



# THE ENVIRONMENTAL QUALITY COMPANY

WAYNE DISPOSAL • 49350 NORTH I-94 SERVICE DRIVE • BELLEVILLE, MICHIGAN 48111  
• tel 800-592-5489 • fax 800-592-5329

## Memorandum

**Date:** June 30, 2009  
**From:** Mike Takacs, WDI Environmental Manager  
**Subject:** Expiration of Wayne Disposal, Inc. Site #2 Landfill  
Part 111 Hazardous Waste Operating License.

This memo serves as clarification regarding Wayne Disposal, Inc.'s (WDI's) permit status. The actual license expired on April 14, 2007. The original license expiration date of October 14, 2002 was changed to April 14, 2007 with a major modification issued by the DEQ on July 13, 2001.

WDI submitted a Hazardous Waste Management Facility Operating License Renewal Application on October 11, 2006 to the Michigan Department of Environmental Quality – Waste Management Division (MDEQ-WMD). In a letter dated September 6, 2007, the MDEQ-WHMD found WDI's Renewal Application to be Administratively Complete. The permit renewal application is currently under Technical Review by the MDEQ.

MDEQ has obtained approval from USEPA to implement all the requirements of RCRA under Michigan's NREPA Part 111.

WDI Operating License, Standard Condition, Part 1 (E)(1)(a):  
Duty to Reapply. 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 Chief of the Waste Management Division at least 180 days before this license expires, October 14, 2002, unless an extension is granted pursuant to R 299.9510(5). (R 299.9521(1)(a) and (c) and (3)(a), and 40 CFR 270.30(b), which is ABR in R299.11003)

WDI Operating License, Standard Condition, Part 1 (E)(1)(b):  
License Expiration. To the extent consistent with Section 91(2) of Act 306, this license and all conditions herein will remain in effect beyond the license expiration date if the licensee has submitted a timely, complete application and the Chief of the Waste Management Division has not issued a new license. (Section 91 of Act 306, R 299.9521(1)(c) and (3)(a))

**ADMINISTRATIVE PROCEDURES ACT OF 1969 (EXCERPT)**  
**Act 306 of 1969**

**24.291 Licensing; applicability of contested case provisions; expiration of license.**

Sec. 91.

(1) When licensing is required to be preceded by notice and an opportunity for hearing, the provisions of this act governing a contested case apply.

(2) When a licensee makes timely and sufficient application for renewal of a license or a new license with reference to activity of a continuing nature, the existing license does not expire until a decision on the application is finally made by the agency, 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 agency order or a later date fixed by order of the reviewing court. This subsection does not affect valid agency action then in effect summarily suspending such license under section 92.

**History:** 1969, Act 306, Eff. July 1, 1970

**Popular Name:** Act 306

**Popular Name:** APA



JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
LANSING



STEVEN E. CHESTER  
DIRECTOR

September 5, 2007

Mr. Kerry Durnen, P.E.  
Director of Operations  
The Environmental Quality Company  
Wayne Disposal, Inc.  
49350 North I-94 Service Drive  
Belleville, Michigan 48111

Dear Mr. Durnen:

SUBJECT: Operating License Renewal Application; Wayne Disposal, Inc. (WDI), Site #2;  
MID 048 090 633

The Department of Environmental Quality (DEQ), Waste and Hazardous Materials Division (WHMD), has performed a completeness review of WDI's October 11, 2006, hazardous waste management facility operating license (License) renewal application (Renewal Application) submitted pursuant to Part 111, Hazardous Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. Based on our review, we have determined that the Renewal Application is administratively complete. The WHMD is currently initiating our technical review of the Renewal Application.

The WHMD is also aware, based on discussions and meetings with you and your consultants, that WDI intends to make significant changes to the landfill design to use the remaining capacity of the original eleven million cubic yards authorized for disposal. These changes will require revisions to the Renewal Application. The revisions will be necessary for the WHMD to complete the technical review of the Renewal Application and should be submitted within 60 days of your receipt of this letter.

WDI should be aware that the WHMD will not be able to proceed with making a favorable final determination on the Renewal Application until the outstanding compliance issues at the facility have been resolved to our satisfaction. Then, the resolved issues can be incorporated, as appropriate, into the draft renewal License.

Should you have any questions, please contact Mr. Peter Quackenbush, Hazardous Waste Section, WHMD, at 517-373-7397.

Sincerely,

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

cc: Mr. Scott Maris, The Environmental Quality Company  
Mr. Robert Reichel, Department of Attorney General  
Ms. De Montgomery, DEQ  
Mr. Steve Buda/Operating License File, DEQ  
Mr. Larry AuBuchon/Mr. Mike Busse, DEQ  
Ms. Christine Grossman, DEQ  
Mr. Leo Parks, DEQ  
Mr. Peter Quackenbush, DEQ

DEQ

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

NAME OF LICENSEE: Wayne Disposal, Inc.

NAME OF OWNER: Wayne Disposal, Inc.

NAME OF OPERATOR: Wayne Disposal, Inc.

NAME OF TITLEHOLDER OF LAND: Wayne Disposal, Inc.

FACILITY NAME: Wayne Disposal, Inc. Site #2

FACILITY LOCATION: 49350 North I-94 Service Drive

EPA IDENTIFICATION NUMBER: MID 048 090 633

EFFECTIVE DATE: April 14, 1997

REAPPLICATION DATE: October 14, 2006

EXPIRATION DATE: April 14, 2007

AUTHORIZED ACTIVITIES

MODIFICATION DATE: July 13, 2001

Pursuant to Part 111, Hazardous Waste Management, of Michigan's Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451), being §§324.11101 to 324.11152 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 (hereafter called the "licensee") to operate a hazardous waste facility located in at latitude 42°13'30"N and longitude 83°31'00"W. The licensee is authorized to conduct the following hazardous waste management activities:

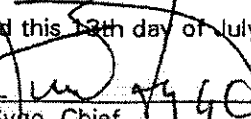
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|--|--|--|--|
| <input type="checkbox"/> STORAGE             | <input type="checkbox"/> TREATMENT           | <input checked="" type="checkbox"/> DISPOSAL | <input checked="" type="checkbox"/> POST CLOSURE |
| <input type="checkbox"/> Container           | <input type="checkbox"/> Container           | <input checked="" type="checkbox"/> Landfill | <input type="checkbox"/> Tank                    |
| <input type="checkbox"/> Tank                | <input type="checkbox"/> Tank                | <input type="checkbox"/> Land Application    | <input type="checkbox"/> Surface Impoundment     |
| <input type="checkbox"/> Waste Pile          | <input type="checkbox"/> Surface Impoundment | <input type="checkbox"/> Surface Impoundment | <input checked="" type="checkbox"/> Landfill     |
| <input type="checkbox"/> Surface Impoundment | <input type="checkbox"/> Incinerator         |  | <input type="checkbox"/> Waste Pile              |
| <input type="checkbox"/> Drip Pad            | <input type="checkbox"/> Other:              |  |  |

APPLICABLE REGULATIONS AND LICENSE APPROVAL

The conditions of this license were developed in accordance with the applicable provisions of the rules, effective September 11, 2000. The licensee shall comply with all terms and conditions of this license. This license consists of the pages of conditions attached hereto (including those in any Attachments 1 through 18) 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 submitted in the license application submitted on March 15, 1995 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 ten 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).

Modified this 13th day of July, 2001.  
by   
Jim Sygo, Chief  
Waste Management Division

WAYNE DISPOSAL, INC.

MID 048 090 633

HAZARDOUS WASTE MANAGEMENT FACILITY OPERATING LICENSE

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## PART I

### STANDARD CONDITIONS

#### A. TERMINOLOGY

Throughout this license, "Act 451" means Michigan's Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, and "rules" means the hazardous waste management administrative rules promulgated pursuant to Part 111 of Act 451, as in effect on the date of issuance of this license. The term "Waste Management Division" means the division within the Michigan Department of Environmental Quality (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 Chief of the Waste Management Division of the MDEQ.

#### 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 convey property rights of any sort or any exclusive privilege {R 299.9516(7) and 40 Code of Federal Regulations (CFR) §270.30(g), which is adopted by reference (ABR) in R 299.11003}; nor does it 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 and any other applicable state statute and Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) {42 USC 9606(a)}, the Resource Conservation and Recovery Act of 1976, as amended (RCRA), and its rules, and 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 into, this license and is deemed an enforceable part of the license.

#### C. LICENSE ACTIONS

This license may be modified or revoked in accordance with R 299.9519. The filing of a request for a license modification or revocation, or the notification of planned changes or anticipated noncompliance on the part of the licensee does not stay the applicability or enforceability of any license condition. {R 299.9519, R 299.9521(1)(a) and 40 CFR §270.30(f), which is ABR in R 299.11003}

#### D. 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.

#### E. 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. {R 299.9521(1)(a) and (3)(a) and (b), and 40 CFR §270.30(a), which is ABR in R 299.11003}

- (a) Duty to Reapply. 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 Chief of the Waste Management Division at least 180 days before this license expires, October \_\_, 2002, unless an extension is granted pursuant to R 299.9510(5). {R 299.9521(1)(a) and (c) and (3)(a), and 40 CFR §270.30(b), which is ABR in R 299.11003}
- (b) License Expiration. To the extent consistent with Section 91(2) of Act 306, this license and all conditions herein will remain in effect beyond the license expiration date if the licensee has submitted a timely, complete application and the Chief of the Waste Management Division has not issued a new license. {R 299.9521(1)(c) and (3)(a)}
- (c) Inspection and Entry. The licensee shall allow the Chief of the Waste Management Division, or any authorized representative, including, but not limited to, a contractor, upon the presentation of credentials and other documents as may be required by law, to sample or monitor, at reasonable times, any substances or parameters at any location for the purpose of determining:
  - (i) Whether the management of hazardous waste may present an imminent and substantial hazard to the health of persons or to the natural resources, or is endangering or causing danger to public health or the environment;
  - (ii) Whether cause exists for an enforcement action, license revocation, license modification, denial of a license renewal application, or to determine compliance with this license.

If samples are taken for analysis, duplicate samples and a copy of the analytical results shall be furnished to the licensee upon request.

