

HAZARDOUS WASTE FACILITY PERMIT

In compliance with the provisions of the Vermont Waste Management Act, as amended,
(10 V.S.A. Chapter 159)

General Electric
270 Windcrest Road
North Clarendon/Rutland, Vermont
EPA ID No: VTD001075894

is authorized to perform post-closure and corrective action activities at the above location in accordance with the conditions and requirements set forth in this permit.

This permit shall become effective on the date of signing.

Signed this 23th day of September 2024

Julia S. Moore, Secretary
Vermont Agency of Natural Resources

By: _____

Matt Chapman, Division Director
Waste Management & Prevention Division
Vermont Department of Environmental Conservation
1 National Life Drive, Davis 1
Montpelier, Vermont 05620-3704

Appeals

Any person aggrieved by this certification or permit may appeal to the Superior Court – Environmental Division within 30 days of the issuance of this permit in accordance with 10 V.S.A. Chapter 220 and the Vermont Rules Environmental Court Proceedings. If this certification or permit relates to a renewable energy plant for which a certificate of public good is required under 30 V.S.A. §248, any appeal must be filed within 30 days of the issuance with the Vermont Public Service Board in accordance with Board rules.

**State of Vermont
Agency of Natural Resources**

HAZARDOUS WASTE FACILITY PERMIT

**10 V.S.A. Chapter 159
Vermont Hazardous Waste Management Regulations § 7-504**

Applicant: General Electric
270 Windcrest Road
North Clarendon/Rutland, Vermont

EPA ID No: VTD001075894

Facility: General Electric
270 Windcrest Road
North Clarendon/Rutland, Vermont

Permit Period: Ten (10) years from date of signing.

FINDINGS OF FACT

1. The General Electric Plant 2 facility (hereafter called GE) is a manufacturing facility located at 270 Windcrest Road, in North Clarendon/Rutland (the facility property is located on the town line). The regulated unit is a closed metal hydroxide sludge landfill (hereafter called landfill). A site map is provided in **Appendix A** of this permit.
2. GE manufactures turbine gas engine components, including vanes and blades, and associated tooling, made from various metal alloys. Between 1976 and 1986, GE operated a regulated landfill unit at the Site for metal hydroxide sludge (F006 hazardous waste) generated at this location. On February 23, 1986, the Vermont Agency of Natural Resources (ANR) determined that the metal hydroxide sludge was non-hazardous and delisted the waste as hazardous. In October of 1987, the landfill was closed and capped in accordance with the October 1986 Post-Closure Certification, and a paved asphalt parking lot was installed over the landfill. In March of 1989, the non-hazardous determination was rescinded, and the metal hydroxide sludge was re-listed as hazardous. In May of 1990, The Post-Closure Certification was amended to incorporate Alternative Concentration Limits (ACLs) for compounds detected in the groundwater beneath the landfill area. On July 20, 1993 (and for subsequent renewals), the Certification was re-issued to include the addition of corrective action requirements for releases from the landfill, solid waste management units and areas of concern. The facility was last issued a permit renewal on September 30, 2013, GE submitted an administratively complete permit application on March 30, 2023, and the 2013 permit was continued in full force and effect pursuant to **VHWMR §7-504(h)**.

