



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF

October 1, 2012

LR-8J

CERTIFIED NO.: 7001 0320 0005 8921 9458
RETURN RECEIPT REQUESTED

Kerry Durnen
Director of Operations
Wayne Disposal, Inc.
49350 North I-94 Service Drive
Belleville MI, 48111

Dear Mr. Durnen:

The U.S. Environmental Protection Agency has reviewed your request dated April 18, 2012, and submitted to the Regional Administrator for an amendment to your existing TSCA disposal approval pursuant to 40 CFR 761.75. The request to modify your TSCA approval is for the inclusion of additional chemical waste landfill capacity. Your request consisted of a cover letter from Wayne Disposal, Inc., an annotated copy of the *Draft Guidance Document for a 40 CFR 761.75 Landfill Application*, and the September 2011 *WDI Operating License Application Master Cells VI F & G*.

Under 40 CFR 761.75, the EPA may approve your application if the landfill expansion will not pose an unreasonable risk of injury to health or the environment. The April 18, 2012, application submitted by Wayne Disposal does not provide sufficient information or the information provided is in need of clarification for EPA to make an unreasonable risk determination. In order for EPA to make a risk determination based upon the expansion of the landfill as proposed in the application, Wayne Disposal will need to address the comments provided as an attachment to this letter.

At this time, EPA requires the information stated above to complete the review and process of your application. This required information must be provided within 30 days from the date of receipt of this letter. If you are unable to provide the required information within the allotted time, you may request an extension, listing the reasons for your request and indicating when the requested information can be provided. Failure to provide the information by the required date

or failure to request and obtain an extension will result in the EPA issuing a denial of your 40 CFR § 761.75 application for modification of your current TSCA Approval. Submittal of this information does not ensure approval nor does it preclude us from requiring additional information if continued review indicates it is needed. The information should be submitted to Karen Kirchner, of my staff, at the above address.

If you have any questions regarding this letter or any of the information requested, please contact Ms. Kirchner at (312) 353-4669.

Sincerely,



Mary S. Setnicar

Chief

RCRA/TSCA Programs Section

Attachment: EPA Comments on the WDI Operating License Application Master Cells VI F & G

cc: Ms. Karen Kirchner, EPA
Mr. Michael Tackas, Wayne Disposal, Inc. (electronic only)

ATTACHMENT

EPA Comments on the WDI Operating License Application Master Cells VI F & G (dated September 2011)

The following comments are based on a review of WDI Operating License Application Master Cells VIF &G, Wayne Disposal, Inc. - Site No. 2, dated September 2011 (Approval Application) for the Wayne Disposal, Inc. (WDI) facility located in Belleville, Michigan. The review was conducted to determine whether the Approval Application meets the requirements of 40 CFR §§ 761.75, 761.79 and 761.180. These comments describe in detail what is missing or deficient in the Approval Application.

1. Section 761.75(b)(1) of 40 CFR specifies that, where the landfill site is not located in thick, relatively impermeable formations such as large-area clay pans, a Toxic Substances Control Act (TSCA) landfill should be constructed in soil that has a high clay and silt content with the following parameters:
 - a. In-place soil thickness 4 feet or compacted soil liner thickness, 3 feet
 - b. >30% soil passing no. 200 sieve;
 - c. permeability $\leq 10^{-7}$ centimeters per second (cm/sec);
 - d. liquid limit >30; and
 - e. plasticity index >15.

The Approval Application does not clearly demonstrate that the soil underlying the proposed landfill expansion meets all of the foregoing parameters. Revise the Approval Application to clearly show that the landfill will be constructed in soil that meets the >30% passing No. 200 sieve standard, has a liquid limit >30; and a plasticity index >15.

Additionally, cross-sections of the MC VI F&G profile are included as Figures 12 thru 18 in Volume IV -WDI Operating License Application Master Cells VI F &G, Hydrogeologic Investigation Report, Wayne Disposal, Inc. – Site No. 2 dated September 2011 (Hydrogeologic Investigation), but they show that hazardous waste must be excavated to achieve the presented profiles in some instances. The Volume III -WDI Operating License Application Master Cells VI F &G, Basis of Design Report, Wayne Disposal, Inc. -Site No. 2, dated September 2011 (Basis of Design) does not discuss reconfiguration of existing wastes to achieve the required profiles. Revise the Approval Application to describe all the steps necessary to achieve the proposed MC VI F & G cell configurations.

2. Section 761.75(b)(3) of 40 CFR specifies that the bottom of a TSCA landfill liner system must be at least 50 feet from the historical high water table. The Approval Application does not demonstrate that the proposed Master Cells VI F and G meet this condition. Revise the Approval Application to show that the proposed cells meet the 50-foot rule. Alternatively, revise the Approval Application to request a waiver of that condition. If you request a waiver, provide evidence that operation of the landfill will not present an unreasonable risk of injury to health or the environment from PCBs, even though the bottom of the landfill is less than 50 feet from the historical high water table.