{Sections 11146(1) and (2) and 11148(1) of Act 451, R 299.9521(1)(a), and 40 CFR §270.30(i), which is ABR in R 299.11003}

- (d) Specific Monitoring Requirements. The Chief of the Waste Management Division reserves authority to require specific monitoring for hazardous wastes or hazardous waste constituents, in addition to those requirements detailed in this license, if the Chief of the Waste Management Division finds that additional monitoring is needed to demonstrate compliance with this license, Part 111 of Act 451, the rules, and any other applicable laws or rules. {R 299.9611(5)}
- (e) Notice of Facility Modifications. The licensee shall give notice to the Chief of the Waste Management Division as soon as possible prior to any planned physical alterations or additions to the licensed facility. {R 299.9519(1)}
- (f) License Amendments for Facility Modifications. The licensee shall request and obtain a license amendment prior to undertaking any modifications to the facility. Except as otherwise authorized by Part 111 of Act 451 and the rules, the licensee shall obtain a construction permit prior to expanding, enlarging, or altering the facility. {R 299.9501(1), R 299.9519, and R 299.9521(1)(b)(i)}

- (g) Submission of Statements and Certifications for Construction and Capability. The licensee shall submit to the Chief of the Waste Management Division, by certified mail or hand delivery, a letter signed by the licensee and a registered professional engineer stating that the facility has been constructed or modified in compliance with the license and approved plans and the certifications of construction and capability required pursuant to Section 11123(3) of Act 451. The licensee shall not treat, store, or dispose of hazardous waste in the modified portion of the facility until one of the following conditions is met:
- (i) The Chief of the Waste Management Division, or the authorized representative, has inspected the modified facility and finds it is in compliance with the conditions of the license;
  - (ii) If within 15 days of the date of submission of the letter in Condition I.E.1.(g) of this license, the licensee has not received notice from the Chief of the Waste Management Division of his or her intent to inspect, prior inspection is waived, and the licensee may commence treatment, storage, or disposal of hazardous waste. {R 299.9521(1)(b)(ii)}
- (h) Anticipated Noncompliance. The licensee shall give advanced notice to the Chief of the Waste Management Division as soon as the licensee becomes aware of any planned changes or activity in the licensed facility which may result in noncompliance with license requirements. {R 299.9521(1)(a) and 40 CFR §270.30(l)(2), which is ABR in R 299.11003}
- (i) Transfer of License. The licensee shall obtain the approval of the Chief of the Waste Management Division, by a modification to the license, prior to transferring ownership or operation of the facility to another person. In addition, the licensee shall comply with the requirements of R 299.9605 when transferring the ownership of the facility. The new owner/operator shall not accept hazardous waste at the facility unless the license modification has been issued by the Chief of the Waste Management Division. {R 299.9522}
- (j) Other Information. Whenever the licensee becomes aware that he/she failed to submit any relevant facts in the license application, or submitted incorrect information in a license application or in any report to the Chief of the Waste Management Division, the licensee shall promptly submit such facts or information. {R 299.9521(1)(a) and 40 CFR §270.30(l)(11), which is ABR in R 299.11003}
2. The licensee shall comply with the requirements of 40 CFR §270.30(c)-(e) and (h)-(j), including those requirements pertaining to:
- (a) Need to halt or reduce activity not a defense,
  - (b) Duty to mitigate,
  - (c) Proper operation and maintenance,
  - (d) Duty to provide information,
  - (e) Inspection and entry,
  - (f) Monitoring and records.
- {R 299.9521(1)(a) and 40 CFR §270.30(c)-(e) and (h)-(j), which are ABR in R 299.11003}

3. 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 40 CFR §270.30(a), which is ABR in R 299.11003}

**F. SIGNATORY REQUIREMENT**

The licensee shall insure that all reports required by this license or other information requested by the Chief of the Waste Management Division, or authorized representative, are signed and certified in accordance with R 299.9610(4), by a responsible corporate officer, as defined in 40 CFR §270.11, which is ABR in R 299.11003. {R 299.9521(1)(a) and 40 CFR §270.30(k), which is ABR in R 299.11003}

**G. SUBMITTAL DUE DATES AND DEADLINES**

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

## PART II

### GENERAL OPERATING CONDITIONS

#### A. DESIGN AND OPERATION OF FACILITY

The licensee shall maintain and operate the facility to prevent the possibility of a fire, explosion, or any sudden or non-sudden release of hazardous waste or hazardous waste constituents to the environment, including air, soil, or waters of the State which could threaten human health or welfare or the environment. {R 299.9602, R 299.9606, R 299.9607, and 40 CFR §§264.31 and 264.51, which are ABR in R 299.11003}

#### B. REQUIRED NOTICE

1. The licensee shall notify the Chief of the Waste Management Division in writing at least four weeks in advance of the date the licensee expects to receive hazardous waste from a foreign source. Notice of subsequent shipments of the same waste from the same foreign source is not required. When receiving such hazardous waste, the licensee shall comply with applicable laws, including, but not limited to, any treaties or other agreements entered into between the country in which the foreign source is located and the United States. {R 299.9605(1) and 40 CFR §264.12(a), which is ABR in R 299.11003}
2. When the licensee is to receive hazardous waste from an off-site source (except where the licensee is also the generator), he must inform the generator in writing that he has the appropriate license for, and will accept, the waste the generator is shipping. The licensee must keep a copy of this written notice as part of the operating record (see Condition II.L.1. of this license). {R 299.9605(1) and 40 CFR §264.12(b), which is ABR in R 299.11003}

#### C. GENERAL WASTE ANALYSIS

The licensee shall ensure that any waste stored, treated, or disposed at the facility has been properly characterized pursuant to R 299.9302, and comply with the procedures described in the attached waste analysis plan, Attachment 1 of this license. {R 299.9605(1), and 40 CFR §264.13, which is ABR in R 299.11003}

#### D. QUALITY ASSURANCE/QUALITY CONTROL REQUIREMENTS

The licensee shall ensure that all samples collected for the purposes of waste characterization and environmental monitoring are collected, transported, analyzed, stored, and disposed of by trained and qualified individuals in accordance with their Quality Assurance/Quality Control (QA/QC) Plan. The QA/QC Plan shall at a minimum include the written procedures outlined in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," U.S. Environmental Protection Agency (U.S. EPA) Publication SW-846, Third Edition, Chapter 1, and its Updates I (July 1992), II (September 1994), IIA (August 1993), and IIB (January 1995), and any facility or contractor's written standard operating procedures (SOPs) which are equivalent or more stringent than SW-846, Chapter 1. The licensee shall make the written QA/QC Plan available to the Chief of the Waste Management Division or an authorized representative upon request. {R 299.9521(3)(a) and (b) and R 299.9611(2)}

#### E. SECURITY

The licensee shall comply with the security requirements of R 299.9605(1) and 40 CFR §264.14, which is ABR in R 299.11003.

**F. GENERAL INSPECTION REQUIREMENTS**

1. The licensee shall inspect the hazardous waste management facility, remedy any deterioration or malfunction of equipment or structures, and document inspections and remedies in accordance with the attached inspection schedule, Attachment 2 of this license, and the provisions of 40 CFR §264.15 which is ABR in R 299.11003. {R 299.9605(1)}
2. The licensee shall develop and implement a procedure to insure compliance with the requirements of R 299.9605(2).

**G. PERSONNEL TRAINING**

The licensee shall conduct personnel training as required by R 299.9605(1) and 40 CFR §264.16, which is ABR in R 299.11003. This training program shall, at a minimum, cover all items in the attached outline, Attachment 3 of this license. The licensee shall maintain training documents and records as required by R 299.9605 and 40 CFR §264.16(d), which is ABR in R 299.11003.

**H. PREPAREDNESS AND PREVENTION**

The licensee shall comply with the preparedness and prevention requirements of R 299.9606, including, but not limited to, required equipment, testing, and maintenance of equipment, access to communications and alarm systems, required aisle space, and arrangements with emergency response teams. {R 299.9606 and 40 CFR Part 264, Subpart C, which is ABR in R 299.11003}

**I. CONTINGENCY PLAN**

The licensee shall comply with the contingency plan requirements of R 299.9607. 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 which threatens or could threaten human health or the environment, or if the licensee has knowledge that a spill has reached surface water or groundwater. {R 299.9607 and 40 CFR Part 264, Subpart D, which is ABR in R 299.11003}

**J. DUTY TO MITIGATE**

Upon notification from the Chief of the Waste Management Division 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 halt such activity and conduct other activities as required by the Chief of the Waste Management Division to eliminate the said endangerment. The licensee shall not resume the halted activity without the prior written approval from the Chief of the Waste Management Division. {Section 11148 of Act 451 and R 299.9521(3)(b)}

**K. MANIFEST SYSTEM**

1. The licensee shall comply with the manifest requirements of R 299.9304, R 299.9305, and R 299.9608.
2. The licensee shall follow the MDEQ, Waste Management Division, rejected load procedures included in the waste analysis plan, Attachment 1 of this license.

**L. RECORDKEEPING AND REPORTING**

1. Operating Record. The licensee shall maintain a written operating record at the facility, until closure of the facility. {R 299.9609 and 40 CFR §264.73 and Part 264, Appendix I, which are ABR in R 299.11003}
2. Biennial Report. The licensee shall comply with the biennial report requirements of R 299.9610. A single copy of the biennial report shall be submitted to the U.S. EPA, Region 5 Administrator by March 1 of each even numbered year. {R 299.9521(1)(a) and R 299.9610 and 40 CFR §270.30(l)(9), which is ABR in R 299.11003}
3. Environmental Monitoring Reports. The licensee shall submit the results of all environmental monitoring required by this license in the form of an Environmental Monitoring Report to the Chief of the Waste Management Division within 60 days of sample collection. In addition, at the same time, the licensee shall submit air monitoring results to the Wayne County Department of Environment, Air Quality Management Division. {R 299.9521(1)(a) and 40 CFR §270.30(l)(4), which is ABR in R 299.11003}
4. Environmental Monitoring Data Availability. The licensee shall provide environmental monitoring information or data which it generates to any local public official requesting such information or data. Such information or data shall be made available on the same day the licensee forwards this information to the Chief of the Waste Management Division. {R 299.9521(3)(b)}
5. Additional Environmental Sampling and Analysis. If the licensee conducts any additional environmental sampling or analysis beyond that required by this license, the results of such sampling or analysis shall be reported in accordance with Condition II.L.4. of this license. Such increased frequency shall also be indicated in the Environmental Monitoring Report. {R 299.9521(1)(a) and 40 CFR §270.30(l)(4), which is ABR in R 299.11003}
6. Reporting of Noncompliance. The licensee shall immediately report to the Chief of the Waste Management Division any noncompliance with the license that may endanger human health or the environment. The licensee shall fulfill this reporting requirement by doing both of the following:
  - (a) The licensee shall immediately contact the Chief of the Waste Management Division at 517-373-2730, 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 Department of Environmental Quality Pollution Emergency Alerting System (PEAS) telephone number 1-800-292-4706 during all other times. This report shall include the following:
    - (i) Information concerning the release or discharge of any hazardous waste or hazardous waste constituent which may endanger public drinking water supplies or the environment;
    - (ii) Information concerning the fire, explosion, or other release or discharge of any hazardous waste or hazardous waste constituent which could threaten human health or the environment or a spill that has reached surface water or groundwater;
    - (iii) A description of the occurrence and its cause, including all of the information outlined in R 299.9607(2)(a)-(i).

- (b) The licensee shall also follow-up the verbal report by providing a written report to the Chief of the Waste Management Division within five days of the time the licensee becomes aware of the circumstances. The written report shall contain all of the information in Condition II.L.7.(a)(i)-(iii) 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 licensee need not comply with the five-day written notice requirement if the Chief of the Waste Management Division waives the requirement and the licensee submits a written report containing this information within 15 days of the time the licensee becomes aware of the circumstances.  
{R 299.9521(1)(a) and R 299.9607 and 40 CFR §270.30(l)(10), which is ABR in R 299.11003}

7. Other Noncompliance. 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 reports shall contain the information listed in Condition I.L.7. of this license. {R 299.9521(1)(a) and 40 CFR §270.30(l)(10), which is ABR in R 299.11003}
8. Form Modification. 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 Chief of the Waste Management Division prior to implementing the use of the modified form(s). If the Chief of the Waste Management Division does not reject or require revision of the modified form(s) within 14 days of receipt, the licensee shall implement use of the modified form(s) and the form(s) shall be incorporated into this license as a replacement for the existing form(s).