3. This permit will govern post-closure and corrective action activities at GE pursuant to **10 V.S.A. Chapter 159** and the VHWMR.
4. Vermont was authorized by EPA (pursuant to Section 3006 of RCRA) for regulation of post closure activities on January 21, 1985, and corrective action activities on August 6, 1993.
5. A groundwater monitoring and response program in accordance with **40 CFR §264 Subpart F** has been conducted since closure of the landfill in 1987. The 1990 amendment to the original Certification established ACLs for hazardous constituents required to be monitored as part of the Certification. The 1993 renewal of the Certification established the groundwater protection standard for post-closure care of the landfill using ACLs for Point of Compliance wells around the landfill, and Maximum Contaminant Levels (MCLs) for Point of Exposure (POE) wells at the facility boundary downgradient of the landfill. Since sampling at monitoring well B-17S began in 1989, the MCLs for trichloroethene and 1,1-dichloroethene in groundwater have been exceeded. Therefore, in accordance with **40 CFR §264.99**, this permit implements a corrective action program meeting the requirements of **40 CFR §264.100**. The corrective action program for the landfill is described in Section 8 of this Certification.
6. In 1992, the Secretary conducted a RCRA Facility Assessment (RFA) of the facility on behalf of U.S. EPA. The RFA report identified sixteen Solid Waste Management Units (SWMUs) at the Facility. The RFA concluded that the following SWMUs warranted further investigation in the form of a RCRA Facility Investigation (RFI): an old storage area, and two surface impoundments known as the east and west settling basins (considered as one SWMU). The RFA also identified two Areas of Concern (AOCs): the fire training area and the stormwater retention basin. The RFA called for continuing investigation of the landfill under the terms and conditions of the facility's RCRA Post-Closure Certification while two SWMUs and the two AOCs were to be addressed in the RFI.
7. GE conducted an RFI that incorporated studies undertaken between 1986 and 1993 to characterize the nature and extent of releases of hazardous waste or hazardous constituents from the two SWMUs and two AOCs selected for further investigation in the RFA. The RFI report is dated June 1994. The conclusion of the RFI report was that none of the studied SWMUs or AOCs released hazardous wastes or constituents into the environment in concentrations which warranted further action. Additionally, the RFI report stated that the groundwater contamination detected onsite was the result of historical releases rather than ongoing conditions. The RFI did recommend that a Corrective Measures Study be conducted to investigate some groundwater contamination detected in the vicinity of one of the SWMUs (the Southern Area of Concern near the old Storage Area).
8. Investigations at the site showed that groundwater contamination had been detected downgradient and offsite from the facility.
9. GE conducted a Corrective Measures Study (CMS) and submitted a CMS report dated June 1994.

10. The results of these investigations (discussed in items (8) and (9) above) are set forth in the following documents, all of which have been submitted to the Secretary and are in the record within the Waste Management & Prevention Division's Sites Management Section file number 770045:

- *Draft Closure/Post-Closure Plan by General Electric (July 1986);*
- *Planning Report for Closure of Existing (Metal Hydroxide) Sludge Landfill for the General Electric Company by DuBois & King (July 1986);*
- *Preliminary Assessment by the NUS Corporation (November 1987);*
- *Results of the Short-Term Pump Test and Aquifer Analyses for the General Electric Clarendon, Vermont Facility by Wehran Engineering Corp. (March 22, 1989);*
- *Alternate Concentration Limit Demonstration for the General Electric North Clarendon Metal Hydroxide Sludge Landfill by Chas T. Main, Inc. (November 1989);*
- *Report on the Evaluation of the Fire Training Area at GE Plant #2 by Wehran Engineering Corp. (January 1990);*
- *Evaluation of the Soils Under the West Impoundment by Wehran Engineering Corp. (February 1990);*
- *Report on the Soil Evaluation of the GE Plant #2 Stormwater Retention Basin by Wehran Engineering Corp. (March 1990);*
- *Hydrogeology of GE Clarendon Plant #2 Facility by Wehran Engineering Corp. (October 1990);*
- *Analytical Soil Sampling Results, GE Clarendon Plant #2 by Wehran Engineering Corp. (March 1991);*
- *RCRA Facility Assessment by Agency of Natural Resources (1992 undated);*
- *Soil Gas Investigation by Wehran Engineering Corp. (October 1992);*
- *West Basin Investigation by Wehran Engineering Corp. (December 1992);*
- *Subsurface Investigation in the Vicinity of the Low Barn by Wehran Engineering (August 1993);*
- *Report on Plume Containment Analyses by HMM Associates (October 29, 1993);*
- *Lagoon Closure and Stormwater Project (undated);*
- *RCRA Facility Investigation Report (June 1994); and*
- *Corrective Measures Study (CMS) (June 1994).*

GE has also submitted data from periodic groundwater monitoring from 1987 through the current date.

