



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
SAGINAW BAY DISTRICT OFFICE



KEITH CREAGH  
DIRECTOR

March 29, 2016

Mr. Jose Cisneros, Chief  
Waste Management Branch  
Land and Chemicals Division  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Boulevard LU-9J  
Chicago, Illinois 60604-3507

Dear Mr. Cisneros:

SUBJECT: Coordinated Approval for Cleanup of Polychlorinated Biphenyls (PCBs) at the  
RACER Trust Saginaw Malleable Industrial Land – MID0053566696, 77 West  
Center Street, Saginaw, Saginaw County, Michigan

The Michigan Department of Environmental Quality (MDEQ), Office of Waste Management and Radiological Protection (OWMRP), and Remediation and Redevelopment Division (RRD) is requesting concurrence from the U.S. Environmental Protection Agency, Region 5 (EPA Region 5), for a coordinated approval for the **Risk Based Disposal Work Plan for PCB Impacted Material** (Work Plan), dated May 8, 2015, for PCB cleanup and disposal at the **Wayne Disposal Inc. Site #2 Landfill, 49350 N. I-94 Service Drive, Belleville, Michigan 48111, EPA ID# MID 00072483** under the Toxic Substances Control Act (TSCA), Title 40 of the Code of Federal Regulations (CFR), Part 761, February 17, 1978, as amended. The MDEQ is making this request under the amended final rules for Disposal of Polychlorinated Biphenyls (PCBs) effective August 28, 1998, 40 CFR Parts 750 and 761. This letter was prepared in consultation with Dr. Deb MacKenzie-Taylor, the MDEQ's TSCA liaison. Dr. MacKenzie-Taylor can be reached by telephone at 517-614-7333 or via e-mail at [mackenzie-taylor@michigan.gov](mailto:mackenzie-taylor@michigan.gov).

The Revitalizing Auto Communities Environmental Response (RACER) Trust has formally requested approval of the Work Plan from the MDEQ. In a letter dated May 8, 2015, to Mr. Peter Ramanaukas, RACER Trust formally requested Coordinated Approval for the Work Plan from the EPA Region 5 pursuant to 40 CFR Section 761.77(c).

The Saginaw Malleable Industrial Land, formerly General Motors Saginaw Malleable Iron facility, is subject to the Resource Conservation and Recovery Act of 1976 (RCRA) Subtitle C Corrective Action (CA) requirements, at Title 42 of the United States Code (U.S.C.), Section 6901 et seq. and has committed to timely implementation of CA requirements, including meeting the federal Government Performance Results Act (GPRA) implementation schedule and completion of final remedies. The MDEQ is the lead agency in facilitation, oversight, and approval authority for CA obligations at the Saginaw Malleable Iron Facility under its authority as a state authorized to implement RCRA, 42 U.S.C., Section 6926, and in furtherance of its statutory and regulatory responsibilities pursuant to Part 111, Hazardous Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), Michigan Compiled Laws (MCL) 324.11101 et seq. and including the environmental protection or cleanup standards and associated requirements pursuant to Part 201, Environmental Remediation, of the NREPA, MCL 324.20101 et seq.

The MDEQ supports approval of the proposed Work Plan and verifies that work completed to address PCBs and the work proposed for completion in the Work Plan satisfies the requirements of Part 111 and Part 201 for PCB remediation. With this determination, the MDEQ submits this notice of intent to approve pursuant to Part 111 and recommendation that the EPA Region 5 concur with a coordinated approval pursuant to 40 CFR Section 761.77(c)(1)(ii).

These PCB related activities are part of other response activities at the Saginaw Malleable Industrial Land. The other response activities are briefly described below for consideration of how the PCB related activities within this Work Plan are part of the overall remediation of this site.

1. Several phases of Remedial Investigation, a Feasibility Study, a Human Health Risk Assessment, an Ecological Risk Assessment, and a Remedial Action Plan were completed under Part 201 and have been approved for the Saginaw Malleable facility. These plans included many interim response activities, such as Non-Aqueous Phase Liquid (NAPL) recovery, soil excavation, groundwater treatment, vegetative cover, and sewer work, which addressed the environmental conditions at the site. The contaminants at the site have included PCBs in NAPL and soil, total metals in soil, and low level volatile organic compounds and PCBs in groundwater. Land use restrictions, engineering controls, and long term monitoring and maintenance have also been proposed.
2. The Risk Based Disposal Work Plan for PCB Impacted Material addresses PCBs in soil and concrete that will be removed from some areas of the site and properly disposed. In other areas of the site, PCBs, with controls, will be left on-site and covered with a soil cap. For a more detailed description of proposed work to address the remaining PCBs onsite, please see the Work Plan.
3. Regarding the Saginaw Malleable facility, Consent Judgment No. 98-22686-CE-2 was entered on March 16, 1998 between the Department of Attorney General, MDEQ, and General Motors. This Consent Judgment, with specific modifications, was approved as the Legally Enforceable Agreement with the approval of the Remedial Action Plan on February 27, 2009. It is understood by the MDEQ and RACER Trust that the Saginaw Malleable Iron Legally Enforceable Agreement will serve as the technical and legal basis of the TSCA PCB Coordinated Approval and all requirements, conditions, and limitation of the Legally Enforceable Agreement will be conditions of the TSCA PCB Coordinated Approval, as well as RCRA corrective action.