**M. CLOSURE**

The licensee shall comply with the closure requirements of R 299.9613, including, but not limited to, performance standards, amendment of closure plans, notification of closure, time allowed for closure, disposal or decontamination of equipment, and certification of closure. 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. The licensee shall submit a proposed amended copy of the closure plan to the Chief of the Waste Management Division at the same time such a license modification is requested. {R 299.9613 and 40 CFR Part 264, Subpart G, except 40 CFR §§264.112(d)(1), 264.115, and 264.120, which is ABR in R 299.11003}

**N. POST-CLOSURE**

The licensee shall comply with the post-closure monitoring requirements of R 299.9613, and monitor and maintain the facility in accordance with the post-closure plan, Attachment 6 of this license. The licensee shall submit a certification of post-closure in accordance with R 299.9613(5). {R 299.9613, and 40 CFR §§264.116 through 264.119, which are ABR in R 299.11003}

**O. COST ESTIMATE FOR FACILITY CLOSURE AND POST-CLOSURE**

1. At the time of issuance of this license, the closure cost estimate is \$6,144,258 and the post-closure cost estimate is \$5,218,386.
2. The licensee shall comply with the closure and post-closure cost estimate requirements of R 299.9702, including, but not limited to, adjustment of the closure and post-closure cost estimates and maintenance of the latest cost estimates at the facility. {R 299.9702 and 40 CFR §264.142 and 264.144, which are ABR in R 299.11003}.

**P. FINANCIAL ASSURANCE FOR FACILITY CLOSURE AND POST-CLOSURE**

1. The licensee shall provide and continuously maintain closure and post-closure financial assurance in accordance with R 299.9703 in an amount at least equal to the cost estimates required by Condition II.O. of this license. The licensee shall submit all proposed changes in the mechanism(s), other than renewals, extensions, or increases in the amount of assurance, to the Chief of the Waste Management Division and obtain his approval prior to implementation. The licensee shall provide the Chief of the Waste Management Division with a signed original of all revisions and renewals within 60 days after such revision or renewal, by the applicable deadlines specified in R 299.9704 through R 299.9709, and prior to the anniversary of the establishment of the financial mechanism(s) provided to satisfy the requirements of this condition.
2. Whenever the current closure or post-closure cost estimates increase to an amount greater than the current amount of the associated financial mechanisms, the licensee shall, within 60 days after the increase, either increase the amount of the mechanisms to an amount at least equal to the increased closure and post-closure cost estimates, or provide an additional financial mechanism approved by the Chief of the Waste Management Division for an amount at least equal to the difference between the current amount of financial assurance and the increased closure and post-closure cost estimates. Evidence of such increased financial assurance must be submitted to the Chief of the Waste Management Division during the 60-day period.

**Q. LIABILITY REQUIREMENTS**

The licensee shall continuously maintain liability coverage for sudden and accidental occurrences and non-sudden accidental occurrences, as required by R 299.9710, except as otherwise allowed by that rule. The licensee shall submit to the Chief of the Waste Management Division a signed original pollution liability insurance amendatory endorsement or other financial mechanism approved by the Chief of the Waste Management Division prior to the anniversary date of the establishment of the mechanism(s) used to satisfy the requirements of this condition. In the case of the financial test or corporate guarantee, the licensee shall submit the updated financial information within 90 days of the close of each succeeding fiscal year.

**R. WASTE MINIMIZATION**

The licensee shall certify at least annually that the licensee has a program in place to reduce the volume and toxicity of hazardous waste that the licensee generates to the degree determined by the licensee to be economically practicable; and the proposed method of treatment, storage, or disposal is the practicable method currently available to the licensee which minimizes the present and future threat to human health and the environment. The certification shall be recorded, as it becomes available, and maintained in the operating record until closure of the facility. {R 299.9609(1)(a), 40 CFR §264.73(b)(9), which is ABR in R 299.11003, and Section 3005(h) of RCRA, 42 U.S.C. Section 6925(h)}

**S. 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, which is ABR in R 299.11003}

**T. AIR EMISSION STANDARDS**

The licensee shall notify the Chief of the Waste Management Division of any waste management units which become subject to the requirements of 40 CFR Part 264, Subparts AA and BB, within 30 days of 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}

**U. 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/post-closure is completed, certified by an independent registered professional engineer, and the facility is released from financial assurance requirements for closure/post-closure by the Director:

1. Waste analysis plan, including QA/QC plan.
2. Inspection schedules and records.
3. Personnel training documents and records.
4. Contingency plan.
5. Closure and post-closure plans.
6. Cost estimates for facility closure and post-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).

{R 299.9521(3)(a)}

**PART III**

**LANDFILL DISPOSAL CONDITIONS**

**A. COVERAGE OF LICENSE**

1. The hazardous waste landfill and related appurtenances (piping, pumps, operation and maintenance buildings, etc.) at the facility shown on Drawing 8 are covered by this license. Any expansion or enlargement beyond the design capacity of 11,000,000 cubic yards or beyond the area shown on Drawing 8 requires a construction permit from the Chief of the Waste Management Division. {R 299.9521(1)(b)}
2. Drawing 8 and the attached plans and specifications are incorporated into this license as Attachment 7.

**B. WASTE IDENTIFICATION AND QUANTITY**

1. The licensee, except to the extent prohibited under Condition V.B.3. below, may dispose a total volume of 11,000,000 cubic yards of hazardous and compatible nonhazardous waste which may include commercial and industrial sources and household hazardous wastes in the landfill, subject to the terms of this license. The licensee shall not dispose of any hazardous waste not listed in Attachment 8 of this license, unless the Chief of the Waste Management Division approves the disposal of such waste types through an amendment to this license. {R 299.9521(2)(d)}
2. The licensee, except to the extent prohibited under condition V.B.3. below, may dispose of PCB wastes listed in Attachment 8 of this license. This license constitutes authorization pursuant to Part 147 of Act 451 to dispose of PCB wastes. The licensee must also obtain written approval from U.S. EPA pursuant to the federal Toxic Substance Control Act (TSCA) prior to disposing any PCB waste in the landfill.
3. The licensee shall not accept for disposal any hazardous waste not listed in Attachment 8 of this license or any incompatible nonhazardous wastes or materials which meet any of the following criteria {R 299.9521(2)(d)}:
  - (a) Ignitable wastes as described in R 299.9212(1) {R 299.9619}
  - (b) Reactive wastes as described in R 299.9212(3) {R 299.9619}
  - (c) Bulk or noncontainerized liquid waste or waste containing free liquids. {R 299.9619(2) and 40 CFR §264.314(b), which is ABR in R 299.11003}
  - (d) Containers holding free liquids. {R 299.9619(5) and 40 CFR §264.314(d), which is ABR in R 299.11003}
  - (e) Waste which will:
    - (i) Adversely affect the permeability of the clay liner. {R 299.9521(3)(b), R 299.9619, and R 299.9620, and 40 CFR §264.301, which is ABR in R 299.11003}
    - (ii) Produce a leachate that is incompatible with the clay liner, leachate collection system piping, or the off-site sewer system. {R 299.9521(3)(b), R 299.9619, and R 299.9620(3), and 40 CFR §264.301, which is ABR in R 299.11003}
    - (iii) Generate gases that will adversely affect the permeability of the clay cap or create a violation of Part 55 of Act 451. {R 299.9602 and R 299.9619(5)(c)}

4. The licensee shall provide a written notification to the transportation companies that deliver to the facility that:
  - (a) Wastes shipped to the facility must be placed into closed containers or covered during transportation.
  - (b) All trucks transporting hazardous waste to or from the facility shall use Rawsonville Road to enter and exit the facility.
  - (c) Trucks transporting hazardous waste to or from the facility shall not park or stand on the I-94 Service Drive.

All containers on site shall be closed or otherwise totally contained or covered unless they are being sampled and/or visually inspected or in the process of being filled or emptied. {R 299.9521(3)(b)}

**C. DESIGN AND RUN-ON, RUNOFF, AND CONTAMINANT CONTROL**

1. The licensee shall maintain a liner system in accordance with R 299.9619 and R 299.9620. {R 299.9619, R 299.9620, R 299.9621, and 40 CFR §§264.301 and 264.303, which are ABR in R 299.11003}
2. The licensee shall insure that all uncovered portions of constructed liners, leak detection systems, and leachate collection systems are adequately protected from vegetation, desiccation, clogging, freeze-thaw effects, weathering and all other deteriorating processes. {R 299.9619, R 299.9620, and 40 CFR §§264.301 and 264.303, which are ABR in R 299.11003}
3. The licensee shall have a licensed professional engineer inspect any portions of the natural or recompacted clay not protected from weathering for more than 90 days and the leachate collection system not protected from clogging and weathering for more than 90 days. If repair is necessary the engineer shall specify repair of any areas in accordance with the approved plans and specifications where he or she determines by visual inspection that desiccation, erosion, clogging, or weathering has occurred to the extent that the design specifications are no longer met. The results of these inspections shall be maintained in accordance with Condition I.H. of this license. {R 299.9619, R 299.9620, and 40 CFR §§264.301 and 264.303, which are ABR in R 299.11003}
4. All areas repaired in accordance with Condition C.3. of this part must be recertified by a licensed professional engineer. The licensee shall submit the recertification to the Chief of the Waste Management Division. {R 299.9619, R 299.9620, and 40 CFR §§264.301 and 264.303, which are ABR in R 299.11003}
5. The licensee shall operate and maintain a run-on control system capable of preventing storm water flow onto the active portions of the landfill during peak discharge from at least a 24-hour, 25-year storm. {R 299.9604(1)(a)}
6. The licensee shall operate and maintain a runoff management system to collect and control the storm water volume resulting from at least a 24-hour, 100-year storm, as specified in the attached plans and specifications in Attachment 7 of this license. {R 299.9604(1)(b)}
7. The licensee shall expeditiously empty or otherwise manage collection and holding facilities (e.g., tanks or catch basins) associated with run-on and runoff control systems after storms to maintain the design capacity of the system. {R 299.9619 and 40 CFR §264.301(h), which is ABR in R 299.11003}

8. The licensee shall cover or otherwise manage the landfill to control dispersal of particulate matter. The cover shall consist of ConCover-TM, at least 15 cm of clean soil, or an equivalent other material approved by the Chief of the Waste Management Division. {R 299.9619 and 40 CFR §264.301(i), which is ABR in R 299.11003}
9. The licensee shall effectively control fugitive air emissions from construction activities, internal roads, and vehicle wash facilities at the landfill in such a manner that air emissions generated therefrom do not result in a violation of Part 55 of Act 451. {R 299.9602(1)(b)}
10. The licensee shall cease the placement of waste in the landfill when a rolling 60 minute wind speed average, recalculated at 10 minute intervals, reaches or exceeds 20 mph, or at any time the instantaneous wind speed reaches or exceeds 25 mph. The results of the calculated average wind speed and the maximum wind speed during the most recent 10 minute period shall be recorded while placement of waste is ongoing and maintained in the operating record. In the event of mechanical or electrical failure of the wind speed monitoring equipment, which cannot be immediately repaired, the licensee will contact WMD to develop alternative monitoring procedures. {R 299.9611(5) and R 299.9521(3)(b)}
11. The licensee shall operate and maintain a waste transport vehicle wash facility. The licensee shall ensure that all waste transport vehicles traveling on active portions of the site and vehicles that enter the landfill cell are cleaned and decontaminated at this facility before leaving the active area. {R 299.9521(3)(b)}
12. The licensee shall operate all vehicles in a manner that will minimize the contamination of facility haul roads (outside of active cell). {R299.9521(3)(b) and R 299.9604(1)(c)}
13. The licensee shall manage any waste generated at the vehicle wash facility in accordance with all applicable generator requirements under Part 111 of Act 451 and the rules. {R 299.9301(2)}
14. The licensee shall operate and maintain a leachate collection and removal system in accordance with R 299.9619, 40 CFR §264.301(a)(2), which is ABR in R 299.11003, and the attached plans and specifications in Attachment 7 of this license. The leachate captured by this system shall be treated as necessary and discharged to the municipal sewer system in accordance with the applicable pretreatment standards.

