

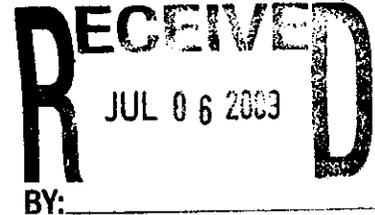


UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
1 CONGRESS STREET, SUITE 1100, BOSTON, MASSACHUSETTS 02114-2023

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

JUN 29 2009

Scott Alfonse, Director
City of New Bedford
Department of Environmental Stewardship
133 William Street
New Bedford, Massachusetts 02740



Re: Decontamination of PCB-Contaminated *Non-Porous Surfaces* under
40 CFR §§ 761.61(a) and (c)
New Bedford High School, New Bedford, Massachusetts

Dear Mr. Alfonse:

This is in response to the City of New Bedford Notification¹ (the City) to decontaminate PCB-contaminated *non-porous surfaces* (i.e. utility connections) associated with certain univents located inside the New Bedford High School (NBHS), Hathaway Boulevard, New Bedford, Massachusetts (the Site).

Under the *August 31, 2005 Approval for Risk-Based PCB Cleanup and Disposal under 40 CFR § 761.61(c)* for McCoy Field, the City was required to assess the potential PCB contamination at the New Bedford High School property. The Approval required the City to conduct an assessment of potential PCB contamination both indoors and outdoors and to submit a cleanup plan for EPA review and approval if PCBs regulated under the federal PCB regulations at 40 CFR Part 761 were identified. Efforts to-date pertaining to the indoor assessment have been documented in the following Reports:

- Report of Findings, New Bedford High School Polychlorinated Biphenyls Source/Sink Sampling Program, October 2008; and,
- Report of Findings Addendum, New Bedford High School Polychlorinated Biphenyls Quasi-Random Bulk Material Sampling Program, May 2009.

These Reports indicate that PCBs are present at greater than (>) 1 part per million (ppm) in various building materials.

¹ Information was submitted on your behalf by TRC to satisfy the notification requirement under 40 CFR §§ 761.61(a)(3) and (c). Information was provided dated May 9, 2009 (*Building Interior PCB Removal and Abatement Plan*); and, May 21, 2009. These submittals will be referred to as the "Notification."

In your Notification, you indicate that the following PCB-contaminated building materials with greater than or equal to (\geq) 50 ppm (i.e. *PCB bulk product waste*) will be removed and disposed as required under § 761.62:

- Paint located on a closet wall in Room A-206-4;
- Laminate adhesives located in Rooms B-240; A-319-3; and A-205-4; and,
- Univents located within the B-block.

In addition, the Notification indicates that other miscellaneous items, including gym mats, a sofa, and chairs, which have been identified to have PCBs at > 1 ppm will be disposed of.

As part of the univent removal, utility hookups will remain and the external surfaces (*non-porous surfaces*) may be contaminated with PCBs. You have requested approval to decontaminate these surfaces under §§ 761.61(a) and (c).

The proposed decontamination plan meets the self-implementing cleanup and disposal requirements under 40 CFR § 761.61(a). The City may proceed with its decontamination in accordance with 40 CFR §§ 761.61(a) and (c); its Notification; and this Approval, subject to the conditions of Attachment 1. Under this Approval, EPA is providing for an alternative verification sampling program provided the City is able to demonstrate the efficacy of its decontamination procedure.

The City has determined that some of the building materials, such as window caulk and glazing, which have PCB concentrations at less than ($<$) 50 ppm are *Excluded PCB Products*. Under the PCB regulations, *Excluded PCB Products* are authorized for use and thus there is no requirement for removal of these building materials or for decontamination of surfaces that are in contact these building materials. Due to the location of many of the identified *Excluded PCB Products* (e.g. floor tile mastic, exterior window and door caulk, cove base mastic, etc.) there is limited potential for direct exposure to building users. However, the Notification does indicate that as part of its assessment program, the City will be evaluating whether removal or encapsulation of the *Excluded PCB Products* would be beneficial in reducing the overall exposure to PCBs within New Bedford High School. In the event the City determines that PCB-contaminated building materials with < 50 ppm do not meet the definition of an *Excluded PCB Product*, the City shall notify EPA and shall submit a plan to address cleanup of these materials.

