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GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
LANSING



STEVEN E. CHESTER  
DIRECTOR

October 31, 2007

Ms. Melinda Keillor  
Regulatory Specialist  
The Environmental Quality Company  
Michigan Disposal Waste Treatment Plant  
49350 North I-94 Service Drive  
Belleville, Michigan 48111

Dear Ms. Keillor:

**SUBJECT: Final Hazardous Waste Management Facility Operating License (License);  
Michigan Disposal Waste Treatment Plant (MDWTP), Belleville, Michigan;  
MID 000 724 831**

The Michigan Department of Environmental Quality (MDEQ), Waste and Hazardous Materials Division (WHMD), has completed its review of the MDWTP License Application. Based on that review and the results of the public hearing held on June 6, 2007, the MDEQ has issued a License to the MDWTP pursuant to Part 111, Hazardous Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. The License Application review and the public participation procedures were conducted in accordance with Part 111.

Enclosed are copies of the License, Final Fact Sheet, Response to Comments, and Notice of Final Decision. If you have any questions or comments, please contact Ms. Kimberly M. Tyson, Hazardous Waste Section, WHMD, at 517-373-2487.

Sincerely,

George W. Bruchmann, Chief  
Waste and Hazardous Materials Division  
517-373-9523

Enclosures

cc: Mr. Jae Lee, U.S. Environmental Protection Agency, Region 5  
Mr. Dale Meyer, U.S. Environmental Protection Agency, Region 5  
Ms. Delores Montgomery, MDEQ  
Mr. Steve Buda, MDEQ  
Mr. Larry AuBuchon/Mr. Michael Busse, MDEQ  
Ms. Connie Pennell, MDEQ  
cc/enc: Ms. Kimberly M. Tyson, DEQ  
Operating License File

## **NOTICE OF FINAL DECISION**

### **MICHIGAN DISPOSAL WASTE TREATMENT PLANT Hazardous Waste Management Facility Operating License and Federal Resource Conservation and Recovery Act of 1976 (RCRA) Permit**

The Michigan Department of Environmental Quality (MDEQ) issued a hazardous waste management facility operating license (License) to the Michigan Disposal Waste Treatment Plant (MDWTP), pursuant to Part 111, Hazardous Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. The License was issued on October 31, 2007, and allows the MDWTP to continue to operate a hazardous waste storage and treatment facility at 49350 North I-94 Service Drive, Belleville, Michigan. The MDWTP also received a federal RCRA Permit issued by the U.S. Environmental Protection Agency, Region 5 (U.S. EPA), pursuant to the Hazardous and Solid Waste Amendments to the RCRA. The effective date of the RCRA permit is September 11, 2007. Both the Part 111 License and the RCRA Permit will expire ten years from the date of issuance.

The MDEQ conducted a public participation process. Issues raised during that process have been addressed by the MDEQ in the Response to Comments.

The final Part 111 License, Response to Comments, and Final Fact Sheet may be reviewed at the Fred C. Fischer Library, 167 Fourth Street, Belleville, Michigan 48111; the Van Buren Charter Township Hall, 46425 Tyler Road, Belleville, Michigan 48111; the MDEQ, Southeast Michigan District Office, Waste and Hazardous Materials Division, 27700 Donald Court, Warren, Michigan 48092 (contact Mr. Michael Busse at 586-753-3839); the MDEQ, Waste and Hazardous Materials Division, Constitution Hall, Atrium North, 525 West Allegan Street, Lansing, Michigan 48933 (contact Ms. Kimberly M. Tyson at 517-373-2487); and at the U.S. EPA, Land and Chemical Division, RCRA Programs Section (DU-7J), 77 West Jackson Boulevard, Chicago, Illinois 60604 (contact Mr. Jae Lee at 1-800-621-8431, Extension 63781). Copies of these documents may be obtained for the cost of reproduction by contacting Ms. Lindacarl Leiter, Waste and Hazardous Materials Division, MDEQ, at 517-373-9875. Questions or comments concerning the MDWTP should be directed to Ms. Tyson.

**DEQ**

**State of Michigan  
Department of Environmental Quality  
HAZARDOUS WASTE MANAGEMENT FACILITY OPERATING LICENSE**

NAME OF LICENSEE: Michigan Disposal Waste Treatment Plant

NAME OF OWNER: EQ – The Environmental Quality Company

NAME OF OPERATOR: EQ – The Environmental Quality Company

NAME OF TITLEHOLDER OF LAND: Wayne Disposal, Incorporated

FACILITY NAME: Michigan Disposal Waste Treatment Plant

FACILITY LOCATION: 49350 North I-94 Service Drive, Belleville, Michigan 48111

EPA IDENTIFICATION NUMBER: MID 000 724 831

EFFECTIVE DATE: October 31, 2007

REAPPLICATION DATE: October 31, 2016

EXPIRATION DATE: October 31, 2017

**AUTHORIZED ACTIVITIES**

Pursuant to Part 111 of Michigan's Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451), being §§324.11101 to 324.11153 of the Michigan Compiled Laws, and the hazardous waste management administrative rules (hereafter called the "rules") promulgated thereunder, being R 299.9101 *et seq.* of the Michigan Administrative Code, by the Michigan Department of Environmental Quality (MDEQ), an operating license (hereafter called the "license") is issued to Michigan Disposal Waste Treatment Facility (MDWTP) (hereafter called the "licensee") to operate a hazardous waste management facility (hereafter called the "facility") located at latitude 42°13'30"N and longitude 083°31'00"W. The licensee is authorized to conduct the following hazardous waste management activities:

**X STORAGE** Container Tank Waste Pile Surface Impoundment Drip Pad**X TREATMENT** Container Tank Surface Impoundment Incinerator Other: DISPOSAL Landfill Land Application Surface Impoundment POST CLOSURE Tank Surface Impoundment Landfill Waste Pile**APPLICABLE REGULATIONS AND LICENSE APPROVAL**

The conditions of this license were developed in accordance with the applicable provisions of the rules, effective December 16, 2004. The licensee shall comply with all terms and conditions of this license. This license consists of the 26 pages of conditions attached hereto (including those in Attachments 1 through 11) and the applicable regulations contained in R 299.9101 through R 299.11008, as specified in the license. For purposes of compliance with this license, applicable rules are those which are in effect on the date of issuance of this license in accordance with R 299.9521(3)(a).

This license is based on the information in the license application submitted on April 30, 2004, and any subsequent amendments (hereafter referred to as "the application"). Pursuant to R 299.9519(11)(c), the license may be revoked if the licensee fails, in the application or during the license issuance process, to disclose fully all relevant facts or, at any time, misrepresents any relevant facts. As specified in R 299.9519(1), the facility shall be constructed, operated, and maintained in accordance with Part 111 of Act 451, the rules, and this license.

This license is effective on the date of issuance and shall remain in effect for 10 years from the date of issuance, unless revoked pursuant to R 299.9519 or continued in effect as provided by the Michigan Administrative Procedures Act, 1969 PA 306, as amended (Act 306).

Issued this 31<sup>st</sup> day of October 2007

by

  
George W. Brychmann, Chief  
Waste and Hazardous Materials Division

**MICHIGAN DISPOSAL WASTE TREATMENT PLANT**

**MID 000 724 831**

**HAZARDOUS WASTE MANAGEMENT FACILITY OPERATING LICENSE**

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## PART I

### STANDARD CONDITIONS

#### A. TERMINOLOGY AND REFERENCES

Throughout this license, the term "Division" means the Waste and Hazardous Materials Division within the MDEQ responsible for administering Part 111 of Act 451 and the rules. Throughout this license, "Director" means the Director of the MDEQ or the Director's duly authorized designee such as the Division Chief. All of the provisions of Title 40 of the Code of Federal Regulations (CFR) referenced in this license are adopted by reference in R 299.11003.

#### B. EFFECT OF LICENSE

Except as otherwise provided by law, any treatment, storage, or disposal of hazardous waste not specifically authorized in this license is prohibited. Issuance of this license does not authorize any injury to persons or property, any invasion of other private rights, or any infringement of federal, state, or local law or regulations {R 299.9516(8)}; nor does it obviate the necessity of obtaining such permits or approvals from other units of government as may be required by law. Compliance with the terms of this license does not constitute a warranty or representation of any kind by the MDEQ, nor does the MDEQ intend that compliance with this license constitutes a defense to any order issued or any action brought under Act 451 or any other applicable state statute or Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act, 1980 PL 96-510 (CERCLA) (Title 42 of the United States Code (U.S.C.), §9606(a)), the Resource Conservation and Recovery Act of 1976, as amended (RCRA), and its rules, or any other applicable federal statute. The licensee, however, does not represent that it will not argue that compliance with the terms of this license may be a defense to such future regulatory actions. Each attachment to this license is a part of, and is incorporated herein, this license and is deemed an enforceable part of the license.

