

RESPONSE TO COMMENTS

GRANGER LAND DEVELOPMENT COMPANY
PART 111 HAZARDOUS WASTE MANAGEMENT FACILITY POSTCLOSURE
OPERATING LICENSE
MID 082 771 700

September 28, 2023

On August 13, 2023, the Michigan Department of Environment, Great Lakes, and Energy (EGLE), Materials Management Division (MMD) proposed a draft hazardous waste facility management postclosure operating license (License) for Granger Land Development Company (Granger). The License authorizes Granger to continue postclosure monitoring and maintenance of the Granger Grand River Landfill, a closed hazardous waste landfill (facility), located at 8550 West Grand River Highway, Grand Ledge, Michigan. A License is required to operate this facility under Part 111, Hazardous Waste Management, of the Michigan Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, and the administrative rules promulgated thereunder (Part 111), Michigan Administrative Code Rule (R) 299.9101 *et seq.*

The public comment period concerning the draft License was announced in the Lansing State Journal, mailed to persons on the facility-specific mailing list, and announced in the EGLE Calendar. The public comment period spanned August 13, 2023, to September 26, 2023. The MMD received comments from one party during the public comment period.

In accordance with the R 299.9515, this document was prepared to respond to significant comments received during the public comment period and to describe any significant changes made to the draft License. The MMD received comments from one party. A summary of the changes made to the draft License to address comments received and the reason for each change are presented in this Response to Comments.

Summary of Comments:

COMMENT 1:

Condition II.B. Addition to existing License. Cited rules do not mention or require a QA/QC plan. Applicable information is in the Sampling and Analysis Plan (SAP), Attachment F-2 of the Post-Closure Operating License Renewal Application.

RESPONSE:

Pursuant to Rule (R) 299.9611(2)(a)(viii), the License condition remains.

COMMENT 2:

Condition II.G - Addition to existing license. Application includes a waiver for contingency Plan in Section 2.4. Site has an Emergency Action Plan that was previously provided to the state.

RESPONSE:

While there was a request to waive the Contingency Plan, EGLE requires a contingency plan pursuant to R 299.9508(3) and as such, the Emergency Action Plan was attached to the draft License as the Contingency Plan, Attachment 2.

COMMENT 3:

Condition II.J.3 - Addition to existing license. Added condition to include data in an electronic spreadsheet format. This is not required by rule, requesting removal of this condition.

RESPONSE:

With the advancement of new technology, data in an electronic spreadsheet is necessary for the efficiency of review and analysis. The MMD is asking all facilities to submit data in an electronic spreadsheet.

COMMENT 4:

Condition II.J.4 – Past operation has shown specific call out is unnecessary as Granger complies with this regardless of reference.

RESPONSE:

Pursuant to R 299.9521(3), the license condition remains.

COMMENT 5:

Condition II.J.7 – Add the following paragraph. This paragraph was in the previous Postclosure Operating License but was deleted from the new draft License: “The licensee may make minor modifications to the forms contained in the attachments to this license. The modifications may include changing the format, updating existing

references and information, adding necessary information, and changing certification and notification information in accordance with Part 111 of Act 451 and its rules and RCRA and its regulations. The licensee shall submit the modifications to the Division Director prior to implementing the use of the modified form(s). If the Division Director does not reject or require revision of the modified forms 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).”

RESPONSE:

License Condition II.J.7. has been added. The condition states:

“The licensee may make minor modifications to the forms contained in the attachments to this license. The modifications may include changing the format, updating existing references and information, adding necessary information, and changing certification and notification information in accordance with Part 111 of Act 451 and its rules and RCRA and its regulations. The licensee shall submit the modifications to the Division Director prior to implementing the use of the modified form(s). If the Division Director 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).”

COMMENT 6:

Condition II.L.3 – Redundant. Repeated in Part II.M.

RESPONSE:

License Condition II.L.3 was deleted due to redundancy.

COMMENT 7:

Condition II.O – Granger will comply with this regardless of reference.

RESPONSE:

Pursuant to R 299.9634, the License condition remains.

