

Attachment 13

Excerpts from Documents Showing EPA Approval of Certain TSCA Landfills

**A. CWM Chemical Services Model City Landfill
in New York**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II

JACOB K. JAVITS FEDERAL BUILDING

NEW YORK, NEW YORK 10278-0012

DEC 28 1994

Mr. Michael P. McInerney
General Manager
CWM Chemical Services, Inc.
P.O. Box 200
1550 Balmer Road
Model City, New York 14107

Dear Mr. McInerney:

This letter responds to the March 1991 application from CWM Chemical Services, Inc. (CWM) for the utilization of a chemical waste landfill, Residuals Management Unit No. 1 (RMU-1) for the disposal of polychlorinated biphenyls (PCBs) at CWM's Model City, New York facility (EPA ID No. NYD049836679). The United States Environmental Protection Agency (EPA), Region II (hereinafter referred to as "EPA Region II", or "the Agency") hereby grants approval, in accordance with the Toxic Substances Control Act (TSCA) and the regulations promulgated pursuant to TSCA for PCBs found at Part 761 of Title 40 of the Code of Federal Regulations (40 C.F.R. Part 761). This approval is based on CWM's application and supporting documents (Appendix B) and is subject to the limitations and conditions specified in this letter and its appendices.

This approval will become effective on the date CWM sends written notification to the Regional Administrator of EPA Region II of its acceptance of and intention to comply with the conditions of this approval.

Please be aware that PCB disposal in RMU-1 is currently limited to Cells 1 and 2. As additional cells of RMU-1 are constructed and become operational, CWM must obtain written approval from EPA Region II for the use of each additional cell for PCB disposal prior to any such disposal.

A public comment period on RMU-1 was held from June 16, 1993 to August 6, 1993. A responsiveness summary to these comments was included as part of the attachments to the permit issued to CWM for RMU-1 under the Hazardous And Solid Waste Amendments of 1984. After review of the application and supporting documents, the Agency has determined that RMU-1 merits approval as a chemical waste landfill for the disposal of PCBs. This approval is based upon the Agency's evaluation that this landfill meets all the requirements of 40 C.F.R. § 761.75 with the following exception:

The landfill is not located at least 50 feet higher than the nearest groundwater elevation, and its orientation to the highest groundwater table is not in strict compliance with the requirements of 40 C.F.R. § 761.75(b)(3). However, the landfill is designed to collect internal leachate via collection sumps and is equipped with two low permeability composite liners composed of clay and high density polyethylene. It is the Agency's assessment, based on the information submitted by CWM, that this landfill, if operated as outlined in this approval, should prevent leachate migration.

The Agency has determined that the above cited waiver will not present an unreasonable risk of injury to health or the environment from PCBs.

In order to consolidate PCB management issues, this approval, on and after the effective date of this approval, replaces previously approved continuing requirements for landfill and landfill related operations at CWM's Model City facility; these requirements pertain to Secure Landfill (SLF) No. 12, SLF No. 11, SLF No. 10, SLF No. 7, SLF No's 1-6, Leachate management, and various site-wide activities (hereinafter collectively referred to as TSCA requirements). Nothing herein is intended, and nothing herein is to be construed, to invalidate, waive or otherwise affect the TSCA requirements of the previously issued approvals for all applicable operations and activities at the Model City facility that occurred prior to the effective date of this approval. Operation of SLF No. 12 and Leachate Management was approved by EPA Region II on December 2, 1990 (as amended). Site wide management provisions were approved on August 17, 1994. The procedures associated with PCB chemical waste landfills are approved pursuant to 40 C.F.R. § 761.75, those procedures approved for closure of the mobile PCB dechlorination unit are approved pursuant to 40 C.F.R. § 761.60(e), and those associated with commercial storage of PCB waste are approved pursuant to 40 C.F.R. § 761.65.

CWM shall be responsible for the actions of all individuals who are involved in the implementation of the activities under this approval and, in addition to the other conditions of this approval, is required to comply with all applicable federal, state, or local laws, rules and regulations. Any failure to comply with any condition of this approval shall constitute a violation of the approval, issued pursuant to 40 C.F.R. §§ 761.60(e), 761.65, and 761.75, and a violation of 40 C.F.R. 761, which may result in an enforcement action and/or revocation, suspension, or modification of this approval.

Furthermore, receipt of evidence that a misrepresentation of any material fact has been made in the CWM application, or that relevant facts have not been disclosed, shall constitute sufficient cause for revocation, suspension, or modification of this approval in addition to any enforcement action.

