

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

IN THE MATTER OF) COORDINATED APPROVAL
Clean Harbors Grassy Mountain, LLC,) OF TSCA/RCRA LANDFILL CELL 8 AND
a subsidiary of Clean Harbors, Inc.,) WAIVER OF TECHNICAL REQUIREMENTS
hereinafter referred to as GMF) APPLICATION FOR LAND DISPOSAL
with corporate offices located in) OF POLYCHLORINATED BIPHENYL (PCB)
Norwell, Massachusetts) WASTE

AUTHORITY

This Coordinated Approval and Waiver of Technical Requirements (Approval) is issued to GMF 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, 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 United States Environmental Protection Agency, Region 8 (EPA).

WAIVER OF TECHNICAL REQUIREMENTS

Pursuant to its authority under 40 C.F.R. § 761.75(c)(4), the EPA waives the technical requirement at 40 C.F.R. § 761.75(b)(3) to permit the bottom of the TSCA/RCRA Landfill Cell 8 to be less than 50 feet above the historical high groundwater table. Cell 8 has a triple high-density polyethylene (HDPE) liner with leachate collection system for monitoring the leachate and minimizing migration of potential contaminants to groundwater, in addition to the groundwater monitoring system. The EPA also waives the requirement 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. Historically, no PCBs were found at or above the maximum contamination level of 1 part per billion either in the leachate during the monthly monitoring events or in the groundwater during the quarterly monitoring events at the other TSCA and TSCA/RCRA permitted cells. The EPA believes that operation 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.

GMF is authorized under 40 C.F.R. § 761.65(b)(2)(iii) to store PCBs and PCB items designated for disposal in accordance with a permit issued by the Utah Department of Environmental Quality authorized under Section 3006 of the Resource Conservation and Recovery Act (RCRA).

EFFECTIVE DATE

This Coordinated Approval shall become effective immediately and shall expire on xx, 2026, or upon expiration or termination of the RCRA Part B Permit, whichever comes first. GMF shall apply for an extension of the Approval in writing at least 90 days, but no sooner than 120 days, prior to the expiration date of this Approval.

DEFINITIONS

- 1) “Application” means the following documents submitted by GMF for approval:
 - a. October 9, 2020 Letter, from Mr. Shane Whitney to Mr. Mark A. Smith, requesting a Coordinated TSCA/RCRA Approval for Cell 8. GMF requested technical waivers that permit 1) the bottom of Cell 8 to be less than 50 feet above the historical high groundwater table; and 2) the frequencies of groundwater and leachate analyses for PCBs, pH, specific conductance and chlorinated organics to be performed annually.
 - b. Clean Harbors Grassy Mountain Facility Landfill Cells 8 - 13, Design Engineering Report including 1) Appendix A Landfill Cells 8 - 13 Permit Drawings, August 2018; and 2) Appendix B Geotechnical Investigation Cells 8 – 13, November 2017.
 - c. Clean Harbors Grassy Mountain Facility Landfill Cell 8, Construction Quality Assurance & Construction Quality Control (CQA/CQC) Documentation and Certifications, January 2020.
 - d. Utah Department of Environmental Quality (UDEQ) Class 3 Modification Request for New Cells, February 2019 and Surface Impoundment and UDEQ Approval of Landfill Cell 8 CQA/CQC Documentations and Certifications, February 2020.
- 2) “EPA” means the U.S. Environmental Protection Agency Region 8 office in Denver, Colorado.
- 3) “LCRD” means the EPA Region 8 Land, Chemicals and Redevelopment Division.
- 4) “RCRA Part B Permit” means the September 28, 2012 Resource Conservation and Recovery Act Part B Permit for Landfill Cell 8 issued to GMF by the State of Utah Department of Environmental Quality, Division of Waste Management and Radiation Control, as revised.
- 5) “TSCA” means the Toxic Substances Control Act of 1976, 15 U.S.C. 2601, *et seq.*

CONDITIONS OF APPROVAL

- 1) GMF shall operate in accordance with the RCRA Part B Permit issued by the Utah Department of Environmental Quality, Division of Waste Management and Radiation Control. Specific requirements for PCB waste management are included in Module X Waste Management Plan for Polychlorinated Biphenyls of the RCRA Part B Permit.

