



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

FINAL DRAFT

[Date]

Mr. Michael Elsner
Remediation Location Manager
Aluminum Company of America
Massena Operations
Park Avenue East
P.O. Box 150
Massena, New York 13662-0150

Re: Approval to Re-Open Existing Cell 3 of the Chemical Waste Landfill at the ALCOA, Massena, New York Facility; EPA Review of Proposed Cell 3 Expansion

Dear Mr. Elsner:

By this letter, the United States Environmental Protection Agency, Region 2, ("EPA") grants approval for re-opening of the existing Cell 3 of the chemical waste landfill at the Massena New York facility of the Aluminum Company of America (the "ALCOA landfill") for the disposal of waste containing polychlorinated biphenyls (PCBs), and notifies ALCOA that EPA is reviewing the design of a proposed expansion of Cell 3, which requires a future, separate EPA approval.

On July 20, 1993, EPA approved the construction of the ALCOA landfill for PCB disposal. Cell 3 of the landfill was designed and constructed with the approval of the New York Department of Environmental Conservation ("NYSDEC") for the disposal of dredged sediments from the Grasse River pursuant to the Grasse River Remedial Actions Pilot Study and waste containing PCBs at or associated with the ALCOA Massena, New York facility. NYSDEC granted ALCOA approval to operate Cell 3 of the ALCOA landfill on July 6, 2005. The initial EPA Region 2 PCB approval, issued on July 29, 2005, authorized Cell 3 to operate and receive PCB waste from the sources specified by NYSDEC for a five year period, which expired in 2010, at which time an interim cap was installed.

Principal documents which EPA considered in reaching the determinations contained in this Approval include the following:

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| July 20, 1993 | William J. Muszynski, P.E., Acting Regional Administrator of EPA Region 2, letter to Timothy Mach, ALCOA Plant Manager, approving the construction of the ALCOA landfill. |
| July 29, 2005 | Kathleen C. Callahan, Acting Regional Administrator of EPA Region 2, letter to Bruce Cook of ALCOA, including appendices, granting EPA approval for the construction and operation of Cell 3. |

- August 25, 2015 Peter R. Taylor, P.E. of NYSDEC letter to Michael Eisner of ALCOA, approving re-opening of Cell 3 subject to certain conditions.
- September 1, 2015 Michael Elsner of ALCOA letter to John Gorman of EPA, ALCOA Massena West Plant Secure Landfill Cell 3 Operating Permit Renewal Request.
- November 10, 2015 Michael Elsner of ALCOA letter to John Gorman of EPA, further information concerning ALCOA Massena West Plant Secure Landfill Cell 3 Operating Permit Renewal Request.
- July 25, 2016 Peter R. Taylor, P.E. of NYSDEC letter to Michael Elsner of ALCOA providing conditional approval of the design for Cell 3 expansion.

The Approval of the re-opening of Cell No. 3 of the ALCOA landfill is pursuant to the federal regulations concerning PCBs promulgated pursuant to the Toxic Substances Control Act and contained in Title 40, Part 761 of the Code of Federal Regulations (40 C.F.R. Part 761). Approval to re-open Cell 3 is based on ALCOA's application and supporting documents. The disposal of PCBs in the ALCOA landfill is subject to compliance with the federal regulations at 40 C.F.R. Part 761, the conditions in this Approval letter, and adherence to the specifications and procedures in ALCOA's application, and conditions contained in the approval to re-open Cell 3 issued by NYSDEC.

Waivers of the distance to ground water requirement and a specific ground water analysis requirement concerning chlorinated organics contained in 40 C.F.R. § 761.75 were granted in EPA's July 20, 1993 approval of the ALCOA landfill. EPA has re-evaluated the basis for the waivers and finds that it is appropriate to re-authorize the waivers for the re-opening of the existing Cell 3.

The period during which the ALCOA landfill Cell 3 may receive PCB waste is five years from the date of ALCOA's notification of its acceptance of the terms of this Approval, unless the NYSDEC authorization for operation of Cell 3 is not extended beyond August 31, 2020, in which case ALCOA shall immediately submit plans to permanently close the facility by August 31, 2021.

PCB waste which may be disposed in the re-opened Cell 3 of the ALCOA landfill is limited to sediments and debris removed from the lower Grasse River associated with the remediation of the Grasse River site, as specified by NYSDEC. The maximum permitted volume of waste disposed in Cell 3 is 89,000 cubic yards, including waste already disposed in Cell 3. Operation of a re-opened Cell 3 is subject to the conditions and requirements contained in EPA's original Cell 3 approval letter, including Appendix A attached thereto, and to the conditions and requirements contained in NYSDEC's approval to re-open Cell 3. No waste shall be placed in any proposed expansion area of Cell 3 until authorization to do so is provided to ALCOA by NYSDEC and EPA.