11. Based on the above investigations, ANR found that no further action was necessary to ensure that the following SWMUs and AOCs pose no threat to human health or the environment in the future (that the risks posed did not warrant the selection of a remedy):

- Storm Water Retention Basin (AOC)
- Fire Training Area (AOC)
- East and West Settling Basin (SWMU)

12. Based on the above investigations, ANR found that the following required corrective action:

- Landfill (regulated unit)
- Old Storage Area (Low Barn) (SWMU)
- Southern Area of Concern Near the Old Storage Area (AOC)

Based on the 1994 CMS and subsequent investigations, ANR established monitored natural attenuation as the selected remedy in the Certification issued in 1998.

13. Results of the corrective action monitoring program from 1998 to 2023 indicate that low levels of contamination remain present in the groundwater at monitoring well B-17S, the point of compliance. A review of the previous monitoring data indicates that no cause exists for an expanded corrective action program for the landfill, but that continuation of corrective action monitoring for the landfill is warranted. Corrective action monitoring requirements for the landfill at the GE Windcrest Road facility are referenced in Section 8 of this Certification.

CONDITIONS

Section 1: General Conditions

- 1.1 For the purposes of this permit, the terms used herein shall have the same meaning as those in the VHWMR and **40 CFR Parts 124, 264, 266, 268 and 270**, unless this permit specifically states otherwise. Where terms are not defined in the VHWMR, 40 CFR, or the permit, the meaning associated with such terms shall be defined by a standard dictionary reference or the generally accepted scientific or industrial meaning of the term.
- 1.2 As used in this permit, the term “permit” has the same meaning as “certification” as used in the VHWMR and **10 V.S.A. § 6606**.
- 1.3 As used in this permit, the term “Director” means:
Division Director - Waste Management & Prevention Division
Department of Environmental Conservation
Vermont Agency of Natural Resources
- 1.4 As used in this permit, the term “waste” means hazardous waste, non-hazardous waste and waste that is exempted or conditionally exempted from regulation under the VHWMR.
- 1.5 “Secretary” means the Secretary of the Vermont Agency of Natural Resources or his or her duly authorized representative. When implementing the provisions of **10 V. S. A. §§ 6608a and 6608b** relating to economic poisons and low-level radioactive wastes, the term Secretary includes the Secretary of Agriculture, Food & Markets, and the Commissioner of Health.
- 1.6 “Agency” means the Vermont Agency of Natural Resources.

- 1.7 “RCRA” means Resource Conservation and Recovery Act (RCRA) of 1976, (42 USC § 6901 et seq.).
- 1.8 GE shall maintain compliance with the VHWMR as amended. GE shall modify this permit in accordance with **Condition 2.5** if an amendment to the VHWMR results in conflict between the permit and the amended VHWMR.
- 1.9 The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance is held invalid, such a determination shall not have any effect on the validity of the remainder of the permit, or on the application of the provision to other circumstances.
- 1.10 The permit does not convey any property rights of any sort, or any exclusive privilege.
- 1.11 This permit is not transferable to any person except after notice to the Secretary. The Secretary may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under **40 CFR § 270.40**.
- 1.12 In the event that the land on which the facility is located is transferred to a new owner, any actions or inactions of the landowner, or refusal by the landowner to provide access to GE or the Secretary, shall not be a defense for GE for any non-compliance with this permit or the VHWMR.
- 1.13 GE shall comply with all applicable statutes, rules, and regulations of any federal, state, or local authority as may be amended. This permit shall not be a shield to the continued conformance to regulatory requirements.
- 1.14 The Secretary may require GE to establish and maintain an information repository at any time, based on the factors set forth in **40 § CFR 124.33(b)**. The information repository will be governed by the provisions in **40 CFR §§ 124.33(c) through (f)**.
- 1.15 Unless otherwise specified, when reference is made to a specific subchapter, section or subsection of the VHWMR, the reference is to the VHWMR which became effective February 1, 2022.

Section 2: Duration, Modification and Renewal of Permit

- 2.1 This permit shall be effective for 10 years from the date of signing.
- 2.2 If GE wishes to continue an activity regulated by this permit after the expiration date of this permit, GE must apply for and obtain a new permit.
- 2.3 Pursuant to **40 CFR § 270.10(h)(1)**, if GE wishes to continue an activity regulated by this permit after the expiration date of this permit, GE shall submit a new application at least 180

days before the expiration date of this permit, unless permission for a later date has been granted by the Secretary.

