



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

FEB 20 2019

REPLY TO THE ATTENTION OF:

CERTIFIED NO.: 7470530 12680950
RETURN RECEIPT REQUESTED

Kerry Durnen
Vice President and Director of Operations
Wayne Disposal, Inc.
49350 North I-94 Service Drive
Belleville, Michigan 48111-1854

Re: Final Federal TSCA Chemical Waste Landfill Approval Modification and Renewal,
Wayne Disposal, Inc., Belleville, Michigan, MID048090633

Dear Mr. Durnen:

Enclosed is the final federal Toxic Substances Control Act (TSCA) approval modification and renewal for the Wayne Disposal, Inc. (Wayne Disposal) landfill in Belleville, Michigan. This is a chemical waste landfill approval to dispose of polychlorinated biphenyls (PCBs) issued pursuant to 40 C.F.R. § 761.75. This approval replaces the approval issued on September 27, 2013.

On June 28, 2018, the U.S. Environmental Protection Agency issued the draft federal TSCA approval modification and renewal for Wayne Disposal's landfill in Belleville, Michigan for public comment. The draft federal TSCA approval was publicly noticed in the *Belleville Independent* on June 28, 2018. A copy of the draft federal TSCA approval was available for review at the Van Buren Township Hall, 46425 Tyler Rd., Van Buren Township, Michigan 48111 and on the EPA website. In addition, EPA mailed fact sheets regarding the public comment period to community groups and individuals identified during Wayne Disposal's environmental justice analysis and community outreach activities. The public comment period was open through July 31, 2018. A joint Michigan Department of Environmental Quality (MDEQ) and EPA public hearing was held on July 19, 2018. EPA received no comments by mail or email; however, several significant comments were received during the public hearing. EPA and MDEQ responded jointly to these comments. EPA responded to the comments related to PCBs and the TSCA approval renewal. The comments did not alter any of the conditions of the draft approval. EPA is now issuing a final modified and renewed approval to Wayne Disposal.

This approval may be withdrawn, or further conditions may be added to it, at any time EPA has reason to believe that operation of the process represents an unreasonable risk of injury to human health or the environment. Withdrawal of this authorization or the imposition of further

conditions may also result from future EPA rulemaking or development of guidance with respect to PCBs. Moreover, violation of any condition included as part of this authorization may subject Wayne Disposal to enforcement action and/or termination of this approval.

You and Wayne Disposal are responsible for ensuring that all applicable provisions of TSCA and the federal PCB regulations are followed. Violation of any of the applicable provisions may be cause for rescission of this approval. Furthermore, this approval does not relieve Wayne Disposal of the responsibility to comply with all other federal, State and local regulations and ordinances for transportation, siting, operation, and maintenance of its landfill facility.

EPA reserves the right for its authorized representatives to observe disposal activities and operations at the Wayne Disposal landfill and inspect records which the company is required to maintain under the federal PCB regulations and this approval during normal operations and at other reasonable times.

If you have questions concerning the final federal TSCA approval, please contact Lisa Graczyk, of my staff, at (312) 353-3219.

Sincerely,



Tinka G. Hyde
Division Director
Land and Chemicals Division

Enclosure

cc: Reginald A. Pallesen, EPA ORC
Lisa Graczyk, EPA LCD RTPS
Christine Matlock, MDEQ
Sylwia Scott, WDI

**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 U.S. 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 27, 2013, Approval and April 14, 2015, Minor Modification 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 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 July 28, 2014, 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.

EFFECTIVE DATES

This Approval is effective upon the signature of the Director of LCD, EPA, Region 5. WDI's authorization to dispose of PCBs and PCB Items in the WDI Landfill under this Approval will be valid for a period of five (5) years, unless such authorization is suspended or terminated, as provided herein, or unless the time period is modified by EPA. Upon signature by the Director, the issuance of this Approval shall be considered final agency action.

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. US Ecology, Inc., owns Wayne Disposal, Inc.

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

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

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

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

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

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

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.

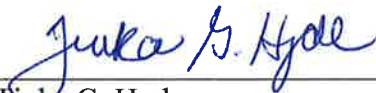
WAIVER

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 March 29, 2018, PCB TSCA Renewal Application and May 16, 2018, Proposed Permit Modification - Upgrades to MC VI-G Phase 2 Liner Design, Revision 1, for an amended Approval is granted.

WDI is authorized to dispose of PCB waste in the unfilled portion of its previously approved and constructed Master Cell VI (Subcells A through E), with an approved volume of 4,325,000 cubic yards, of the WDI Landfill, and may dispose of up to another 12,005,603 cubic yards of PCB waste in Master Cell VI, Subcells F and G, after these Subcells are constructed and certified by the MDEQ.



Tinka G. Hyde
Division Director
Land and Chemicals Division
United States Environmental Protection Agency
Region 5

Date: 2-14-19