#### C. SEVERABILITY

The provisions of this license are severable, and if any provision of this license, or the application of any provision of this license to any circumstance, is held invalid, the application of such provision to other circumstances and the remainder of this license shall not be affected thereby.

#### D. RESPONSIBILITIES

1. The licensee shall comply with Part 111 of Act 451, the rules, and all conditions of this license, except to the extent authorized by the MDEQ pursuant to the terms of an emergency operating license. Any license noncompliance, except to the extent authorized by the MDEQ pursuant to the terms of an emergency operating license, constitutes a violation of Part 111 of Act 451 and is grounds for enforcement action, license revocation, license modification, or denial of a license renewal application. {R 299.9521(1)(a) and (c) and (3)(a) and (b) and 40 CFR §270.30(a)}
2. If the licensee wishes to continue an activity regulated by this license after the expiration date of this license, the licensee shall submit a complete application for a new license to the Division Chief at least one year before this license expires, October 31, 2016, unless an extension is granted pursuant to R 299.9510(5). To the extent the licensee makes a timely and sufficient application for renewal of this license, this license and all conditions herein will remain in effect beyond the license expiration date and shall not expire until a final decision on the application is made by the MDEQ, and if the application is denied or the terms of the new license are limited, until the last day for applying for judicial review of the new license or a later date fixed by order

of the reviewing court consistent with Section 91(2) of Act 306. {R 299.9521(1)(a) and (c) and (3)(a), and 40 CFR §270.30(b)}

3. The licensee shall comply with the conditions specified in R 299.9521(1)(b)(i) to (iii) and 40 CFR §270.30(c) to (k), (l)(2), (3), (5), (7), and (11), and (m). {§§11123(3), 11146(1) and (2), and 11148(1) of Act 451 and R 299.9501(1), R 299.9516, R 299.9519, R 299.9521(1)(a) and (b) and (3)(a) and (b), R 299.9522, and R 299.9525}
4. The licensee shall give notice to the Division Chief as soon as possible prior to any planned physical alterations or additions to the licensed facility.

**E. SUBMITTAL DEADLINES**

When the deadline for submittals required under this license falls on a weekend or legal state holiday, the deadline shall be extended to the next regular business day. This extension does not apply to the deadline for financial mechanisms, and associated renewals, replacements, or extensions of financial mechanisms required under this license. The licensee may request extension of the deadlines for submittals required under this license. The licensee shall submit such requests at least five business days prior to the existing deadline for review and approval by the Division Chief. Written extension requests shall include justification for each extension. {R 299.9521(3)(a)}

## PART II

### GENERAL OPERATING CONDITIONS

#### A. GENERAL WASTE ANALYSIS

1. The licensee shall ensure that any waste managed at the facility has been properly characterized pursuant to R 299.9302, and comply with the procedures described in the Waste Analysis Plan, Attachment 1, of this license. {R 299.9605(1) and 40 CFR, §264.13}
2. The licensee shall follow the approved Work Plan for Lab Compatibility Test approved by the Division Chief when determining waste or reagent compatibility. A new work plan shall be submitted to the Division Chief for review and approval whenever the licensee proposes to modify the Work Plan. The licensee shall document the use of the approved work plan in the facility operating record (Condition II.I.1). {R 299.9521(3)(b), R 299.9605(1), and 40 CFR, §264.17(b)}

#### B. SECURITY

The licensee shall comply with the barrier, surveillance, and signage requirements of R 299.9605(1) and 40 CFR, §264.14.

#### C. GENERAL INSPECTION REQUIREMENTS

1. The licensee shall inspect the facility in accordance with the Inspection Schedule, Attachment 2, of this license, and comply with the inspection requirements of R 299.9605(1) and 40 CFR, §264.15.
2. The licensee shall develop and implement a procedure to ensure compliance with the requirements of R 299.9605(2) regarding transport vehicles and other containers leaving the facility.

#### D. PERSONNEL TRAINING

The licensee shall comply with the personnel training requirements of R 299.9605 and 40 CFR, §264.16. The training program shall, at a minimum, cover all items in the Personnel Training Program, Attachment 3, of this license.

#### E. PREPAREDNESS AND PREVENTION

The licensee shall comply with the preparedness and prevention requirements of R 299.9606 and 40 CFR, Part 264, Subpart C.

#### F. CONTINGENCY PLAN

The licensee shall comply with the contingency plan requirements of R 299.9607 and 40 CFR, Part 264, Subpart D. The Contingency Plan, Attachment 4, of this license and the prescribed emergency procedures shall be immediately implemented by the licensee whenever there is a fire, explosion, or other release of hazardous waste or hazardous waste constituents that threatens or could threaten human health or the environment, or if the licensee has knowledge that a spill has reached surface water or groundwater.

#### G. DUTY TO MITIGATE

Upon notification from the Division Chief or his or her designee that an activity at the facility may present an imminent and substantial endangerment to human health or the environment, the licensee shall immediately comply with an order issued by the Division Chief pursuant to Section 11148(1) of Act 451 to halt such activity and conduct other activities as required by the Division Chief to eliminate the said endangerment. The licensee shall not resume the halted activity without the prior written approval from the Division Chief. {§11148 of Act 451 and R 299.9521(3)(b)}

#### H. **MANIFEST SYSTEM**

The licensee shall comply with the manifest requirements of R 299.9304, R 299.9305, and R 299.9608.

#### I. **RECORDKEEPING AND REPORTING**

1. The licensee shall comply with the written operating record and monthly operating report requirements of R 299.9609 and 40 CFR, §264.73 and Part 264, Appendix I, and R 299.9610(3), respectively. The Monthly Operating Report shall report on waste shipped to the Wayne Disposal, Inc., facility and be submitted on a form provided by the Division Chief, or an equivalent form approved by the Division Chief.
2. The licensee shall comply with the biennial report requirements of R 299.9610. {R 299.9521(1)(a) and 40 CFR, §270.30(l)(9)}
3. The licensee shall submit the results of all environmental monitoring required by this license and any additional environmental sampling or analysis conducted beyond that required by this license, in the form of an Environmental Monitoring Report to the Division Chief within 60 days after sample collection. Any increased frequency in sampling or analysis shall be indicated in the Environmental Monitoring Report. In addition, the licensee shall submit air monitoring results to MDEQ, Air Quality Division. {R 299.9521(1)(a), R 299.9521(3)(b), and 40 CFR, §270.30(l)(4)}
4. The licensee shall provide environmental monitoring information or data required pursuant to this license to an authorized representative of an environmental or emergency response department of the Charter Township of Van Buren, city of Belleville, and county of Wayne, who requests such information or data and that has jurisdiction over the facility. Such information or data shall be made available on the same day the licensee forwards this information to the Division Chief. {R 299.9521(3)(b)}
5. The licensee shall immediately report to the Division Chief any noncompliance with the license that may endanger human health or the environment by doing both of the following:
  - (a) The licensee shall immediately provide verbal notification to the Division Chief at 517-335-2690, if the noncompliance occurs during the period 8:00 a.m. to 5:00 p.m. Monday through Friday, except state holidays, or by calling the MDEQ Pollution Emergency Alerting System (PEAS) at 1-800-292-4706 during all other times. This notice shall include the following:

- (i) Information concerning the fire, explosion, release, or discharge of any hazardous waste or hazardous waste constituent that could threaten human health or the environment, that has reached surface water or groundwater, or may endanger public drinking water supplies or the environment.
  - (ii) A description of the occurrence and its cause, including all of the information outlined in R 299.9607(2)(a) to (i).
- (b) The licensee shall followup any verbal notification provided under Condition II.1.5 by providing a written report to the Division Chief within five days after the time the licensee becomes aware of the circumstances. The written "5-Day Report" shall be submitted even if the licensee concludes that the noncompliance did not endanger human health or the environment. The written "5-day Report" shall contain all of the information in Condition II.1.5.(a)(i) and (ii) of this license along with a description of the noncompliance and its cause; the periods of noncompliance (including exact dates and times); whether the noncompliance has been corrected and, if not, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance and when those activities occurred or will occur. The "5-day Report" shall contain the basis and any supporting documentation for any conclusion by the licensee that the noncompliance did not endanger human health or the environment. The Division Chief may waive the five-day written notice requirement if the licensee submits to a written "15-day Report" containing this information within 15 days after the time the licensee becomes aware of the circumstances.