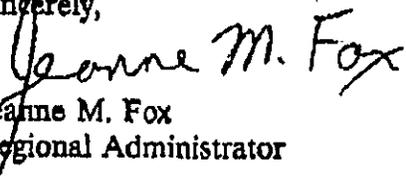
This approval is granted subject to the conditions in this letter and its two appendices and consistent with materials and data in CWM's application and supporting documents. Any change or modification in the plan, specifications, or operational procedures at CWM's facility, which are incorporated in this approval, must receive prior written approval from EPA Region II.

Where the New York State Department of Environmental Conservation (NYSDEC) Part 373 Permits are referenced in this approval, the referenced requirements are incorporated in this approval with the full force and effect as if fully set forth herein. CWM shall notify EPA Region II of any pending amendment to the NYSDEC 373 Permit requirements referenced in this approval. Where requirements in the NYSDEC Part 373 Permits are referenced, and CWM has notified EPA Region II of the pending amendment, any amendment of the Permit condition will be automatically incorporated as an amendment to this approval unless otherwise specified in writing by EPA Region II.

The Agency finds that the operations authorized under this approval, conducted in accordance with this approval, will not present an unreasonable risk of injury to health or the environment. This approval may be suspended, revoked, modified or otherwise altered at any time if EPA Region II determines that implementation of the approval presents an unreasonable risk of injury to health or the environment.

This approval may be withdrawn if EPA Region II does not receive written notification from CWM of its acceptance of the conditions of the approval within 45 days of the date of this letter.

Sincerely,


Jeanne M. Fox
Regional Administrator

Enclosures

cc: Commissioner Langdon Marsh
New York State Department of
Environmental Conservation (NYSDEC) w/encl.

Norman Nosenchuck, Director
Division of Hazardous Substances Regulation, NYSDEC w/encl.

Louis Violanti, Regional Hazardous Substances Engineer
NYSDEC Region 9 w/encl.

B. Clean Harbors Grassy Mountain Landfill in Utah

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

IN THE MATTER OF) APPROVAL OF CELLS X, Y & Z
Clean Harbors Grassy Mountain, LLC,) AND WAIVER OF TECHNICAL REQUIREMENTS
a subsidiary of Clean Harbors, Inc.,) APPLICATION FOR LAND DISPOSAL OF
hereinafter referred to as GMF) POLYCHLORINATED BIPHENYL (PCB)
with corporate offices located in) WASTE
Norwell, Massachusetts)

AUTHORITY

This Approval is issued to Clean Harbors Grassy Mountain, LLC pursuant to Section 6(e)(1) of the Toxic Substances Control Act of 1976 (TSCA), 15 U.S.C. 2601 *et seq.*, and the Federal PCB Regulations, 40 C.F.R. Section 761.75. Conditions of this Approval supersede any conflicting elements of the Application and previous Approvals by EPA.

WAIVER OF TECHNICAL REQUIREMENTS

Pursuant to its authority under 40 C.F.R. § 761.75(c)(4), the United States Environmental Protection Agency, Region 8 (EPA), waives the technical requirement at 40 C.F.R. § 761.75(b)(3) to permit the bottom of the TSCA Landfill Cells X, Y & Z to be less than 50 feet above the historical high water table. EPA also waives the requirements at 40 C.F.R. §§ 761.75 (b)(6)(iii) and (7) to permit the frequencies of groundwater and leachate analyses for PCBs, pH, specific conductance and chlorinated organics to be performed annually. EPA believes that the operations of the landfill will not present an unreasonable risk of injury to health or the environment from PCBs when the requirements at 40 C.F.R. §§ 761.75(b)(3), (6)(iii) and (7), are waived. In particular, Cells X, Y & Z have a double High Density Polyethylene (HDPE) liner with leachate collection and groundwater monitoring systems.

EFFECTIVE DATE

This Approval shall be effective immediately, and shall expire March 1, 2013, for Cell Z. The Approval life is subject to extension as provided in Condition II.(5) of this Approval. The list of acceptable wastes is subject to expansion, upon a successful demonstration of compliance and corrective measures as outlined in Conditions III and IV, and subject to the provisions of Condition II.(4) of this Approval. The Approval conditions pertaining to closure and post-closure, including financial assurance, are not subject to this expiration date and shall remain in force for the period of time necessary to complete those activities. Cells X and Y are only subject to the post-closure conditions in this Approval.

