and changing certification and notification information in accordance with Part 111 of Act 451 and the Part 111 Rules and RCRA and its regulations. The licensee shall submit the modifications to the Division Director prior to implementing the use of the modified form(s).

**J. CLOSURE**

- 1. The licensee shall comply with the closure requirements of R 299.9613. The licensee shall close the facility in accordance with the Closure and Postclosure Plan,

Attachment 5, of this license, all other applicable requirements of this license, and all other applicable laws. (R 299.9613 and 40 CFR Part 264, Subpart G, except 40 CFR §§264.112(d)(1), 264.115, and 264.120.)

2. The licensee may not install final cover during final closure until receiving Division Director approval of a report documenting that all detectable levels of PCBs in soil and/or sediments have been:
  - (a) Removed from Area A (Figure 1 of Attachment 11 of this license) and paved areas;
  - (b) Remediated to meet EGLE approved site specific cleanup criteria established pursuant to Part 201, Environmental Remediation, of Act 451 in soils and/or sediments in Area A and paved areas; and
  - (c) Compliant with the requirement of Part 31, Water Resources Protection, of Act 451, for the untreated discharge of storm water from Area A and paved areas.
3. Within 60 days of issuance of this license, the licensee shall submit to the Division Director a revised Closure and Postclosure Plan that require:
  - (a) The following areas be investigated during closure to determine whether the structures require decontamination or remediation:
    - (i) Storm sewer system
    - (ii) Sedimentation basins
    - (iii) Lined pond
  - (b) During closure, the licensee shall collect a sufficient number of soil and groundwater samples, as approved by EGLE, to fully characterize and delineate all contamination.
  - (c) Procedures for abandoning the extraction wells around the lined pond that comply the requirements of R 299.9612(1)(b).

## K. POSTCLOSURE

The licensee shall comply with the postclosure monitoring requirements of R 299.9613 and monitor and maintain the facility in accordance with the Closure and Postclosure Plan, Attachment 5, of this license. The licensee shall submit a certification of postclosure in accordance with R 299.9613(5). (R 299.9613 and 40 CFR §§264.116 through 264.119)

L.

## **FINANCIAL ASSURANCE FOR CLOSURE**

1. On the effective date of this license, the facility closure cost estimate is \$42,265,303. The licensee shall keep this estimate current as required under R 299.9702 and 40 CFR §264.142.
2. Within 60 days of license issuance, the licensee shall update the closure cost estimate to account for costs associated with Conditions II.J.2.
3. The licensee shall continuously maintain financial assurance for the current closure cost estimate as required under R 299.9703.

M. **FINANCIAL ASSURANCE FOR POSTCLOSURE**

1. On the effective date of this license, the facility postclosure cost estimate is \$10,020,644. The licensee shall keep this estimate current as required under R 299.9702 and 40 CFR §264.144.
2. The licensee shall continuously maintain financial assurance for the current postclosure cost estimate as required under R 299.9703.

N. **FINANCIAL ASSURANCE FOR CORRECTIVE ACTION**

On the effective date of this license, the cost of performing any corrective action at the facility is currently unknown. If at any time during the operation, closure, or postclosure of the facility it is determined that corrective action work is needed, then at each phase of the corrective action process as defined in Part VI of this License, the facility must develop and maintain current financial assurance for corrective action as required under R 299.9712 and R 299.9713.

O. **FINANCIAL RESPONSIBILITY FOR LIABILITY COVERAGE**

The licensee shall continuously maintain liability coverage for sudden and accidental occurrences and non-sudden accidental occurrences, as required by R 299.9710.

P. **WASTE MINIMIZATION**

The licensee shall certify, at least annually, that the licensee has a hazardous waste minimization program in place. (R 299.9609(1)(a) and 40 CFR §264.73(b)(9).)

Q. **LAND DISPOSAL RESTRICTIONS**

The licensee shall comply with all of the requirements of 40 CFR Part 268. (R 299.9627 and 40 CFR Part 268.)

R. **AIR EMISSION STANDARDS**

1. The licensee shall comply with the requirements of 40 CFR Part 264, Subpart CC, regarding air emission standards from containers. (R 299.9634 and 40 CFR Part 264, Subpart CC, which is adopted by reference in R 299.11003.)
2. The licensee shall notify the Division Director of any hazardous waste management unit or equipment that becomes subject to the requirements of 40 CFR Part 264, Subparts AA, BB, and/or CC within 30 days of the start of the regulated activity. If any hazardous waste management unit or equipment becomes subject to the requirements of 40 CFR, Part 264, Subparts AA, BB, and/or CC, the licensee shall request modification of this license, as appropriate.

(R 299.9630, R 299.9631, R 299.9634, and 40 CFR Part 264, Subparts AA, BB, and CC.)

#### **S. DOCUMENTS TO BE MAINTAINED AT THE FACILITY**

The licensee shall maintain at the facility the following documents and amendments required by this license, until closure/postclosure is completed, certified by an independent registered professional engineer, and the facility is released from financial assurance requirements for closure/postclosure by the Director:

1. Waste Analysis Plan, including Quality Assurance/Quality Control (QA/QC) Plans.
2. Inspection Schedules and records.
3. Personnel Training Program documents and records.
4. Contingency Plan.
5. Closure and Postclosure Plan.
6. Cost estimates for facility closure, postclosure, and corrective action and copies of related financial assurance documents.
7. Operating record.
8. Site Security Plan.
9. Facility engineering plans and specifications.

10. Record keeping procedures.
11. Environmental monitoring plans, including Sampling and Analysis Plans and QA/QC Plans.
12. Environmental monitoring data and statistical records.
13. Preventative procedures (Personnel Protection Plan).
14. Hazardous waste minimization program certification.

(R 299.9521(3)(a).)

**T. ENGINEERING PLANS**

1. The licensee shall construct, operate, and maintain the facility in accordance with the Engineering Plans, Attachment 6 of this license, and any modifications to those plans shall be made in accordance with this license.
2. The licensee shall provide quarterly progress reports, or another method approved by the Division Director, during construction regarding progress of construction activities, updated timelines, and in-field deviations from approved engineering plans and specifications. The first report shall be submitted to the Division Director within 90 days of issuance of this license and then every 90 days thereafter until submission of the final as-built plans and construction certification documents. The licensee shall provide documentation regarding completion of the engineering modifications approved under this license, including a report, as-built drawings, equipment specifications, and updated certifications of construction and capability, to the Division Director for review and approval in accordance with Condition IV.C. of this license. (R 299.9621.)

## **PART III** **CONTAINER STORAGE CONDITIONS**

### **A. COVERAGE OF LICENSE**

The hazardous waste container storage areas at the facility shown in Figure 1 are covered by this license. Any expansion or enlargement beyond the facility boundary shown in Figure 1 or beyond the 1,626 cubic yards storage design capacity requires a new operating license for the expansion, enlargement, or alteration of an existing facility from the Director. Figure 1 is incorporated into this license as part of Use and Management of Containers, Attachment 8. (R 299.9521(1)(b).)

### **B. WASTE IDENTIFICATION AND QUANTITY**

1. The licensee may store no more than a total volume of 1,626 cubic yards of the hazardous wastes listed in the Acceptable Hazardous Waste Types, Attachment 7, of this license in containers at the facility, subject to the terms of this license. (R 299.9521(2)(d).)
2. The licensee shall only store solid hazardous waste, subject to Conditions III.C.5., III.C.6, and III.C.7., of this license, in the following areas:

Name	Maximum Capacity (cubic yards)	Storage Maximum (55-gallon drums)
Non-Bulk Container Storage Area	706	2594
Bulk Container Storage Area	920	46, twenty cubic yard containers

### **C. USE AND MANAGEMENT OF CONTAINERS**

1. The licensee shall manage all containers in compliance with R 299.9614 and R 299.9627 and 40 CFR §§264.171, 264.172, 264.173, and 268.50(a)(2)(i) and the Use and Management of Containers, Attachment 8, of this license.
2. The licensee shall stack 55-gallon drums no greater than two high or other containers no higher than nine feet in the hazardous waste container storage areas referenced in Condition III.A. of this license.
3. The licensee shall only place containers into the hazardous waste container storage areas referenced in Condition III.A. of this license in accordance with the typical configuration shown in Figure 1 in Attachment 8 of this license or an alternate configuration approved by the Division Director.
4. The licensee shall maintain a minimum of two feet of aisle space between each row of containers. (R 299.9606 and 40 CFR §264.35.)

5. The licensee shall remove containers with waste codes: F020, F021, F022, F023, F026, and F027, from the Non-Bulk Container Storage Area or Bulk Container Storage Area by the end of each working day.
6. The licensee shall remove any containers of nonconforming waste containing free liquids from the Non-Bulk Container Storage Area or Bulk Container Storage Area by the end of each working day unless the non-conforming waste has passed the free liquids test in Table B.2 in the Waste Analysis Plan, Attachment 1, of this license.
7. The licensee shall remove containers with TSCA polychlorinated biphenyl (PCB) waste subject to storage requirements set forth in 40 CFR 761.65 from the Non-Bulk Container Storage Area or Bulk Container Storage Area by the end of each working day.

**D. PROHIBITION ON STORAGE OF IGNITABLE OR REACTIVE WASTES**

The licensee is prohibited from storing ignitable or reactive wastes in the hazardous waste container storage areas referenced in Condition III.A. of this license. (R 299.9521(2)(d).)