{R 299.9521(1)(a) and R 299.9607 and 40 CFR, §270.30(l)(6)}

6. The licensee shall report all other instances of noncompliance with this license, Part 111 of Act 451, the rules, and any other applicable environmental laws or rules that apply to the licensed facility, at the time monitoring reports required by this license are submitted or within 30 days, whichever is sooner. The "30-day Report" shall contain the information listed in Condition II.1.5 of this license. {R 299.9521(1)(a) and 40 CFR, §270.30(l)(10)}
7. The licensee may make minor modifications to the forms contained in the attachments to this license. The modifications may include changing the format, updating existing references and information, adding necessary information, and changing certification and notification information in accordance with Part 111 of Act 451 and its rules and RCRA and its regulations. The licensee shall submit the modifications to the Division Chief prior to implementing the use of the modified form(s). If the Division Chief does not reject or require revision of the modified form(s) within 14 days after receipt, the licensee shall implement use of the modified form(s) and the form(s) shall be incorporated herein as a replacement for the existing form(s).

## J. CLOSURE

The licensee shall comply with the closure requirements of R 299.9613. The licensee shall close the facility in accordance with the Closure Plan, Attachment 5, of this license, all other applicable requirements of this license, and all other applicable laws. {R 299.9613 and 40 CFR, Part 264, Subpart G, except 40 CFR, §§264.112(d)(1), 264.115, and 264.120}

**K. FINANCIAL ASSURANCE FOR CLOSURE-**

1. On the effective date of this license, the facility closure cost estimate is \$709,379. The licensee shall keep this estimate current as required under R 299.9702 and 40 CFR, §264.142.
2. The licensee shall continuously maintain financial assurance for the current closure cost estimate as required under R 299.9703.

**L. FINANCIAL ASSURANCE FOR CORRECTIVE ACTION**

1. On the effective date of this license, no cost has been identified for performing corrective action. No corrective action is being required, at this time, for the waste management units (WMUs), identified in Condition VI.C. of this license. The identified WMUs are currently operating pursuant to the act and its rules with no evidence of a release of any contaminants. Corrective action and financial assurance for corrective action may be required when the WMUs undergo final closure.
2. The licensee shall continuously maintain financial assurance for corrective action, when required, pursuant to R 299.9713.

**M. FINANCIAL RESPONSIBILITY FOR LIABILITY COVERAGE**

The licensee shall continuously maintain liability coverage for sudden and accidental occurrences, as required under R 299.9710.

**N. WASTE MINIMIZATION**

The licensee shall certify, at least annually, that the licensee has a hazardous waste minimization program in place. {R 299.9609(1)(a), 40 CFR, §264.73(b)(9), and §3005(h) of RCRA, 42 U.S.C., §6925(h)}

**O. LAND DISPOSAL RESTRICTIONS**

The licensee shall comply with all of the requirements of 40 CFR, Part 268. {R 299.9627 and 40 CFR, Part 268}

**P. AIR EMISSION STANDARDS**

1. The licensee shall notify the Division Chief of any hazardous WMUs that become subject to the requirements of 40 CFR, Part 264, Subparts AA and BB within 30 days after the start of the regulated activity. {R 299.9630, R 299.9631, and 40 CFR, Part 264, Subparts AA and BB, which are ABR in R 299.11003}
2. The licensee shall comply with the requirements of 40 CFR, Part 264, Subpart CC regarding air emission standards for tanks and containers. {R 299.9634 and 40 CFR, Part 264, Subpart CC, which is ABR in R 299.11003}

3. The licensee shall operate the facility in a manner that minimizes odors emanating from the facility and that prevents odors which violate Part 55, Air Pollution Control, of Act 451 and the rules promulgated pursuant thereto. A violation of Part 55 or its rules, including the issuance of a Violation Notice by the MDEQ, is a violation of this condition.

{R 299.9521(3)(b) and R 299.9602(1)(b)}.

**Q. HAZARDOUS WASTE DELIVERY AND ON-SITE WASTE TRANSPORT REQUIREMENTS**

1. All deliveries of hazardous waste to the facility shall be made in accordance with the Waste Delivery Procedures, Attachment 6, of this license. {R 299.9521(3)(b)}
2. The licensee shall provide written notification to the transportation companies frequenting the facility that:
  - (a) Wastes shipped to the facility must be placed into closed containers or covered during transportation. The structural integrity of the waste containers must prevent leakage while in transit.
  - (b) All vehicles transporting hazardous waste to or from the facility shall use Rawsonville Road to enter and exit the facility.
  - (c) Vehicles transporting hazardous waste to or from the facility shall neither park nor stand on the North I-94 Service Drive.

{R 299.9521(3)(b)}

3. All vehicles transporting or holding hazardous or decharacterized waste or waste constituents, treated or untreated, while at the facility, shall be covered at all times except when sampling, loading, or unloading. Vehicles shall be uncovered no more than 15 minutes before such activities and shall be covered no later than 15 minutes after such activities.
4. The licensee shall maintain adequate access for ingress and egress to any portion of the facility to allow unobstructed movement of personnel and equipment in case of an emergency. {R 299.9606 and 40 CFR, §264.34, which is ABR in R 299.11003}

**R. GENERAL HOUSEKEEPING**

1. If any visible contamination remains on the exterior of a vehicle, the licensee shall decontaminate that vehicle to prevent the vehicle from tracking the contamination through the facility or outside the facility. {R 299.9521(3)(b)}
2. The licensee shall remove any spilled or leaked waste at the facility immediately upon detection and manage it in accordance with the requirements of Part 111 of Act 451 and its rules.

**S. DOCUMENTS TO BE MAINTAINED AT THE FACILITY**

The licensee shall maintain at the facility the following documents and amendments required by this license, until closure is completed unless otherwise allowed by Part 111 of Act 451 and its rules, certified by an independent registered professional engineer, and the facility is released from financial assurance requirements for closure by the Director:

1. Waste Analysis Plan, including Quality Assurance/ Quality Control (QA/QC) Plans.
2. Inspection Schedules and records.
3. Personnel training documents and records.
4. Contingency Plan.
5. Closure Plan.
6. Cost estimates for facility closure and copies of related financial assurance documents.
7. Operating record.
8. Site Security Plan.
9. Facility engineering plans and specifications.
10. Recordkeeping procedures.
11. Environmental Monitoring Plans, including Sampling and Analysis Plans and QA/QC Plans.
12. Environmental monitoring data and statistical records.
13. Preventative procedures (personnel protection plan).
14. Hazardous waste minimization program certification.

{R 299.9521(3)(a)}

**T. ENGINEERING PLANS**

The licensee shall construct, operate, and maintain the facility in accordance with the plans and specifications included in Attachments 7 and 8 of this license. Any modifications to those plans shall be made in accordance with this license.