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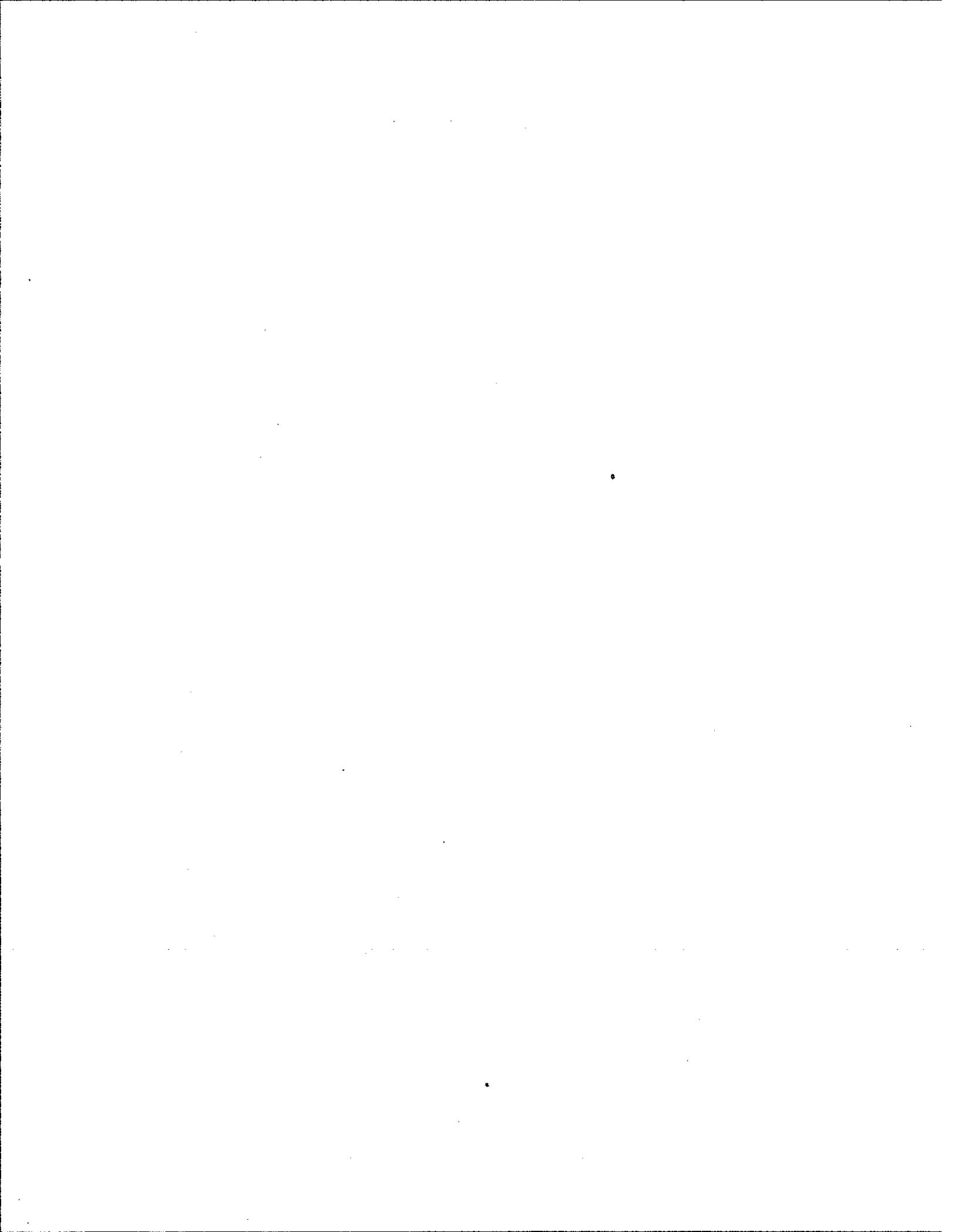
Attachments

- A. Monitoring Well Location Map
- B. List of Chlorinated Organics
- C. List of Additional RCRA Groundwater Parameters
- D. Final Cap Profiles