3. Revise the Approval Application to include information on how the proposed addition will meet the synthetic membrane liner requirements set out in 40 CFR. § 761.75(b)(2).
4. The Approval Application does not include sufficient design information to demonstrate compliance with 40 CFR § 761.75(b)(7)(i) thru (iii). Specifically, the Basis of Design (Volume III) does not include a final design for the leachate collection monitoring system and no deadline for submission of the final design has been provided. We understand that, until additional leachate monitoring is completed, WDI cannot provide a design that addresses both leachate for proposed Master Cell VIF (Phase 1 and Phase 2) and for existing Master Cell 4. But, at a minimum, WDI should revise the leachate collection system discussion to include milestones which would trigger completion of the leachate collection system design and submission to EPA for approval.
5. The Approval Application does not describe the security fence in sufficient detail for EPA to determine whether it meets the requirements of 40 CFR. § 761.75(b)(9). Revise the Approval Application to include additional detail regarding the facility security fence.
6. The Approval Application does not include sufficient information on how chemically incompatible waste, including organic solvents, will be separated from PCB waste, as required by 40 CFR § 761.75(b)(8)(i). Revise the Approval Application to include additional detail regarding how chemically incompatible waste, including organic solvents, will be separated from PCB waste.
7. Section 761.75(b)(6)(i)(B) of 40 CFR specifies that any surface water course designated by the Regional Administrator shall be sampled at least monthly when the landfill is being used for disposal operations. Subpart 32 of Volume II or the Hydrogeologic Investigation Report in Volume IV of the Approval Application does not specify monthly sampling. Revise the Approval Application to specify that surface water will be sampled at location SS-3 at least monthly when the landfill is being used for disposal operations.
8. The Post Closure Plan included as Section 35 of Volume 11 does not provide enough detail on surface water sampling, including sampling frequency during post closure. Section 761.75(b)(6)(i)(C) of 40 CFR. requires that the established surface water course be sampled on a frequency of no less than once every six months after final closure of the disposal area. Revise the Approval Application to specify the post closure surface water sampling frequency to be no less than once every six months.
9. The Approval Application does not include a figure or cross-sections that clearly show how the current monitoring well network of OB-21, OB-23R, OB-24, OB 34R and OB-40R comprises at least three wells equally spaced along a line through the center of the disposal area and how the monitoring wells extend from highest to lowest water table elevation as required by 40 CFR § 761.75(b)(6)(ii)(A). Revise the Approval Application to demonstrate how the current, as well as any future, PCB-specific monitoring well network comprises at least three wells equally spaced along a line through center of the disposal area and how the monitoring well network is capable of monitoring from the from highest to lowest water table elevation.

10. The Approval Application does not include sufficient information to confirm that monitoring wells installed to monitor for PCBs have removable caps as required by 40 CFR § 761.75(b)(6)(ii)(B). Revise the Approval Application to include additional detail regarding the monitoring well caps to verify that they are removable as required.
11. The Groundwater Sampling and Analysis Plan included as Section 27 in Volume II states in Section VI, Well Purging that “purged water should be discharged on the ground away from the well.” This statement is not consistent with 40 CFR § 761.75(b)(6)(ii)(B) which requires that purged groundwater either be recycled to landfill or treated to applicable State or Federal discharge standards. Revise the Approval Application to specify that purged groundwater from TSCA monitoring wells be either recycled to landfill or treated to applicable State or Federal discharge standards as required by 40 CFR § 761.75(b)(6)(ii)(B).
12. The Groundwater Sampling and Analysis Plan included as Section 27 in Volume II of the Approval Application does not specify a sampling frequency for monitoring wells. Revise the Approval Application to include a minimum sampling frequency for monitoring wells sampled to assess point of compliance for the chemical waste portions of the landfill.
13. The Approval Application contains insufficient information regarding the management of PCB contaminated water. Section 761.79(b)(1)(iii) of 40 CFR. specifies that if the water contains less than 0.5 parts per billion (ppb) PCBs, it can be discharged without restrictions. Section 761.79(b)(1) (ii) of 40 CFR. allows water to be discharged to navigable waters if it meets the specified PCB discharge limit included in a permit issued under Section 307(b) or 402 of the Clean Water Act, or discharged to a treatment works if the water contains less than 3 ppb. Revise the Approval Application to specify how PCB contaminated water is being managed in accordance with 40 CFR § 761.79(b)(1).
14. The Approval Application includes both leachate collection and lysimeter leachate monitoring as allowed by 40 CFR § 761.75(b)(7), but contains insufficient information concerning sampling frequency. Revise the Approval Application to clearly specify that leachate sampling will occur monthly as required by 40 CFR § 761.75(b)(7).
15. The Ambient Air Monitoring Plan included as Section 26 in Volume II of the Approval Application does not specify the EPA established sampling days for performance of air sampling. The Introduction of the Ambient Air Monitoring Plan indicates that “sampling will be conducted on the prescribed sample days as determined by the EPA.” Revise the Approval Application to specify either the decision criteria to be employed or what the EPA prescribed days are for air sampling.
16. The Approval Application does not include an operation-specific document which clearly outlines how day-to-day activities are to be performed and the various plans implemented. Section 761.75(b)(8) (ii) of 40 CFR specifies that an Operations Plan is to be submitted. Revise the Approval Application to include an Operations Plan. Include the following information in the Operations Plan:

