UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
http://www.epa.gov/region08

RECEIVED
MAR 28 2011
UTAH DIVISION OF
SOLID & HAZARDOUS WASTE
2011.00844

MAR 24 2011

Ref: 8P-P3T

Shane Whitney, Facility Manager
Clean Harbors Grassy Mountain, LLC
P.O. Box 22750
Salt Lake City, UT 84122-0890

Re: Modification to Vertical Expansion of Cell B/6
TSCA/RCRA Coordinated Approval

Dear Mr. Whitney:

This letter is in response to Mr. William F. Connors' letter, dated March 31, 2010, in which he requested a modification approval for an increase in the disposal capacity of Cell B/6 under Condition 9 of the June 15, 2010 TSCA/RCRA Coordinated Approval for Cell B/6.

The U.S. Environmental Protection Agency (EPA), Region 8 has reviewed the request, the December 9, 2010 Response to EPA's October 19, 2010 Notice of Deficiencies, and the updated Landfill Cell B/6 Closure Design Modifications for Vertical Expansion Landfill Cell B/6. Pursuant to the Toxic Substances Control Act of 1976 (TSCA) regulations at 40 Code of Federal Regulations sections 761.75 and 761.77, EPA grants a modification approval for the vertical expansion of Cell B/6 to allow an estimated increase of the disposal capacity from 592,000 cubic yards to 1,022,600 cubic yards. EPA believes that such vertical expansion of Cell B/6 will not present an unreasonable risk of injury to human health or the environment.

Enclosed is the revised Coordinated Approval of TSCA/RCRA Landfill Cell B/6. If you have further questions, please contact Francis Tran of my staff at 303-312-6036.

Sincerely,

for

Stephen S. Tuber,
Assistant Regional Administrator
Office of Partnerships and Regulatory Assistance

Enclosure

cc: Scott T. Anderson, UDEQ ✓

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

IN THE MATTER OF	) COORDINATED APPROVAL
Clean Harbors Grassy Mountain, LLC,	) OF TSCA/RCRA LANDFILL CELL B/6 AND
a subsidiary of Clean Harbors, Inc.,	) WAIVER OF TECHNICAL REQUIREMENTS
hereinafter referred to as GMF	) APPLICATION FOR LAND DISPOSAL
with corporate offices located in	) OF POLYCHLORINATED BIPHENYL (PCB)
Norwell, Massachusetts	) WASTE

AUTHORITY

This Coordinated Approval and Waiver of Technical Requirements (Approval) is issued to GMF pursuant to Section 6(e) of the Toxic Substances Control Act of 1976 (TSCA), 15 U.S.C. 2601 *et seq.*, and the Federal PCB Regulations, 40 Code of Federal Regulations (C.F.R.) sections 761.75 and 761.77. Conditions of this Approval supersede any conflicting elements of the Application and previous Approvals by EPA.

WAIVER OF TECHNICAL REQUIREMENTS

Pursuant to its authority under 40 C.F.R. § 761.75(c)(4), the United States Environmental Protection Agency, Region 8 (EPA), waives the technical requirement at 40 C.F.R. § 761.75(b)(3) to permit the bottom of the TSCA/RCRA Landfill Cell B/6 to be less than 50 feet above the historical high groundwater table. EPA also waives the requirement at 40 C.F.R. §§ 761.75(b)(6)(iii) and (7) to permit the frequencies of groundwater and leachate analyses for PCBs, pH, specific conductance and chlorinated organics to be performed annually. EPA believes that the operations of the landfill will not present an unreasonable risk of injury to health or the environment from PCBs when the requirements at 40 C.F.R. §§ 761.75(b)(3), (6)(iii) and (7) are waived. In particular, Cell B/6 has a triple High Density Polyethylene (HDPE) liner with leachate collection and groundwater monitoring systems.

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

EFFECTIVE DATE

This Coordinated Approval shall become effective immediately and shall expire on August 31, 2015, or upon expiration or termination of the RCRA Part B Permit, whichever comes first.

DEFINITIONS

1) "Application" means the following documents submitted by GMF for approval:

Cell B TSCA Approval Application, Volumes 1, 2, and 3, dated August 1995, as amended by the "Response to Notice of Deficiencies," dated September 1995, and the following supplemental information dated October 5, 1995, November 15, 1995, February 23, 1996, and March 7, 1996, and all applicable EPA policies, guidance, and technical references.