CONDITIONS OF APPROVAL

I. Technical Requirements

- (1) Soils. In accordance with 40 C.F.R. § 761.75(b)(1) and GMF's Design Engineering Report contained in the Application, the landfill soil shall have a high clay and silt content meeting the following standards:
 - (i) compacted soil liner with a minimum thickness of 3 feet;
 - (ii) compacted soil liner with a permeability of less than or equal to 1×10^{-7} cm/sec;
 - (iii) >85% soil passing No. 200 Sieve;
 - (iv) >30 liquid limit; and
 - (v) >15 plasticity index.
- (2) Synthetic membrane liners. In accordance with 40 C.F.R. § 761.75(b)(2), synthetic membrane liner must have a minimum thickness of 30 mils. USPCI documented in the Application that the landfill cells had been constructed with a double synthetic liner system composed of a lower 60 mils and an upper 80 mils high density polyethylene (HDPE) liner, each having a leachate collection system.
- (3) Hydrologic conditions. In accordance with 40 C.F.R. § 761.75(c)(4), the Regional Administrator is waiving the requirement in 40 C.F.R. § 761.75(b)(3) that the bottom of the landfill liner system be at least 50 feet from the historical high water table. The facility has groundwater monitoring wells and leachate collection systems.
- (4) Flood protection. In accordance with 40 C.F.R. § 761.75(b)(4)(ii) and the Design Engineering Report contained in the Application, the landfill is above the 100-year floodwater elevation, and runoff diversion structures are provided to handle in excess of a 24-hour, 25-year storm. Containment and treatment by evaporation is provided for storm water.
- (5) Topography. In accordance with 40 C.F.R. § 761.75(b)(5), the landfill is located in an area of low to moderate relief.
- (6) Water monitoring systems.
 - (i) In accordance with the waiver provisions of 40 C.F.R. § 761.75(c)(4), the requirement of 40 C.F.R. 761.75(b)(6)(i) to sample groundwater to provide baseline data prior to commencing waste disposal operations under this Approval is subject to Compliance Schedule Conditions III.(1) and (2) of this Approval, and these Conditions have been met.
 - (ii) In accordance with 40 C.F.R. § 761.75(b)(6)(ii)(B), groundwater monitoring wells shall be cased and the annular space between the monitor zone and the surface shall be backfilled with Portland cement or an equivalent material and plugged



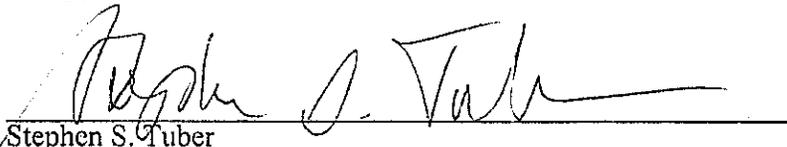
acceptability for organic analyses prior to a decision on the modification of this Approval. The scope of these on-site audits may include the presentation of PCB standards, or check samples in various matrices, or for spiking into actual wastes, for same day analysis by GMF personnel assigned to the site. Observation of QA/QC procedures, personnel interviews, and/or review of existing records may also be included in these on-site audits.

APPROVAL STATEMENT

1. Approval to dispose of PCBs is hereby granted to Clean Harbors Grassy Mountain, LLC, a subsidiary of Clean Harbors, Inc. ("the company"), subject to the conditions contained herein, and consistent with the materials and data included in the Application filed by the company. EPA reserves the right to impose additional conditions when it has reason to believe that the continued operation of the GMF PCB landfill presents an unreasonable risk to public health or the environment, or when statutory or regulatory amendments are made. Any such proposed additional conditions shall be preceded by reasonable advance notice to GMF and opportunity for GMF to comment on the proposed modifications. Any departure from the conditions of this Approval or the terms expressed in the Application shall receive prior written authorization from the EPA Region 8 Assistant Regional Administrator of the Office of Partnerships and Regulatory Assistance, which will constitute an amendment to this Approval.
2. This Approval to dispose of PCBs does not relieve GMF of the responsibility to comply with all applicable federal, state and local regulations. Violations of any applicable regulations will be subject to enforcement action and may result in termination of this Approval. This Approval may be rescinded at any time for failure to comply with the conditions contained herein or the terms of the Application, failure to disclose all relevant facts, falsification of any record required by this Approval, or for any other reasons that the EPA Region 8 Assistant Regional Administrator of the Office of Partnerships and Regulatory Assistance, deems necessary to protect public health and the environment.
3. GMF shall be responsible for the actions of any authorized GMF employees when those actions are within the scope of constructing, operating or maintaining the landfill, and shall assume full responsibility for compliance with all applicable federal, state and local regulations including, but not limited to, any advance or emergency notification and accident reporting requirements.
4. This Approval is conditional upon the ongoing consent of GMF to allow EPA employees or agents, upon presentation of credentials, to enter onto the site and inspect, sample, copy records or otherwise monitor the GMF PCB landfill activities at any reasonable time for the purposes of determining compliance with this Approval.
5. Operation of the landfill by GMF shall constitute acceptance of and agreement to all conditions of this Approval.