- 2.4 Pursuant to **VHWMR §7-504(h)(1)**, this permit and all conditions will remain in effect beyond the permit's expiration date, if GE has submitted a timely, administratively complete application for a renewed permit, and, through no fault of GE, the Secretary has not issued a new permit. Permits continued under **VHWMR §7-504(h)(1)** remain fully effective and enforceable.
- 2.5 If any of the causes for modification found in **VHWMR §7-507(e)** apply, GE shall seek a permit modification prior to making physical alterations or operational changes. Class I modifications for which prior approval is not required under **40 CFR § 270.42** may be implemented without prior notice or approval by the Secretary if the modification is submitted to the Director by certified mail or other means that establish proof of delivery within seven (7) calendar days after the change is put into effect. This notice must specify the changes that have been implemented and must explain why the changes were necessary.
- 2.6 This permit may be modified, revoked, and reissued, or terminated for cause. The filing of a request by GE for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

Section 3: Compliance and Enforcement

- 3.1 GE shall allow the Secretary, or an authorized representative, upon the presentation of credentials and other documents as may be required by law to:
 - (a) Enter at reasonable times upon the GE premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
 - (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 - (c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
 - (d) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by RCRA, any substances or parameters at any location.
- 3.2 GE shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. GE may not treat, store, or dispose of hazardous waste in any modified portion of the facility except as provided in **40 CFR § 270.42**, until:

- (a) GE has submitted to the Director by certified mail or hand delivery a letter signed by GE and a registered professional engineer stating that the facility has been constructed or modified in compliance with the permit; and
 - (b) (i) The Director has inspected the modified or newly constructed facility and finds it is in compliance with the conditions of the permit; or

(ii) Within 15 days of the date of submission of the letter in paragraph (a) of this condition, GE has not received notice from the Director of his or her intent to inspect, prior inspection is waived, and GE may commence treatment, storage, or disposal of hazardous waste.
- 3.3 Notwithstanding any other provisions of this permit, enforcement actions may be brought pursuant to **10 V.S.A. Chapters 159, 201, and 211**.
- 3.4 It shall not be a defense for GE in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- 3.5 Compliance with the terms of this permit does not constitute a defense to any order issued or any action brought under **10 V.S.A. Chapters 159, 201, or 211**, or **§§ 3008(a), 3008(h), 3013, or 7003** of the Resource Conservation and Recovery Act (RCRA) of 1976, (42 USC § 6901 et seq.) or **§§ 106(a), 104 or 107** of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980 (42 U.S.C. § 9601 et seq.), or any other law providing for protection of public health or the environment.

Section 4: Duties of the Permit Holder

- 4.1 GE must comply with all conditions of this permit, except that GE need not comply with the conditions of this permit to the extent and for the duration such noncompliance is authorized in an emergency permit. Any permit noncompliance, except under the terms of an emergency permit, constitutes a violation of the appropriate Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
- 4.2 In the event of noncompliance with the permit, GE shall take all reasonable steps to minimize releases to the environment and shall carry out such measures as are reasonable to prevent significant adverse impacts on human health or the environment.
- 4.3 GE shall furnish to the Secretary, within a reasonable time, any relevant information which the Secretary may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. GE shall also furnish to the Secretary, upon request, copies of records required to be kept by this permit.