- 2) GMF shall annually submit groundwater monitoring data to the EPA. The detection limits and report schedule shall be the same as the RCRA Part B Permit requires. The reports shall include, at a minimum, groundwater elevations for monitoring wells, analyses for Polychlorinated Biphenyls (PCBs), pH, specific conductance and chlorinated organics collected from the monitoring wells. The reports shall be submitted to the EPA within 60 calendar days from the last day of the sampling event performed during the first quarter of the year. The data shall be submitted in an Excel and/or PDF format.
- 3) GMF shall annually submit a report to the EPA no later than 60 days from the annual sampling event conducted during the third quarter, on leachate monitoring data including sampling, collection/removal volumes, from each collection or leak detection sump. This report shall include the data required in Condition 2 of this Approval. The data shall be submitted in an Excel and/or PDF format. If liquid is found in the second-lowest leak detection system in quantities greater than 15 gallons per acre per day or in the lowest leak detection system in quantities greater than 10 gallons per acre per day, GMF shall notify the EPA in writing within 72 hours of discovery.
- 4) GMF shall notify the EPA in writing within seven (7) days after the discovery of total PCBs at a concentration of 1 part per billion (ppb) or above, or other chlorinated organics are detected at concentrations equal to or above the Maximum Contaminant Levels (MCLs) at any leachate sump or monitoring well. If the detection at a monitoring well is verified with a follow-up sample and analysis in accordance with the schedule outlined in Sections E.1.f through h of RCRA Part B Permit Module VII, GMF shall submit a proposed corrective action plan as outlined in the RCRA Part B Permit to the EPA for approval.
- 5) GMF shall not dispose of any liquid containing PCBs at Cell 8. Incidental liquid containing PCBs as described in 40 C.F.R. § 761.60(a)(3), PCB liquid drained from transformers, bushings, or electrical equipment shall be managed in accordance with the WMP.
- 6) GMF 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.
- 7) Except as noted below, notifications to the EPA required under this Approval shall be addressed to the Chief of the Chemical Safety and Environmental Stewardship Branch. GMF shall coordinate with the PCB Coordinator to submit documents electronically.

Telephone notification shall be reported to the EPA Region 8 PCB Notification Hotline at (303) 312-6400.
- 8) GMF shall notify the Director of the LCRD in writing at least 30 days before transferring ownership of Cell 8. This notice shall include a notarized affidavit signed by the transferee that states that the transferee is willing to abide by all conditions of this approval. The transferring ownership shall be handled in accordance with 40 C.F.R. § 761.65(j).

- 9) The volume capacity of Cell 8 shall not exceed 785,300 cubic yards. GMF shall request an approval from the Director of the LCRD of any application it makes for modification of the design/construction or closure of Cell 8, such as an increase in capacity, mounding, and closure caps, at the same time it makes such application with the State.
- 10) GMF shall maintain financial assurance for closure of Cell 8 and/or of the PCB storage facility. GMF shall notify to the EPA in writing within five (5) working days if it fails to comply with the financial assurance requirements.
- 11) GMF shall notify the EPA in writing at least 60 days prior to the date it expects to begin closure of Cell 8 and/or the commercial storage of PCBs.
- 12) This Approval is predicated on GMF having provided the EPA with all material facts necessary for determinations made herein. Any misrepresentation or omission by GMF of any material fact in the Application for this Approval or the application for the RCRA Part B Permit, 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.
- 13) The requirements of the RCRA Part B Permit referenced in this Approval are incorporated into this Approval with the full force and effect as if fully set forth herein. GMF shall notify the EPA, in writing, fifteen (15) calendar days in advance of any pending amendment to the RCRA Part B Permit requirements referenced in this Approval affecting the conditions found at 40 C.F.R. § 761.75. GMF shall also so notify the EPA of any new provision concerning PCB waste that 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. For other RCRA Part B Permit modifications of existing conditions and/or standard operating procedures affecting PCB waste management and/or requirements, GMF shall notify the EPA in writing before or within five (5) calendar days of the changes being in the RCRA Part B Permit modifications or the referenced standard operating procedures. Where GMF has notified the EPA of the amendment as required, any amendment of the RCRA Part B Permit will be automatically incorporated as an amendment to this Approval as of the date such amendment takes effect in the RCRA Part B Permit, unless otherwise specified in writing by the Director of the LCRD.

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 human 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 human health or the environment. Nothing in this Approval vitiates any right or remedy concerning the operation of the GMF 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) GMF 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. GMF's acceptance of this Approval constitutes GMF's agreement to comply with 1) all conditions and

terms of this Approval, and 2) all applicable provisions of federal, state or local law. Any failure by GMF to comply with any condition or terms 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 GMF 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 GMF PCB landfill activities at any reasonable time for the purpose of determining compliance with this Approval and/or the PCB regulations.

4) Operation of Cell 8 by GMF shall constitute acceptance of and agreement to all conditions of this Approval.

Date: xx/xx/2021

Mark A. Smith, Director
Land, Chemicals and Redevelopment Division