Letter, dated June 6, 2005, from Mr. Chris Lilly to Mr. Stephen Tuber, requesting a TSCA PCB Coordinated Approval;

Class III Permit Modification RCRA Part B Permit, August 31, 2005, as amended;

Letter, dated January 21, 2010, from Mr. William F. Connors to Mr. Stephen Tuber, requesting a modification approval to groundwater and leachate monitoring requirements; and

Letter, dated March 31, 2010, from Mr. William F. Connors to Mr. Stephen Tuber, requesting a modification approval to increase the disposal capacity of Cell B/6 via vertical expansion, and a subsequent letter, dated December 09, 2010, including the following documents: "December 2010 Landfill Cells 6B and 7 Vertical Expansion Response to EPA's October 19, 2010 NOD's" and "December 2010 Landfill Cells 6B and 7 Closure Design Modifications for Vertical Expansion."

2) "EPA" means the U.S. Environmental Protection Agency, Region 8 Office in Denver, Colorado.

3) "ARA" means the Assistant Regional Administrator, Office of Partnerships and Regulatory Assistance, EPA Region 8.

4) "RCRA Part B Permit" means the Resource Conservation and Recovery Act Part B Permit for Landfill Cell B/6 issued to GMF by the State of Utah Department of Environmental Quality, Division of Solid and Hazardous Waste, on August 31, 2005.

5) "TSCA" means the Toxic Substances Control Act of 1976, 15 U.S.C. 2601, *et seq.*

6) "WAP" means Cell B/6 PCB Waste Analysis Plan, dated August 31, 2005.

CONDITIONS OF APPROVAL

1) GMF shall operate in accordance with the RCRA Part B Permit issued by the Utah Department of Environmental Quality, Division of Solid and Hazardous Waste. Specific requirements for PCB waste management are included in Module X and Attachments II-WAP & II-PCB WAP of the RCRA Part B Permit.

2) GMF shall annually submit groundwater monitoring data to EPA. The detection limits and report schedule shall be the same as the RCRA Part B Permit requires. The reports shall include, at a minimum, groundwater elevations for monitoring wells, analyses for PCBs, pH, specific conductance and chlorinated organics collected from the monitoring wells. The reports shall be submitted to EPA within 60 calendar days from the last day of the sampling event performed during the first quarter of the year. The data shall be submitted in an Excel and/or PDF format.

3) GMF shall annually submit a report to EPA, no later than 60 days from the annual sampling event conducted during the third quarter, on leachate monitoring data including sampling, collection/removal volumes, from each collection or leak detection sump. This report shall include the data required in Condition 2 of this Approval. The data shall be submitted in an Excel and/or PDF format. If liquid is found in the second-lowest leak detection system in quantities greater than 15 gallons per acre per day, or in the lowest leak detection system in quantities greater than 10 gallons per acre per day, GMF shall notify EPA in writing within 72 hours of discovery.

4) GMF shall notify EPA in writing within seven (7) days after the discovery of total PCBs at a concentration of 1 part per billion (ppb) or above, or other chlorinated organics are detected at concentrations equal to or above the Maximum Contaminant Levels (MCLs) at any leachate sump or monitoring well. If the detection at a monitoring well is verified with a follow-up sample and analysis in accordance with the schedule outlined in Sections E.1.f through h of RCRA Part B Permit Module VII, GMF shall submit a proposed corrective action plan as outlined in the RCRA Part B Permit to EPA for approval.

5) GMF shall not dispose of any liquid containing PCBs at Cell B/6. Incidental liquid containing PCBs as described in 40 C.F.R. § 761.60(a)(3), PCB liquid drained from transformers, or electrical equipment shall be managed in accordance with the Waste Analysis Plan.

6) GMF shall comply with all applicable TSCA Approvals and PCB regulations including, but not limited to: marking, storage, notification, manifesting, annual document logs, and annual reports as a commercial disposer.

7) Except as noted below, notifications to EPA required under this Approval shall be sent to the Pollution Prevention, Pesticides and Toxics Program Director at the following address:

U.S. Environmental Protection Agency Region 8
1595 Wynkoop Street
Denver, CO 80202-1129

Telephone notification shall be reported to the PCB Notification Hotline to the EPA Region 8 at 303-312-6400.