- 4.4 GE shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility.
- 4.5 GE shall retain copies of all reports required by the terms and conditions of this permit and records of all data used to complete its permit application for at least three (3) years from the date of the report or the submission of the application. This retention period and other retention periods required by the terms and conditions of this permit shall be automatically extended during the pendency of any unresolved enforcement action involving this permit.
- 4.6 GE shall maintain a written operating record, either at the facility or at an alternative location approved by the Secretary, which includes all applicable requirements of **40 CFR § 264.73** and any additional requirements listed below. The information contained in the written operating log shall be maintained, as it becomes available, in the operating record until facility closure is completed in accordance with **Sections 7 and 9**.
- (a) Records and results of inspections (except these data need be kept only 3 years);
 - (b) Monitoring, testing or analytical data and corrective action where required by **40 CFR § 264.191, § 264.193, § 264.195 and § 264.1064**; and
 - (c) The post-closure plan and amendments, the initial post-closure and corrective action cost estimate, and all subsequent post-closure and corrective action cost estimates prepared under Conditions 7.4 and 8.2, respectively.
- 4.7 All sampling, monitoring, and/or analysis performed in relation to activities covered by this permit shall be performed according to the appropriate method specified in the latest edition of “Test Methods for Evaluating Solid Waste, SW-846, Standard Methods of Wastewater Analysis”, or an equivalent method, such as those developed by the American Society for Testing and Materials (ASTM) incorporated in the VHWMR by reference or approved by EPA through rulemaking or by the Secretary in writing. If other methods are to be used, GE shall receive approval from the Secretary prior to utilizing the methods. The Secretary may reject any data that does not meet the requirements of EPA analytical methods and may require re-sampling and additional analysis.
- 4.8 GE shall document the name(s), address(es), and telephone number(s) of any consultant(s) and/or laboratory(ies) retained by GE to perform sampling, monitoring, and/or analysis activities related to this permit.
- 4.9 GE shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, the certification required by **40 CFR § 264.73(b)(9)**, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report, certification, or application. This period may be extended by request of the Secretary at any time. GE shall maintain records from all groundwater monitoring wells and associated ground-water surface elevations, for the active life of the facility, and for disposal facilities for the post-closure care period as well.

Records for monitoring information shall include:

- (a) The date, exact place, and time of sampling or measurements;
- (b) The individual(s) who performed the sampling or measurements;
- (c) The date(s) analyses were performed;
- (d) The individual(s) who performed the analyses;
- (e) The analytical techniques or methods used; and
- (f) The results of such analyses.

4.17 GE shall submit to the Director, upon request, the results of all sampling and/or tests or other data generated pursuant to **Section 8** (Corrective Action).

Section 5: Facility Design and Operation

- 5.1 GE shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by GE to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.
- 5.2 GE shall design, maintain, and operate the facility in a manner which minimizes the possibility of a fire, explosion, or any unplanned, sudden, or non-sudden release of a hazardous waste or hazardous waste constituents to air, soil, surface waters or groundwater which could threaten human health or the environment.
- 5.3 In the event of a fire, explosion, or any unplanned sudden or non-sudden release of a hazardous waste or hazardous waste constituents to air, soil, surface waters or groundwater which could threaten human health or the environment, GE shall take all actions necessary to minimize the threat.
- 5.4 GE shall inspect the facility for malfunctions and deterioration, operator errors, and discharges which may be causing, or may lead to, a release of hazardous waste constituents to the environment, or a threat to human health. GE shall conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment. At a minimum, GE shall follow the facility inspection schedules contained in **Appendix B**.

- 5.6 GE shall remedy any deterioration or malfunction of equipment or structures which the inspection reveals on a schedule which ensures that the problem does not lead to an environmental or human health hazard.
- 5.7 Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- 5.8 All monitoring equipment required by this permit shall be properly installed, used, and maintained and the appropriate monitoring methods used.
- 5.9 Hazardous waste treatment, storage, or disposal activities other than those specified in this permit are prohibited.
- 5.10 GE shall prevent the unknowing entry of, and minimize the possibility for unauthorized entry of, persons or livestock onto any portion of the facility. GE shall maintain security devices and warning signs in accordance with the Post-Closure Plan contained in **Appendix B**.
- 5.11 Any work plans developed for the purposes of closure, post-closure, or corrective action shall be approved by the Secretary prior to implementation.
- 5.12 Post-closure use of property on or in which hazardous wastes remain after partial or final closure must never be allowed to disturb the integrity of the final cover, liner, or any other components of the containment system, or the function of the facility's monitoring systems, unless the Secretary finds that the disturbance: (a) Is necessary to the proposed use of the property, and will not increase the potential hazard to human health or the environment; or (b) Is necessary to reduce a threat to human health or the environment.