As noted in your Notification, additional sampling will be necessary to define the extent of the PCB sources inside NBHS and to determine the appropriate classification of these materials. Under this Approval, EPA is requiring that the City provide its implementation schedule for completion of the indoor assessment and for the interim measures to reduce exposure in the high school (e.g. repair of floor tiles, cove base, etc.) See Attachment 1, Condition 1.

In the event that the City determines that these PCB sources are regulated under the federal PCB regulations at 40 CFR Part 761, the City will be required to submit a cleanup and disposal plan to address the PCB-contaminated materials. Please note that this Approval does not release the City from any applicable requirements of federal, state or local law, including those requirements under the Massachusetts Department of Environmental Protection (Mass DEP) regulations.

EPA will not consider this project phase complete until it has received all submittals required under this Approval. Should you have any questions on this matter, please contact Kimberly Tisa at (617) 918-1527.

Sincerely,



for James T. Owens, III, Director
Site Remediation & Restoration

Attachment 1

cc: D. Fredette, City of New Bedford
D. Sullivan, TRC
G. Martin, Mass DEP
Health Department
File

ATTACHMENT 1:

**PCB DECONTAMINATION APPROVAL CONDITIONS
NEW BEDFORD HIGH SCHOOL
HATHAWAY BOULEVARD, NEW BEDFORD, MASSACHUSETTS**

GENERAL CONDITIONS

1. This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2605(e), and the PCB regulations at 40 CFR Part 761, and applies solely to the *PCB remediation waste* (i.e. univent utility connections) identified in the Notification.
 - a. This Approval does not address PCB-contaminated building materials that have been identified by the City of New Bedford (the City) as *Excluded PCB Products*. In the event the City determines that PCB-contaminated building materials with less than (<) 50 ppm do not meet the definition of an *Excluded PCB Product*, the City shall notify EPA and shall submit a plan to address cleanup of these materials.
 - b. Within 21 days of receipt of this Approval, the City shall submit the following information:
 - i. An implementation schedule for completion of the indoor assessment of New Bedford High School as required by the *August 31, 2005 Approval for Risk-Based PCB Cleanup and Disposal under 40 CFR § 761.61(c)*; and,
 - ii. An implementation schedule for completion of the interim measures to reduce overall exposure to PCBs in New Bedford High School. The implementation schedule should identify at a minimum, the proposed interim measure, the location(s) for the interim measure, and the completion date.
2. The City shall conduct on-site activities in accordance with the conditions of this Approval and with the Notification.
3. In the event that the activities described in the Notification differ from the conditions specified in this Approval, the conditions of this Approval shall govern.
4. The terms and abbreviations used herein shall have the meanings as defined in 40 CFR § 761.3 unless otherwise defined within this Approval.

5. The City must comply with all applicable federal, state and local regulations, including the storage, handling, and disposal of all PCB wastes, PCB Items and decontamination wastes generated under this Approval. In the event of a new spill during the decontamination activities, the City shall contact EPA within 24 hours for direction on PCB cleanup and sampling requirements.
6. The City is responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in activities conducted under this Approval. If at any time the City has or receives information indicating that it or any other person has failed, or may have failed, to comply with any provision of this Approval, the City must report the information to EPA in writing within 24 hours of having or receiving the information.
7. This Approval does not constitute a determination by EPA that the selected transporters or disposal facilities are authorized to conduct the activities set forth in the Notification. The City is responsible for ensuring that the selected transporters and disposal facilities are authorized to conduct these activities in accordance with all applicable federal, state and local statutes and regulations.
8. This Approval does not: 1) waive or compromise EPA's enforcement and regulatory authority; 2) release the City from compliance with any applicable requirements of federal, state or local law; or 3) release the City from liability for, or otherwise resolve, any violations of federal, state or local law.