**E. SPECIAL REQUIREMENTS FOR INCOMPATIBLE WASTES OR MATERIALS**

The licensee shall separate containers of incompatible wastes as indicated in the procedures contained in Attachment 1 of this license. (R 299.9614 and 40 CFR §264.177(c).)

## PART IV LANDFILL DISPOSAL CONDITIONS

### A. COVERAGE OF LICENSE

The hazardous waste landfill and related appurtenances (piping, pumps, operation and maintenance buildings, etc.) at the facility shown in Drawings 1 through 21 are covered by this license. Any expansion or enlargement beyond the design capacity of 27,893,701 cubic yards or beyond the area shown in Drawings 1 through 21 requires a new operating license for the expansion, enlargement, or alteration of an existing facility from the Director. Drawings 1 through 21 and the attached plans and specifications are incorporated into this license as Attachment 6. (R 299.9521(1)(b).)

### B. WASTE IDENTIFICATION AND QUANTITY

1. The licensee, except to the extent prohibited under Condition IV.B.2. below, may dispose of hazardous and compatible nonhazardous waste in the landfill, subject to the terms of this license. The license shall not dispose of any hazardous waste not listed in Attachment 7 of this license, unless the Division Director approves the disposal of such waste types through a modification to this license. (R 299.9521(2)(d).)
2. Acceptance of PCB wastes regulated under the Toxic Substances Control Act (TSCA) is authorized only to the extent such wastes are eligible for disposal in a hazardous waste landfill under applicable TSCA regulations. Wastes requiring approval under TSCA, including approval under 40 CFR § 761.75 or other applicable TSCA provisions, shall not be accepted unless the facility has obtained and complies with all required TSCA approvals and conditions. Nothing in this license authorizes acceptance of TSCA regulated wastes in a manner inconsistent with TSCA.
3. The licensee shall not accept for disposal any hazardous waste not listed in Attachment 7 of this license; any incompatible nonhazardous wastes; or materials that meet any of the following criteria (R 299.9521(2)(d)):
  - (a) Ignitable wastes as described in R 299.9212(1). (R 299.9619.)
  - (b) Reactive wastes as described in R 299.9212(3). (R 299.9619.)
  - (c) Bulk or noncontainerized liquid waste or waste containing free liquids, except for waste allowed under 40 CFR § 761.60. (R 299.9619(2) and 40 CFR §264.314(b).)
  - (d) Containers holding free liquids. (R 299.9619(5) and 40 CFR §264.314(d) and 264.314(c).)
  - (e) Waste that will:
    - (i) Adversely affect the permeability of the clay or geosynthetic clay liner (GCL). (R 299.9619, R 299.9620, and 40 CFR §264.301.)

- (ii) Produce a leachate that is incompatible with the clay or GCL, leachate collection system piping, or the off-site sewer system. (R 299.9619, R 299.9620(3) and (4), and 40 CFR §264.301.)
- (iii) Generate gases that will adversely affect the permeability of the landfill cap or create a violation of Part 55 of Act 451. (R 299.9602 and R 299.9619(6)(c).)

4. The licensee shall provide a written notification to the transportation companies that deliver to the facility that:

- (a) Wastes shipped to the facility must be placed in closed containers or otherwise totally contained or covered during transportation.
- (b) All trucks transporting hazardous waste to or from the facility shall use Rawsonville Road to enter and exit the facility.
- (c) Trucks transporting hazardous waste to or from the facility shall not park or stand on the I-94 Service Drive.

5. All containers on site shall be closed or otherwise totally contained or covered unless they are being sampled and/or visually inspected or in the process of being filled or emptied.

#### **C. DESIGN AND RUN-ON, RUNOFF, AND CONTAMINANT CONTROL**

1. The licensee shall construct and maintain a liner system in accordance with the engineering plans and specifications in Attachment 6 of this license and R 299.9619, R 299.9620, R 299.9621, and R 299.9622. (R 299.9619, R 299.9620, R 299.9621, R 299.9622, and 40 CFR §§264.301 and 264.303.)
2. The licensee shall submit a certification for each phase of the construction of MCs VI F and G. No waste shall be placed in a newly-constructed portion of MCs VI F and G until the certification is approved by the Hazardous Waste Section Manager.
3. The licensee shall construct each phase of construction of MCs VI F and G in accordance with the approved Construction Quality Assurance Plan.
4. The licensee shall submit post construction documentation to the Division Director following construction of each phase of the expanded facility pursuant to § 11125 of Part 111 of Act 451.
5. The licensee shall ensure that all uncovered portions of the constructed liners, leak detection systems, and leachate collection systems are adequately protected from vegetation, desiccation, clogging, freeze-thaw effects, weathering, and all other deterioration processes. (R 299.9619, R 299.9620, and 40 CFR §§264.301 and 264.303.)

6. The licensee shall have a licensed professional engineer inspect any portions of the natural or recompacted clay not protected from weathering for more than 90 days and the leachate collection system not protected from clogging and weathering for more than 90 days. If repair is necessary the engineer shall specify repair of any areas in accordance with the approved plans and specifications where he or she determines by visual inspection that desiccation, erosion, clogging, or weathering has occurred to the extent that the design specifications are no longer met. The results of these inspections shall be maintained in accordance with Condition II.I. of this license. (R 299.9619, R 299.9620, R 299.9621, R 299.9622, and 40 CFR §§264.301 and 264.303.)
7. All areas repaired in accordance with Condition IV.C.5. of this license must be recertified by a licensed professional engineer. The licensee shall submit the recertification to the Division Director. (R 299.9619, R 299.9620, R 299.9621, R 299.9622, and 40 CFR §§264.301 and 264.303.)
8. The licensee shall operate and maintain a run-on control system capable of preventing storm water flow onto the active portions of the landfill during peak discharge from at least a 24-hour, 25-year storm, as specified in the approved Storm Water Management System Evaluation Report and in accordance with the Storm Water Management SOP approved by the Hazardous Waste Section Manager and as depicted in Figures 2A and 2B of that report. (R 299.9604(1)(a).)
9. The licensee shall operate and maintain a runoff management system to collect and control the storm water volume resulting from at least a 24-hour, 100-year storm, as specified in the approved Storm Water Management System Evaluation Report and in accordance with the Storm Water Management SOP approved by the Hazardous Waste Section Manager and as depicted in Figures 2A and 2B of that report. (R 299.9604(1)(b).)
10. The licensee shall take all necessary actions to prevent the discharge of untreated stormwater to waters of the state. Within seven days of any storm event that exceeds the 24-hour, 100-year storm, the licensee shall submit to the Division Director a report that summarizes all actions taken to prevent the discharge of untreated stormwater to waters of the state. Nothing in this license should be construed by the licensee to authorize any violation of Part 31 of Act 451.
11. The licensee may not install interim or final cover or other structures in the course of normal landfill operations until receiving:
  - (a) A license modification authorizing a change or changes in the storm water runoff management system.(R 299.9602 and R 299.9604.)
12. The licensee shall maintain an effective National Pollutant Discharge Elimination System (NPDES) permit for the storm water discharge that requires the treatment of

Area A and Area B (Figure 1 of Attachment 11 of this license) storm water to remove any PCBs prior to discharge to Quirk Drain. The licensee shall notify the Division Director at least 60 days in advance of any proposal to remove the requirement to treat the Area A and/or Area B storm water to remove any PCBs prior to discharge to Quirk Drain. Concurrently, the licensee shall submit a license modification request to the Division Director establishing alternate systems to prevent PCBs from the Area A and/or Area B watersheds from being discharged uncontrolled to off-site surface waters. Nothing in this license should be construed by the licensee to authorize any violation of Part 31 of Act 451.

13. The licensee shall notify the Division Director at least 60 days in advance of any proposal to remove any sediment or surface water sampling locations from the Pollution Minimization Plan (PMP) enforceable under the effective NPDES permit. Concurrently, the licensee shall submit a license modification to the Division Director requesting that the license be revised to incorporate any sampling locations removed from the PMP into the appropriate monitoring programs of this license as a minor modification.
14. The licensee shall expeditiously empty or otherwise manage collection and holding facilities (e.g., tanks or catch basins) associated with run-on and runoff control systems after storms to maintain the design capacity of the system. (R 299.9619 and 40 CFR §264.301(h).)
15. The licensee shall cover or otherwise manage the landfill to control dispersal of particulate matter in accordance with a Fugitive Dust SOP approved by the Hazardous Waste Section Manager. The daily cover shall consist of at least 15 centimeters of clean soil, ConCover 180, and ProGuardSB2. Use of any alternative materials requires approval by the Hazardous Waste Section Manager. (R 299.9619(1) and 40 CFR §264.301(j).)
16. The licensee shall monitor wind speed and direct the placement of waste in accordance with a Wind Speed SOP approved by the Hazardous Waste Section Manager.
17. The licensee shall operate and maintain a vehicle wash facility. The licensee shall ensure that all vehicles traveling on active portions of the site are cleaned and decontaminated at this facility before leaving the active area. (R 299.9604(c).)
18. The licensee shall operate all vehicles in a manner that will minimize the contamination of internal haul roads in accordance with a Trackout SOP approved by the Hazardous Waste Section Manager. (R 299.9604(c).)
19. The licensee shall operate and maintain a leachate collection and removal system in accordance with R 299.9619, 40 CFR §264.301(a)(2), and the plans and specifications in Attachment 6 of this license. The leachate captured by this system shall be treated as necessary and discharged to the municipal sewer system in accordance with the applicable pretreatment standards or properly managed off-site. The licensee shall request a minor modification in accordance with R 299.9519 for any equipment

replacement or upgrading with functionally equivalent elements of the system that is not being performed as part of routine maintenance of the system.