### PART III

#### CONTAINER STORAGE AND TREATMENT CONDITIONS

##### A. COVERAGE OF LICENSE

The hazardous waste container storage areas at the facility shown in drawings entitled Site Plan and Facility Drawing are covered by this license. Any expansion or enlargement beyond the facility boundary shown on the previously referenced drawings or beyond the 264,300 gallon storage design capacity requires a construction permit from the Director. Drawings entitled Surveyed Property Description and Facility Drawing, and Drawings C2, C5, C6, S19, S20, S23, M26, C8, C9, C10, C11, S3, PP10, A10, and A11 are incorporated herein as part of Attachment 7. {R 299.9521(1)(b)}

##### B. WASTE IDENTIFICATION AND QUANTITY

1. The licensee may store no more than a total volume of 264,300 gallons of the hazardous wastes listed in the Acceptable Waste Types, Appendix A of the Waste Analysis Plan, Attachment 1, of this license in containers at the facility, subject to the terms of this license. For the purposes of converting gallons to pounds, the conversion factor shall be 8.34 pounds equal one gallon of water. {R 299.9521(2)(d)}
2. A maximum of 82,500 gallons or 1500, 55-gallon container equivalents may be stored in the North Container Storage Area subject to the terms of this license. {R 299.9521(3)(b)}
3. A maximum of 33,000 gallons or 600, 55-gallon container equivalents may be stored in the East Container Storage Area subject to the terms of this license. {R 299.9521(3)(b)}
4. The licensee may temporarily store a maximum of 11,000 gallons or 200, 55-gallon container equivalents of untreated waste or 500 cubic yards of treated waste in the West Treatment Bay and East Treatment Bays, subject to the terms of this license. Containers of untreated waste may be stored in this area for no more than one eight-hour shift. {R 299.9521(3)(b)}
5. At no time shall the total number of containers in storage in the North Container Storage Area, the East Container Storage Area, and within the bays of the treatment building exceed a maximum of 82,500 gallons or 1500, 55-gallon container equivalents. {R 299.9521(3)(b)}
6. A maximum of 900 cubic yards of solid hazardous waste in containers may be stored in the Southeast Container Storage Area subject to the terms of this license. {R 299.9521(3)(b)}
7. The licensee may construct a concrete hazardous waste container storage pad to store a maximum of 181,800 gallons of liquid hazardous waste in the Southeast Container Storage Area without a construction permit from the Director provided that the following conditions are complied with:
  - (a) Construction of the concrete hazardous waste container storage pad shall be completed within three years from the effective date of this license. {R 299.9516(1)}
  - (b) The licensee shall obtain the Division Chief written approval of the engineering design plans and specifications for the concrete hazardous waste container storage pad prior to construction.

- (c) Construction of the concrete hazardous waste container storage pad shall occur within the licensed boundaries of the Southeast Container Storage Area.
- (d) Within 30 days of construction completion, the licensee shall submit via certified mail or hand delivery a construction certification report to the Division Chief. The construction certification report shall include the following:
  - (i) As-built drawings of the constructed concrete hazardous waste container storage pad.
  - (ii) A letter signed by the licensee and a registered professional engineer attesting that:
    - (1) The facility has been constructed in compliance with the license and approved plans.
    - (2) The WHMD has inspected the constructed concrete hazardous waste container storage pad and finds it is in compliance with the conditions of the license.
- (e) The licensee shall institute a MDEQ approved detection monitoring program for the shallow sand unit as required by Condition V.A.10 of this license prior to operation of the concrete hazardous waste container storage pad.

{R 299.9521(1)(b)(ii)}

#### C. WASTE TREATMENT METHODS

The licensee may treat hazardous debris contaminated with the hazardous waste codes listed in Appendix A of the Waste Analysis Plan, Attachment 1 of this license in macroencapsulation units at the facility, subject to the terms of this license. Placement of hazardous debris directly into a macroencapsulation unit shall occur only inside the treatment building under the confines of the air pollution control equipment. {R 299.9521(2)(d), R 299.9627, and 40 CFR, §268.45, which is ABR in R 299.11003}

#### D. WASTE BULKING OR CONSOLIDATION

1. The licensee shall only bulk or consolidate containers of hazardous waste in the North Container Storage Area in accordance with the procedures described in the attached Waste Analysis Plan, Attachment 1 of this license. {R 299.9605(1) and 40 CFR, §264.13}
2. During waste bulking or consolidating activities, the licensee shall do the following:
  - (a) Operate the air ventilation system in the North Container Storage Area in accordance with the July 19, 2002, as-built engineering design and specifications.
  - (b) Operate an odor control system approved by the Division Chief in the air ventilation system to absorb odors from the air prior to discharge to the atmosphere. {R 299.9521(3)(b) and R 299.9602(1)(b)}
3. The licensee shall establish standard operating procedures (SOP) for the operation of the odor control system approved by the Division Chief. The SOP shall be submitted to the Division

Chief within 60 days of the issuance of this license. A new SOP shall be submitted to the Division Chief for review and approval whenever the licensee proposes to use a different odor control technology. The licensee shall follow and document the use of the approved procedures in the facility operating record (Condition II.I.1).{R 299.9521(3)(b) and R 299.9602(1)(b)}

**E. USE AND MANAGEMENT OF CONTAINERS**

1. The licensee shall manage all containers in compliance with R 299.9521(3)(b), R 299.9614, R 299.9627, and 40 CFR, §§264.171, 264.172, 264.173, and 268.50(a)(2)(i).
2. The licensee shall stack 55-gallon drums no greater than two high or other containers no higher than 72 inches in the hazardous waste container storage areas referenced in Condition III.A. of this license. {R 299.9521(3)(b)}
3. The licensee shall operate and maintain the containment system in accordance with the requirements of R 299.9614 and 40 CFR, §264.175, and the attached plans and specifications in Attachment 7 of this license.
4. The licensee shall not store containers holding liquid hazardous waste in the Southeast Container Storage Area, unless all requirements of Condition III.B.7 are met. {R 299.9614 and 40 CFR, §264.175}
5. The license may store containers of treated hazardous waste in the North Container Storage Area, provided the following conditions are complied with:
  - (a) Containers of treated hazardous waste must be covered during storage.
  - (b) No manipulation, except for sampling, of the treated waste is allowed during storage.
  - (c) Containers of treated hazardous waste must be evaluated in accordance with the odor evaluation and minimization standard operational procedures approved by the Division Chief prior to storage in the North Container Storage Area. The results of this evaluation must be documented in the operating record. {R 299.9521(3)(b) and 40 CFR, §264.73(b)(3)}
  - (d) Operate the air ventilation system in the North Container Storage Area in accordance with Conditions III.D.2 and III.D.3.
6. The licensee may store containers of decharacterized waste that meet land disposal restrictions standards in the container storage areas identified in Condition III.B., subject to the terms of this license.

**F. SPECIAL REQUIREMENTS FOR IGNITABLE OR REACTIVE WASTES**

1. The licensee is prohibited from storing D003 Explosives as defined in R 299.9212(3)(f), (g), and (h), and D003 Other Reactives as defined in R 299.9212(3)(a).

2. The licensee may store D003 Water Reactives as defined in R 299.9212(3)(b),(c), and (d) and D003 Reactive Sulfides as defined in R 299.9212(3)(e).
3. The licensee shall locate containers holding ignitable or reactive wastes in accordance with R 299.9614 and 40 CFR, §264.176.
4. The licensee shall take precautions to prevent the accidental ignition or reaction of ignitable or reactive wastes by following the procedures specified in the Waste Analysis Plan, Attachment 1, of this license. The licensee shall document compliance with this Condition and place this documentation in the operating record. {R 299.9605 and 40 CFR, §264.17(a) and (c)}
5. Containers holding ignitable hazardous waste shall be stored only in the North or East Container Storage Areas while awaiting transshipment off site.
6. Containers holding D003 Water Reactives shall be stored only in the North Container Storage Area while awaiting transshipment off site.

**G. SPECIAL REQUIREMENTS FOR INCOMPATIBLE WASTES OR MATERIALS**

1. The licensee is prohibited from placing incompatible wastes or incompatible wastes and materials in the same container. {R 299.9521(2)(d) and (3)(b)}
2. The licensee shall prevent the placement of hazardous waste in an unwashed container that previously held an incompatible waste or material. {R 299.9614 and 40 CFR §264.177(b)}
3. The licensee shall document compliance with Conditions III.G.1 and III.G.2 of this license and place this documentation in the operating record. {R 299.9605 and 40 CFR, §264.17(c)}
4. The licensee shall separate containers of incompatible wastes as indicated in the procedures contained in the Waste Analysis Plan, Attachment 1 of this license. {R 299.9614 and 40 CFR, §264.177(c)}

**H. DISPOSITION OF ACCUMULATED LIQUIDS AND SOLIDS**

The licensee shall remove liquids and pumpable solids from the containment system within 24 hours of detection. Nonpumpable solids shall be removed every 60 days. For high precipitation conditions, where removal cannot be completed within 24 hours, removal of the spilled or leaked waste and accumulated precipitation must begin within 24 hours of detection and continue until that removal is complete. Removed spilled and leaked waste and accumulated precipitation shall be managed in accordance with the requirements of Part 111 of Act 451 and the rules, as specified in Attachment 7 of this license. {R 299.9521(3)(b), R 299.9614(1)(a) and 40 CFR, §264.175(b)(5).