Notifications and/or reports required under 40 C.F.R. §§ 761.207 through 761.218 shall be submitted to the PCB Technical Enforcement Program at the same address. The data shall be submitted in an Excel and/or PDF format.

8) GMF shall notify the ARA in writing at least 30 days before transferring ownership of Cell B/6. This notice shall include a notarized affidavit signed by the transferee which states that the transferee is willing to abide by all conditions of this approval. The transferring ownership shall be handled in accordance with 40 C.F.R. § 761.65(j).

9) GMF shall request an approval from the ARA of any application it makes for modification of the design/construction or closure of the B/6 cell such as an increase in capacity, mounding and closure caps at the same time it makes such application with the State.

10) GMF shall maintain financial assurance for closure of Cell B/6 and/or of the PCB storage facility. GMF shall notify to EPA in writing within five (5) working days if it fails to be in compliance with the financial assurance requirements.

11) GMF shall notify EPA in writing at least 60 days prior to the date it expects to begin closure of Cell B/6 and/or the commercial storage of PCBs.

12) This Approval is predicated on GMF having provided EPA with all material facts necessary for determinations made herein. Any misrepresentation or omission by GMF of any material fact in the Application for this Approval, or the application for the RCRA Part B Permit, shall constitute sufficient cause for EPA to revoke, suspend and/or modify this Approval, in addition to any other legal or equitable relief or remedy EPA may choose to pursue under applicable law.

13) The requirements of the RCRA Part B Permit referenced in this Approval are incorporated into this Approval with the full force and effect as if fully set forth herein. GMF shall notify EPA, in writing, fifteen (15) calendar days in advance of any pending amendment to the RCRA Part B Permit requirements referenced in this Approval affecting the conditions found at 40 C.F.R. § 761.75. GMF shall also so notify EPA of any new provision concerning PCB waste which is not included under 40 C.F.R. § 761.75, which also requires approval, or which would be less stringent than a requirement of the PCB regulations. For other RCRA Part B Permit modifications of existing conditions and/or standard operating procedures affecting PCB waste management and/or requirements, GMF shall notify EPA in writing before or within five (5) calendar days of the changes being in the RCRA Part B Permit modifications or the referenced standard operating procedures. Where GMF has notified EPA of the amendment as required, any amendment of the RCRA Part B Permit will be automatically incorporated as an amendment to this Approval as of the date such amendment takes effect in the RCRA Part B Permit unless otherwise specified in writing by the ARA.

APPROVAL STATEMENT

1) EPA finds that the operations to be authorized under this Approval, conducted in accordance therewith, will not present an unreasonable risk of injury to human health or the environment. This Approval may be revoked, suspended and/or modified at any time if EPA determines that implementation of this Approval presents an unreasonable risk of injury to human health or the environment. Nothing in this Approval vitiates any right or remedy concerning the operation of the GMF facility otherwise available to EPA under section 6(e) of TSCA, 15 U.S.C. § 2605 and/or 40 C.F.R. Part 761.

2) GMF shall be responsible for the actions (or the failure to act) of all individuals who implement or are otherwise involved in any activities taken pursuant to or otherwise required under this Approval. GMF's acceptance of this Approval constitutes GMF's agreement to comply with 1) all conditions and terms of this Approval, and 2) all applicable provisions of federal, state or local law. Any failure by GMF to comply with any condition or terms of this Approval shall constitute a violation of said Approval, which has been issued pursuant to 40 C.F.R. §§ 761.77 and 761.75. Any such violation(s) may result in an action by EPA for any legal or equitable relief or remedy available under applicable law. Any such violation might also result in EPA revoking, suspending and/or modifying this Approval.

3) This Approval is conditional upon the ongoing consent of GMF to allow EPA employees or agents, upon presentation of credentials, to enter onto the site and inspect, sample, copy records or otherwise monitor the GMF PCB landfill activities at any reasonable time for the purpose of determining compliance with this Approval and/or the PCB regulations.

4) Operation of Cell B/6 by GMF shall constitute acceptance of and agreement to all conditions of this Approval.

for

Stephen S. Tuber
Assistant Regional Administrator
Office of Partnerships and Regulatory Assistance

3/24/11
Date