**D. WASTE PLACEMENT**

1. Prior to the placement of waste in the landfill, the licensee shall comply with Condition II.S. of this license. {R 299.9627 and 40 CFR Part 268, which is ABR in R 299.11003}
2. The licensee shall only allow placement of waste within the boundary of Master Cell VI while WDI personnel are present to observe and confirm that the waste is appropriate for disposal. All containerized waste placed on the transfer pad for sampling shall be removed within that operating day. {R 299.9521(3)(b)}

3. The licensee shall not place small containers of hazardous waste in overpacked drums (lab packs) unless the provisions of 40 CFR §264.316 are met. {R 299.9619 and 40 CFR §264.316, which is ABR in R 299.11003}
4. The licensee shall ensure that containers are at least 90 percent full when placed in the landfill, or crushed, shredded or similarly reduced in volume to the maximum practical extent before burial in the landfill. If crushed at the licensed facility, containers shall be crushed only inside the active landfill cell. {R 299.9619 and 40 CFR §264.315, which is ABR in R 299.11003}
5. The licensee shall only place macroencapsulated waste in the landfill in accordance with "special burial" procedures approved in writing by the Chief of the Waste Management Division.  
{R 299.9521(3)(b)}
6. The licensee shall not place incompatible wastes or incompatible wastes and materials in the same landfill cell, unless the provisions of 40 CFR §264.17(b) are met. {R 299.9521(2)(d) and (3)(b), R 299.9619, and 40 CFR §264.313, which is ABR in R 299.11003}
7. The licensee shall record the contents, quantity and location of each daily waste deposit in the operating record. This information shall be recorded on a map or diagram of the landfill and shall include cross references to specific manifest document numbers, if the waste was accompanied by a manifest.  
{R 299.9609 and R 299.9619 and 40 CFR §§264.73(b)(2) and 264.309, which are ABR in R 299.11003}
8. After waste placement reaches the grade of the perimeter of the active landfill cell, the licensee shall annually survey and record the elevations of waste in the cell to insure that final grades as shown in Drawing 12 in Attachment 7 of this license, are not exceeded. The results of the survey shall be submitted to the Chief of the Waste Management Division within 90 days of completion of the survey.  
{R 299.9521(1)(b) and (3)(a)}

**E. CLOSURE**

1. The licensee shall complete closure in accordance with the engineering plans and specifications, and the construction quality assurance plan in the approved closure plan, Attachment 5 of this license.  
{R 299.9613, R 299.9619(1) and (5), and 40 CFR §264.310, which is ABR in R 299.11003}
2. The licensee shall notify the Waste Management Division, Southeast Michigan district staff, and the Lansing Hazardous Waste Program Section staff, at least one week in advance of key events, to enable staff to be present to observe and/or take samples during the final cover placement activities. Key events include test fill construction, placement of clay liner, placement and seaming of synthetic liner, and placement of drainage media and topsoil. {R 299.9521(1)(a) and (3)(a) and 40 CFR §270.30(i), which is ABR in R 299.11003}
3. The licensee shall construct the clay component of the final cover by using the same equipment, procedures, and methods used in constructing the test fill. If the materials, equipment or methods change significantly, a new test fill shall be constructed. {R 299.9521(3)(a) and (b), R 299.9619(5), R 299.9620, and R 299.9621}
4. After completion of the final cover, the licensee shall survey the benchmarks and final cover once every two years. A contour map of the final cover shall be submitted to the Chief of the Waste Management Division within 90 days of completion of survey. {R 299.9619 and 40 CFR §264.310(b)(1), (5) and (6), which is ABR in R 299.11003}

**F. ADDITIONAL REPORTING**

The licensee shall submit an annual inspection and maintenance summary report to the Chief of the Waste Management Division by March 1st of each year during the active life of the landfill and the post-closure care period. The annual inspection and maintenance report shall include the following:

1. A summary of all maintenance activities performed by the licensee to maintain the integrity of the active landfill.
2. A summary of all maintenance activities performed by the licensee to maintain the integrity of the final cover such as mowing, fertilization, and liming, and a copy of the associated inspection logs.  
{R 299.9521(2)(a) and (b) and 40 CFR §270.31, which is ABR in R 299.11003}

## PART IV

### ENVIRONMENTAL MONITORING CONDITIONS

The analysis of PCB compounds included in these environmental monitoring programs shall only be required if the licensee receives written approval from U.S. EPA pursuant to the federal Toxic Substance Control Act (TSCA) to dispose of PCB wastes in the landfill.

#### A. GROUNDWATER MONITORING PROGRAM

1. The licensee shall conduct a detection monitoring program. Under this program, the licensee shall operate and maintain a groundwater monitoring system consisting of monitoring wells labeled OB-18, OB-19R, OB-20, OB-21, OB-22, OB-23R, OB-24, OB-25, OB-26A, OB-27A, OB-28, OB-29, OB-30, OB-31AR, OB-32, OB-34R, OB-35, OB-36, OB-37, OB-38, OB-39, and OB-40R as shown on Attachment A of the Groundwater Monitoring Program Sampling and Analysis Plan, Attachment 9 of this license. {R 299.9611(2)(b) and R 299.9612}

The licensee shall sample the monitoring wells in accordance with the procedures specified below:

- (a) Static water level measuring devices, pumps and/or sampling equipment shall be compatible with the parameters sampled and must be thoroughly cleaned and rinsed before use in each monitoring well or piezometer. Sampling procedures shall assure that cross-contamination and changes in water chemistry do not occur. {R 299.9612 and 40 CFR §264.97(d) and (e), which are ABR in R 299.11003}
- (b) The static water elevation shall be determined by methods giving precision to 1/8 inch or 0.01 foot prior to purging water from the wells for sampling. Measurements shall be made from the top of the casing with the elevation of all casings in the monitoring well system related to a permanent reference point, using United States Geological Survey (USGS) datum. The licensee shall determine static water levels at all the wells identified on Attachment A of the Groundwater Monitoring Program Sampling and Analysis Plan Attachment 9 of this license. {R 299.9612 and 40 CFR §264.97(f), which is ABR in R 299.11003}
- (c) To ensure a representative sample, a volume of water shall be purged that is equal to or greater than three times the amount of water in the well casing, or until pH and specific conductance stabilize, or until the well is dry, before obtaining a sample for analysis as specified in Section III of The Groundwater Monitoring Program Sampling and Analysis Plan, Attachment 9 of this license. Wells shall be sampled immediately after purging where recovery rates allow. Where wells are pumped dry during purging, recovery rates shall be determined and samples taken as soon as sufficient recovery occurs. {R 299.9612 and 40 CFR §264.97(d) and (e), which are ABR in R 299.11003}
- (d) Water removed from each monitoring well shall be managed as specified in Section III of Attachment 9 of this license. {R 299.9521(3)(b)}
- (e) All monitoring wells and piezometers shall have protective barriers, be clearly labeled, securely capped, and locked when not in use. {R 299.9612 and 40 CFR §264.97(c)-(e), which are ABR in R 299.11003}

- (f) Prior to undertaking monitoring well or piezometer replacement or repair, the licensee shall obtain the written approval of the Waste Management Division, unless the location, design, and depth of the replacement monitoring well or piezometer remain unchanged. {R 299.9519(5)(c)(i)}
2. The licensee shall collect and analyze samples according to the schedule, parameters, and procedures specified in the Groundwater Monitoring Program Sampling and Analysis Plan, Attachment 9 of this license. The licensee shall submit proposed revisions to the Groundwater Monitoring Program Sampling and Analysis Plan to the Chief of the Waste Management Division for approval prior to implementation and shall revise any other affected document accordingly. If approved, the revisions shall become part of this operating license. {R 299.9519(5)(c)(ii), R 299.9611(2)(a), R 299.9612, and 40 CFR §264.97(d) and (e), which are ABR in R 299.11003}
3. The licensee shall submit an annual groundwater report to the Chief of the Waste Management Division no later than March 1 for the previous calendar year's activities. The report shall include a summary of groundwater quality data, data graphs, data tables, statistical analyses to date, and identification of any statistically significant increases (and/or pH decreases) pursuant to Conditions IV.A.6. and IV.A.11. of this license. The licensee shall determine the groundwater flow rate and direction in the monitored zones at least annually, and provide a groundwater contour map and flow net diagram from this data. This annual report is in addition to the reporting requirements of Condition II.L.4. of this license. {R 299.9612(1) and 40 CFR §264.97(j), which is ABR in R 299.11003}
4. Establishing Background. The licensee shall establish background groundwater quality values at monitoring well[s] for the parameters specified in Table 3 of Attachment H of The Groundwater Monitoring Program Sampling and Analysis Plan, Attachment 9 of this license.
- (a) Background values for the primary parameters shall be the laboratory detection limit for the chemical or in specific cases where the chemical may be present as a common laboratory contaminant, a more rigorously determined limit, as specified in Section 3.2 of The Statistical Monitoring Plan For Groundwater Monitoring, Attachment L of Attachment 9 of this license.
- (b) Background values for the secondary parameters shall be calculated annually for each monitoring well in accordance with the specifications contained in Section 3.2 of The Statistical Monitoring Plan For Groundwater Monitoring, Attachment L of Attachment 9 of this license.
- (c) In the event that groundwater quality at the upgradient wells shows a significant change, a petition may be submitted to the Chief of the Waste Management Division to re-establish background quality. Background values may be re-established only upon written approval of the Chief of the Waste Management Division.
- {R 299.9612(1)(d) and (e) and 40 CFR §264.97(a) and (g), which are ABR in R 299.11003}
5. Detection Monitoring Program. The licensee shall quarterly sample the monitoring wells listed in Table 3, and analyze each sample for the primary, secondary, and tertiary parameters listed in the Table. Data and evaluations must be submitted to the Chief of the Waste Management Division in accordance with the time frame specified in Condition II.L.4. of this license. Table 3 is included in Attachment H of the Groundwater Sampling and Analysis Plan of Attachment 9 of this license. {R 299.9612 and 40 CFR §264.98}