COMMENT 8:

Condition II.P.2 - Application includes waiver for Contingency Plan in Section 2.4 Granger’s Emergency Response Plan covers the requirements.

RESPONSE:

Refer to Comment 2.

COMMENT 9:

Condition II.P.12 - The facility has been in post closure for a considerable amount of time. R 299.9521(3)(a) refers to applicable requirements of Part 6 and 8 of the rules.

Part 8 appears to not be applicable. Part 6 (299.9613) refers to closure and postclosure.

RESPONSE:

Part 8 of the Part 111 Rules is not applicable. However, R 299.9613 is applicable. No changes to the condition are necessary to address the comment.

COMMENT 10:

Condition III.B.4 - This was changed from four feet to one foot. Granger has previous approval from the State that allows four feet of head in specific locations of the landfill due to extenuating circumstances.

RESPONSE:

Granger contested the draft License Condition III.B.4 and VI.B. After a discussion with Granger, they have agreed to provide an alternate demonstration pursuant to R 299.9619 (5). As a result, Condition III.B.4 was deleted and VI.B was modified to the following language:

“Within 90 days of issuance of this License, the licensee shall submit to the Division Director a technical demonstration pursuant to R 299.9619 (5). If the licensee does not submit an approvable demonstration, then the licensee shall comply with R 299.9619 (4).”

COMMENT 11:

Condition III.B.6 – Granger cannot comply with this requirement. Benchmarks are no longer used for surveying at the facility. All surveying is done using Global Positioning System (GPS). Survey benchmarks are obsolete, this was covered in an email to the WMD in September 2020 which was provided as part of discussion related to the evolution of surveying equipment.

RESPONSE:

EGLE understands that Granger now uses new technology that records the easting, northing, and elevation; as a result, benchmarks are no longer needed. Granger has agreed to provide a topographical survey of the final cover annually. The word “topographical” was added to clarify what type of survey would be performed. The License condition was modified to the following language:

“A visual survey of the final cover will be performed in accordance with the criteria identified in the Inspection Schedule, Attachment 1, of this license. A topographical survey of the final cover will be performed annually. Following this survey, a contour map of the final cover shall be submitted to the Division Director with the annual report.”

Due to the deletion of License Condition III.B.4., Condition III.B.6. has been renumbered to III.B.5.

COMMENT 12:

Condition IV.A.1 and IV.A.3 – Requirements were specified within the SAP and rules. Addition to the License unnecessary.

RESPONSE:

Pursuant to R 299.9611(2)(a) and (b), the license conditions remain.

COMMENT 13:

Condition IV.A.4(e) – Condition unchanged and already understood.

RESPONSE:

This comment did not result in a change to the draft License.

COMMENT 14:

Condition IV.A.5 (a) – Inclusion unnecessary. Already included in the referenced SAP.

RESPONSE:

Pursuant to R 299.611 (2)(a), the license condition remains.

COMMENT 15:

Condition IV.A.5 (b) – Including determining background values unnecessary. Already included in the referenced SAP.

RESPONSE:

Pursuant to R 299.9611 (2)(a), the license condition remains.

COMMENT 16:

Condition IV.A.5 (b) – If background values are determined every 2 years, it is possible that there could be a gradual increase that goes undetected.

RESPONSE:

License Condition IV.A.5(b) refers to Granger's statistical program located in the Environmental Monitoring Sampling and Analysis Plan, Attachment 4.

COMMENT 17:

Conditions IV.A.4(c), IV.A.6., IV.A.7., IV.A.9., and IV.A.10 – Remove references to pH. There is no threshold or standard to identify what would constitute a change in pH. The leachate of the site is near neutral and was 7.09 last sampling event. Changes of pH in the groundwater are not likely.

RESPONSE:

It was determined that a change in pH does not qualify as a statistically significant increase in the SAP, Attachment 4, of the License. As a result, the “(or change in pH)” has been removed from License Conditions: IV.A.4(d), IV.A.6., IV.A.7., IV.A.9., and IV.A.10.

COMMENT 18:

Condition IV.A.8(a) – While calling PEAS is appropriate for leak and releases at other facilities. Given that this site has been closed for over 30 years, Granger does not see the urgency in calling PEAS for a detection over the prediction limit.