20. The licensee shall operate and maintain a contact water collection and removal system in accordance with the plans and specifications in Attachment 6 of this license. The contact water captured by this system shall be treated as necessary and discharged to the municipal sewer system in accordance with the applicable pretreatment standards or properly managed off-site. The licensee shall request a minor modification in accordance with R 299.9519 for any equipment replacement or upgrading with functionally equivalent elements of the system that is not being performed as part of routine maintenance of the system.
21. Within 60 days of license issuance, the licensee shall submit a Contact Water System SOP for approval by the Hazardous Waste Section Manager.
22. The licensee shall maintain the contact water collection and removal system in accordance with a Contact Water System SOP approved by the Hazardous Waste Section Manager pursuant to Condition IV.C.20.
23. The licensee shall conduct all construction and maintenance activities in accordance with an Earthwork Clearance SOP approved by the Hazardous Waste Section Manager.
24. The licensee shall maintain the leak detection and collection system (LDCRS) in accordance with LDCRS Riser Maintenance SOP approved by the Hazardous Waste Section Manager.
25. With the initiation of construction on each new phase of MCs VI F and G, or more frequently, if necessary, the licensee shall evaluate each of the following SOPs to determine if they require revisions to reflect the current landfill operation: Stormwater Management, Fugitive Dust, Wind Speed, Trackout, Contact Water System, LDCRS Riser Maintenance, and Earthwork Clearance. If any SOP requires revision, the licensee shall submit the revised SOP to the Hazardous Waste Section Manager for approval within 60 days of initiating construction.
26. The licensee shall comply with all state and federal laws prior to and during construction, and during operations of the new landfill cells.

#### **D. WASTE PLACEMENT**

1. The licensee shall ensure that the placement of all hazardous waste in the landfill is conducted in accordance with 40 CFR §§264.17(b), 264.313, 264.315, and 264.316. If containers of hazardous waste are crushed at the facility, the containers shall be crushed only inside the active landfill cell.
2. The licensee shall record the contents, quantity, and location of each daily waste deposit and place this documentation in the operating record. This information shall be recorded on a map or diagram of the landfill and shall include cross references to

specific manifest document numbers, if the waste was accompanied by a manifest. (R 299.9609, R 299.9619, and 40 CFR §§264.73(b)(2) and 264.309.)

3. The licensee shall only place macroencapsulated waste in the landfill in accordance with burial procedures approved in writing by the Division Director.
4. The licensee shall only place technologically enhanced naturally occurring radioactive material (TENORM) waste in the landfill at least 10 feet below the final grade.

#### **E. CLOSURE**

1. The licensee shall complete closure in accordance with the engineering plans and specifications in Attachment 6, of this license, and the approved Construction Quality Assurance Plan. (R 299.9613, R 299.9619(1) and (6), R 299.9621, and 40 CFR §264.310.)
2. The licensee shall notify the Division's Warren District staff and Hazardous Waste Section staff, at least one week in advance of key events, to enable staff to be present to observe and/or take samples during the closure activities. Key events include environmental sampling, inspection and/or decontamination of equipment and infrastructure, leveling layer construction, placement and seaming of synthetic liners, placement of drainage media, and placement of protective soil and topsoil. (R 299.9521(1)(a) and (3)(a) and 40 CFR §270.30(i).).
3. After completion of the final cover, the licensee shall survey the benchmarks and final cover once every two years. A contour map of the final cover shall be submitted to the Division within 30 days of the completion of the survey. (R 299.9619 and 40 CFR §264.310(b)(1), (5) and (6).)

#### **F. ADDITIONAL REPORTING**

1. The licensee shall submit an annual inspection and maintenance summary report to the Division Director by March 1<sup>st</sup> of each year during the active life of the landfill and the postclosure care period. The annual inspection and maintenance report shall include a summary of all maintenance activities performed by the licensee to maintain the integrity of the active landfill and the final cover such as mowing, fertilization, and liming, a copy of the associated inspection logs, and the report from the leachate line jetting. (R 299.9521(2)(a) and (b) and 40 CFR §270.31.)
2. The licensee shall submit an annual report to the Division Director by March 15<sup>th</sup> of each year during the active life of the landfill. The annual report shall include:
  - (a) An annual survey and record of the elevations of waste in the cells to ensure that final grades as shown in Drawings 8 and 9 in the Engineering Plans, Attachment 6, of this License are not exceeded.
  - (b) The remaining capacity of the landfill;

- (c) Approximate years of capacity remaining;
- (d) Total waste disposed during the previous calendar year; and
- (e) Total hazardous waste surcharge paid for the previous calendar year.

(R 299.9521(1)(b) and (3)(a).)

## **PART V** **ENVIRONMENTAL MONITORING CONDITIONS**

### **A. GROUNDWATER MONITORING PROGRAM**

1. The licensee shall conduct a detection monitoring program in the glacial sand and bedrock aquifers for primary, secondary, tertiary, and field parameters. Under this program, the licensee shall operate and maintain a groundwater monitoring system in accordance with the Groundwater Monitoring Program Sampling and Analysis Plan (GWMP SAP), Attachment 9, of this license. (R 299.9611(2)(a) and (b) and (6), R 299.9612, R 299.9629, and 40 CFR Part 264, Subpart F, excluding 40 CFR §§264.94(a)(2) and (3), 264.94(b) and (c), 264.100, and 264.101.)
2. With the initiation of construction on each new phase of MCs VI F and G, or more frequently, if necessary, the licensee shall evaluate the monitoring locations specified in the GWMP SAP to determine if any additional monitoring wells are required to be installed or any existing monitoring wells need to be decommissioned. Within 60 days of initiation of the construction, the licensee shall submit the evaluation report and if revisions are needed, the updated GWMP SAP, to the Hazardous Waste Section Manager for approval as a minor license modification.
3. All new monitoring wells shall be installed and constructed in accordance with American Society of Testing and Materials (ASTM) standard D5092-90 or a plan approved by the Director. Any monitoring well that must be decommissioned shall be done in accordance with ASTM standard D5299-92 or a plan approved by the Director. (R 299.9612(1)(b).)
4. Water removed from each monitoring well shall be managed as specified in Section VI of Attachment 9 of this license.
5. The licensee shall submit an annual groundwater report to the Division Director no later than March 1<sup>st</sup> of each year for the previous calendar year's activities. At a minimum, the report shall include the following information:
  - (a) A narrative summary of the previous calendar year's sampling events, including sampling event dates, the identification of any significant problems with respect to GWMP SAP procedures, a summary of newly-installed and/or decommissioned monitoring wells, and copies of field log sheets.
  - (b) A determination of the groundwater flow rate and direction in the monitored zones (drift aquifer and bedrock aquifer), including the preparation of a groundwater level contour map from this data.
  - (c) A summary of groundwater quality data results, including a narrative, tabular, and graphical summaries of results and trends of primary, secondary, and tertiary parameters, and a summary of current background concentrations of applicable parameters.

- (d) A presentation of the statistical analysis of the data and the identification of any statistically significant increases (and/or pH decreases) pursuant to Condition V.A.7 of this license.
- (e) An analysis and discussion of laboratory and field related QA/QC information. This shall include results of equipment, field, and trip blanks, and discussion and evaluation of the adequacy of the data with respect to GWMP SAP specifications and requirements.

(R 299.9612(1) and 40 CFR §264.97(j).)

- 6. The licensee shall establish background groundwater quality values at monitoring wells as specified in Section 3.0 of Attachment L of Attachment 9 of this license. (R 299.9612(1)(c), (d), and (e) and 40 CFR §264.97(a) and (g).)
- 7. Within 60 days of each sampling of each monitoring well, the licensee shall determine if a statistically significant increase (or change in pH) has occurred compared to background levels for each primary and secondary parameter listed in Table H of Attachment 9 of this license. For the primary parameters, any occurrence above the laboratory detection limit(s) for the parameter(s) shall be considered statistically significant. (R 299.9612(1)(c) and (e) and 40 CFR §264.97(h) and (i).)
- 8. If a statistically significant increase (or change in pH) is detected for any primary or secondary parameter, the licensee shall notify the Hazardous Waste Section project staff, by telephone or electronic communication, within one working day and arrange a resampling as soon as possible to confirm if a statistically significant increase (or change in pH) exists. Resampling must include not less than four replicate samples at the affected well(s) for the parameter(s) in question. For the primary and any other nonnaturally occurring parameters, a statistically significant increase shall be confirmed if at least two of the four resample results are detected above the laboratory detection limit(s) for the parameter(s), or if at least one of the resample results is detected at five times the laboratory detection limit. For naturally occurring secondary parameters, a statistically significant increase shall be confirmed using the average concentration of the four confirmation samples as the analytical result in the statistical procedures specified in Attachment L of Attachment 9 of this license. (R 299.9612 and 40 CFR §264.97(g).)
- 9. If the licensee determines pursuant to Conditions V.A.7. and V.A.8. of this license that a statistically significant increase (or change in pH) has occurred for any primary parameters, the licensee shall address the increase (or change in pH) in accordance with R 299.9612 and 40 CFR §264.98(f) and (g) and:
  - (a) Within one working day, notify the Hazardous Waste Section project staff by telephone. Within seven calendar days after the determination, submit written notification of the statistically significant increase (or change in pH) to the Division Director. The notification shall be signed and certified in accordance with Condition I.D.3. of this license.