6. Primary Parameters. Within 60 days of 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 parameter listed in Figure 1 of the Statistical Monitoring Plan for Groundwater Monitoring Data, Attachment L of Attachment 9 of this license. A statistically significant increase (or change in pH) shall be determined using the statistical evaluation specified in Attachment L of Attachment 9 of this license. {R 299.9612(1)(e) and 40 CFR §264.97(h) and (i), which are ABR in R 299.11003}
7. If a statistically significant increase (or change in pH) is detected, the licensee shall notify the Waste Management Division, Hazardous Waste Program 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 primary parameter[s] in question. {R 299.9612 and 40 CFR §264.97(g), which is ABR in R 299.11003}
8. If the licensee determines pursuant to Conditions IV.A.6. and IV.A.7. of this license that a statistically significant increase (or change in pH) has occurred for primary parameters, the licensee shall:  
{R 299.9612 and 40 CFR §264.98(f) and (g), which are ABR in R 299.11003}
  - (a) Notify the Director within one working day by calling the Chief of the Waste Management Division or the appropriate Waste Management Division District Supervisor or, in the event of their unavailability, the Department of Environmental Quality PEAS at 1-800-292-4706.
  - (b) Provide follow-up notification to the Chief of the Waste Management Division in writing within seven calendar days of the telephone call. The notification shall indicate what parameters or constituents have shown statistically significant changes and the well[s] in which the changes have occurred.
  - (c) As soon as possible, sample the groundwater in the monitoring wells within 1000 feet of the affected well, as deemed to be applicable by the Department, for primary and secondary parameters and determine the concentration of all constituents identified in Appendix IX of 40 CFR Part 261 that are present in groundwater and for which approved analysis methods exist. The licensee may submit a request for modified Appendix IX analyses for review and approval by the Chief of the Waste Management Division. The licensee shall also establish background values for Appendix IX constituents detected pursuant to R 299.9612 and 40 CFR §264.98(g)(3), which is ABR in R 299.11003.
  - (d) Immediately take steps to determine the cause of the contamination and eliminate the source of discharge.
  - (e) Within 90 days of the determination, submit to the Chief of the Waste Management Division an application for a license modification to establish a compliance monitoring and corrective action program meeting the requirements of R 299.9612. The application shall include the following information:
    - (i) An identification of the concentration of all Appendix IX constituents found in the groundwater.
    - (ii) Any proposed changes to the groundwater monitoring system at the facility necessary to meet the requirements of R 299.9612.

- (iii) Any proposed changes to the monitoring frequency, sampling and analysis procedures or methods, or statistical procedures used at the facility necessary to meet the requirements of R 299.9612.
  - (f) Within 180 days, submit to the Chief of the Waste Management Division a 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, which is ABR in R 299.11003.
  - (g) During the period prior to a license modification requiring a compliance monitoring and corrective action program, the licensee shall provide the Chief of the Waste Management Division, 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 licensee shall include in the written report the results of all samples from environmental monitoring conducted by the licensee.
9. If the licensee determines pursuant to Conditions IV.A.6. and IV.A.7. of this license that a statistically significant increase (or change in pH) in hazardous constituents has occurred in groundwater, it may demonstrate that a source other than the licensed facility caused the increase (or change in pH) or that the increase (or change in pH) resulted from error in sampling, analysis or evaluation. While the licensee may make a demonstration under this condition in addition to, or in lieu of, submitting a license modification application within the time specified in Condition IV.A.8.(e) of this license, the licensee is not relieved of the requirement to submit a license modification application within the time specified unless the demonstration made under this condition successfully shows that a source other than the licensed facility caused the increase (or change in pH) or that the increase (or change in pH) resulted from an error in sampling, analysis, or evaluation. In making a demonstration under this condition, the licensee shall:
- (a) Notify the Chief of the Waste Management Division within seven days of the determination that it intends to make a demonstration under this condition.
  - (b) Within 90 days of the determination, submit a report to the Chief of the Waste Management Division that demonstrates that a source other than the licensed facility solely caused the increase (or change in pH), or that the increase (or change in pH) was caused by error in sampling, analysis, or evaluation.
  - (c) Within 90 days of the determination, submit to the Chief of the Waste Management Division an application for a license modification to make any appropriate changes to the groundwater monitoring program at the facility.
  - (d) Continue to monitor groundwater in compliance with this license.  
{R 299.9612 and 40 CFR §264.98(g)(6), which is ABR in R 299.11003}

10. In the event that the Chief of the Waste Management Division determines from the findings of Conditions IV.A.6. and IV.A.7. of this license that a statistically significant increase (or change in pH) in hazardous constituents has occurred in the groundwater, and the Chief of the Waste Management Division 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 cease waste receipt at the affected unit(s) until instructed by the Chief of the Waste Management Division that operations may resume. {R 299.9612(1)(g)}
11. Secondary Parameters. Within 60 days of 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 secondary parameter listed in Figure 1 of the Statistical Monitoring Plan for Groundwater Monitoring Data, Attachment L of Attachment 9 of this license. A significant increase (or change in pH) shall be determined using the statistical evaluation specified in Attachment L of Attachment 9 of this license. {R 299.9612(1)(c)}
12. If the licensee determines pursuant to Condition IV.A.11. of this license that a statistically significant increase (or change in pH) has occurred for any secondary parameter, the licensee shall:
  - (a) Notify the Director, within one working day, by calling the Chief of the Waste Management Division or the appropriate Waste Management Division District Supervisor.
  - (b) Resample the affected well(s) for the secondary parameters that showed a statistical increase, taking not less than four samples at each well.
  - (c) Redetermine whether or not a statistically significant increase (or change in pH) has occurred, and, within one working day, notify the Chief of the Waste Management Division.
  - (d) If confirmed, the licensee shall 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 lab analyses, calculations, field activities, and findings/conclusions, related to this determination shall be submitted within 60 days of a statistically significant determination under Condition IV.A.11. of this license.
  - (e) The licensee may demonstrate that a source other than the facility, or an error in sampling, analysis, or evaluation solely caused the increase. A report that contains the information set forth in Condition IV.A.12.(d) of this license shall be submitted within 60 days of a statistically significant determination under Condition IV.A.11. of this license. {R 299.9612(1)(c)}

**B. LEACHATE MONITORING PROGRAM**

1. The licensee shall measure the leachate level in each collection sump on a weekly basis and verify that the leachate pump and flow meter are operating properly during that field event. The procedures for conducting the inspection are specified in Section 3.0 of the Leachate Sampling and Analysis Plan, Attachment 10 of this license.
2. The licensee shall inspect the leachate collection sumps on a monthly basis for deterioration and/or damage and monitor the total monthly volume of leachate pumped from each collection sump and record this information on the operating record for the facility. {R 299.9609(1)(b) and R 299.9619(4)(c)(iii)}
3. The licensee shall jet-out the leachate collection system through the leachate clean-out pipes once every two (2) years, or more frequently if needed, to minimize blockage that could cause leachate to build up on the base of the disposal cells.

4. The licensee shall collect samples on a semi-annual basis from each of the (17) leachate collection sumps located in Master Cells V, VI, and VII.
  - (a) Samples shall be collected in accordance with the procedures specified in Section 4.0 of the Leachate Sampling and Analysis Plan, Attachment 10 of this license, and they shall be analyzed for the parameters listed on Table 6 of that same plan.
  - (b) In addition to monitoring the leachate for the parameters identified in Condition IV.B.4.(a), above, the licensee shall collect annual samples from one (1) sump location in each of Master Cells V, VI, and VII and analyze the samples for the 40 CFR Appendix IX parameters. A list of these parameters is contained on Table 7 in the Leachate Sampling and Analysis Plan, Attachment 10 of this license. The sampling locations in each master cell shall be rotated over a five (5) year period so that leachate from each of the thirteen (13) collection sumps will be characterized. Following completion of the initial five (5) year cycle, the Appendix IX sampling shall continue on this schedule for each open cell.
  - (c) If it is determined that the leachate contains organic constituents other than those that are routinely monitored as per Condition IV.B.4.(a) of this license, the licensee shall submit a written report to the Waste Management Division stating whether or not the parameter should be added to the leachate program. If, upon review of the report, the Waste Management Division determines that the parameter is present in significant concentrations in the leachate and/or may pose a serious environmental hazard due to the nature of the constituent, the licensee shall be required to add the parameter to the leachate program and it shall become a routine leachate indicator.
5. The licensee shall report leachate monitoring results as required by Condition II.L.3. of this license. This information shall be signed and certified in accordance with Condition I.F. of this license.
6. The licensee shall submit an annual leachate monitoring report to the Waste Management Division by March 1 of each year during the active life of the landfill and the post-closure care period.
  - (a) The annual leachate monitoring report shall be signed and certified in accordance with Condition I.F. of this license.
  - (b) During the active life of the landfill, the annual leachate monitoring report shall summarize the results of the leachate analytical data that was collected at the facility and recommend any refinements deemed necessary to the leachate and the groundwater and leak detection/lysimeter monitoring programs. If the licensee determines that organic chemicals are newly present or present at increased concentrations in the leachate, and a determination is made to add the parameter(s) to the leachate monitoring program, the parameters shall also be added to the groundwater and the leak detection monitoring programs and they shall be sampled on at least an annual basis. If an added parameter is not detected in the same leachate sump over two consecutive samplings and it is not detected during this period in the groundwater or the leak detection system, it may be removed from these programs, if approved in writing by the Chief of the Waste Management Division.
  - (c) During the active life of the landfill and during the post-closure care period, the annual leachate monitoring report shall include:
    - (i) Leachate volume calculations.
    - (ii) A graphical presentation of the monthly and yearly quantities of leachate being generated and pumped from the landfill.

- (iii) A graphical comparison between leachate quantities pumped/generated during the reported year and the leachate quantities pumped/generated from previous years.
- (iv) Reasons for increases/decreases in leachate quantities. If there is an increase in leachate quantities, the source shall be indicated in the leachate monitoring report. {R 299.9521(3)(a) and (b) and R 299.9611(5)}

**C. LEAK DETECTION SYSTEM MONITORING PROGRAM**

1. The licensee shall withdraw liquid collected in the leak detection system in Master Cell VI on at least a monthly basis. In addition, the licensee shall:
  - (a) Inspect each of the (9) leak detection system sumps in Master Cell VI on a weekly basis to confirm that the pump system is operating properly and that there is no evidence of damage or tampering that could allow waste or waste constituents to have entered the system. Information from this inspection shall be reported on the form that is included as Attachment D in the Leak Detection, Collection, and Removal Systems Sampling and Analysis Plan, Attachment 11 of this license.
  - (b) Record the volume of liquid withdrawn from Sumps VI-A-South, VI-A-North, VI-B, VI-C, and VI-D, located in the Master Cell, and test samples of the discharge water from each sump for pH and specific conductance on a monthly basis. This information shall be reported on the form that is included as Attachment C in the Leak Detection, Collection, and Removal Systems Sampling and Analysis Plan, Attachment 11 of this license.
  - (c) If any sump yields volume measurements above the maximum expected volume, calculated as per Section 7.1 in the Leak Detection, Collection, and Removal Systems Sampling and Analysis Plan, or conductance values exceed the mean plus three (3) standard deviations, as calculated from the last eight (8) conductance values, samples shall be collected from the affected sump and analyzed for the parameters specified in Condition IV.C.2. of this license.
  - (d) The licensee shall collect a sample from any Master Cell VI sump whenever the cap is removed or the riser is damaged or modified to such extent that the integrity of the riser is compromised. The sample shall be collected within 72 hours of the subject activity and the licensee shall analyze and evaluate the sample in a manner consistent with conditions IV.C.2. and 3 of this license.
2. The licensee shall collect samples from the five (5) sump locations in Master Cell VI on a quarterly basis and analyze the samples for the parameters listed in Attachment F of the Leak Detection, Collection, and Removal Systems Sampling and Analysis Plan, Attachment 11 of this license.
3. The licensee shall establish a background statistical value for the organic parameters listed in Attachment F in the Leak Detection, Collection, and Removal Systems Sampling and Analysis Plan, Attachment 11 of this license, in accordance with the procedures contained in Attachment H of that plan.
4. If additional parameters must be added to the leak detection monitoring program in accordance with Condition IV.B.6.(b) of this license, the licensee must provide written notification to the Chief of the Waste Management Division requesting modification to the program. If background has not already been established for these additional parameters, the notification must propose a plan to determine background for these constituents on an accelerated schedule.