**I. COMPLIANCE WITH AIR EMISSION AND WASTE MANAGEMENT REQUIREMENTS FOR STORAGE IN CONTAINERS**

The licensee shall operate the facility in a manner that will prevent air emissions in violation of Part 55 of Act 451. {R 299.9602(1)(b)}

## PART IV

### TANK SYSTEM STORAGE AND TREATMENT CONDITIONS

#### A. COVERAGE OF LICENSE

The hazardous waste tank system storage and treatment areas at the facility shown on the Facility Drawing are covered by this license. Any expansion or enlargement beyond the facility boundary shown on the Facility Drawing or beyond the 649,880-gallon tank system storage design capacity or beyond the 576,000-gallon per day treatment design capacity requires a construction permit from the Director. The Facility Drawing and Drawings numbered S1, S5, S6, S9, S10, PP2, PP3, PP4, PP7, PP8, PP10, PP11, PP16, PP19, M3, M5, M7, and M8 are incorporated into this license as Attachment 8. {R 299.9521(1)(b)}

#### B. WASTE IDENTIFICATION AND QUANTITY

1. The licensee may store no more than a total volume of 649,880 gallons of the hazardous wastes listed in Appendix A of the Waste Analysis Plan, Attachment 1, in the tank systems identified as Tanks 2, 3, 6, A, B, C, D, E, F, G, H, 16, 17, 18, 19, 25, and 27 in Attachment 8, subject to the terms of this license. For the purposes of converting gallons to pounds, the conversion factor shall be 8.34 pounds equal one gallon of water. {R 299.9521(2)(d) and (3)(a) and (b)}
2. The licensee may store a maximum of 60,000 gallons of dry hazardous waste dust in the three hazardous waste lime storage silos designated Tanks 2, 3, and 6. {R 299.9521(2)(d) and (3)(a) and (b)}
3. The licensee may store a maximum of 389,880 gallons of hazardous wastes in the eight waste treatment tanks designated Tanks A, B, C, D, E, F, G, and H. {R 299.9521(2)(d) and (3)(a) and (b)}
4. The licensee may store a maximum of 80,000 gallons of hazardous wastes awaiting treatment in the four waste/reagent storage tanks designated Tanks 16, 17, 18, and 19. {R 299.9521(2)(d) and (3)(a) and (b)}
5. The licensee may store a maximum of 40,000 gallons of hazardous waste or waste reagent in the waste/reagent storage tanks designated Tanks 25 and 27. {R 299.9521(2)(d) and (3)(a) and (b)}
6. Two, 40,000 gallon sludge receiving tanks designated as Tanks 11 and 12 were certified closed on October 25, 2004. The 80,000 gallon storage capacity from these tanks is hereby transferred to the Tank Farm located in the northeast corner of the East Container Storage Area. The licensee may install new hazardous waste tanks to store a maximum of 80,000 gallons without a construction permit from the Director provided that the following conditions are complied with:
  - (a) Installation of the new hazardous waste storage tanks shall be completed within three years from the effective date of this license. {R 299.9516(1)}

- (b) The licensee shall obtain the Division Chief written approval of the engineering design plans and specifications for the new hazardous waste storage tanks prior to installation.
- (c) Installation of the new hazardous waste storage tanks shall occur within the licensed boundaries of the Tank Farm located in the northeast corner of the East Container Storage Area.
- (d) Within 30 days of installation completion, the licensee shall submit via certified mail or hand delivery an installation certification report to the Division Chief. The installation certification report shall include the following:
  - (i) As-built drawings of the installed hazardous waste storage tanks.
  - (ii) Written tank assessments as required by the provisions of R 299.9615(1) and 40 CFR, §264.192.
  - (iii) A letter signed by the licensee and a registered professional engineer attesting that:
    - (1) The facility has been constructed in compliance with the license and approved plans.
    - (2) The WHMD has inspected the installation of the hazardous waste tanks and finds it is in compliance with the conditions of the license.

{R 299.9521(1)(b)(ii)}

**C. WASTE TREATMENT CAPACITY AND METHODS**

1. The licensee may treat no more than a total volume of 576,000 gallons a day of the hazardous wastes listed in Appendix A of the Waste Analysis Plan, Attachment 1, of this license in the tank systems identified as Tanks A, B, C, D, E, F, G, H, 14, and 15 subject to the terms of this license. {R 299.9521(2)(d) and (3)(a) and (b)}
2. The licensee shall treat hazardous wastes listed in Appendix A of the Waste Analysis Plan, Attachment 1, of this license through chemical stabilization. For wastes that require more than one type of treatment, the licensee shall use neutralization, deactivation, chemical oxidation, and/or chemical reduction treatment technologies. Waste treatment shall be conducted in accordance with the methods and procedures specified in Attachments 1 and 8 of this license, subject to the terms of this license. {R 299.9633}
3. The licensee may treat hazardous debris contaminated with waste codes listed in Appendix A of the Waste Analysis Plan, Attachment 1, of this license by using the microencapsulation and macroencapsulation immobilization technologies specified in 40 CFR, §268.45 and the procedures specified in the Waste Analysis Plan, Attachment 1, of this license, subject to the terms of this license. {R 299.9521(2)(d), R 299.9627, and 40 CFR, Part 268, which is ABR in R 299.11003}
4. The licensee may operate the treatment system 24 hours per day, seven days per week. {R 299.9521(3)(b)}

5. The licensee shall operate the air pollution control equipment when waste is stored or treated and maintain negative static pressure in the waste treatment building (pugmill mixer rooms, waste treatment/storage tanks) at all times that waste is stored in the treatment building, excluding air pollution control device malfunctions and routine maintenance as allowed under Part 55 of Act 451 and its rules. Waste treatment shall cease during air pollution control device malfunctions and routine maintenance. The licensee shall not have more than one overhead door open at a time on the east side and the west side of the waste treatment process building. {R 299.9602(1)(b) and R 299.9521(3)(b)}
6. The licensee shall cover hazardous and nonhazardous treated waste loads in the treatment building prior to the load being transported from the treatment building. {R 299.9521(3)(b)}
7. The licensee shall not mix waste during treatment in such a manner that the fire suppression system is damaged or made ineffective. {R 299.9521(3)(b)}
8. Treatment of hazardous waste shall be completed within the confines of the treatment building. Except as specified in this condition, emissions from the treatment of hazardous waste must be controlled with a permitted air pollution control system. {R 299.9602(1)(b) and R 299.9521(3)(b)}
9. Treated hazardous and decharacterized waste shall be directly transferred from the treatment building and stored in the licensed storage areas in accordance with Conditions III.E.5 and III.E.6 of this license. {R 299.9602(1)(b) and R 299.9521(3)(b)}

**D. DESIGN, CONTAINMENT, AND ASSESSMENT OF TANK SYSTEMS**

The licensee shall operate and maintain all tank systems in accordance with the applicable requirements of R 299.9615 and 40 CFR, §§264.191, 264.193, and 264.194, and in accordance with the attached plans and specifications in Attachment 8 of this license.

**E. MANAGEMENT OF TANK SYSTEMS**

1. The licensee shall label and manage the tank systems in accordance with the requirements of R 299.9615, R 299.9627, 40 CFR, §§264.194, 264.196, and 268.50(a)(2)(ii), R 29.4101 to R 29.4504 pursuant to the provisions of the Fire Prevention Act, 1941 PA 207, as amended, National Fire Protection Association (NFPA) Standard No. 704, and the spill and overflow prevention procedures specified in Attachment 8 of this license. {R 299.9615}
2. The licensee shall conduct the treatment of hazardous wastes in accordance with the methods and procedures specified in Attachments 1 and 8 of this license. {R 299.9633}

**F. SPECIAL REQUIREMENTS FOR IGNITABLE OR REACTIVE WASTES OR MATERIALS**

1. The licensee shall not store ignitable waste in a tank system, unless the procedures described in the Waste Analysis Plan, Attachment 1, of this license are followed. The licensee shall document compliance with this condition and place this documentation in the operating record. {R 299.9605, R 299.9609, and R 299.9615 and 40 CFR, §§264.17(c), 264.73(b)(3), and 264.198(a)}
2. The licensee shall maintain the protective distances between the tank systems and any public ways, streets, alleys, or adjoining property lines that can be built upon, as required in Tables 2-1 through 2-6 of the NFPA's "Flammable and Combustible Liquids Code" (1977 or 1981) as specified in Attachment 8 of this license, and as required by R 299.9615 and 40 CFR, §264.198(b).