- (b) Immediately take steps to determine the cause of the contamination and eliminate the source of discharge.
- (c) Prior to license modification requiring a compliance monitoring and corrective action, the licensee shall provide the Division Director, or his or her designee, with weekly telephone updates and written reports every two weeks regarding the progress to date regarding the investigation required by Condition V.A.9.(b). The written report shall include the results of all samples from environmental monitoring conducted by the licensee.
- (d) Within 90 days after the confirmation of a statistically significant increase, submit to the Division Director an application for a license modification to establish a compliance monitoring or corrective action meeting the requirements of R 299.9612 and 40 CFR §264.98(g)(4).
- (e) Within 180 days after the determination, submit to the Division Director a detailed description of corrective actions that shall achieve compliance with applicable laws and rules, including a schedule of implementation. Corrective action shall also meet the requirements of R 299.9629 and include a plan for a groundwater monitoring program that shall demonstrate the effectiveness of the corrective action. Such a groundwater monitoring program may be based on a compliance monitoring program developed to meet the requirements of 40 CFR §264.99.
- (f) If the licensee determines pursuant to Conditions V.A.7. and V.A.8. of this license that a statistically significant increase in primary parameters has been confirmed in groundwater, the licensee may demonstrate that a source other than the licensed facility or an error in sampling, analysis, or evaluation solely caused the identification of a statistically significant increase. While the licensee may make a demonstration under this condition in addition to, or in lieu of, submitting a license modification application and implementing corrective action within the time specified in Conditions V.A.9.(d) and V.A.9.(e) of this license, the licensee is not relieved of the requirement to submit a license modification application and implement corrective action within the time specified, unless the EGLE finds that the demonstration made under this condition successfully shows that a source other than the licensed facility caused the statistically significant increase or that the statistically significant increase resulted from an error in sampling, analysis, or evaluation. In making a demonstration under this condition, the licensee shall:
  - (i) Notify the Division Director in writing within seven days of determining a statistically significant increase pursuant to Condition V.A.9. of this license that it intends to make a demonstration under this condition.
  - (ii) Within 60 days after determining that a statistically significant increase has occurred pursuant to Conditions V.A.7. and V.A.8. of this license, submit a report to the Division Director that demonstrates a source other than the licensed facility solely caused the statistically significant

increase, or that the statistically significant increase was caused by an error in sampling, analysis, or evaluation.

- (iii) Continue to monitor groundwater in compliance with this license.

10. If the licensee determines pursuant to Conditions V.A.7. and V.A.8. of this license that a statistically significant increase (or change in pH) has occurred for any secondary parameter, the licensee shall address the increase (or change in pH) in accordance with R 299.9612 and:

- (a) Within one working day, notify the Hazardous Waste Section project staff by telephone. Within seven calendar days after the determination, submit written notification of the statistically significant increase (or change in pH) to the Division Director. The notification shall be signed and certified in accordance with Condition I.D.3. of this license.
- (b) If confirmed, the licensee shall immediately take steps to determine the cause of contamination and eliminate the source of the discharge. A report that explains the chronology of events, investigative methods, all laboratory analyses, calculations, field activities, and findings, related to this determination shall be submitted within 60 days of a statistically significant determination under Condition V.A.7. of this license.
- (c) The licensee may demonstrate that a source other than the licensed facility, or an error in sampling, analysis, or evaluation solely caused the increase. In making that demonstration under this condition, the licensee shall:
  - (i) Notify the Division Director in writing within seven days of determining a statistically significant increase pursuant to Condition V.A.9. of this license that it intends to make a demonstration under this condition.
  - (ii) Within 60 days after determining that a statistically significant increase has occurred pursuant to Conditions V.A.9. and V.A.8. of this license, submit a report to the Division Director that demonstrates a source other than the licensed facility solely caused the statistically significant increase, or that the statistically significant increase was caused by an error in sampling, analysis, or evaluation.
  - (iii) Continue to monitor groundwater in compliance with this license.

11. In the event that the Division Director determines from the findings of Conditions V.A.7. and V.A.8. of this license that a statistically significant increase (or change in pH) in hazardous constituents has occurred in the groundwater and the Division Director finds, in accordance with §11148 of Act 451, that the increase (or change in pH) may present an imminent and substantial hazard to the health of persons or to the natural resources, or is endangering or causing damage to public health or the environment, the licensee shall immediately comply with an order issued by the Director pursuant to §11148(1) of Act 451 to cease waste receipt and storage at the affected units and

conduct other activities as required by the Director to eliminate the said endangerment. (R 299.9612(1)(g).)

12. The licensee shall report all groundwater detection monitoring and hydraulic monitoring results as required by Condition II.I.3 of this license. This information shall be signed and certified in accordance with Condition I.D.3. of this license.
13. The licensee shall provide all statistical calculations and analysis performed with each groundwater monitoring report in a format agreed upon by the Division. (R 299.9611(2)(a) and (6).)

## **B. AMBIENT AIR MONITORING PROGRAM**

1. The licensee shall conduct ambient air monitoring in accordance with the Ambient Air Monitoring Program Sampling and Analysis Plan (AAMP SAP), Attachment 10 of this license. (R 299.9611(2)(c).)
2. The licensee shall report ambient air monitoring results as required under Condition II.I.3. of this license. This information shall be signed and certified in accordance with Condition I.D.3. of this license. (R 299.9611(6).)
3. The licensee shall provide a proposed plan with a compliance schedule for upgrades to the AAMP SAP within 90 days of issuance of this license for approval by the Division Director. The plan shall include but not be limited to a proposal to conduct a root cause analysis and remedy nonconformance with data quality objectives, monitoring of volatile organic compounds (VOCs), and 1,4-dichlorobenzene, and measures to reduce moisture interference in samples.
4. With the initiation of construction on each new phase of MCs VI F and G, or more frequently if necessary, the licensee shall evaluate the monitoring locations specified in the AAMP SAP to determine if any additional or alternative air monitoring locations are required to be added or removed. Additionally, the licensee shall submit a workplan for determining the optimal locations for air monitors to sample radionuclides, PCBs, metals, and VOCs for current and future facility operations within 90 days of issuance of this license for approval by the Division Director.
5. The licensee shall use the established PCB risk-based screening levels (RBSL) of 0.025 ug/m<sup>3</sup> Residential Scenario for monitoring stations to the South and East of the facility, and 0.11 ug/m<sup>3</sup> Offsite Industrial Worker Scenario for monitoring stations to the North and West of the facility. Any RBSL exceedance will trigger tiered corrective actions in PCB disposal procedures to reduce further PCB emissions.
6. The licensee shall monitor for total Aroclors 1242, 1254, and 1260. The combined Aroclor laboratory practical qualification limits (PQLs) must be at or below the RBSLs.
7. For any RBSL exceedance, the licensee shall take actions when managing, unloading and placement of PCB wastes as indicated in the Wind Speed SOP for a Level 1 exceedance and any other actions necessary as specified in the Fugitive Dust SOP in

order to significantly reduce or eliminate airborne PCBs. These actions shall occur until the next ambient air monitoring sampling results show no exceedance above RBSLs in any PCB air monitor.

8. The licensee may calculate/model site-specific PCB protective ambient air concentrations at the AAMP SAP monitoring stations based on human health risk levels through direct and indirect pathways and request a modification to the operating license to incorporate these concentrations pending EGLE and EPA's review and approval. The licensee may use EPA's RSL guidance for developing site-specific PCB screening levels or another air dispersion and risk model as approved by EPA and EGLE. The licensee may also request a modification to this approval for the actions stated in Condition V.B.7. of this license. (R 299.9611(2)(c), 40 CFR § 761.77(a)(1)(ii)(B), and 40 CFR § 270.32(b)(2).)

## **C. SOIL MONITORING PROGRAM**

1. The licensee shall conduct a semiannual corrective action soil monitoring program for PCBs in Area A and a detection soil monitoring program for PCBs in Area B as specified in the Soil Monitoring Program Sampling and Analysis Plan (SM SAP), Attachment 11, of this license. (R 299.9611(2)(d) and (6).)
2. With the initiation of construction on each new phase of MCs VI F and G, or more frequently, if necessary, the licensee shall evaluate the soil monitoring locations specified in the SM SAP to determine if any additional soil monitoring locations are required to be added or removed. Within 60 days of initiation of the construction, the licensee shall submit the evaluation report and if revisions are needed, the updated SM SAP, to the Hazardous Waste Section Manager for approval as a minor license modification. (R 299.9611(2)(d).)
3. Within 60 days of the completion of each soil sampling or collection event, the licensee shall determine if an apparent threshold limit exceedance (ATLE) for PCBs has occurred. An ATLE for Area A is defined as total PCBs at or above 0.75 mg/kg and Area B is defined as a total PCBs at or above 0.1 mg/kg, the method detection limit for the PCB analyses. Due to the location of SM-17, the ATLE is defined as 0.75 mg/kg.
4. If an ATLE for PCBs is detected, the licensee shall notify the Hazardous Waste Section project staff, by telephone or electronic communication, within one working day and collect verification samples within seven working days to determine if a confirmed threshold limit exceedance (CTLE) for PCBs has occurred. A CTLE for both Area A and Area B is defined as a repeat of an ATLE, respectively, in the verification sample.
5. If it is determined that a CTLE for PCBs has occurred pursuant to Conditions V.C.3. and V.C.4. of this license, the licensee shall:
  - (a) Within one working day, notify the Hazardous Waste Section project staff by telephone.