Section 6: Reporting Requirements

- 6.1 All applications, reports, or information submitted to the Director shall be signed and certified in accordance with **VHWMR § 7-108**.
- 6.2 All reports, notifications, and submissions required by this permit shall be submitted via ANR/NRB Online Services Portal found at <https://anronline.vermont.gov>.
- 6.3 Monitoring results shall be reported at the intervals specified elsewhere in this permit.
- 6.4 Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.
- 6.5 Reporting noncompliance.
 - (a) GE shall orally report any noncompliance which may endanger health or the environment immediately upon discovery of the noncompliance, including:

- (i) Information concerning release of any hazardous waste that may cause an endangerment to public drinking water supplies.
 - (ii) Any information of a release or discharge of hazardous waste or of a fire or explosion at the facility, which could threaten the environment or human health outside the facility.
 - (b) The description of the occurrence and its cause shall include:
 - (i) Name, address, and telephone number of the owner or operator;
 - (ii) Name, address, and telephone number of the facility;
 - (iii) Date, time, and type of incident;
 - (iv) Name and quantity of material(s) involved;
 - (v) The extent of injuries, if any;
 - (vi) An assessment of actual or potential hazards to the environment and human health outside the facility, where this is applicable; and
 - (vii) Estimated quantity and disposition of recovered material that resulted from the incident.
 - (c) A written submission shall also be provided within five (5) days of the time GE becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The Secretary may waive the five-day written notice requirement in favor of a written report within fifteen days.
- 6.6 If a significant discrepancy in a manifest is discovered, **GE** must attempt to reconcile the discrepancy. If not resolved within fifteen days, **GE** must submit a letter report, including a copy of the manifest, to the Director.
- 6.7 An unmanifested waste report must be submitted to the Director within 15 days of receipt of unmanifested waste.
- 6.8 A biennial report must be submitted covering facility activities during the previous odd numbered calendar years. The biennial report shall be submitted electronically to EPA's RCRAinfo database.
- 6.9 GE shall report all instances of noncompliance not reported under **Conditions 6.3, 6.4, and 6.5** of this permit, at the time monitoring reports are submitted. The reports shall contain the information listed in **Condition 6.5** of this permit.

- 6.10 Where GE becomes aware that it failed to submit any relevant facts in a permit application or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.

Section 7: Post-Closure Permit Conditions

- 7.1 Post-closure care of the facility, in accordance with the Post-Closure Plan, which is included as **Appendix B**, must continue for 30 years after the date of completion of closure. Closure was achieved in October 1987. The Secretary may reduce the post-closure care period to less than 30 years if he/she finds that the reduced period is sufficient to protect human health and the environment. Prior to the time that the post-closure care period is due to expire, the Secretary may extend the post-closure care period if he/she finds that the extended period is necessary to protect human health and the environment.
- 7.2 The post-closure care period was extended by the Secretary for the duration of this permit.
- 7.3 GE may amend the Post-Closure Plan at any time during the active life of the disposal facility or during the post-closure care period following the permit modification process detailed in 40 CFR 270.42. The plan must be amended whenever changes in operating plans or facility design, or events which occur during the active life of the facility or during the post-closure care period, affect the Post-Closure Plan. A copy of the Post-Closure Plan shall be kept onsite at the facility until the post-closure care period has been completed.
- 7.4 In accordance with the requirements of **40 CFR 264.144**, GE shall maintain a written estimate of the cost of post-closure care and shall amend the estimate whenever there is an amendment to the existing Post-Closure Plan that increases the cost of post-closure care. In addition, within 90 days after the close of GE's fiscal year, for the duration of this Permit, GE shall adjust and amend the latest post-closure cost estimate by an inflation factor and submit it to the Secretary. The current post-closure cost estimate is included in **Appendix C**.
- 7.5 GE shall keep a copy of the initial post-closure cost estimate and all amendments at the facility until post-closure care has been completed.
- 7.6 GE shall maintain a record of the landfill position and install and maintain monuments at the surface to mark the corners of the landfill.