5. The licensee shall provide written notification to the Chief of the Waste Management Division requesting any changes that need to be made to the approved Leak Detection, Collection, and Removal Systems Sampling and Analysis Plan, Attachment 11 of this license, and obtain written approval prior to implementation.
6. The licensee shall, within 60 calendar days of the sampling, report in writing to the Chief of the Waste Management Division the laboratory data and the results from the statistical evaluation performed in accordance with the Leak Detection, Collection and Removal Systems Sampling and Analysis Plan, Attachment 11 of this license.
7. If a statistically significant increase is detected in any of the monitored parameters, the licensee shall immediately notify the Waste Management Division that this situation has occurred and arrange for a resampling of the affected sump(s) as soon as possible to confirm if the statistical increase exists. If adequate water can be obtained from the system, confirmation samples shall be collected in quadruplicate.
8. If the licensee confirms that a statistically significant increase in a monitored parameter has occurred, the following actions must be taken:
  - (a) Immediately notify the Director by calling the Chief of the Waste Management Division or the Waste Management Division, Livonia District Supervisor, in accordance with Condition II.L.6. of this license.
  - (b) Provide follow-up notification to the Chief of the Waste Management Division in writing within five calendar days of the telephone call in accordance with Condition II.L.6. of this license.
  - (c) Begin immediate action to implement the current contingency plan, as appropriate.
  - (d) Determine, within 30 calendar days of notification, whether a failure in the liner system has occurred.
  - (e) Provide the Chief of the Waste Management Division, 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 the results of all samples from environmental monitoring conducted by the licensee.
9. If the determinations made pursuant to Condition IV.C.8.(d) of this license indicate a release of contaminants from the Master Cell VI primary liner system, the licensee shall do either of the following:
  - (a) Begin immediate action to repair failures in the liner system or otherwise correct the problem and demonstrate to the Chief of the Waste Management Division within 72 hours that the action being taken will contain the release of contaminants and maintain the capability of the system to detect contaminants that may enter the leak detection system. The licensee shall complete the repair and corrective activities pursuant to a schedule approved by the Chief of the Waste Management Division, and shall obtain the certification of a registered professional engineer that, to the best of his or her knowledge or opinion, the remedial actions have been completed. If the Chief of the Waste Management Division determines that the failure cannot be corrected on a schedule which insures the protection of human health and the environment, the licensee shall comply with Condition IV.C.9.(b) of this license.

- (b) Cease placing waste into the affected area in Master Cell VI and take action to prevent the migration of hazardous waste and hazardous waste constituents from the area on a schedule approved by the Chief of the Waste Management Division, and propose a plan to address any environmental damages that may have occurred as a result of the failure.
10. If the licensee determines pursuant to Conditions IV.C.7. and IV.C.8. of this license that a statistically significant increase in hazardous constituents has occurred in the leak detection system, it may demonstrate that a source other than the licensed facility caused the increase or that the increase resulted from error in sampling, analysis or evaluation. In making a demonstration under this condition, the licensee shall:
- (a) Notify the Chief of the Waste Management Division within seven days of the determination that it intends to make a demonstration under this condition.
  - (b) Within 90 days of the determination, submit a report to the Chief of the Waste Management Division that demonstrates that a source other than the licensed facility solely caused the increase or that the increase was caused by error in sampling, analysis, or evaluation. The report shall be signed and certified in accordance with Condition I.F. of this license.
  - (c) Continue to monitor the leak detection system in compliance with this license.
11. The licensee shall report leak detection monitoring results as required by Condition II.L.3. of this license. In addition to these requirements, the licensee shall provide the Chief of the Waste Management Division with a written annual report by March 1 of each year summarizing the data and the monitoring program results from the previous calendar year. The annual report shall include graphical presentations summarizing volume pumped from the leak detection system per month and volume pumped from the leak detection system versus volume pumped from the leachate collection system. The annual report shall reference and be part of the annual leachate monitoring report required in Condition IV.B.6. of this license. All monitoring reports shall be signed and certified in accordance with the requirements in Condition I.F. of this license.  
{R 299.9521(3)(a) and (b) and R 299.9611(5)}

**D. LYSIMETER MONITORING PROGRAM**

- 1. The licensee shall collect samples from lysimeter pairs V-B, VII-A, VII-B, VII-C-East, and VII-C-West, installed beneath Master Cells V and VII, on a semiannual basis and analyze the samples for the parameters listed on Table 3 in the Lysimeter Monitoring Sampling and Analysis Plan, Attachment 12 of this license.
- 2. The licensee shall establish a background statistical value for the organic parameters listed on Table 3 in the Lysimeter Monitoring Sampling and Analysis Plan, Attachment 12 of this license, in accordance with the procedures contained in Attachment A of that plan.
- 3. If additional parameters must be added to the lysimeter monitoring program in accordance with Condition IV.B.6.(b) of this license, the licensee must provide written notification to the Chief of the Waste Management Division requesting modification to the program. If background has not already been established for these additional parameters, the notification must propose a plan to determine background for these constituents on an accelerated schedule.
- 4. The licensee shall provide written notification to the Chief of the Waste Management Division requesting any changes that need to be made to the approved Lysimeter Monitoring Sampling and Analysis Plan, Attachment 12 of this license, and obtain written approval prior to implementation.

5. The licensee shall, within 60 calendar days of the sampling, report in writing to the Chief of the Waste Management Division the laboratory data and the results from the statistical evaluation performed in accordance with the Lysimeter Monitoring Sampling and Analysis Plan, Attachment 12 of this license.
6. If a statistically significant increase is detected in any of the monitored parameters, the licensee shall immediately notify the Waste Management Division that this situation has occurred and arrange for a resampling of the affected lysimeter(s) as soon as possible to confirm if the statistical increase exists. If adequate water can be obtained from the system, confirmation samples shall be collected in quadruplicate.
7. If the licensee confirms that a statistically significant increase in a monitored parameter has occurred, the following actions must be taken:
  - (a) Immediately notify the Director by calling the Chief of the Waste Management Division or the Waste Management Division, Livonia District Supervisor, in accordance with Condition II.L.6. of this license.
  - (b) Provide follow-up notification to the Chief of the Waste Management Division in writing within five calendar days of the telephone call in accordance with Condition II.L.6. of this license.
  - (c) Begin immediate action to implement the current contingency plan, as appropriate.
  - (d) Determine, within 30 calendar days of notification, whether a failure in the liner system has occurred.
  - (e) Provide the Chief of the Waste Management Division, 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 the results of all samples from environmental monitoring conducted by the licensee.
8. If the determinations made pursuant to Condition IV.D.7.(d) of this license indicate a release of contaminants from Master Cells V or VII, the licensee shall do either of the following:
  - (a) Begin immediate action to repair failures in the liner system or otherwise correct the problem and demonstrate to the Chief of the Waste Management Division within 72 hours that the action being taken will correct the release of contaminants and clean up contaminants that may have leaked from the system. The licensee shall complete the repair and cleanup activities pursuant to a schedule approved by the Chief of the Waste Management Division, and shall obtain the certification of a registered professional engineer that, to the best of his or her knowledge or opinion, the remedial actions have been completed. If the Chief of the Waste Management Division determines that the failure cannot be corrected on a schedule which insures the protection of human health and the environment, the licensee shall comply with Condition IV.D.8.(b) of this license.
  - (b) Cease placing waste into the affected area and take action to prevent the migration of hazardous waste and hazardous waste constituents on a schedule approved by the Chief of the Waste Management Division, and propose a plan to address any environmental damages that may have occurred as a result of the failure.

9. If the licensee determines pursuant to Conditions IV.D.7. and IV.D.8. of this license that a statistically significant increase in hazardous constituents has occurred in the lysimeter program, it may demonstrate that a source other than the licensed facility caused the increase or that the increase resulted from error in sampling, analysis or evaluation. In making a demonstration under this condition, the licensee shall:
  - (a) Notify the Chief of the Waste Management Division within seven days of the determination that it intends to make a demonstration under this condition.
  - (b) Within 90 days of the determination, submit a report to the Chief of the Waste Management Division that demonstrates that a source other than the licensed facility solely caused the increase or that the increase was caused by error in sampling, analysis, or evaluation. The report shall be signed and certified in accordance with Condition I.F. of this license.
  - (c) Continue to monitor the lysimeter system in compliance with this license.
10. The licensee shall report lysimeter monitoring results as required by Condition II.L.3. of this license. In addition to these requirements, the licensee shall provide the Chief of the Waste Management Division with a written annual report by March 1 of each year summarizing the data and the monitoring program results from the previous calendar year. The annual report shall reference and be part of the annual leachate monitoring report required in Condition IV.B.6. of this license. All monitoring reports shall be signed and certified in accordance with the requirements in Condition I.F. of this license. {R 299.9521(3)(a) and (b) and R 299.9611(5)}

#### **E SURFACE WATER MONITORING PROGRAM**

1. The licensee shall collect surface water samples from three (3) ditch locations, identified as SS-1, SS-2, and SS-3, following a significant precipitation event in accordance with the procedures described in the Surface Water Sampling and Analysis Plan, Attachment 13 of this license. Each sample must be analyzed for the parameters listed on Table 1 of that plan.
2. Within 60 days of each sampling, the licensee shall determine if a statistically significant increase has occurred compared to background levels for each parameter listed on Table 1 in the Surface Water Sampling and Analysis Plan, Attachment 13 of this license. A significant increase shall be determined using the statistical evaluation methods specified in Attachment 1 of the Surface Water Sampling and Analysis Plan. For the organic parameters listed on Table 1 of the plan, any occurrence of the parameter above the detection level shall be considered statistically significant.
3. If statistically significant increases of monitored parameters are found, the licensee must notify the Chief of the Waste Management Division immediately by telephone, and within seven days in writing. The notification shall be signed and certified in accordance with Condition I.F. of this license.
4. Within 30 days of the determination of a statistically significant increase, the licensee shall determine whether a discharge to surface waters is occurring, determine the source, and take immediate steps to eliminate and prevent any such discharge. The licensee may demonstrate that a source other than the licensed facility caused the increase or that the increase resulted from error in sampling, analysis or evaluation.
5. The licensee shall report surface water monitoring results as required by Condition II.L.3. of this license. This information shall be signed and certified in accordance with Condition I.F. of this license. {R 299.9521(3)(a) and (b) and R 299.9611(5)}

