



August 23, 2024

The Honorable Debbie Dingell  
102 Cannon House Office Building  
Washington, DC 20515

Dear Congresswoman Dingell,

We thank you for your letter and the opportunity to answer questions regarding the environmental clean-up of the Niagara Falls Storage Site (NFSS) being remediated as part of the U.S. Army Corps of Engineers' (USACE), Formerly Utilized Sites Remedial Action Program (FUSRAP). Responses to the questions you asked in your letter dated August 19, 2024, are attached. We hope our responses adequately address your concerns. We are aware that USACE will be independently submitting responses to these questions to provide additional details.

Republic Services provides industry-leading environmental solutions to create a more sustainable world. Customers serviced include a variety of local and regional industrial, commercial and government entities who require safe and responsible management of industrial waste and environmental media to protect public health and the environment.

The Wayne Disposal Inc. (WDI) landfill located in Van Buren Township, Michigan is a highly engineered Subtitle C landfill that has operated safely for over 40 years. The company values establish safe and environmentally responsible operating practices to ensure secure disposal. The landfill is a regional asset that provides a necessary environmental service to a wide range of communities.

Respectfully,

*Scott Binder*

Scott Binder  
Area President  
Republic Services

## Republic Services Response to August 19, 2024 Questions

- *How was the decision made to transport this waste to the Wayne Disposal facility?*

Response: U.S. Army Corp of Engineers (USACE) has an extensive process for authorizing disposal facilities. Wayne Disposal Inc. (WDI) is audited by subject matter experts within the USACE Radiation Safety Support Team every five years to review facility operating procedures, monitoring programs and compliance status. USACE meets with local and state agencies as part of the audit. The WDI audit was last completed in October of 2022 at which time USACE and Republic staff met with Michigan Department of Environment Great Lakes and Energy (EGLE), Van Buren Township, and Wayne County.

- *Why were local officials and the public not notified in advance about the transportation of this waste?*

Response: WDI notified local officials and EGLE of its intent to receive waste from Niagara Falls Storage Site. EGLE reviewed the project information and provided concurrence that the waste can be compliantly disposed of at WDI. WDI is open to conversations on additional future notifications.

- *What specific measures are being implemented to ensure the safety of the community during the transportation and disposal of this waste?*

Response: WDI is properly designed, permitted and operated to safely and compliantly dispose of material from Niagara Falls Storage Site. The material does not require any additional measures beyond those routinely employed by the facility. USACE must ensure the waste is transported in compliance with U.S. Department of Transportation (DOT) requirements.

Additionally, the facility performs daily inspections to ensure safe and compliant operations and is regularly inspected by local, state, and federal agencies to verify compliance with permits and regulations, including radiological protection requirements.

- *What steps are being taken to prevent any accidents during the transport and disposal of this waste?*

Response: The material will be shipped in compliance with regulations governed by the DOT. These regulations set forth requirements to ensure materials are properly packaged, marked and transported by third-party specially licensed transporters who are trained on procedures necessary to ensure safe and compliant transportation.

- *What response plans are in place in the event of an incident during the transportation or disposal of the waste?*

Response: In the unlikely event that an incident was to occur, both the transporter and disposal facility have required emergency preparedness procedures in place to manage an incident, implement corrective and preventative measures, and provide notification to local and state officials.

- *Will the waste be tested before being deposited?*

Response: USACE performs testing to verify that waste meets WDI's waste acceptance criteria and ensure the transportation vehicle is properly packaged, marked and safely transported according to requirements set forth by the DOT. Prior to receiving material, WDI requires detailed information regarding material requiring disposal. Upon arrival at the facility each container will be inspected, sampled and analyzed in a lab to confirm the material is consistent with the properties described. Prior to leaving the facility, WDI will also survey containers to confirm they have been appropriately decontaminated in accordance with standards (49 CFR 173.443) set by the DOT.