NOTIFICATION AND CERTIFICATION CONDITIONS

9. This Approval may be revoked if the EPA does not receive written notification of the City's acceptance of the conditions of this Approval within 10 business days of receipt.
10. The City shall notify EPA in writing of the scheduled date of commencement of on-site activities at least 3 business days prior to conducting any work under this Approval.
11. Prior to initiating onsite work under this Approval, the City shall submit the following information for EPA review and/or approval:
 - a. a certification signed by its selected abatement contractor, stating that the contractor has read and understands the Notification, and agrees to abide by the conditions specified in this Approval;
 - b. a work plan prepared by the selected abatement contractor, which describes the methods and procedures which will be employed during the abatement process to mitigate the potential for release of PCB-contaminated dust during abatement work, the waste handling and storage, and equipment decontamination; and,

- c. a certification signed by the selected analytical laboratory, stating that the laboratory has read and understands the analytical and quality assurance requirements specified in the Notification and in this Approval.

REMEDIAL and DISPOSAL CONDITIONS

12. The *non-porous surface* PCB cleanup standard shall be less than or equal to (\leq) $10 \mu\text{g}/100 \text{ cm}^2$. Post-decontamination verification samples shall be collected as follows:
 - a. All visible residues of dust/dirt shall be removed. All post-decontamination verification sampling of *non-porous surfaces* shall be performed on a surface area basis by the standard wipe test as specified in 40 CFR § 761.123 (i.e. $\mu\text{g}/100 \text{ cm}^2$).
 - i. For the initial decontamination activities, the first 6 decontaminated univents shall be sampled (3 utility hookups per univent).
 - ii. Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction and/or analytical method(s) is validated according to Subpart Q.
 - iii. In the event that the PCB cleanup standard of $\leq 10 \mu\text{g}/100\text{cm}^2$ is achieved on all samples without additional decontamination, the verification sampling frequency may be reduced to 20% for the remaining univents.
13. All PCB waste (regardless of concentration) generated as a result of the activities described in the Notification, excluding any decontaminated materials, shall be marked in accordance with § 761.40; stored in a manner prescribed in § 761.65; and, disposed of in accordance with 40 CFR § 761.61(a)(5), unless otherwise specified below or in this Approval:
 - a. Non-liquid cleaning materials, such as PPE and similar materials resulting from decontamination, shall be disposed of in accordance with 40 CFR § 761.79(g)(6).
 - b. Moveable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 CFR § 761.79(b)(3)(i)(A), § 761.79(b)(3)(ii)(A), or § 761.79(c)(2).
 - c. PCB-contaminated water generated during decontamination or dewatering shall be decontaminated in accordance with 40 CFR § 761.79(b)(1) or disposed of under § 761.70.

INSPECTION, MODIFICATION AND REVOCATION CONDITIONS

14. The City shall allow any authorized representative of the Administrator of the EPA to inspect the Site and to inspect records and take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.
15. Any proposed modification(s) in the plan, specifications, or information in the Notification must be submitted to EPA no less than 14 calendar days prior to the proposed implementation of the change. Such proposed modifications will be subject to the procedures of 40 CFR § 761.61(a)(3)(ii).
16. Any departure from the conditions of this Approval without prior, written authorization from the EPA may result in the revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
17. Any misrepresentation or omission of any material fact in the Notification or in any records or reports may result in the EPA's revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.

RECORDKEEPING AND REPORTING CONDITIONS

18. The City shall prepare and maintain all records and documents required by 40 CFR Part 761, including but not limited to the records required under Subparts J and K. A written record of the decontamination and the analytical sampling shall be established and maintained by the City in one centralized location until such time as EPA approves in writing a request for an alternative disposition of such records. All records shall be made available for inspection by authorized representatives of EPA.
19. The City shall submit a final report to EPA within 60 days of completion of the activities authorized under this Approval. At a minimum, this final report shall include: a short narrative of the remedial activities; characterization and confirmation sampling analytical results (if applicable); copies of the accompanying analytical chains of custody; field and laboratory quality control/quality assurance checks; an estimate of the quantity of PCB waste disposed of; copies of manifests; and copies of certificates of disposal or similar certifications issued by the disposer.

20. Required submittals, including notifications and certifications, shall be mailed to:

Kimberly N. Tisa, PCB Coordinator
United States Environmental Protection Agency
1 Congress Street, Suite 1100 - CPT
Boston, Massachusetts 02114-2023
Telephone: (617) 918-1527
Facsimile: (617) 918-0527

21. No record, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self disclosure or penalty policies.

END OF ATTACHMENT 1