- (b) Take immediate steps to eliminate the source of the contamination and prevent further releases.
- (c) Within seven days after the determination, submit a written report to the Division Director, that includes the findings from the resampling and a map showing the proposed locations for collecting delineation phase samples as specified in Section 8.0 of Attachment 11 of the license. The report shall be signed and certified in accordance with Condition I.D.3. of this license.
- (d) Within 14 days after the determination, collect the first phase of delineation samples to determine the extent of the areas exceeding the CTLE as specified in Section 8.0 of Attachment 11 of this license.
- (e) Within 14 days after receiving the delineation phase sampling results, evaluate the data and submit a plan to remove soils/sediments and to determine the source(s) or expected source(s) of the PCBs to the Division Director, as specified in Section 8.0 of Attachment 11 of this license.
- (f) Contaminated soils/sediments shall be properly characterized and managed as waste in accordance with Part 3 of the Part 111 Rules, and cleanup to the levels, 1.0 mg/kg in Area A and method detection limit in Area B, shall be verified by soil sampling. Any nonhazardous soils/sediments that meet the definition of PCB remediation waste shall be remediated and disposed of in accordance with 40 CFR §761.61 or if the PCBs in soil/sediment are from a recent spill and cleanup commences within 72 hours, then the soil/sediment may be remediated and disposed in accordance with the PCB Spill Cleanup Policy at 40 CFR §761, Subpart G. The waste characterization records shall be maintained for a minimum of 3 years from the date of disposal. The licensee shall maintain a log at the facility for any soil/sediments that are disposed of in a hazardous waste disposal cell providing the date and amount excavated, the date and location within the cell where they were disposed, and sufficient information to locate the waste characterization data maintained by the licensee.
- (g) Within 60 calendar days after determining that a CTLE has occurred, implement the plan required in Condition V.C.5(e) and submit a final report to the Division Director that includes:
  - (i) The chronology of events.
  - (ii) Investigative methods.
  - (iii) All laboratory analyses.
  - (iv) Calculations.
  - (v) Field activities related to the determination.
  - (vi) The corrective measures/remedies.

6. The licensee shall report all soil monitoring results as required by Condition II.I.3 of this license. This information shall be signed and certified in accordance with Condition I.D.3. of this license.
7. Within 60 days of issuance, the licensee shall revise the SM SAP, Attachment 11, of this license with the following items: the delineation between Area A and Area B threshold limits in Section 7.0, the delineation and verification sampling within Area A and Area B in Section 8.0, reevaluate the nomenclature or location of sampling locations SM-3 and SM-34 in Figure 1, and to add 1 sampling location to the east of the Non-Bulk Container Storage Area, and 3 sampling locations around the Bulk Container Storage Area (1 to the east, south, and west respectively).

## **D. SURFACE WATER MONITORING PROGRAM**

1. The licensee shall conduct a quarterly surface water detection monitoring program as described in the Surface Water Monitoring Program Sampling and Analysis Plan (SW SAP), Attachment 12, of this license.
2. With the initiation of construction on each new phase of MCs VI F and G, or more frequently, if necessary, the licensee shall evaluate the surface water monitoring locations specified in the SW SAP to determine if any additional surface water monitoring locations are required to be added or removed. Within 60 days of initiation of the construction, the licensee shall submit the evaluation report and if revisions are needed, the updated SW SAP, to the Hazardous Waste Section Manager for approval as a minor license modification. (R 299.9611(5).)
3. Within 60 days of each sampling, the licensee shall determine if an apparent statistically significant increase (ASSI) has occurred as specified in Section 7.0 of Attachment 12 of this license.
4. Duplicate samples shall be collected on a quarterly basis from each sampling location for volatile organics, inorganics, PCBs, and metals. Initially, the licensee is required to analyze only one of the two samples. The licensee shall hold the duplicate sample pending the results of the initial sample. The duplicate sample for PCBs shall be extracted when it arrives at the laboratory and the extract held in case a confirmation analysis is required. If a statistically significant increase is detected in a monitoring parameter(s), the duplicate sample shall be analyzed for confirmation purposes.
5. If an ASSI is detected, the licensee shall notify the Hazardous Waste Section project staff, by telephone or electronic communication within one working day, and determine if a confirmed statistically significant increase (CSSI) has occurred as specified in Section 8.0 of Attachment 12, of this license.
6. If a CSSI has been determined pursuant to Condition V.D.5., within one working day, notify the Hazardous Waste Section project staff by telephone. Within seven calendar days after the determination, submit written notification of the CSSI to the Division

Director. The notification shall be signed and certified in accordance with Condition I.D.3. of this license.

7. Within 30 days of the determination that a CSSI has occurred pursuant to Conditions V.D.3. and V.D.5. of this license, the licensee shall determine whether a discharge to surface waters is occurring, determine the source, and take immediate steps to eliminate and prevent any such discharge. If a discharge of PCBs to off-site surface water occurs at concentrations not in compliance with the licensee's NPDES permit water quality-based effluent limitation, the licensee shall notify the Division Director and EPA within 24 hours of discovery that the discharge exceeds PCBs concentrations specified in the licensee's NPDES permit.
8. Within 60 days of a determination that a CSSI has occurred pursuant to Conditions V.D.3. and V.D.5. of this license, the licensee shall submit a written report to the Division Director documenting the investigation, response, and any proposed actions to prevent future releases.
9. The licensee shall report surface water monitoring results as required by Condition II.I.3. of this license. This information shall be signed and certified in accordance with Condition I.D.3. of this license. The licensee shall provide all statistical calculations and analysis performed with each surface water monitoring report.
10. Within 60 days of issuance, the licensee shall submit a workplan to calculate new background that is used in the sign test for surface water monitoring.
11. Within 60 days of issuance, the licensee shall submit a report to evaluate the non-parametric prediction limit (NPPL) for 1,1-Dichloroethane (DCA) at SS-2 of 280 microgram per liter ( $\mu\text{g}/\text{L}$ ) and determine if it is an outlier. Provide a new NPPL if it is an outlier. The report shall include the full statistical evaluation.
12. Within 90 days of issuance, the licensee shall submit an updated SW SAP to update Table 2 of Attachment A in the SW SAP with the results from Condition V.D.9. and include a new sampling location in the southeast corner of MC X.

(R 299.9611(5) and (6)).

## **E. LEACHATE MONITORING PROGRAM**

1. The licensee shall conduct a leachate monitoring program as described in the Leachate Monitoring Program Sampling and Analysis Plan (LMP SAP), Attachment 13 of this license.
2. With construction on each new phase of MCs VI F and G, the licensee shall include additional leachate monitoring location as defined in the LMP SAP as new cells are certified and approved for disposal by the Hazardous Waste Section Manager. The revision of the LMP SAP shall be submitted at the time of the construction certification to the Hazardous Waste Section Manager.

3. The licensee shall measure the leachate level in each collection sump on a weekly basis and verify that the leachate pump and glow meter are operating properly during that field event. The procedures for conducting the inspection are specified in Section 3.0 of the LMP SAP, Attachment 13, of this license.
4. The licensee shall inspect the leachate collection sums on a weekly basis for deterioration and/or damage and monitor the total monthly volume of leachate pumped from each collection sump and record this information on the operating record for the facility. (R 299.9609(1)(b) and R 299.9619(4)(c)(iii).)
5. The licensee shall jet out the leachate collection system through the leachate clean-out pipes once every two years, or more frequently if needed, to minimize blockage that could cause leachate to build up on the base of the disposal cells.
6. The licensee shall conduct an annual leachate monitoring program on each of the constructed and certified leachate collection sums within MCs V, VI, and VII as described in the LMP SAP, Attachment 13, of this license.
  - (a) Samples shall be collected in accordance with the procedures specified in the LMP SAP, Attachment 13, of this license, and they shall be analyzed for the parameters listed on Figure 7 of Attachment 13 of this license.
  - (b) In addition to monitoring the leachate for the parameters identified in Condition V.E.6.(a), above, the licensee shall collect annual samples from two of the constructed and certified sump locations in MCs V, VI, and VII and analyze the samples for a modified 40 CFR Part 264, Appendix IX – Ground-Water Monitoring List parameters specified in Figure 8 of the Attachment 13 of this license. Following completion of the initial approximately eight year cycle, the Appendix IX sampling shall continue on this schedule for each open cell.
  - (c) If, based on the results of the modified Appendix IX monitoring required by Condition V.E.6.(b), it is determined that the leachate contains organic constituents other than those that are routinely monitored under Condition V.E.6.(a) of this license, the licensee shall submit a written report to the Division stating whether or not the parameter should be added to the leachate program. If, upon review of the report, the Division determines that the parameter is present in significant concentrations in the leachate and/or may pose a serious environmental hazard due to the nature of the constituent, the licensee shall be required to add the parameter to the annual leachate monitoring list, and it shall become a routine leachate indicator. In addition, any such parameters shall also be added to the groundwater, lysimeter, surface water, and leak detection monitoring programs as specified in Condition V.E.7.(b), below.
7. The licensee shall submit an annual leachate monitoring report to the Division and South Huron Valley Utility Authority, by March 1<sup>st</sup> of each year during the active life of the landfill and the postclosure care period. The annual leachate monitoring report shall include:

- (a) The annual leachate monitoring report shall be signed and certified in accordance with Condition I.D.3. of this license.
- (b) During the active life of the landfill, the annual leachate monitoring report shall summarize the results of the leachate analytical data that was collected at the facility and recommend any refinements deemed necessary to the leachate, groundwater, leak detection, surface water, and lysimeter monitoring programs. If the licensee determines that organic chemicals are newly present or present at increased concentrations in the leachate and a determination is made to add the parameter(s) to the leachate monitoring program, the parameters shall also be added to the groundwater, leak detection, surface water, and lysimeter monitoring programs, and they shall be sampled on at least an annual basis.
- (c) During the active life of the landfill and during the postclosure care period, the annual leachate monitoring report shall include:
  - (i) Leachate volume calculations.
  - (ii) A graphical presentation of the monthly and yearly quantities of leachate being generated and pumped from the landfill.
  - (iii) A graphical comparison between leachate quantities pumped/generated during the reported year and the leachate quantities pumped/generated from previous years.
  - (iv) Reasons for increases/decreases in leachate quantities. If there is an increase in leachate quantities, the source shall be indicated in the leachate monitoring report.

8. The licensee shall report leachate monitoring results as required by Condition II.I.3. of this license. This information shall be signed and certified in accordance with Condition I.D.3. of this license.

(R 299.9611(5) and (6).)

## F. LEAK DETECTION SYSTEM MONITORING PROGRAM

- 1. With the construction on each new phase of MCs VI F and G, the licensee shall include additional leak detection monitoring locations as defined in the Leak Detection Monitoring Program Sampling and Analysis Plan (LDMP SAP) as new cells are certified and approved for disposal by the Hazardous Waste Section Manager. The revision of the LDMP SAP shall be submitted at the time of the construction certification to the Hazardous Waste Section Manager for approval as a minor license modification.
- 2. The licensee shall conduct a quarterly leak detection monitoring program as specified in the LDMP SAP, Attachment 14, of this license. In addition, the licensee shall:

- (a) Inspect each of the constructed and certified leak detection system sumps in MC VI on a weekly basis to confirm that the pump system is operating properly and that there is no evidence of damage or tampering that could allow waste or waste constituents to have entered the system. Information from this inspection shall be reported on the weekly/after storm inspection form required by Condition II.C.1. of this license.
- (b) Record the volume of liquid withdrawn from each of the constructed and certified leak detection system sumps in MC VI on a weekly frequency and analyze in the field the liquid from each of the leak detection system sumps in MC VI on a monthly frequency for pH and specific conductivity. This information shall be reported on the form found in Attachment B of the LDMP SAP, Attachment 14 of this license.
- (c) If any sump yields volume measurements above the maximum expected volume, calculated in accordance with Section 7.1 of the LDMP SAP, Attachment 14 of this license, or conductance values exceed the mean plus three standard deviations, as calculated from the last eight conductance values, samples shall be collected from the affected sump and analyzed as soon as practicable for the full list of quarterly parameters specified in Condition V.F.3. of this license.

3. The licensee shall collect samples from the constructed and certified sump locations in MC VI on a quarterly basis and analyze the samples for the parameters listed in Attachment D of the LDMP SAP, Attachment 14 of this license.
4. If additional parameters must be added to the leak detection monitoring program in accordance with Condition V.E.6 of this license, the licensee must provide written notification to the Division Director requesting modification to the program. If background has not already been established for these additional parameters, the notification must include a proposed plan to determine background for these constituents on an accelerated schedule.
5. The licensee shall provide written notification to the Division Director requesting any changes that need to be made to the approved LDMP SAP, Attachment 14, of this license and obtain written approval prior to implementation.
6. The licensee shall, within 60 calendar days of the completion of the sampling or collection event, submit to the Division Director in electronic format the laboratory data and the results from the statistical evaluation performed in accordance with the LDMP SAP, Attachment 14, of this license. The report shall include all statistical calculations and analysis performed in a format agreed upon by the Division.
7. If a statistically significant increase is detected in any of the monitored parameters, the licensee shall notify the Hazardous Waste Section project staff, by telephone or electronic communication within one working day, that this situation has occurred and arrange for a resampling as soon as possible to confirm if the statistical increase exists. If adequate water can be obtained from the system, confirmation samples shall be

collected in quadruplicate.

8. If the licensee confirms that a statistically significant increase in a monitored parameter has occurred, the following actions must be taken:
  - (a) Within one working day, notify the Hazardous Waste Section project staff by telephone. Within seven calendar days after the determination, submit written notification of the statistically significant increase to the Division Director. The notification shall be signed and certified in accordance with Condition I.D.3. of this license.
  - (b) Begin immediate action to implement the current contingency plan, as appropriate.
  - (c) Determine, within 30 calendar days of notification, whether a failure in the liner system has occurred.
  - (d) Provide the Division Director, or his or her designee, with weekly telephone updates and written reports at the frequency approved by the Division Director, regarding the progress to date in determining the cause of contamination and the results of all samples from environmental monitoring conducted by the licensee.
10. If the determinations made pursuant to Condition V.F.9.(d) of this license, indicate a release of contaminants from the MC VI primary liner system, the licensee shall do either of the following:
  - (a) Begin immediate action to repair failures in the liner system or otherwise correct the problem and demonstrate to the Division Director within 72 hours that the action being taken will contain the release of contaminants and maintain the capability of the system to detect contaminants that may enter the leak detection system. The licensee shall complete the repair and corrective activities pursuant to a schedule approved by the Division Director and shall obtain the certification of a registered professional engineer that, to the best of his or her knowledge or opinion, the remedial actions have been completed. If the Division Director determines that the failure cannot be corrected on a schedule that ensures the protection of human health and the environment, the licensee shall comply with Condition V.F.10.(b) of this license.
  - (b) Cease placing waste into the affected area in MC VI and take action to prevent the migration of hazardous waste and hazardous waste constituents from the affected area on a schedule approved by the Division Director and propose a plan to address any environmental damage that may have occurred as a result of the failure.
11. If the licensee determines pursuant to Conditions V.F.8. and V.F.9. of this license that a statistically significant increase in hazardous constituents has occurred in the leak detection system, it may demonstrate that a source other than the licensed facility

caused the increase or that the increase resulted from an error in sampling, analysis, or evaluation. In making a demonstration under this condition, the licensee shall:

- (a) Notify the Division Director within seven days of the determination that it intends to make a demonstration under this condition.
- (b) Within 60 days of the determination, submit a report to the Division Director that demonstrates that a source other than the licensed facility solely caused the increase or that the increase was caused by error in sampling, analysis, or evaluation. The report shall be signed and certified in accordance with Condition I.D.3. of this license.
- (c) Continue to monitor the leak detection system in compliance with this license.

12. The licensee shall provide the Division Director with a written annual report by March 1 of each year summarizing the data and the monitoring program results from the previous calendar year. The annual report shall include graphical presentations summarizing volume pumped from the leak detection system per month and volume pumped from the leak detection system versus volume pumped from the leachate collection system. The annual report shall reference and be part of the annual leachate monitoring report required in Condition V.E.7. of this license.

13. The licensee shall report leak detection monitoring results as required by Condition II.I.3. of this license. This information shall be signed and certified in accordance with Condition I.D.3. of this license.

(R 299.9611(5) and (6).)

## **G. LYSIMETER MONITORING PROGRAM**

1. The licensee shall conduct a semiannual detection monitoring program as specified in the Lysimeter Monitoring Program Sampling and Analysis Plan (LM SAP), Attachment 15, of this license.
2. If additional parameters must be added to the lysimeter monitoring program in accordance with Condition V.E.6 of this license, the licensee must provide written notification to the Division Director requesting modification to the program. If background has not already been established for these additional parameters, the notification must include a proposed plan to determine background for these constituents on an accelerated schedule.
3. The licensee shall provide written notification to the Division Director requesting any changes that need to be made to the approved LM SAP, Attachment 15, of this license and obtain written approval prior to implementation.
4. The licensee shall, within 60 calendar days of the sampling, report in writing to the Division Director the laboratory data and the results from the statistical evaluation

performed in accordance with LM SAP, Attachment 15 of this license. The report shall include all statistical calculations and analysis performed.