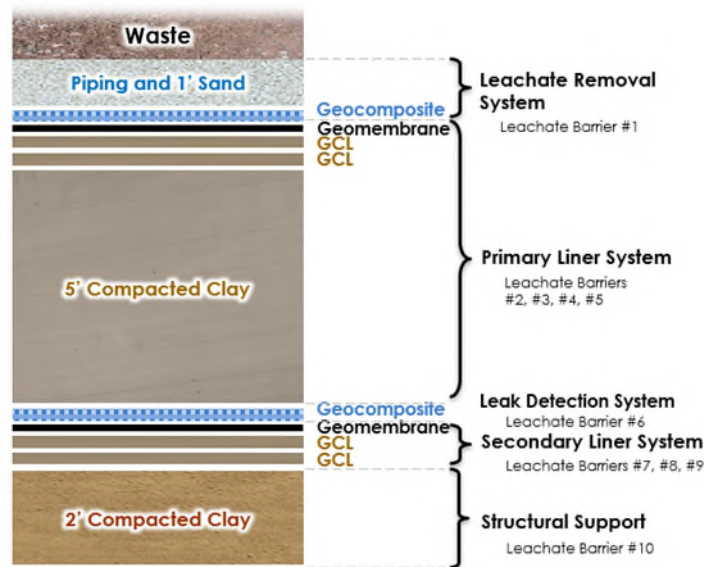
- *What ongoing environmental monitoring will be conducted to ensure there is no contamination or adverse impact on the surrounding environment, and how frequently will this data be reported to the public?*

Response: WDI has an extensive environmental monitoring program that includes over one hundred monitoring points. The site is also responsible for implementing a radiological monitoring program which analyzes forty monitoring points for radionuclides. Environmental media routinely sampled include groundwater, surface water, ambient air, leak detection systems, sediment and soil. All environmental monitoring data is reported to EGLE. At least annually, split samples of various media are collected and analyzed by EGLE and compared to WDI's results to verify consistency.

Additionally, WDI collects and performs primary treatment on all precipitation that hits the active areas of the facility.

- *Please provide detailed information on the protocols and technologies used at the Wayne Disposal facility to safely manage and contain this waste.*

Response: WDI’s landfill consists of a robust, highly engineered double composite landfill liner system composed of ten different leachate barriers including a secondary collection system that is closely monitored through regular inspections and chemical analysis.



The liner system contains the disposed waste, collects and removes liquids entrained in the waste, and prevents the flow of liquid into the surrounding environment.

Safe disposal is further supported by the following operational controls:

- Detailed information regarding material requiring disposal is provided in advance and reviewed by Republic’s technical staff to ensure it can be safely and compliantly disposed of at the facility. EGLE also reviews this information in advance for all USACE/FUSRAP projects seeking approval into WDI.
- Waste is scheduled into the landfill and transporters are required to enter the facility off of I-94 via Rawsonville Road, eliminating travel through residential areas.

- Upon arrival at the facility, each container is inspected and analyzed by trained chemists to ensure conformance with the approved properties of the waste before the load is authorized to be received by the facility.
  - Once authorized to be placed into the landfill, waste is unloaded into the facility's waste transfer box where dedicated equipment transport material into the active face of the landfill.
  - Although WDI's unloading process prevents the need for over the road vehicles from driving into the landfill disposal area, as an additional precautionary measure all delivery vehicles are required to drive through a wheel wash before being released from the facility.
  - The active face of the landfill is covered daily.
- *What steps are being taken to ensure full compliance with all state and federal environmental regulations and engage with my constituents to address their concerns about the safety of this waste disposal?*

Response: The design, operation and monitoring of the facility are requirements set forth by WDI's permit. In 2014, the then Governor directed the Michigan Department of Environmental Quality (now known as Michigan Department of Environment, Great Lakes and Energy) to assemble a panel of experts to review Michigan's standards for disposing low-activity radioactive materials and assess whether they were sufficiently protective of public health and the environment. The panel published their findings in a white paper that concluded Type I landfills, like WDI, are more robust facilities suitable for disposal of TENORM waste and Michigan's disposal guideline of 50 pCi/g is safe for public health and the environment. Effective March 28, 2019, Michigan's legislature added section 11132 to Part 111 of 1994 P.A. 451, as amended codifying concentration limits for waste that may be placed in a Type I landfill. WDI's waste acceptance criteria adhere to the thresholds established by the statute.

WDI provides notification to EGLE on each FUSRAP project and obtains concurrence that the waste is acceptable for disposal at WDI, prior to authorizing shipments. EGLE's approval is communicated to local officials. Additionally, WDI regularly meets with Van Buren Township leadership and the Environmental Commission.

- *Will you participate in an in-person town hall in the community?*

Response: Yes, we are willing to participate in a community informational meeting.