EPA Region 2 finds that the operation of a re-opened Cell No. 3 of the ALCOA landfill in accordance with the conditions of this Approval will not present an unreasonable risk of injury to health or environment from PCBs.

EPA is reviewing the design for the proposed expansion of Cell 3 as submitted by ALCOA to NYSDEC and EPA. NYSDEC has determined the design is acceptable, and specified conditions which ALCOA must meet before NYSDEC will grant approval for construction. NYSDEC also must approve an operations and maintenance plan for a Cell 3 expansion. Construction of an expanded Cell 3 and its operation also requires a future, separate approval from EPA.

The public was made aware of the proposed use of the ALCOA chemical waste landfill to receive waste removed from the Grasse River site at public informational meetings concerning the Grasse River remediation held in the Massena Town Hall and the Massena High School on November 12, 2012 and in the St. Regis Mohawk School and at the Office for the Aging at the Mohawk reservation, Akwesasne, on November 15, 2012. No objections to the use of the ALCOA landfill were raised at the meetings or in the more than 400 comments EPA received during a 2 month public comment period held in 2012 on the Grasse River remediation project. In addition, EPA posted a draft of this letter on the EPA website, and invited public comments in the period _____ to _____.

ALCOA is required to document, subject to EPA approval, financial assurance for the completion of final closure and long term maintenance and monitoring of Cell 3 and for a Cell 3 expansion, if such expansion is approved. EPA has determined that provision of such financial assurance is necessary to ensure that Cell 3 and a Cell 3 expansion at the ALCOA chemical waste landfill will not present an unreasonable risk of injury to health or the environment from PCBs. See 40 C.F.R. § 761.75(c)(3)(ii). ALCOA shall establish financial assurance by choosing from the financial assurance mechanisms set forth in 40 C.F.R. § 761.65(g) (referencing provisions of Subpart H of 40 C.F.R. Part 264), or any combination of such mechanisms. The financial assurance documentation shall be established on a timetable specified by EPA after consultation with ALCOA.

The documentation shall include a cost estimate on which the amount of financial assurance is based. The cost estimate and the amount of financial assurance provided pursuant to this Approval shall be reviewed and adjusted, subject to EPA approval, every five years or at such other time as EPA may specify. If ALCOA proposes to change approved financial assurance mechanism(s), any such change shall be subject to EPA approval.

ALCOA shall be responsible for the actions of all individuals, contractors or agents which are involved in activities relating to this Approval.

ALCOA's obligations under this Approval shall be binding on any successor of ALCOA whether such successor is created by merger, corporate reorganization, divestiture, or otherwise. Pursuant to 40 C.F.R. § 761.75(c)(7), ALCOA shall notify EPA of any proposed transfer of the property on which the landfill is located or any transfer of the right to conduct the landfill

operations. ALCOA shall also provide EPA with a notarized affidavit signed by such transferee which states that the transferee will abide by this Approval. Any successor or transferee shall provide financial assurance acceptable to EPA within six months of the date of its affidavit accepting responsibility to abide by this Approval. ALCOA is obligated to maintain its financial assurance until a successor or transferee provides such assurance, and EPA notifies ALCOA that it no longer need comply with a financial assurance obligation. If the successor or transferee fails to provide acceptable financial assurance to EPA, ALCOA is required to continue to maintain financial assurance under this Approval.

This Approval may be suspended, revoked, modified, or otherwise altered at any time if evidence indicates a violation of the conditions of this approval, or of 40 CFR Part 761, or of any other applicable rules or regulations has occurred, or if it is determined that the continued implementation presents an unreasonable risk of injury to public health or the environment. Furthermore, receipt of evidence that misrepresentation of any material fact has been made in the application, or that all relevant facts have not been disclosed, shall constitute sufficient cause for suspension, revocation or modification of this approval. Any change or modification in requirements and conditions of this Approval proposed by ALCOA must receive prior written approval from EPA to become effective.

Failure to comply with the conditions of this Approval constitutes a violation of the Approval, which may result in an enforcement action under the Toxic Substances Control Act, 15 U.S.C. § 2601 *et seq.*

This Approval shall become effective on the date the Director of the Division of Enforcement and Compliance Assistance, EPA Region 2 receives written notification from ALCOA of its acceptance of, and intention to comply with, the terms and conditions of this Approval. This proposed Approval may be withdrawn if such notification from ALCOA is not received within forty-five (45) calendar days of the date herein.

Sincerely,

Dore LaPosta
Director
Division of Enforcement & Compliance Assistance