JUN 15 2010

Date


Stephen S. Tuber
Assistant Regional Administrator
Office of Partnerships and Regulatory Assistance

C. Wayne Disposal, Inc. Landfill in Michigan

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:)	
)	
Wayne Disposal, Inc.,)	CHEMICAL WASTE LANDFILL
49350 North I-94 Service Drive,)	APPROVAL TO DISPOSE OF
Belleville, Michigan 48111-1854,)	POLYCHLORINATED BIPHENYLS
MID 048 090 633)	ISSUED PURSUANT TO
)	40 C.F.R. § 761.75
)	
APPLICANT.)	

AUTHORITY

This chemical waste landfill approval (Approval) is issued by the United States Environmental Protection Agency to Wayne Disposal, Inc. (WDI), pursuant to Section 6(e)(1) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2605(e)(1), and the federal regulations for disposal of Polychlorinated Biphenyls (PCBs) at 40 C.F.R. § 761.75. This Approval replaces the September 29, 2011 Approval previously issued to WDI.

Section 6(e)(1)(A) of TSCA, 15 U.S.C. § 2605(e)(1)(A), requires that EPA promulgate rules to prescribe methods for the disposal of PCBs. The regulations at 40 C.F.R. § 761.75 require, among other things, that various types of PCBs and PCB Items be disposed of in chemical waste landfills approved by EPA for PCB disposal. 40 C.F.R. § 761.75(a) designates the Regional Administrator as the approval authority for such PCB disposal facilities. 40 C.F.R. § 761.75(b) sets out a number of technical requirements for PCB disposal facilities. 40 C.F.R. § 761.75(c) prescribes the process by which an owner or operator of a chemical waste landfill may obtain approval to dispose of PCBs.

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 October 22, 2007, the approval authority for PCB disposal facilities was delegated to the Director, Land and Chemicals Division (LCD), EPA, Region 5.

None of the information required to be maintained under or submitted pursuant to this Approval is subject to the requirements of the Paperwork Reduction Act, 44 U.S.C. § 3501, *et seq.*, because such information is collected by EPA from WDI for the purpose of assuring compliance with this Approval.

EPA reserves the right to impose additional Conditions of Approval if EPA finds such Conditions are necessary to ensure that operation of Master Cell 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 Master Cell 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.

WAIVER

EPA hereby waives for Master Cell 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) herein which states the bottom of Master Cell 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 and 15 which state that Master Cell VI is constructed with safety features that exceed regulatory requirements, such as two double-thick synthetic membrane liners with a thick clay interliner; a compound leachate collection system; and a leak detection, collection and removal system.

APPROVAL

In accordance with 40 C.F.R. § 761.75 and the Findings above, EPA has determined that WDI's Application is consistent with TSCA, and that Master Cell VI of the WDI Landfill, when operated in compliance with the Conditions of Approval, does not present an unreasonable risk of injury to health or the environment from PCBs. Provided that the Conditions of Approval described above are met, WDI's April 18, 2012, request for an amended Approval is granted.

WDI is authorized to dispose of PCB waste in the remaining part of its previously approved and constructed four million three hundred twenty-five thousand (4.325 million) cubic yards of volume in Master Cell VI of the WDI Landfill, and may dispose of up to another eleven million seven hundred thirty thousand four hundred eighty (11.730480 million) cubic yards of PCB waste in Master Cell VI, including Subcells F and G, after these Subcells are so constructed and certified by the MDEQ.


Margaret M. Guerriero, Director
Land and Chemicals Division
United States Environmental Protection Agency
Region 5

Date: September 27, 2013

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of November, 2016, I served one copy of the foregoing Attachments to Petition for Review of General Electric Company, Volume II, on each of the following:

Curt Spalding, Regional Administrator
U.S. Environmental Protection Agency, Region 1
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Boston, MA 02109-3912
(By express commercial delivery service)

Bryan Olson
Director, Office of Site Remediation and Restoration
Five Post Office Square, Suite 100
Boston, MA 02109-3912
(By express commercial delivery service)

Timothy Conway
Senior Enforcement Counsel
Five Post Office Square, Suite 100
Boston, MA 02109-3912
(By express commercial delivery service)

Benno Friedman
Housatonic River Initiative, Inc.
P.O. Box 321
Lenoxdale, MA 01242-0321
(By first-class mail)

C. Jeffrey Cook
9 Palomino Drive
Pittsfield, MA 01201
(By express commercial delivery service)