Section 8: Corrective Action

- 8.1 GE shall implement a corrective action groundwater monitoring program for the landfill.
- 8.2 GE shall maintain a written estimate of the cost of corrective action and shall amend the estimate whenever there is an amendment to the existing approved Environmental Monitoring Plan that increases the cost of corrective action. In addition, within 90 days after the close of GE's fiscal year, for the duration of this permit, GE shall adjust and amend the

latest corrective action cost estimate by an inflation factor and submit it to the Secretary. The current corrective action cost estimate is included in **Appendix C**.

- 8.3 GE shall perform corrective action groundwater monitoring as specified in an Environmental Monitoring Plan that has been approved by the Secretary. The Environmental Monitoring Plan shall specify the following: the number and location of wells to be sampled; the analytes to be sampled; analytical methods; the sampling frequency; the sampling procedures and quality assurance/quality control procedures.
- 8.4 At all times for the duration of this permit, GE shall maintain an approved Environmental Monitoring Plan.
- 8.5 If the results of corrective action monitoring performed under the approved Environmental Monitoring Plan meet the following conditions, GE shall perform the additional actions indicated:
- (a) If concentrations of 1,1-DCE in monitoring well B-17S exceed three times the 7 µg/l enforcement standard (21 µg/l) for four consecutive samples:
 - (i) GE will conduct an assessment of the site conceptual model and determine whether or not natural attenuation is successfully addressing the groundwater contamination. This assessment must be submitted to the Secretary for review and approval within 90 days of the receipt of the fourth set of monitoring data that demonstrates four consecutive 1,1-DCE concentrations of 21 µg/l or higher in monitoring well B-17S.
 - (ii) GE will develop a plan to assess the potential for continued down gradient migration. This plan should include assessment of the need to install more monitoring wells. This plan must be submitted to the Secretary for review and approval within 90 days of the receipt of the fourth set of monitoring data that demonstrate four consecutive 1,1-DCE concentrations of 21 µg/l or higher in monitoring well B-17S. The plan shall include proposed schedules to conduct any further work recommended in the plan.
 - (b) If concentrations of 1,1-DCE in monitoring well B-27 exceed two times the 7 µg/l enforcement standard (14 µg/l) for four consecutive samples:
 - (i) GE will conduct an assessment of the site conceptual model and whether or not natural attenuation is successfully addressing groundwater contamination. This assessment must be submitted to the Secretary for review and approval within 90 days of the receipt of the fourth set of monitoring data that demonstrates four 1,1-DCE concentrations of 14 µg/l or higher in monitoring well B-27. The plan shall include proposed schedules to conduct any further work recommended in the plan.
 - (ii) GE will develop a plan to assess the potential for continued down gradient migration. This plan should include assessment of the need to install more monitoring wells. This plan must be submitted to the Secretary for review and approval within 90 days of the receipt of the fourth set of monitoring data

that demonstrates four 1,1-DCE concentrations of 14 µg/l or higher in monitoring well B-27.

- (c) If concentrations of TCE in monitoring well B-17S exceed two times the 5 µg/l enforcement standard (10 µg/l) for four consecutive samples:
- (i) GE will conduct an assessment of the site conceptual model and whether or not natural attenuation is successfully addressing groundwater contamination. This assessment must be submitted to the Secretary for review and approval within 90 days of the receipt of the fourth set of monitoring data that demonstrates four consecutive TCE concentrations of 10 µg/l or higher in monitoring well B17S.
 - (ii) GE will develop a plan to assess the potential for continued down gradient migration. This plan should include assessment of the need to install more monitoring wells. This plan must be submitted to the Secretary for review and approval within 90 days of the receipt of the fourth set of monitoring data that demonstrate four consecutive TCE concentrations of 10 µg/l or higher in monitoring well B17S. The plan shall include proposed schedules to conduct any further work recommended in the plan.
- (d) If concentrations of TCE in B-27 exceed two times the 5 µg/l enforcement standard (10 µg/l) for four consecutive samples:
- (i) GE will conduct an assessment of the site conceptual model and whether or not natural attenuation is successfully addressing groundwater contamination. This assessment must be submitted to the Secretary for review and approval within 90 days of the receipt of the fourth set of monitoring data that demonstrates four consecutive TCE concentrations of 10 µg/l or higher in monitoring well B27.
 - (ii) (ii) GE will develop a plan to assess the potential for continued down gradient migration. This plan should include assessment of the need to install more monitoring wells. This plan must be submitted to the Secretary for review and approval within 90 days of the receipt of the fourth set of monitoring data that demonstrate four consecutive TCE concentrations of 10 µg/l or higher in monitoring well B-27. The plan shall include proposed schedules to conduct any further work recommended in the plan.
- (e) If concentrations of 1,1-DCE and/or TCE in monitoring well B-28 exceed the 1,1-DCE 7 µg/l or TCE 5 µg/l enforcement standard for four consecutive samples:
- (i) GE will conduct an assessment of the site conceptual model and whether or not natural attenuation is successfully addressing groundwater contamination. This assessment must be submitted to the Secretary for review and approval within 90 days of the receipt of the fourth set of monitoring data that