The MDEQ determined that the PCB concentrations found at the Saginaw Malleable Industrial Land in excess of the Part 201 cleanup criteria for PCBs present an unreasonable risk to human health and the environment and required further response activities. The MDEQ recognizes that the EPA Regional Administrator has no authority under TSCA over PCB waste disposed prior to April 18, 1978, which does not currently exceed 50 parts per million (ppm); however, for ease of implementation, concentrations of PCBs in environmental media at the Saginaw Malleable Industrial Land that exceed the Part 201 generic cleanup criteria are assumed to constitute an unreasonable risk of injury to human health or the environment and are, therefore, subject to regulation under Part 111, which includes the cleanup standards under Part 201, regardless of when the contamination occurred.

The MDEQ evaluated the Work Plan for compliance with Part 201 cleanup criteria and risk-based processes to assess risk from exposure to PCB contamination at the Saginaw Malleable Industrial Land and considered response actions, land use, engineering, and/or exposure controls as allowed under Part 111 and Part 201, as appropriate, (and TSCA §761.61(a)) and consistent with the goals of RCRA corrective action.

Consistent with these goals, the MDEQ is specifically requesting the following with regard to PCB remediation activities at the Saginaw Malleable Industrial Land:

1. That the EPA Regional Administrator make a determination under §761.77(c)(1)(ii) that Part 111 requires management of PCB contamination that is no less stringent than the applicable TSCA PCB requirements found at §761.61(c) or §761.62(c). For background information on the Part 111 corrective action requirements including Part 201 cleanup criteria, see the attachment;
2. That the EPA Regional Administrator make a determination that the MDEQ-approved Work Plan, constitutes a "PCB decision or enforcement document" that conforms to the requirements of the TSCA PCB requirements found at §761.77(c); and
3. That the EPA Regional Administrator grant a TSCA PCB Coordinated Approval.

The MDEQ is asking that the EPA Region 5 provide formal, documented concurrence for approval under TSCA PCB coordinated approval at 40 CFR, Section 761.77(c) after expeditious review of the Work Plan for response activity under Part 111 to address the PCB contaminated property. The MDEQ agrees to the following to expedite formal approval by the MDEQ and EPA Region 5 of the Work Plan to address PCB contaminated soils at the Saginaw Malleable Industrial Land to achieve protection of human health, safety, welfare, and the environment; and facilitate the timely implementation of GPRA requirements.

1. As soon as the EPA Region 5 issues a letter of intent to grant approval, the MDEQ will expeditiously (within 14 days) issue a formal approval that is an enforceable document, including any conditions the EPA Region 5 indicates are necessary to prevent unreasonable injury to human health or the environment.
2. The MDEQ will monitor compliance with the approved PCB remediation measures and will notify the EPA Region 5 of changes relating to PCB remediation requirements and/or changes in facility ownership.

This process in no way supersedes or eliminates the PCB remediation and disposal options available to the RACER Trust for the Saginaw Malleable Industrial Land at any time under 40 CFR, Section 761.61.

Thank you for consideration for coordinated approval of this Work Plan for PCB remediation activities at the Saginaw Malleable Industrial Land. The MDEQ is confident that Michigan's Part 111 Program, which adopts the Part 201 cleanup standards, meets the requirements at 40 CFR, Section 761.77(c)(1)(ii) for a TSCA PCB coordinated approval (see Attachment) and with reference the Corrective Action Memorandum of Understanding entered into by the EPA and the MDEQ on November 3, 2000, and the addendum letter dated April 15, 2002; see [http://www.michigan.gov/deq/0,1607,7-135-3312\\_4118\\_4240-56396--,\).html](http://www.michigan.gov/deq/0,1607,7-135-3312_4118_4240-56396--,).html).

The MDEQ is looking forward to receiving a letter of concurrence from the EPA Region 5.

May 29, 2016

We appreciate your willingness to work with the MDEQ on this TSCA PCB Coordinated Approval process. Enclosed is our approval letter. Should you require further information, please contact me, Sue Kaelber-Matlock, at 989-894-6249, [matlocks@michigan.gov](mailto:matlocks@michigan.gov), or by mail at 401 Ketchum Street, Bay City, Michigan 48708. You may also contact Dr. Deb MacKenzie-Taylor at 517-614-7333; or [mackenzie-taylor@michigan.gov](mailto:mackenzie-taylor@michigan.gov).

Sincerely,



Sue Kaelber-Matlock, Senior Geologist  
Saginaw Bay District Office  
Remediation and Redevelopment Division  
989-894-6249  
[matlocks@michigan.gov](mailto:matlocks@michigan.gov)

Enclosures

cc/enc: Mr. Peter Ramanauskas, EPA, Region 5  
Mr. Dave Favero, RACER Trust  
Ms. Virginia Himich, MDEQ  
Dr. Deb MacKenzie-Taylor, MDEQ  
Ms. Rhonda Klann, MDEQ