3. The licensee shall not treat ignitable wastes or materials having a flashpoint less than 90°F in tank systems at the facility. {R 299.9521(2)(d) and (3)(d)}
4. The licensee shall not store or treat D003 reactive wastes or materials, or any wastes or materials that exhibit a characteristic of reactivity as defined in R 299.9212 in tank systems at the facility. {R 299.9521(2)(d) and (3)(d)}
5. The licensee may store or treat deactivated reactive wastes or materials that do not exhibit the characteristic of reactivity as defined in R 299.9212. {R 299.9521(2)(d) and (3)(b)}

**G. SPECIAL REQUIREMENTS FOR INCOMPATIBLE WASTES OR MATERIALS**

The licensee shall not place incompatible wastes or incompatible wastes and materials, in the same tank system or place hazardous waste in a tank system that has not been decontaminated and that previously held an incompatible waste or material. The licensee shall document compliance with this condition in the operating record. {R 299.9609, R 299.9615, and 40 CFR, §§264.17(c), 264.73(b)(3), and 264.199}

**H. DISPOSITION OF ACCUMULATED LIQUIDS AND SOLIDS**

The licensee shall remove liquids and pumpable solids from the containment system within 24 hours of detection. Nonpumpable solids shall be removed every 60 days. For high precipitation conditions, where removal cannot be completed within 24 hours, removal of the spilled or leaked waste and accumulated precipitation must begin within 24 hours of detection and continue until that removal is complete. Removed spilled and leaked waste and accumulated precipitation shall be managed in accordance with the requirements of Part 111 of Act 451 and its rules, as specified in Attachment 7 of this license. {R 299.9521(3)(b), R 299.9614(1)(a), and 40 CFR, §264.175(b)(5).

**I. COMPLIANCE WITH AIR EMISSION AND WASTE MANAGEMENT REQUIREMENTS FOR STORAGE AND TREATMENT IN TANK SYSTEMS**

The licensee shall operate the facility in a manner that will prevent air emissions in violation of Part 55 of Act 451. {R 299.9602(1)(b)}

## PART V

### ENVIRONMENTAL MONITORING CONDITIONS

#### A. GROUNDWATER MONITORING PROGRAM

1. The licensee shall conduct a detection monitoring program in the glacial sand and bedrock aquifers for primary and secondary parameters. Under this program, the licensee shall operate and maintain a groundwater monitoring system in accordance with the Groundwater Monitoring Program Sampling and Analysis Plan (SAP), Attachment 9 of this license. {R 299.9611(2)(a) and (b), R 299.9612, R 299.9629, and 40 CFR, Part 264, Subpart F, excluding 40 CFR, §§264.94(a)(2) and (3), 264.94(b) and (c), 264.100, and 264.101}
2. Water removed from each monitoring well shall be managed as specified in Section V of Attachment 9 of this license. {R 299.9521(3)(b)}
3. The licensee shall submit an annual groundwater report to the Division Chief no later than March 1 for the previous calendar year's activities. At a minimum, the report shall include the following information:
  - (a) A narrative summary of the previous calendar year's sampling events, including sampling event dates, the identification of any significant problems with respect to SAP procedures, and copies of field log sheets.
  - (b) A determination of the groundwater flow rate and direction in the monitored zones (shallow sand zone, drift aquifer, and bedrock aquifer), including the preparation of a groundwater level contour map from this data.
  - (c) A summary of groundwater quality data results, including narrative, tabular, and graphical summaries of results and trends.
  - (d) A presentation of the statistical analysis of the data and the identification of any statistically significant increases (and/or pH decreases) pursuant to Condition V.A.5 of this license.
  - (e) An analysis and discussion of laboratory and field related QA/QC information. This shall include results of equipment, field, and trip blanks, and a discussion and evaluation of the adequacy of the data with respect to SAP specifications and requirements.{R 299.9521(3)(b), R 299.9612(1) and 40 CFR, §264.97(j)}
4. The licensee shall establish background groundwater quality values at monitoring wells as specified in Section 3.0 of Attachment L of Attachment 9 of this license. {R 299.9612(1)(c), (d), and (e) and 40 CFR, §264.97(a) and (g)}
5. Within 60 days after each sampling of each monitoring well, the licensee shall determine if a statistically significant increase (or change in pH) has occurred compared to background levels for each primary and secondary parameter listed in Table 3 of Attachment H of Attachment 9 of this license. For the primary parameters, any occurrence above the laboratory detection limit(s) for the parameters shall be considered statistically significant. {R 299.9612(1)(c) and (e) and 40 CFR, §264.97(h) and (i)}

6. If a statistically significant increase (or change in pH) is detected for any primary or secondary parameter, the licensee shall notify the Division, Hazardous Waste Section, Technical Support Unit, by telephone within one working day and arrange a resampling as soon as possible to confirm if a statistically significant increase (or change in pH) exists. Resampling must include not less than four replicate samples at the affected well(s) for the parameter(s) in question. For the primary and any other nonnaturally occurring parameters, a statistically significant increase shall be confirmed if at least two of the four resample results are detected above the laboratory detection limit(s) for the parameter(s), or if at least one of the resample results is detected at five times the laboratory detection limit. For the naturally occurring secondary parameters, a statistically significant increase shall be confirmed using the average concentration of the four confirmation samples as the analytical result in the statistical procedures specified in Attachment L of Attachment 9 of this license. {R 299.9612 and 40 CFR, §264.97(g)}
7. If the licensee determines pursuant to Conditions V.A.5 and V.A.6 of this license that a statistically significant increase has been confirmed for any primary parameter, the licensee shall address the increase in accordance with the requirements specified in R 299.9612 and 40 CFR, §264.98(f) and (g). Additionally, the licensee shall:
  - (a) Within one working day, notify the Division Chief or the appropriate Waste and Hazardous Materials Division Supervisor, or if unavailable, the MDEQ PEAS at 1-800-292-4706.
  - (b) Immediately take steps to determine the cause of the contamination and eliminate the source of discharge.
  - (c) Within 180 days after the determination, submit to the Division Chief detailed description of corrective actions that shall achieve compliance with applicable laws and rules, including a schedule of implementation. Corrective action shall also meet the requirements of R 299.9629, and include a plan for a groundwater monitoring program that shall demonstrate the effectiveness of the corrective action. Such a groundwater monitoring program may be based on a compliance monitoring program developed to meet the requirements of 40 CFR, §264.99.
  - (d) Prior to a license modification requiring a compliance monitoring and corrective action program, the licensee shall provide the Division Chief, or his or her designee, with weekly telephone updates and written reports every two weeks regarding the progress to date in determining the cause of contamination and eliminating the discharge. The written report shall include the results of all samples from environmental monitoring conducted by the licensee. {R 299.9521(3)(b)}
8. If the licensee determines pursuant to Conditions V.A.5 and V.A.6 of this license that a statistically significant increase (or change in pH) has occurred for any secondary parameter, the licensee shall address the increase (or change in pH) in accordance with the requirements specified in R 299.9612. Additionally, the licensee shall:
  - (a) If confirmed, immediately take steps to determine the cause of contamination and eliminate the source of the discharge. A report that explains the chronology of events, investigative methods, all laboratory analyses, calculations, field activities, and findings, related to this determination shall be submitted within 60 days after a statistically significant determination under Condition V.A.5 and V.A.6 of this license.

- (b) Demonstrate that a source other than the licensed facility, or an error in sampling, analysis, or evaluation solely caused the increase. A report that contains the information in Condition V.A.8(a) of this license shall be submitted within 60 days after a statistically significant determination under Condition V.A.5 and V.A.6 of this license.
- 9. In the event that the Division Chief determines from the findings of Conditions V.A.5 and V.A.6 of this license that a statistically significant increase (or change in pH) in hazardous constituents has occurred in the groundwater, and the Director finds, in accordance with Section 11148 of Act 451, that the increase (or change in pH) may present an imminent and substantial hazard to the health of persons or to the natural resources, or is endangering or causing damage to public health or the environment, the licensee shall immediately comply with an order issued by the Director pursuant to Section 11148(1) of Act 451 to cease waste receipt, storage, and treatment at the affected units and conduct other activities as required by the Director to eliminate the said endangerment. {R 299.9612(1)(g)}
- 10. The licensee shall conduct a quarterly hydraulic monitoring program for the shallow sand unit as specified in Attachment 9 of this license. A detection monitoring program must be initiated prior to operation of the concrete hazardous waste storage pad pursuant to Condition III.B.7 of this license, or if the MDEQ determines that groundwater in the shallow sand unit is not flowing to the east and discharging to the South Sedimentation Basin.
- 11. The licensee shall report all groundwater detection monitoring and hydraulic monitoring results as required by Condition II.I.3 of this license.