demonstrates four consecutive 1,1-DCE concentrations of 7 µg/l or TCE concentrations of 5 µg/l or higher in monitoring well B-28.

- (ii) GE will develop a plan to assess the potential for continued down gradient migration. This plan should include assessment of the need to install more monitoring wells. This plan must be submitted to the Secretary for review and approval within 90 days of the receipt of the fourth set of monitoring data that demonstrate four consecutive 1,1-DCE concentrations of 7 µg/l or TCE concentrations of 5 µg/l or higher in monitoring well B-28.

- 8.6 If the assessments submitted as required by Condition 8.6 indicate that monitored natural attenuation is not sufficiently preventing migration of contamination off-site, GE shall conduct an assessment of other remedial alternatives (including but not limited to institutional controls, continued monitored natural attenuation, and other active remediation).

Section 9: Financial Requirements

- 9.1 GE shall maintain liability coverage for claims arising from sudden accidental occurrences, which occur as a result of the operations of the facility, that cause injury to persons and property in an amount of at least four million dollars (\$4,000,000) per occurrence with an annual aggregate of at least eight million dollars (\$8,000,000) until closure of the facility has been completed. This liability coverage must be equivalent to the coverage held by GE at the time of issuance of this permit, as evidenced by the documents included in **Appendix C**.
- 9.2 GE shall demonstrate liability coverage for claims arising from sudden accidental occurrences in the amount of at least four million dollars (\$4,000,000) per occurrence, with an annual aggregate of at least eight million dollars (\$8,000,000), exclusive of legal defense costs. This liability coverage shall be demonstrated using one of the financial assurance instruments specified in **40 CFR § 264.147(a)**. Documentation of proof of insurance shall be included in **Appendix C**.
- 9.3 GE shall maintain financial assurance provisions for proper post-closure care of the facility as required by **40 CFR § 264.145** and maintained until the post-closure care period has been completed. Financial assurance shall be in at least the amount required by **Conditions 9.1 and 9.2**. Documentation of financial assurance for post-closure care in place at the time of the issuance of this permit can be found in **Appendix C**.
- 9.4 GE shall demonstrate its capability to close the facility at any time by providing documentation of financial assurance in one of the instruments described by **40 CFR § 264.143** and in the format provided for in **40 CFR § 264.151** in at least the amount of the cost estimates required by **Condition 9.2 and 9.3**.
- 9.5 GE shall maintain financial assurance for closure of the facility until closure has been certified in accordance with **40 CFR § 264.115** and the Director approves the release of the financial instrument in accordance with **40 CFR § 264.143(i)**.

- 9.6 Any changes in the financial assurance mechanism shall be approved by the Secretary.
- 9.7 GE shall notify the Director by certified mail of the commencement of any voluntary or involuntary proceeding under the United States Bankruptcy Code (Title 11, U.S. Code), naming the owner or operator as debtor, within 10 days after commencement of the proceeding.
- 9.8 In the event of the bankruptcy of or suspension of issuing authority of the trust fund trustee or trustee institution issuing any surety bond, letter of credit or insurance policy required by this permit, GE shall establish other financial assurance or liability coverage within 60 days after the event and in accordance with **Condition 9.6**.

APPENDICES

APPENDIX A: Site Map

APPENDIX B: Post Closure Plan

APPENDIX C: Post-Closure and Corrective Action Cost Estimates and Financial Assurance Documents