**F. SEDIMENTATION BASIN MONITORING PROGRAM**

1. The licensee shall collect individual grab sediment samples from six (6) locations in the sedimentation basin on an annual basis in accordance with the locations and procedures described in the Sedimentation Basin Sampling and Analysis Plan, Attachment 14 of this license. Each sample must be analyzed for the list of parameters identified on Table 1 of the plan. An additional sample, a single composite made up from sediment collected from each of the six (6) individual locations, shall be analyzed for the list of parameters identified on Table 2 of the plan. Analysis of the composite sample shall only be required if the licensee receives written approval from the EPA authorizing disposal of PCB wastes.
2. Within 60 days of each sampling, the licensee shall determine if a statistically significant increase has occurred compared to background levels for each parameter listed on Table 1 in the Sedimentation Basin Sampling and Analysis Plan, Attachment 14 of this license. A significant increase shall be determined using the statistical evaluation methods specified in the monitoring plan. For the organic parameters listed on Table 1 of the plan, any occurrence of the parameter above the detection level shall be considered statistically significant.
3. If statistically significant increases of monitored parameters are found, the licensee must notify the Chief of the Waste Management Division immediately by telephone, and within seven days in writing. The notification shall be signed and certified in accordance with Condition I.F. of this license.
4. Within 30 days of the determination of a statistically significant increase, the licensee shall determine whether a discharge to surface waters is occurring, determine the source, and take immediate steps to eliminate and prevent any such discharge. The licensee may demonstrate that a source other than the licensed facility caused the increase or that the increase resulted from error in sampling, analysis or evaluation.
5. The licensee shall report sedimentation basin monitoring results as required by Condition II.L.3. of this license. This information shall be signed and certified in accordance with Condition I.F. of this license. {R 299.9521(3)(a) and (b) and R 299.9611(5)}

**G. AMBIENT AIR MONITORING PROGRAM**

1. The licensee shall conduct ambient air monitoring in accordance with the program specified in Attachment 15 of this license. {R 299.9611(2)(c)}
2. The licensee shall report ambient air monitoring results as required by Condition II.L.3. of this license. {R 299.9521(3)(a) and (b) and R 299.9611(5)}

**PART V**

**CORRECTIVE ACTION CONDITIONS**

**A. CORRECTIVE ACTION AT THE FACILITY**

The licensee shall implement corrective action for all releases of a contaminant from any waste management units at the facility, regardless of when the contaminant may have been placed in or released from the waste management unit. For the purposes of this license, the term "corrective action" means an action determined by the Chief of the Waste Management Division 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. {Sections 11102 and 11115a of Act 451 and R 299.9629}

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

The licensee shall implement corrective action beyond the facility boundary if the release of a contaminant has or may have migrated or has or may have been emitted, beyond the facility boundary, unless the licensee demonstrates to the satisfaction of the Chief of the Waste Management Division that, despite the licensee's best efforts, the licensee was unable to obtain the necessary permission to undertake this corrective action. The licensee shall not be relieved of all responsibility to clean up a release that has migrated or has been emitted beyond the facility boundary where off-site access is denied. On-site measures to address such releases shall be addressed under this part of the license, as determined to be necessary on a case-by-case basis. {Section 11115a of Act 451 and R 299.9629}

**C. IDENTIFICATION OF EXISTING WASTE MANAGEMENT UNITS**

The following waste management units (WMUs) have been identified at the facility:

|              |                               |
|--------------|-------------------------------|
| WMU Number 1 | <b>Wayne Disposal Site #1</b> |
| 2            | <b>Wayne Disposal Site #2</b> |

1. The following WMU, identified in the Release Assessment for Wayne Disposal Site #1 Landfill dated **October 7, 1992**, requires further corrective action at this time which includes, at a minimum, further investigation to determine if a release of a contaminant has occurred, and if a release has occurred, the nature and extent of the release.

a. WMU Number 1 **Wayne Disposal Site #1**

2. The following WMU does not require corrective action at this time:

The following WMU, identified in the RFI Phase 1 Environmental Monitoring Report for Wayne Disposal Site #1 Landfill and Wayne Disposal Site #2 Landfill dated July 17, 1990, require no further corrective action at this time. No further corrective action is required at this time because the unit is currently operating pursuant to the act and its rules with no evidence of a release of any contaminants. Corrective action may be required when the unit undergoes final closure.

a. WMU Number 2 **Wayne Disposal Site #2**

3. Within 30 days of discovery of a new release of a contaminant from a WMU, the licensee shall provide written notification to the Chief of the Waste Management Division. The written notification shall include all available information pertaining to the release. Based on a review of all of the information, the Chief of the Waste Management Division may require corrective action for the newly identified release. The licensee shall submit a written RCRA Facility Investigation (RFI) Work Plan to the Chief of the Waste Management Division within 60 days after written notification by the Chief of the Waste Management Division that corrective action for the release is required.  
{Section 11115a of Act 451 and R 299.9629}

**D. IDENTIFICATION OF NEW WASTE MANAGEMENT UNITS**

1. Within 30 days of discovery of a new WMU or a release of a contaminant from a new WMU, the licensee shall provide written notification to the Chief of the Waste Management Division. 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.
2. Based on a review of all of the information provided in Condition V.D.1. of this license, the Chief of the Waste Management Division may require corrective action for the newly identified WMU. The licensee shall submit a written RFI Work Plan to the Chief of the Waste Management Division within 60 days after written notification by the Chief of the Waste Management Division that corrective action for the unit is required.  
{Section 11115a of Act 451, R 299.9629, and 40 CFR §270.14(d), which is ABR in R 299.11003}

**E. RCRA FACILITY INVESTIGATION**

The licensee has conducted a RCRA Facility Investigation (RFI) to determine if a release of a contaminant(s) from any of the WMUs identified in Conditions V.C.1. of this license has occurred, and if a release(s) has occurred, evaluate the nature and extent of the release(s). The licensee shall conduct a RCRA Facility Investigation (RFI) to determine if a release of a contaminant(s) from any of the WMUs identified in Condition V.D.2. of this license has occurred, and if a release(s) has occurred, evaluate the nature and extent of the release(s). The RFI shall be conducted in accordance with Conditions V.E.1.-V.E.5. and Attachment 16, RFI Scope of Work, of this license.

1. The Chief of the Waste Management Division will approve or modify and approve the RFI Work Plan, or provide a written Notice of Deficiency on the RFI Work Plan. The licensee shall modify the RFI Work Plan in accordance with the Notice of Deficiency and submit a new RFI Work Plan or revisions to the RFI Work Plan to the Chief of Waste Management Division for approval within 30 days after receipt of the Notice of Deficiency. Upon approval by the Chief of the Waste Management Division, the RFI Work Plan becomes an enforceable condition of this license.
2. The licensee shall implement the approved RFI Work Plan within 90 days after receipt of the Chief of the Waste Management Division's written approval of the RFI Work Plan.

3. The licensee shall submit a written RFI Final Report to the Chief of the Waste Management Division for review and approval within 60 days after the completion of the RFI. The RFI Final Report shall document compliance with the approved RFI Work Plan and support further corrective action at the facility.
4. The Chief of the Waste Management Division will approve the RFI Final Report or provide a written Notice of Deficiency on the RFI Final Report. The licensee shall modify the RFI Final Report in accordance with the Notice of Deficiency and submit a new RFI Final Report or revisions to the RFI Final Report to the Chief of the Waste Management Division for approval within 30 days of receipt of the Notice of Deficiency.
5. The licensee shall submit bi-monthly written RFI progress reports to the Chief of the Waste Management Division.
6. The licensee shall comply with the time frames specified in Condition V.E.1.-V.E.5. of this license unless otherwise approved in writing by the Chief of the Waste Management Division.  
{Section 11115a of Act 451 and R 299.9629}

**F. DETERMINATION OF NO FURTHER ACTION**

1. Based on the results of the RFI and other relevant information, the licensee shall submit a written request for a minor license modification to the Chief of the Waste Management Division if the licensee wishes to terminate corrective action for a specific WMU identified in Conditions V.C.1. or V.D.2. of this license. The licensee must conclusively 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.
2. Based on the results of the RFI and other relevant information, the licensee shall submit a written request for a major license modification to the Chief of the Waste Management Division 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.
3. If, based upon a review of the licensee's request for a license modification pursuant to Conditions V.F.1. or V.F.2. of this license, the results of the completed RFI, and other relevant information, the Chief of the Waste Management Division 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 Chief of the Waste Management Division will approve the requested modification.
4. A determination of no further action shall not preclude the Chief of the Waste Management Division 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.
5. A determination of no further action shall not preclude the Chief of the Waste Management Division 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 Chief of the Waste Management Division will initiate the necessary license modifications if further corrective action is required at a later date.  
{Section 11115a of Act 451 and R 299.9629}

**G. CORRECTIVE MEASURES STUDY**

If the Chief of the Waste Management Division determines, based on the results of the RFI and other relevant information, that corrective measures are necessary, the Chief of the Waste Management Division will notify the licensee in writing that a Corrective Measures Study (CMS) is required. If required by the Chief of the Waste Management Division, the licensee shall conduct a CMS to develop and evaluate the corrective measure alternative(s) necessary to address the release(s) of a contaminant(s) and the WMU(s) that are identified in the approved RFI Final Report as requiring further corrective action. The CMS shall be conducted in accordance with Conditions V.G.1.-V.G.7. and Attachment 17, CMS Scope of Work, of this license.

1. The licensee shall submit a written CMS Work Plan to the Chief of the Waste Management Division for review and approval within 60 days after receipt of written notification that a CMS is required.
2. The Chief of the Waste Management Division will approve or modify and approve the CMS Work Plan, or provide a written Notice of Deficiency on the CMS Work Plan. The licensee shall modify the CMS Work Plan in accordance with the Notice of Deficiency and submit a new CMS Work Plan or revisions to CMS Work Plan to the Chief of Waste Management Division for approval within 30 days after receipt of the Notice of Deficiency. Upon approval by the Chief of the Waste Management Division, the CMS Work Plan becomes an enforceable condition of this license.
3. The licensee shall implement the approved CMS Work Plan within 90 days after receipt of the Chief of the Waste Management Division's written approval of the CMS Work Plan.
4. The licensee shall submit a written CMS Final Report to the Chief of the Waste Management Division for review and approval within 60 days after the completion of the CMS. The CMS Final Report shall document compliance with the approved CMS Work Plan and support further corrective action at the facility.
5. The Chief of the Waste Management Division will approve the CMS Final Report or provide a written Notice of Deficiency on the CMS Final Report. The licensee shall modify the CMS Final Report in accordance with the Notice of Deficiency and submit a new CMS Final Report or revisions to the CMS Final Report to the Chief of the Waste Management Division for approval within 30 days of receipt of the Notice of Deficiency.
6. The licensee shall submit bi-monthly written CMS progress reports to the Chief of the Waste Management Division.
7. The licensee shall comply with the time frames specified in Condition V.G.1.-V.G.6. of this license unless otherwise approved in writing by the Chief of the Waste Management Division.  
{Section 11115a of Act 451 and R 299.9629}

**H. CORRECTIVE MEASURES IMPLEMENTATION**

The licensee shall conduct Corrective Measures Implementation (CMI) based on the CMS Final Report approved by the Chief of the Waste Management Division. The CMI shall be conducted in accordance with Conditions V.H.1.-V.H.10. and Attachment 18, CMI Scope of Work, of this license.

1. The licensee shall submit a written CMI Work Plan to the Chief of the Waste Management Division for review and approval within 60 days after the approval of the CMS Final Report by the Chief of the Waste Management Division.