**B. AMBIENT AIR MONITORING PROGRAM]**

- 1. The licensee shall conduct ambient air monitoring in accordance with the program specified in Attachment 10 of this license. {R 299.9611(2)(c)}
- 2. The licensee shall report ambient air monitoring results as required by Condition II.I.3 of this license.

## PART VI

### CORRECTIVE ACTION CONDITIONS

#### A. CORRECTIVE ACTION AT THE FACILITY

1. The licensee shall implement corrective action for all releases of a contaminant from any WMUs at the facility, regardless of when the contaminant may have been placed in or released from the WMU. For the purposes of this license, the term "corrective action" means an action determined by the Division Chief to be necessary to protect the public health, safety, welfare, or the environment, and includes, but is not limited to, investigation, evaluation, cleanup, removal, remediation, monitoring, containment, isolation, treatment, storage, management, temporary relocation of people, and provision of alternative water supplies, or any corrective action allowed under Title II of the federal Solid Waste Disposal Act, or regulations promulgated pursuant to that act. For the purposes of this license, the remedial process associated with the environmental protection standards of Part 201, Environmental Remediation, of Act 451 shall be used to satisfy the corrective action obligations under this license. {§§11102, 11115a, 20120a, and 20120b of Act 451 and R 299.9629(1)(a)}
2. To the extent that a release of a hazardous substance, as defined in Section 20101(t) of Act 451, that is not also a contaminant, as defined in Section 11102(2) of Act 451, is discovered while performing corrective action under this license, the licensee shall take concurrent actions as necessary to address the Part 201 of Act 451 remedial obligations for that release. {R 299.9521(3)(b)}

#### B. CORRECTIVE ACTION BEYOND THE FACILITY BOUNDARY

The licensee shall implement corrective action beyond the facility in accordance with Section 11115a of Act 451 and R 299.9629(2).

#### C. IDENTIFICATION OF WASTE MANAGEMENT UNITS

The WMUs and area of concern (AOC) at the facility are identified below and shown on the Facility Drawing and the Michigan Disposal, Inc., Facility Boundaries Layout and Drainage figures in Attachment 11 of this license.

WMU Number 1	The Former Michigan Disposal Waste Processing Facility
WMU Number 2	Lagoon A and Stormwater Retention Basin
WMU Number 3	Lagoon B
WMU Number 4	Lagoon C
WMU Number 5	The Existing Michigan Disposal Waste Treatment Plant ( <i>which includes 4 container storage units, 9 storage tanks, and 8 treatment tanks</i> )
WMU Number 6	Southeast Container Storage Area
AOC	Truck Dock

1. The following WMUs and AOC, identified in the September 30, 1999, *MDEQ Hazardous Waste*

*Management Facility Operating License* and in the April 30, 2004, *Michigan Disposal Waste Treatment Plant Part 111 Hazardous Waste Operating License Renewal Application*, require no further corrective action at this time. No further corrective action is required at this time because the units are currently operating pursuant to Part 111 of Act 451 and its rules with no evidence of a release of any contaminants. Corrective action may be required when the WMUs undergo final closure.

- (a) WMU Number 5      The existing Michigan Disposal Waste Treatment Plant (*which includes 4 container storage units, 9 storage tanks, and 8 treatment tanks*)
  - (b) WMU Number 6      Southeast Container Storage Area
  - (c) AOC                      Truck Dock
2. The following WMUs, identified in the *Closure Certification Former Processing Plant Report* dated March 19, 1991, but formally submitted to the MDEQ on April 3, 1991, and in the *Overview of Operation, Closure, and Environmental Monitoring Former Michigan Disposal, Inc. Waste Processing Facility Report* dated January 7, 1992, require no further corrective action at this time. The determination that no further corrective action is required at this time is based on the MDEQ's review of the March 19, 1991, and January 7, 1992, Reports which indicates releases from the WMUs have been adequately addressed. The MDEQ accepted the closure certification for the former Michigan Disposal Processing Facility on September 2, 1999.
- (a) WMU Number 1      The Former Michigan Disposal Processing Facility
  - (b) WMU Number 2      Lagoon A and Stormwater Retention Basin
  - (c) WMU Number 4      Lagoon C
3. The following WMU, identified in the *Overview of Operation, Closure, and Environmental Monitoring Former Michigan Disposal, Inc. Waste Processing Facility Report* dated January 7, 1992, requires no further corrective action at this time. This WMU was reported to have been closed in accordance with Subpart K standards. However, no evidence of verification sampling was provided in the January 7, 1992, Report. Without this information, a final determination on the status of the WMU can not be made at this time. Corrective action may be required for WMU Number 3 when WMU Number 5 undergoes final closure. This approach is necessary since WMU Number 3 is located beneath WMU Number 5 and any further investigations of WMU Number 3 at this time would be disruptive to facility operations.
- WMU Number 3      Lagoon B
4. Within 30 days after discovery of a new release of a contaminant from a WMU, the licensee shall provide written notification to the Division Chief. The written notification shall include all available information pertaining to the release. Based on a review of all of the information, the Division Chief may require corrective action for the newly identified release. The licensee shall

submit a written Remedial Investigation (RI) Work Plan to the Division Chief within 60 days after written notification by the Division Chief that corrective action for the release is required.

{§§11102 and 11115a of Act 451, R 299.9521(3)(b), and R 299.9629}

5. Within 30 days after discovery of a new WMU or a release of a contaminant from a new WMU, the licensee shall provide written notification to the Division Chief. The written notification shall include all of the following information:
  - (a) The location of the unit on the facility topographic map.
  - (b) The designation of the type of unit.
  - (c) The general dimensions and structural description, including any available drawings of the unit.
  - (d) The date the unit was operated.
  - (e) Specification of all waste(s) that have been managed in the unit.
  - (f) All available information pertaining to any release of a contaminant from the unit.
6. Based on a review of all of the information provided in Condition VI.C.5. of this license, the Division Chief may require corrective action for the newly identified WMU. The licensee shall submit a written RI Work Plan to the Division Chief within 60 days after written notification by the Division Chief that corrective action for the unit is required.

{§§11102 and 11115a of Act 451, R 299.9504(1), R 299.9508(1)(b), R 299.9629, and 40 CFR, §270.14(d)}

#### **D. REMEDIAL INVESTIGATION**

The licensee shall conduct a RI that conforms with the provisions of Part 201 of Act 451 to determine if a release of a contaminant(s) from any of the WMUs identified in Condition VI.C. of this license has occurred, and if a release(s) has occurred, evaluate the nature and extent of the release(s). The licensee shall submit a written RI Work Plan, RI Final Report, documenting compliance with the approved RI Work Plan and supporting further corrective action at the facility, and RI progress reports to the Division Chief for review and approval in accordance with Condition VI.K. of this license. The Division Chief will approve, modify and approve, or provide a Notice of Deficiency (NOD) for the RI Work Plan and RI Final Report. Upon approval, the RI Work Plan and RI Final Report become enforceable conditions of this license. {§§11102 and 11115a of Act 451, R 299.9629, and Part 201 of Act 451}

#### **E. INTERIM RESPONSE ACTIVITIES**

The licensee shall conduct interim response activities (IRA) at the facility, if determined necessary by the licensee or the Division Chief, to clean up or remove a released contaminant or to take other actions, prior to the implementation of a remedial action, as may be necessary to prevent, minimize, or mitigate injury to the public health, safety, or welfare, or to the environment. The licensee shall conduct IRA that conform with the IRA provisions of Part 201 of Act 451. The licensee shall submit written IRA Work Plan, IRA Final Report, documenting compliance with the approved IRA Work Plan and

supporting further corrective action at the facility, and IRA progress reports to the Division Chief for review and approval in accordance with Condition VI.K. of this license. The Division Chief will approve, modify and approve, or provide a Notice of Deficiency (NOD) for the IRA Work Plan and IRA Final Report. Upon approval, the IRA Work Plan and IRA Final Report become enforceable conditions of this license. {§§11102 and 11115a of Act 451, R 299.9629, and Part 201 of Act 451}

