

9433.1987(08)

GROUNDWATER CONTAMINATION AS A BASIS TO DENY A DELISTING
PETITION

APR 24 1987

Mr. William H. Leoni
President
Grand Blanc Landfill, Inc.
2277 W. Grand Blanc Road
Grand Blanc, Michigan 48439

Dear Mr. Leoni:

The Permits and State Programs Division has completed its review of your delisting petition (#0631) for all 40 CFR Part 261 listed and non-listed hazardous wastes disposed in your landfill, located in Grand Blanc, Michigan. Based on our evaluation of ground water monitoring data presented by the State of Michigan, and the lack of representative data necessary to characterize the wastes disposed in the landfill, we will recommend to the Assistant Administrator for Solid Waste and Emergency Response that your petition be denied.

Our decision to deny the petition is based on the fact that significant ground water contamination has occurred at and around the Grand Blanc Landfill (see Attachment 1). Barium, cadmium, lead, bis (2-ethylhexyl) phthalate, di-n-octyl phthalate, benzene, and chloroform have been detected in the ground water at levels above their regulatory standards (these standards are 1.0 mg/l, 0.01 mg/l, 0.05 mg/l, 0.7 mg/l, 0.6 mg/l, 0.0012 mg/l, and 0.0005 mg/l, respectively) used by our office in petition evaluations. The above constituents were detected, in all cases (except cadmium), in higher concentrations at the downgradient monitoring wells than at the upgradient monitoring wells.

We use positive indications of ground water contamination as a basis to deny an exclusion petition. We note that it is the petitioner's burden to adequately demonstrate that the petitioned waste is not the actual source of contamination. Based on the fact that the waste disposed at the Grand Blanc Landfill contains the same constituents detected in the surrounding ground waters (based on our review of the hazardous waste manifests submitted by the petitioner), we must conclude

that the waste disposed at the Grand Blanc site has contributed to the overall degradation of the ground waters.

We do not consider the Grand Blanc Landfill petition to be complete, and have serious reservations about the manner in which it was compiled. The petition does not contain any of the information stated as necessary in 40 CFR Parts 260.20 and 260.22. Instead, the petition contains manifests which document the hazards of the wastes accepted by the landfill (some of the listed hazardous wastes demonstrated the characteristic of FP Toxicity) and the results from one composite soil sample.

We will recommend to the Assistant Administrator that your petition be denied and that a public notice to that effect be published in the Federal Register, in accordance with our policy. It is our practice to allow petitioners to withdraw their petitions to avoid publication of a negative finding in the Federal Register. If you prefer that a public notice not be published, please submit a letter to our office withdrawing the petition and stating that the waste will be handled as a hazardous waste as required under 40 CFR Parts 262 through 265 and 40 CFR Part 270. Please inform us as to your decision within two weeks of receipt of today's correspondence. If the letter of withdrawal is not received by that time, a denial notice will be published in the Federal Register.

If you have any questions regarding our decision, please contact Mr. Myles Morse, of my staff, at (202) 382-4788.

Sincerely yours,

Bruce R. Weddle
Director
Permits and State Programs Division

Attachment

cc: Howard Finkel, ICF
Al Debus, Reg. V
William Muno, Reg. V

-3-

WH-563/HFinkel/SMaid/382-4783/1-30-87/S269/HF 08
revised 4-8-87, 4-10-87