5. If a statistically significant increase is detected in any of the monitored parameters, the licensee shall notify the Hazardous Waste Section project staff, by telephone or electronic communication, within one working day, that this situation has occurred and arrange for a resampling as soon as possible to confirm if the statistical increase exists. If adequate water can be obtained from the system, confirmation samples shall be collected in quadruplicate.
6. If the licensee confirms that a statistically significant increase in a monitored parameter has occurred, the following actions must be taken:
  - (a) Within one working day, notify the Hazardous Waste Section project staff by telephone. Within seven calendar days after the determination, submit written notification of the statistically significant increase to the Division Director. The notification shall be signed and certified in accordance with Condition I.D.3. of this license.
  - (b) Begin immediate action to implement the current Contingency Plan, as appropriate.
  - (c) Determine, within 30 calendar days of notification, whether a failure in the liner system has occurred.
  - (d) Provide the Division Director, or his or her designee, with weekly telephone updates and written reports every two weeks regarding the progress to date in determining the cause of contamination and the results of all samples from environmental monitoring conducted by the licensee.
7. If the determinations made pursuant to Condition V.G.7.(d) of this license indicates a release of contaminants from MCs V or VII, the licensee shall do the following:
  - (a) Begin immediate action to repair or otherwise correct the problem and demonstrate to the Division Director within 72 hours that the action being taken will correct the release of contaminants and clean up contaminants that may have leaked from the system. The licensee shall complete the repair and cleanup activities pursuant to a schedule approved by the Division Director and shall obtain the certification of a registered professional engineer that, to the best of his or her knowledge or opinion, the remedial actions have been completed.
8. If the licensee determines pursuant to Conditions V.G.7. and V.G.8. of this license that a statistically significant increase in hazardous constituents has occurred in the lysimeter monitoring program, it may demonstrate that a source other than the licensed facility caused the increase or that the increase resulted from error in sampling, analysis, or evaluation. In making a demonstration under this condition, the licensee

shall:

- (a) Notify the Division Director within 7 days of the determination that it intends to make a demonstration under this condition.
- (b) Within 90 days of the determination, submit a report to the Division Director that demonstrates that a source other than the licensed facility solely caused the increase or that the increase was caused by error in sampling, analysis, or evaluation. The report shall be signed and certified in accordance with Condition I.D.3. of this license.
- (c) Continue to monitor the lysimeter system in compliance with this license.

9. The licensee shall report lysimeter monitoring results as required by Condition II.I.3 of this license. In addition to these requirements, the licensee shall provide the Division Director with a written annual report by March 1<sup>st</sup> of each year summarizing the data and the monitoring program results from the previous calendar year. The annual report shall reference and be part of the annual leachate monitoring report required in Condition V.E.6. of this license. All monitoring reports shall be signed and certified in accordance with the requirements in Condition I.D.3. of this license.

10. The licensee shall report lysimeter monitoring results as required by Condition II.I.3 of this license. This information shall be signed and certified in accordance with Condition I.D.3. of this license.

(R 299.9611(5).)

## **H. SEDIMENTATION BASIN MONITORING PROGRAM**

1. The licensee shall conduct an annual sedimentation basin monitoring program for the north sedimentation basin (NSB), south sedimentation basin (SSB), the north sedimentation basin extension (NSBE), and the south sedimentation basin extension (SSBE) as specified in the Sedimentation Basin Monitoring Program Sampling and Analysis Plan (SB SAP), Attachment 16, of this license.
2. Within 60 days of each sampling, the licensee shall determine if an ASSI has occurred as specified in Section 7.0 of Attachment 16 of this license.
3. If an ASSI is detected, the licensee shall notify the Hazardous Waste Section project staff, by telephone or electronic communication, within one working day and collect verification samples within seven working days to determine if a CSSI has occurred as specified in Attachment 16 of this license.
4. If the licensee determines pursuant to Conditions V.H.2. and V.H.3. of this license that a CSSI has occurred, the licensee shall:
  - (a) Within one working day, notify the Hazardous Waste Section project staff by telephone. Within seven calendar days after the determination, submit written

notification of the CSSI to the Division Director. The notification shall be signed and certified in accordance with Condition I.D.3. of this license.

- (b) Take immediate steps to eliminate the source of the contamination and prevent further releases.
- (c) In addition, within 30 days after the determination, implement the response actions defined in Section 8.0 of Attachment 16, of this license depending upon the CSSI location and parameter.

5. The licensee shall report sedimentation basin monitoring results as required by Condition II.I.3. of this license and as specified in Section 9.0. of Attachment 16 of this license. This information shall be signed and certified in accordance with Condition I.D.3. of this license. The report shall include all statistical calculations and analysis performed with each sedimentation basin monitoring report.

(R 299.9611(5).)

## **I. RADIOLOGICAL MONITORING PROGRAM**

- 1. The licensee shall conduct a radiological monitoring program in accordance with the Radiological Monitoring Program, Attachment 17, of this license.
- 2. The licensee shall comply with the environmental sampling locations detailed in Figure 1 of the Environmental Radiological Monitoring Program (ERMP) in Attachment 17, of this license.
- 3. Within 60 days of the completion of each sampling or collection event, any detections over the monitoring thresholds located in Table 1, of the ERMP in Attachment 17, of this license shall be reported to the Division Director for gamma, groundwater, and ambient air monitoring.

## **PART VI** **CORRECTIVE ACTION CONDITIONS**

### **A. CORRECTIVE ACTION AT THE FACILITY**

1. The licensee shall implement corrective action for all releases of a contaminant from any waste management unit (WMU) at the facility, regardless of when the contaminant may have been placed in or released from the WMU, as outlined in Corrective Action, Attachment 18 of this license. For the purposes of this license, the term "corrective action" means an action determined by the Division Director to be necessary to protect the public health, safety, welfare, or the environment, and includes, but is not limited to, investigation, evaluation, cleanup, removal, remediation, monitoring, containment, isolation, treatment, storage, management, the temporary relocation of people, and the provision of alternative water supplies, or any corrective action allowed under Title II of the federal Solid Waste Disposal Act, PL 89-272, as amended, or regulations promulgated pursuant to that act. For the purposes of this license, the environmental protection standards adopted in R 299.9629 shall be used to satisfy the corrective action obligations under this license. (§§11102 and 11115a of Act 451 and R 299.9629.)
2. To the extent that a release of a hazardous substance, as defined in §20101(x) of Act 451, that is not also a contaminant, as defined in §11102(2) of Act 451, is discovered while performing corrective action under this license, the licensee shall take concurrent actions as necessary to address the Part 201, Environmental Remediation, of Act 451 remedial obligations for that release.

### **B. CORRECTIVE ACTION BEYOND THE FACILITY BOUNDARY**

The licensee shall implement corrective action beyond the facility in accordance with §11115a of Act 451 and R 299.9629(2).

### **C. IDENTIFICATION OF WASTE MANAGEMENT UNITS**

The WMUs at the facility are identified below and shown on Figure 6 and Drawing 2 in Attachment 18, and Figure 1 in Attachment 8, of this license.

1. The following WMU, identified in the Draft Report on RCRA Facility Investigation Release Assessment for Wayne Disposal Site #1 Landfill, October 7, 1992, require further corrective action at this time that includes, at a minimum, further investigation to determine if a release of a contaminant has occurred and, if a release has occurred, the nature and extent of the release.
  - WMU 1 Site #1 Landfill
2. The following WMUs do not require corrective action at this time:
  - (a) The following WMU, identified in the RCRA Corrective Action Plan RFI Phase 1 Environmental Monitoring Report for Wayne Disposal Site #2 Landfill, July 17, 1990, is currently operating pursuant to the act and its rules with no evidence of

a release of any contaminants. Corrective action may be required when the unit undergoes final closure.

- WMU 2 Site #2 Landfill
- (b) The following WMU, identified in Figure 1, in Attachment 8, because the units are currently operating pursuant to the act and its rules with no evidence of a release of any contaminants. Corrective action may be required when the units undergo final closure.
- WMU 3 Bulk Container Storage Area
- WMU 4 Non-bulk Container Storage Area

(§§11102 and 11115a of Act 451 and R 299.9629.)

3. Within 30 days of discovery of a new WMU or a release of a contaminant from a new WMU, the licensee shall provide written notification to the Division Director. The written notification shall include all of the following information:
  - (a) The location of the unit on the facility topographic map.
  - (b) The designation of the type of unit.
  - (c) The general dimensions and structural description, including any available drawings of the unit.
  - (d) The date the unit was operated.
  - (e) Specification of all waste(s) that have been managed in the unit.
  - (f) All available information pertaining to any release of a contaminant from the unit.
4. Based on a review of all of the information provided in Condition VI.C.3 of this license, the Division Director may require corrective action for the newly identified WMU. The licensee shall submit a written Investigation Work Plan to the Division Director within 60 days of written notification by the Division Director that corrective action for the unit is required.

(§§11102 and 11115a of Act 451, R 299.9504(1), R 299.9508(1)(b), R 299.9629, and 40 CFR §270.14(d).)

#### **D. CORRECTIVE ACTION INVESTIGATION**

The licensee shall conduct a Corrective Action Investigation to determine if a release of a contaminant(s) from any of the WMU identified in Condition VI.C of this license has occurred and, if a release(s) has occurred, evaluate the nature and extent of the release(s). The licensee shall submit a written Corrective Action Investigation Work Plan, Corrective Action

Investigation Final Report documenting compliance with the approved Work Plan and supporting further corrective action at the facility, and Corrective Action Investigation progress reports to the Division Director for review and approval in accordance with Condition VI.K of this license. The Division Director will approve, modify and approve, or provide a Notice of Deficiency (NOD) for the Work Plan and Final Report. Upon approval, the Work Plan and Final Report become enforceable conditions of this license. (§§11102 and 11115a of Act 451 and R 299.9629.)