**F. DETERMINATION OF NO FURTHER ACTION**

1. The licensee shall continue response activities to the extent necessary to ensure that the applicable environmental protection standards established under Part 201 of Act 451, as adopted in Part 111 of Act 451, are met, if the limits are not less stringent than allowed pursuant to the provisions of RCRA.
2. Based on the results of the RI and other relevant information, the licensee shall submit a written request for a minor license modification to the Division Chief if the licensee wishes to terminate corrective action for a specific WMU identified in Condition VI.C. of this license. The licensee must demonstrate that there have been no releases of a contaminant(s) from the WMU and that the WMU does not pose a threat to public health, safety, welfare, or the environment.
3. Based on the results of the RI and other relevant information, the licensee shall submit a written request for a major license modification to the Division Chief if the licensee wishes to terminate facility-wide corrective action. The licensee must conclusively demonstrate that there have been no releases of a contaminant(s) from any of the WMUs at the facility and that none of the WMUs pose a threat to public health, safety, welfare, or the environment.
4. If, based upon a review of the licensee's request for a license modification pursuant to Condition VI.F.2 or VI.F.3 of this license, the results of the completed RI, and other relevant information, the Division Chief determines that the releases or suspected releases of a contaminant(s) do not exist and that the WMU(s) do not pose a threat to public health, safety, welfare, or the environment, the Division Chief will approve the requested modification.
5. A determination of no further action shall not preclude the Division Chief from requiring continued or periodic monitoring of air, soil, groundwater, or surface water, if necessary to protect public health, safety, welfare, or the environment, when facility-specific circumstances indicate that potential or actual releases of a contaminant(s) may occur.
6. A determination of no further action shall not preclude the Division Chief from requiring further corrective action at a later date, if new information or subsequent analysis indicates that a release or potential release of a contaminant(s) from a WMU at the facility may pose a threat to public health, safety, welfare, or the environment. The Division Chief will initiate the necessary license modifications if further corrective action is required at a later date.

{§§11102, 11115a, and 20120a of Act 451 and R 299.9629(2)}

**G. FEASIBILITY STUDY**

If the Division Chief determines, based on the results of the RI and other relevant information, that response activities are necessary, the Division Chief will notify the licensee in writing that a Feasibility Study (FS) is required. If required by the Division Chief, the licensee shall conduct an FS to develop and evaluate the response activity alternative(s) necessary to address the release(s) of a contaminant(s) or hazardous substances and the WMU(s) that are identified in the approved RI Final

Report as requiring final response activities. The licensee shall conduct an FS that conforms with the FS provisions of Part 201 of Act 451. The licensee shall submit written FS Work Plan, FS Final Report, documenting compliance with the approved FS Work Plan and supporting further corrective action at the facility, and FS progress reports to the Division Chief for review and approval in accordance with Condition VI.K. of this license. The Division Chief will approve, modify and approve, or provide a NOD for the FS Work Plan and FS Final Report. Upon approval, the FS Work Plan and FS Final Report become enforceable conditions of this license. {§§11102 and 11115a of Act 451, R 299.9629, and Part 201 of Act 451}

**H. REMEDIAL ACTION PLAN**

1. The licensee shall conduct final response activities based on the FS Final Report approved by the Division Chief. The licensee shall submit a written remedial action plan (RAP) that meets the RAP requirements of Part 201 of Act 451. If the final response activities are based on criteria in categories provided for in Section 20120a(1)(a) to (j) or (2) of Act 451, which are adopted by reference in R 299.9629(3)(a)(iii), the licensee shall submit a written RAP that conforms with the RAP provisions in Section 20120b of Act 451 to the Division Chief for review and approval. The licensee shall also submit a written Completion Report, documenting compliance with the completion criteria and providing justification that the remedial actions may cease, and RAP progress reports to the Division Chief for review and approval in accordance with Condition VI.K. of this license. The Division Chief will approve, modify and approve, or provide a NOD for the RAP and Completion Report. Upon approval, the RAP and Completion Report become enforceable conditions of this license.
2. The Division will provide notice of its draft decision on the RAP to persons on the facility mailing list and an opportunity for a public hearing.
3. The licensee shall implement the approved RAP within 60 days after receipt of the Division Chief's written approval of the RAP.

{§§11102, 11115a, 20120a, and 20120b of Act 451 and R 299.9629}

**I. CORRECTIVE ACTION MANAGEMENT UNITS**

If applicable, the licensee shall comply with the requirements of R 299.9635 in order to designate an area at the facility as a corrective action management unit for implementation of response activities. {R 299.9521(3)(a)}

**J. TEMPORARY UNITS**

If applicable, the licensee shall comply with the requirements of R 299.9636 in order to designate tank or container storage units used for the treatment or storage of remediation wastes as temporary units for implementation of response activities. {R 299.9521(3)(a)}

**K. SUMMARY OF CORRECTIVE ACTION SUBMITTALS**

The licensee shall submit the required corrective action documents in accordance with Conditions VI.D., VI.E., VI.G., and VI.H of this license and the schedule below.

CORRECTIVE ACTION DOCUMENT	SUBMITTAL DEADLINE
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<b>CORRECTIVE ACTION DOCUMENT</b>	<b>SUBMITTAL DEADLINE</b>
Written notification of a new release of a contaminant from an existing WMU, a new WMU, or a release of a contaminant from a new WMU	Within 30 days after discovery
RI Work Plan for a newly identified release of a contaminant from an existing WMU, a new WMU, or a release of a contaminant from a new WMU	Within 60 days after receipt of written notification that response activity is required
RI Work Plan for existing WMUs, AOC, and contaminant releases	Within 60 days after the WMUs or AOC undergo final closure
Revised RI Work Plan for WMUs, AOC, and contaminant releases	Within 30 days after receipt of RI Work Plan NOD
RI progress reports	Within 30 days after initiation of the RI and every 30 days thereafter
RI Final Report for WMUs, AOC, and contaminant releases	Within 60 days after completion of RI
Revised RI Final Report for WMUs, AOC, and contaminant releases	Within 30 days after receipt of RI Final Report NOD
IRA Work Plan for WMUs, AOC, and contaminant releases	Within 60 days after receipt of notification that IRA Work Plan is required
Revised IRA Work Plan for WMUs, AOC, and contaminant releases	Within 30 days after receipt of IRA Work Plan NOD
IRA progress reports	Within 30 days after initiation of the IRA and every 30 days thereafter
IRA Final Report for WMUs, AOC, and contaminant releases	Within 60 days after completion of the IRA
Revised IRA Work Plan for WMUs, AOC, and contaminant releases	Within 30 days after receipt of IRA Final Report NOD
FS Work Plan for WMUs, AOC, and contaminant releases	Within 60 days after receipt of notification that FS is required
Revised FS Work Plan for WMUs, AOC, and contaminant releases	Within 30 days after receipt of FS Work Plan NOD
FS progress reports	Within 30 days after initiation of the FS and every 30 days thereafter
FS Final Report for WMUs, AOC, and contaminant releases	Within 60 days after completion of the FS
Revised FS Final Report for WMUs, AOC, and contaminant releases	Within 30 days after receipt of FS Final Report NOD
RAP for WMUs, AOC, and contaminant releases	Within 60 days after approval of the FS Final

CORRECTIVE ACTION DOCUMENT	SUBMITTAL DEADLINE
	Report
Revised RAP for WMUs, AOC, and contaminant releases	Within 30 days after receipt of RAP NOD
RAP progress reports	Within 30 days after implementation of the RAP and every 30 days thereafter, unless otherwise approved
Completion Report for remediated WMUs, AOC, and contaminant releases	Within 60 days after the remedial actions have been completed and cleanup criteria have been met
Revised Completion Report for WMUs, AOC, and contaminant releases	Within 30 days after receipt of Completion Report NOD

**L. CORRECTIVE ACTION DOCUMENTS RETENTION**

The licensee shall maintain all corrective action documents required by this license at the facility. The documents shall be maintained for the operating life of the facility or until the facility is released from financial assurance requirements for corrective action by the Director, whichever is longer. The licensee shall offer such documents to the Division Chief prior to discarding those documents. {§§111102 and 11115a of Act 451, R 299.9521(3)(b), and R 299.9629}