2. The Chief of the Waste Management Division will approve or modify and approve the CMI Work Plan, or provide a written Notice of Deficiency on the CMI Work Plan. The licensee shall modify the CMI Work Plan in accordance with the Notice of Deficiency and submit a new CMI Work Plan or revisions to the CMI Work Plan to the Chief of the Waste Management Division for approval within 30 days after receipt of the Notice of Deficiency. The Waste Management Division will provide notice of its draft decision on the CMI Work Plan to persons on the facility mailing list and an opportunity for a public hearing. Upon approval by the Chief of the Waste Management Division, the CMI Work Plan becomes an enforceable condition of this license.
3. The licensee shall implement the approved CMI Work Plan within 90 days after receipt of the Chief of the Waste Management Division's written approval of the CMI Work Plan.
4. The licensee shall submit a written Construction Completion Report to the Chief of the Waste Management Division for review and approval within 60 days after the construction associated with the corrective measures has been completed and all operational tests run. The Construction Completion Report shall document how the construction is in compliance with the approved design plans and specifications and that the corrective measures are performing satisfactorily based on the operational tests.
5. The Chief of the Waste Management Division will approve or modify and approve the Construction Completion Report, or provide a written Notice of Deficiency on the Construction Completion Report. The licensee shall modify the Construction Completion Report in accordance with the Notice of Deficiency and submit a new Construction Completion Report or revisions to the Construction Completion Report to the Chief of the Waste Management Division for approval within 30 days after receipt of the Notice of Deficiency. Upon approval by the Chief of the Waste Management Division, the Construction Completion Report becomes an enforceable condition of this license.
6. The licensee shall implement full-scale corrective measures within 30 days of receipt of written approval of the Construction Completion Report by the Chief of the Waste Management Division.
7. The licensee shall submit a written CMI Final Report to the Chief of the Waste Management Division for review and approval within 60 days after the corrective measures have been completed and the corrective measures criteria have been met. The CMI Final Report shall document compliance with the corrective measures completion criteria and provide justification that the corrective measures may cease.
8. The Chief of the Waste Management Division will approve or modify and approve the CMI Final Report, or provide a written Notice of Deficiency on the CMI Final Report. The licensee shall modify the CMI Final Report in accordance with the Notice of Deficiency and submit a new CMI Final Report or revisions to the CMI Final Report to the Chief of the Waste Management Division for approval within 30 days after receipt of the Notice of Deficiency.
9. The licensee shall submit bi-monthly written CMI progress reports on the construction phase and quarterly written CMI progress reports on the operation and maintenance activities phase to the Chief of the Waste Management Division.
10. The licensee shall comply with the time frames specified in Condition V.H.1.-V.H.9. of this license unless otherwise approved in writing by the Chief of the Waste Management Division.  
{Section 11115a of Act 451 and R 299.9629}

**I. COST ESTIMATE FOR CORRECTIVE ACTION**

1. The licensee shall prepare a detailed written cost estimate for CMI at the facility. {R 299.9712}
2. The licensee shall submit the detailed written cost estimate for CMI to the Chief of the Waste Management Division for review and approval in conjunction with the CMI Work Plan required in Condition V.H.1. of this license. {R 299.9712}
3. The Chief of the Waste Management Division will approve the cost estimate for CMI or provide a written Notice of Deficiency on the cost estimate for CMI. The licensee shall modify the cost estimate for CMI in accordance with the Notice of Deficiency and submit a new cost estimate for CMI to the Chief of the Waste Management Division for approval within 30 days of receipt of the Notice of Deficiency. Upon approval by the Chief of the Waste Management Division, the cost estimate for CMI becomes an enforceable condition of this license. {R 299.9712}
4. Until the Director notifies the licensee in writing that the licensee is no longer required by R 299.9713 to maintain financial assurance for CMI at the facility, the licensee shall adjust the CMI cost estimate for inflation within 60 days prior to the anniversary of the date of the establishment of the financial mechanism(s) used to demonstrate financial assurance for CMI. If the financial mechanism used is the financial test or corporate guarantee, the licensee shall adjust the CMI cost estimate for inflation within 30 days after the close of the firm's fiscal year and before submission of updated financial information to the Chief of the Waste Management Division. Whenever the current cost estimate increases to an amount greater than the current value of the associated financial mechanism for reasons other than inflation, the licensee shall, within 60 days, increase the value of the mechanism to an amount at least equal to the adjusted cost estimate. Evidence of such increases shall be submitted to the Chief of the Waste Management Division during the 60-day period. {R 299.9712}
5. The licensee shall recalculate the CMI cost estimate within 30 days after the Chief of the Waste Management Division has approved a modification of the CMI Work Plan. Until the Director notifies the licensee in writing that the licensee is no longer required to maintain financial assurance for CMI, the licensee shall revise the CMI cost estimate whenever there is a change in the facility's CMI Work Plan, if the change in the CMI Work Plan increases the cost of CMI. {R 299.9712}
6. The licensee shall keep the latest CMI cost estimate at the facility. {R 299.9712}

**J. FINANCIAL ASSURANCE FOR CORRECTIVE ACTION**

1. The licensee shall establish and continuously maintain corrective action financial assurance in accordance with R 299.9713. The licensee shall submit in conjunction with the CMI Work Plan the CMI financial assurance mechanism(s) approved by the Chief of the Waste Management Division in an amount at least equal to the cost estimate required by Condition V.I.1. of this license. If more than one mechanism is used, or if more than one facility is covered by the mechanism[s], the total amount of financial assurance provided for the facility shall at least equal the amount of the cost estimate required by Condition V.I.1. of this license. The licensee shall submit all proposed changes in the mechanism[s], other than renewals, extensions, or increases in the amount of assurance, to the Chief of the Waste Management Division and obtain approval prior to implementation. The licensee shall provide the Chief of the Waste Management Division with a signed original of all revisions and renewals within 60 days after such revision or renewal and at least 30 days prior to the anniversary of the establishment of the financial mechanism(s) provided to satisfy the requirements of this condition.

2. The licensee shall establish an approved renewal or replacement CMI financial mechanism(s) at least 30 days prior to the expiration date of the current mechanism(s), and obtain the Chief of the Waste Management Division's approval of such replacements, for all financial mechanisms provided to satisfy the requirements of this condition. Failure to provide such documentation is a violation of this license and shall be cause for the Chief of the Waste Management Division to access all funds provided in any financial mechanism not renewed or replaced in accordance with this condition and to initiate revocation of this license.
  
3. Whenever the current CMI cost estimate increases to an amount greater than the current amount of the associated financial mechanism(s) for reasons other than inflation, the licensee shall, within 60 days after the increase, either increase the amount of the mechanism(s) to an amount at least equal to the increased CMI cost estimate, or provide an additional financial mechanism approved by the Chief of the Waste Management Division for an amount at least equal to the difference between the current amount of financial assurance and the increased CMI cost estimate. Evidence of such increased financial assurance must be submitted to the Chief of the Waste Management Division during the 60-day period.

**K. SUMMARY OF CORRECTIVE ACTION SUBMITTALS**

The licensee shall submit required corrective action documents in accordance with the schedule below.

| CORRECTIVE ACTION DOCUMENT  | SUBMITTAL DEADLINE  |
|---|---|
| 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 of discovery   |
| RFI 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 corrective action is required |
| Revised RFI 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 30 days after receipt of RFI Work Plan Notice of Deficiency                      |
| RFI progress reports  | Within 60 days of initiation of the RFI and every 60 days thereafter                    |
| RFI Final Report for existing WMUs and contaminant releases   | Within 60 days after completion of RFI  |
| Revised RFI Final Report for existing WMUs and contaminant releases   | Within 30 days after receipt of RFI Final Report Notice of Deficiency                   |
| CMS Work Plan for existing WMUs and contaminant releases  | Within 90 days after receipt of notification that CMS is required                       |
| Revised CMS Work Plan for existing WMUs and contaminant releases  | Within 30 days after receipt of CMS Work Plan Notice of Deficiency                      |
| CMS progress reports  | Within 60 days of initiation of the CMS and every 60 days thereafter                    |
| CMS Final Report for existing WMUs and contaminant releases   | Within 60 days of completion of the CMS   |

|   |   |
|---|---|
| Revised CMS Final Report for existing WMUs and contaminant releases | Within 30 days after receipt of CMS Final Report Notice of Deficiency                             |
| CMI Work Plan for existing WMUs and contaminant releases            | Within <b>90</b> days after approval of the CMS Final Report                                      |
| Revised CMI Work Plan for existing WMUs and contaminant releases    | Within 30 days after receipt of CMI Work Plan Notice of Deficiency                                |
| CMI progress reports on construction phase of CMI                   | Within 60 days of initiation of construction and every 60 days thereafter                         |
| CMI progress reports on operation and maintenance activities        | Within 60 days of initiation of operation and maintenance activities and every 90 days thereafter |
| Construction Completion Report                                      | Within 60 days after completion of construction and operational tests                             |
| Revised Construction Completion Report                              | Within 30 days after receipt of Construction Completion Report Notice of Deficiency               |
| CMI Final Report for existing WMUs and contaminant releases         | Within 60 days after completion of CMI  |
| Revised CMI Final Report for existing WMUs and contaminant releases | Within 30 days after receipt of CMI Final Report Notice of Deficiency                             |

**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 and until the facility is released from financial assurance requirements for corrective action by the Director.  
 {Section 11115a of Act 451 and R 299.9629}

**PART VI**

**SCHEDULE OF COMPLIANCE**

**A. REVISED POST-CLOSURE PLAN AND COST ESTIMATE**

Within 90 days of issuance of this license, the licensee shall submit to the Chief of the Waste Management Division, a revised post-closure plan and cost estimate that addresses the long term maintenance of the clay dikes and perimeter dewatering tile system surrounding the hazardous waste landfill cells to insure their integrity. Upon approval the revised post-closure plan will become an attachment to this license. Within 60 days of approval of the revised post-closure cost estimate the licensee shall provide the Chief of the Waste Management Division with revised financial assurance consistent with the approved cost estimate.

**B. CORRECTION OF THE MASTER CELL VI A-SOUTH SURFACE WATER INFILTRATION**

The licensee shall correct the surface water infiltration along the east anchor trench of Master Cell VI A-South by welding the primary and secondary liners together in accordance with the plans approved by Waste Management Division. The correction shall be completed by July 1, 1997. The certification of the repairs and a workplan for final verification that the problem has been corrected shall be submitted to the Chief of the Waste Management Division by July 31, 1997.

INDEX OF ATTACHMENTS

Attachment 1 .....Waste Analysis Plan

Attachment 2 .....Inspection Schedule

Attachment 3 .....Personnel Training Program

Attachment 4 .....Contingency Plan

Attachment 5 .....Closure Plan

Attachment 6 .....Post-Closure Plan

Attachment 7 .....Plans and Specifications

Attachment 8 .....Acceptable Waste Types

Attachment 9 .....Groundwater Monitoring Program Sampling and Analysis Plan

Attachment 10 .....Leachate Monitoring Program Sampling and Analysis Plan

Attachment 11 .....Leak Detection Monitoring Sampling and Analysis Plan

Attachment 12 ..... Lysimeter Monitoring Sampling and Analysis Plan

Attachment 13 .....Surface Water Monitoring Sampling and Analysis Plan

Attachment 14 .....Sedimentation Basin Monitoring Sampling and Analysis Plan

Attachment 15 .....Ambient Air Monitoring Sampling and Analysis Plan

Attachment 16 .....RCRA Facility Investigation Scope of Work

Attachment 17 .....Corrective Measures Study Scope of Work

Attachment 18 .....Corrective Measures Implementation Scope of Work