## **E. INTERIM MEASURES**

The licensee shall conduct interim measures (IM) at the facility, if determined necessary by the licensee or the Division Director, to cleanup or remove a released contaminant or to take other actions, prior to the implementation of corrective measures, as may be necessary to prevent, minimize, or mitigate injury to the public health, safety, or welfare, or to the environment. The licensee shall submit a written IM Work Plan, an IM Final Report documenting compliance with the approved Work Plan and supporting further corrective action at the facility, and IM progress reports to the Division Director for review and approval in accordance with Condition VI.K of this license. The Division Director will approve, modify and approve, or provide a NOD for the Work Plan and Final Report. Upon approval, the Work Plan and Final Report become enforceable conditions of this license. (§§11102 and 11115a of Act 451 and R 299.9629.)

## **F. DETERMINATION OF NO FURTHER ACTION**

1. The licensee shall continue corrective action measures to the extent necessary to ensure that the applicable environmental protection standards adopted in Part 111 of Act 451, are met, if the limits are not less stringent than allowed pursuant to the provisions of RCRA.
2. Based on the results of the Corrective Action Investigation and other relevant information, the licensee shall submit a written request for a license minor modification to the Division Director if the licensee wishes to terminate corrective action for a specific WMU identified in Condition VI.C. of this license. The licensee must demonstrate that there have been no releases of a contaminant(s) from the WMU and that the WMU does not pose a threat to public health, safety, welfare, or the environment.
3. Based on the results of the Corrective Action Investigation and other relevant information, the licensee shall submit a written request for a license major modification to the Division Director if the licensee wishes to terminate facility-wide corrective action. The licensee must conclusively demonstrate that there have been no releases of a contaminant(s) from any of the WMUs at the facility and that none of the WMUs pose a threat to public health, safety, welfare, or the environment.
4. If, based upon a review of the licensee's request for a license modification pursuant to Condition VI.F.2. or VI.F.3. of this license, the results of the completed Corrective Action Investigation, and other relevant information, the Division Director determines

that the releases or suspected releases of a contaminant(s) do not exist and that the WMU(s) do not pose a threat to public health, safety, welfare, or the environment, the Division Director will approve the requested modification, subject to Conditions VI.F.5. and VI.F.6., below.

5. A determination of no further action shall not preclude the Division Director from requiring continued or periodic monitoring of air, soil, groundwater, or surface water, if necessary to protect public health, safety, welfare, or the environment, when facility-specific circumstances indicate that potential or actual releases of a contaminant(s) may occur.
6. A determination of no further action shall not preclude the Division Director from requiring further corrective action at a later date, if new information or subsequent analysis indicates that a release or potential release of a contaminant(s) from a WMU at the facility may pose a threat to public health, safety, welfare, or the environment. The Division Director will initiate the necessary license modifications if further corrective action is required at a later date.

(§§11102 and 11115a of Act 451 and R 299.9629(2).)

## **G. CORRECTIVE MEASURES STUDY**

If the Division Director determines, based on the results of the Corrective Action Investigation and other relevant information, that remedial activities are necessary, the Division Director may notify the licensee in writing that a Corrective Measures Study (CMS) is required. If notified by the Division Director, the licensee shall conduct a CMS to develop and evaluate the corrective measures alternative(s) necessary to address the release(s) of a contaminant(s) or hazardous substances and the WMU(s) that are identified in the approved Corrective Action Investigation Final Report as requiring final remedial activities. The licensee shall submit a written CMS Work Plan, a CMS Final Report documenting compliance with the approved Work Plan and supporting further corrective action at the facility, and CMS progress reports to the Division Director for review and approval in accordance with Condition VI.K. of this license. The Division Director will approve, modify and approve, or provide a NOD for the Work Plan and Final Report. Upon approval, the Work Plan and Final Report become enforceable conditions of this license. (§§11102 and 11115a of Act 451 and R 299.9629.)

## **H. CORRECTIVE MEASURES IMPLEMENTATION PLAN**

1. The licensee shall conduct final corrective measures based on the CMS Final Report approved by the Division Director. The licensee shall submit a written Corrective Measures Implementation (CMI) Work Plan to the Division Director for review and approval. The licensee shall also submit a written CMI Final Report documenting the compliance with the approved CMI Work Plan and providing justification that the corrective actions may cease, and CMI progress reports to the Division Director for review and approval in accordance with Condition VI.K. of this license. The Division Director will approve, modify and approve, or provide a NOD for the Work Plan and

Final Report. Upon approval, the Work Plan and Final Report become enforceable conditions of this license.

2. The Division will provide notice of its draft decision on the CMI Work Plan to persons on the facility mailing list and provide an opportunity for a public hearing.
3. The licensee shall implement the approved CMI Work Plan within 60 days of receipt of the Division Director's written approval of the Work Plan.

(§§11102 and 11115a of Act 451 and R 299.9629.)

#### I. CORRECTIVE ACTION MANAGEMENT UNITS

If applicable, the licensee shall comply with the requirements of R 299.9635 in order to designate an area at the facility as a corrective action management unit for implementation of corrective measures. (R 299.9521(3)(a).)

#### J. TEMPORARY UNITS

If applicable, the licensee shall comply with the requirements of R 299.9636 in order to designate tank or container storage units used for the treatment or storage of remediation wastes as temporary units for implementation of corrective measures. (R 299.9521(3)(a).)

#### K. SUMMARY OF CORRECTIVE ACTION SUBMITTALS

The licensee shall submit the required documents in accordance with Conditions VI.D., VI.E, VI.G, and VI.H. of this license and the schedule below.

Document	Submittal Deadline
Written notification of a new release of a contaminant from an existing WMU, a new WMU, or a release of a contaminant from a new WMU	Within 30 days of discovery
Corrective Action Investigation Work Plan for a newly identified release of a contaminant from an existing WMU, a new WMU, or a release of a contaminant from a new WMU	Within 60 days of receipt of notification that a Corrective Action Investigation is required
Revised Corrective Action Investigation Work Plan for WMUs and contaminant releases	Within 60 days of receipt of Corrective Action Work Plan NOD
Corrective Action Investigation progress reports	Within 90 days of initiation of the Corrective Action Investigation and every 90 days thereafter, unless otherwise approved

Document	Submittal Deadline
Corrective Action Investigation Final Report for WMUs and contaminant releases	Within 60 days of completion of Corrective Action investigation
Revised Corrective Action Investigation Final Report for WMUs and contaminant releases	Within 60 days of receipt of Corrective Action Investigation Final Report NOD
IM Work Plan for WMUs and contaminant releases	Within 60 days of receipt of notification that IM Work Plan is required
Revised IM Work Plan for WMUs and contaminant releases	Within 60 days of receipt of IM Work Plan NOD
IM progress reports	Within 90 days of initiation of the IM and every 90 days thereafter, unless otherwise approved
IM Final Report for WMUs and contaminant releases	Within 60 days of completion of the IM
Revised IM Final Report for WMUs and contaminant releases	Within 60 days of receipt of IM Final Report NOD
CMS Work Plan for WMUs and contaminant releases	Within 60 days of receipt of notification that CMS is required
Revised CMS Work Plan for WMUs and contaminant releases	Within 60 days of receipt of CMS Work Plan NOD
CMS progress reports	Within 90 days of initiation of the CMS and every 90 days thereafter, unless otherwise approved
CMS Final Report for WMUs and contaminant releases	Within 60 days of completion of the CMS
Revised CMS Final Report for WMUs and contaminant releases	Within 60 days of receipt of CMS Final Report NOD
CMI Work Plan for WMUs and contaminant releases	Within 60 days of approval of the CMS Final Report
Revised CMI Work Plan for WMUs and contaminant releases	Within 60 days of receipt of CMI Work Plan NOD
CMI progress reports	Within 90 days of implementation of the CMI Work Plan and every 90 days thereafter, unless otherwise approved
CMI Final Report for remediated WMUs and contaminant releases	Within 60 days of the remedial actions have been completed and cleanup criteria have been met
Revised CMI Final Report for WMUs and contaminant releases	Within 60 days of receipt of CMI Final Report NOD

## **L. CORRECTIVE ACTION DOCUMENTS RETENTION**

The licensee shall maintain all corrective action documents required by this license at the facility. The documents shall be maintained for the operating life of the facility or until the facility is released from financial assurance requirements for corrective action by the Division Director, whichever is longer. The licensee shall offer such documents to the Division Director prior to discarding those documents. (§§11102 and 11115a of Act 451 and R 299.9629.)

**ATTACHMENT 2**

**FINDINGS**

## **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.

In 1997, Van Buren Township filed an action in the United States District Court for the Eastern District of Michigan against EPA challenging EPA's approval under TSCA of the disposal of PCBs at the Wayne Disposal Landfill. The action was dismissed by the Court as being without merit and, in sum, it was held that EPA did not err in approving the PCB disposal application. See Charter Township of Van Buren v. Adamkus, No. 97-71657, (965 F. Supp. 959) (E.D. Mich. May 2, 1997). The district court decision was subsequently upheld on appeal by the Sixth Circuit Court of Appeals. See Charter Township of Van Buren v. Adamkus, No. 98-1463, 1999 WL 701924, at \*4 (6th Cir. Aug. 30, 1999) (unpublished).

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 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 (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 are 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 sums, 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  $1 \times 10^{-7}$  cm/sec. The permeability of native clay samples from under Master Cell V is similar to that under Master Cell VI, with permeability of  $1 \times 10^{-7}$  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  $1.3 \times 10^{-8}$  to  $6.9 \times 10^{-6}$  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  $1 \times 10^{-7}$  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  $1 \times 10^{-7}$  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.