- a. Surface water handling or discharge criteria
- b. Excavation and backfilling information for PCB waste
- c. Waste segregation information
- d. Documentation of burial coordinates
- e. Criteria for groundwater containing PCBs
- f. Criteria for surface water containing PCBs

17. The Approval Application does not include specifications for preparation and management of records for PCB disposal operations. Under 40 CFR § 761.75(b)(8)(iv), records must be maintained for all PCB disposal operations including:
- a. PCB concentrations in liquid waste;
 - b. the three dimensional burial coordinates for PCB wastes; and
 - c. the development and maintenance of additional records as required in 40 CFR § 761.180.

Revise the Approval Application to include details on the records to be maintained for all PCB disposal operations.

18. The Approval Application does not include specifications for maintaining annual records regarding the disposition of all PCBs and PCB items at the facility or the preparation and maintenance of written annual document logs, to be stored for at least 20 years after the chemical waste landfill is no longer used for the disposal of PCBs. Under 40 CFR § 761.180(d), records must be maintained for all PCB disposal operations including:
- a. Any water analysis obtained in compliance with § 761.75(b)(6)(iii); and,
 - b. any operations records including burial coordinates of wastes obtained in compliance with § 761.75(b)(8)(ii).

Revise the Approval Application to include details on the records to be maintained for all PCB disposal operations.

19. The Approval Application does not include specifications for preparation and management of PCB disposal operations records. Under 40 CFR § 761.180(b), the disposer must maintain annual records on the disposition of all PCBs and PCB items at the facility. The disposer must prepare and maintain a written annual document log that includes the information required by paragraphs (b)(2) of this section for PCBs and PCB Items that were handled as PCB waste at the facility. The written annual document log must be prepared by July 1 for the previous calendar year (January through December). The written annual document log must be maintained at each chemical waste landfill for at least 20 years after the chemical waste landfill is no longer used for the disposal of PCBs and PCB Items. Revise the Approval Application to include details on the records to be maintained for all PCB disposal operations.
20. The Approval Application does not include specifications for preventing the use of PCB soils as daily cover materials. Revise the Approval Application to specify that PCB wastes will not be used as daily cover.

21. The Approval Application does not include a specification that the landfill surface material must be dry enough to support the cap profile [i.e., support 10 pounds per square inch (psi)]. Revise the Approval Application to specify that the landfill surface material must be dry enough to support the cap profile (i.e., support 10 psi).
22. The Closure Plan included as Section 34 in Volume II of the Approval Application specifies a 30-year post closure period. This is insufficient. For a chemical landfill, post closure care is required in perpetuity. Revise the Approval Application to specify that post closure care will be perpetual.
23. The Approval Application does not identify any aspects of the Master Cell VI F & G expansion that require a waiver from EPA. For transparency and accuracy, revise the Approval Application to identify any aspects of the Master Cell VI F & G expansion that require a waiver.
24. The Approval Application does not include sufficient information concerning worker health and safety. No Health and Safety Plan was submitted as part of the Application. Revise the Approval Application to include a Health and Safety Plan.

BASIS OF DESIGN COMMENTS

1. The Basis of Design does not discuss the potential for sinkhole development, even though site bedrock includes limestone formations. For transparency and clarity, revise the Basis of Design to include a discussion regarding the likelihood of sinkhole development at WDI and Master Cell VI F & G.
2. The Basis of Design presents an overall static stability analysis for the proposed Master Cell VI F & G expansion. The results of the analysis indicate that to maintain an adequate factor of safety (i.e., 1.45 or 1.5), the interim waste slope during filling should not exceed an inclination of 3.5 horizontal to 1 vertical. This requirement should therefore be adopted as an approval condition in order to ensure long-term stability. For transparency and clarity, revise the Basis of Design to include a discussion regarding the need for this additional overall control associated with waste placement at WDI in Master Cells VI F & G. Specify that the interim waste slope during filling should not exceed an inclination of 3.5 horizontal to 1 vertical.
3. The Basis of Design does not discuss seismic analysis. The Approval Application (Volume II, Section 40, Tank System Assessment Report), indicates that this topic was to be addressed in Volume IV. The Tank System Assessment Report states that, "seismic influences are not a design concern due to the nature of groundwater at the site and location of seismic faults at the project location." Due to the complex waste configuration proposed for the Master Cell VI F & G expansion and to allow for transparency and clarity, revise the Basis of Design to include a discussion regarding any potential seismic impacts and the need for assessment of stability under seismic conditions.