RESPONSE:

Pursuant to R 299.9612, the license condition remains.

COMMENT 19:

Condition IV.A.8(d) – A 60-day follow up report is not required by rule. The 180-day corrective action report would contain all applicable information.

RESPONSE:

Pursuant to R 299.9612, the license condition remains.

COMMENT 20:

Condition IV.A.9(a) – Sampling adjacent wells is not required by rule.

RESPONSE:

Pursuant to 40 CFR 264.98 which is adopted by R 299.11003, the license condition remains. However, for clarification purposes, License Conditions IV.A.8(c) and IV.A.9(a) were modified to the following language:

“As soon as possible, sample the groundwater in the affected well and the wells immediately adjacent, to be determined in coordination with MMD, of the affected...”

COMMENT 21:

Condition IV.A.9(b) – Add “If confirmed,” at the beginning of the paragraph.

RESPONSE:

Condition IV.A.9 states “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 been confirmed...” Granger only has to comply with Condition IV.A.9(b) if Condition IV.A.9. is satisfied.

COMMENT 22:

Condition IV.A.10. – Granger believes it is unnecessary to include this language, but its inclusion is understandable.

RESPONSE:

This comment did not result in a change to the draft License.

COMMENT 23:

Condition IV.B.2. and IV.B.3. – Modified language referenced incorrect monitoring wells and the sampling purpose and schedule was unclear. Include language provided below which includes updates to the names of the referenced monitoring points.

RESPONSE:

Conditions IV.B.2. and IV.B.3 references the schedule and monitoring wells that were provided in the License application included in the Environmental Monitoring SAP, Attachment 4, of this License.

COMMENT 24:

Condition V.F.4 – “subject to Conditions V.F.5 and V.F.6” was added to the end of this section. Inclusion is unnecessary as the applicability of the following sections is implied.

RESPONSE:

The noted language is standard boilerplate language.

COMMENT 25:

Condition VI – This was already discussed with the Materials Management Division. Granger submitted a Work Plan that compared low flow sampling to our existing methods for comparison purposes. To the best of our knowledge, even though it was referenced by date in the Schedule of Compliance section of the DRAFT license, Granger has received no comments from the State. Further, Granger has made repeated requests for State’s referenced response but have not received anything further. Regardless, Granger does not propose to deviate from their current Work Plan as it has already been put the plan into action.

RESPONSE:

Granger has contested License Condition VI.A. After a discussion with Granger, Condition VI.A has been modified to the following language:

“Within 60 days of issuance of this License, the licensee shall submit to the Division Director an updated SAP. The approved SAP shall be incorporated into this License as Attachment 4.”

COMMENT 26:

Condition VI – The leachate head depths within the leachate removal piezometers were previously agreed to by Granger and the State. The letter from Granger to Mr. Quackenbush dated December 20, 1996, was previously provided to you along with other pertinent information and is attached again for your reference. This letter documents encountered dry conditions while drilling the wells, the presence of

penetrated perched saturated lenses, and the fact that the annular space of the well collects a small amount of free liquid within the fill profile from these perched lenses. Data regarding extraction volumes further demonstrated that there was no consistent zone of saturation in the area of the well but simply an accumulation of liquid within the well, which was requested to be installed by the State. Recent data from August 2019 to December 2022 suggest the average production of each well is 47 gallons per day (1.9 gallons per hour) indicating that the same condition that was demonstrated in 1996 still persists. Granger does not agree to the change, and it is our position that attempting to revisit a previously resolved agreement between Granger and the State is unreasonable.

RESPONSE:

Refer to Comment 10

Summary of Administrative Changes

CONDITION:

GENERAL ADMINISTRATIVE AND INFORMATIONAL CHANGES

CHANGE:

Updates to the License requiring repagination and reformatting, cross references updates, attachment reference updates, correction of typographical errors, adding effective, expiration, and reapplication dates, updating agency names, and changes in phone numbers were made to the License. Pursuant to R 299.9519, these administrative and informational updates are minor modifications that EGLE, MMD may incorporate into the License without following the public participation procedures specified in R 299.9511.