UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAY 17 2016

REPLY TO THE ATTENTION OF:

Mr. Peter Walter
TCG I Indianapolis, LLC
40 Grove Street Suite 250
Wellesley, Massachusetts 02482

Re: 40 CFR §761.79(h) Approval
Building PCB Decontamination Work Plan
Indianapolis Return Center
3333 North Franklin Road

Dear Mr. Walter:

This is in response to the November 5, 2015 Building PCB Decontamination Work Plan (Work Plan) and the March 25, 2016 Addendum 1 (Addendum) to the Work Plan submitted by GHD Services Inc. (GHD) at the request of DLA Piper, LLC for an alternative decontamination verification sampling approval under 40 Code of Federal Regulations (CFR) § 761.79(h).

The Work Plan and Addendum were prepared for the mitigation of polychlorinated biphenyls (PCBs) at the former Walmart Indianapolis Return Center (IRC) building located at 3333 North Franklin Road in Indianapolis, Indiana (Site). The Site consists of one building on approximately 14.8 acres of land. The building is approximately 277,425 square feet (ft^2) in area and is comprised of warehouse space (approximately 246,875 ft^2) and ancillary office space (approximately 30,550 ft^2). The building contains materials meeting the definition of PCB Bulk Product Waste at 40 CFR §761.3 exceeding the allowable levels under the federal PCB regulations at 40 CFR §761.20 and §761.62.

EPA approves the above-referenced workplan and addendum (Approval) under the federal PCB regulations at 40 CFR §761.79(h), subject to the conditions in Attachment 1 and in consideration of the following:

- TCG proposes to remove and dispose of all regulated PCB impacted materials off-site.
- Once all non-porous surfaces have been cleaned, wipe samples will be collected to determine whether a decontamination standard of $\leq$ 10 microgram (µg)/100 cm^2 has been achieved.
- Once all porous surfaces have been cleaned, bulk samples will be collected to determine whether a decontamination standard of $\leq$ 1 milligram per kilogram (mg/kg) has been achieved.

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EPA's Office of Solid Waste and Emergency Response (OSWER) policy requires that all cleanups protect human health and the environment which extends to the environmental footprint of the cleanup action. Accordingly, EPA urges you to conduct this work consistent with the American Society for Testing and Materials (ASTM) Standard Guide E2893 for Greener Cleanups for Best Management Practices (BMP). Please review the guide and implement any practices that are feasible.

If PCB impacted materials exceeding the decontamination standards cited in this letter and in Attachment 1 remain at the Site after completion of the abatement efforts, TCG must notify EPA Region 5 using the contact information presented in paragraph 16 of Attachment 1 to determine whether additional approvals are required to address residual PCB contamination under 40 CFR Part 761. This Approval does not relieve TCG or any participant in the remediation efforts from complying with all federal, state and local regulations. Any departure from this Approval or any part of the Work Plan and Addendum without prior written EPA approval may result in immediate suspension of this Approval and/or an enforcement action. Nothing in this Approval is intended as a release or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or in equity, which EPA may have against any person for any violation of TSCA at the site.

If you have any questions, please contact Peter Ramanauskas, of my staff, at (312) 886-7890.

Sincerely,

Margaret M. Guerriero
Director
Land and Chemicals Division

cc: George Gigounas, DLA Piper, LLC
George Ritchotte, IDEM
Steve Wanner, GHD

ATTACHMENT 1

APPROVAL CONDITIONS FOR:
INDIANAPOLIS RETURN CENTER - 3333 NORTH FRANKLIN ROAD
INDIANAPOLIS, INDIANA

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 Federal Polychlorinated Biphenyl (PCB) Regulations at 40 CFR Part 761, and applies solely to the PCB Bulk Product Waste and PCB Remediation Waste located at the site.

2) TCG shall conduct on-site activities in accordance with the conditions of this Approval and the Work Plan and Addendum.

3) In the event that the cleanup plan described in the Work Plan and Addendum differs 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 in this Approval.

5) TCG must comply with all applicable federal, state, and local regulations in the storage, handling, and disposal of all PCB wastes, including PCBs, PCB Items, and decontamination wastes generated under this Approval. In the event of a new spill during implementation of these cleanup activities, TCG shall contact EPA within 24 hours for direction on PCB cleanup and sampling requirements.

6) TCG 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 TCG has or receives information indicating that TCG has failed, or may have failed, to comply with any provision of this Approval, it must report the information to EPA in writing via email to the contact identified in Paragraph 16 within 24 hours of having or receiving the information.

7) This Approval does not constitute a determination by EPA that the transporters or disposal facilities selected by TCG are authorized to conduct the activities set forth in the Work Plan and Addendum. TCG is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct these activities in accordance with all applicable federal, state, and local statues and regulations.

8) This approval does not: 1) waive or compromise EPA's enforcement and regulatory authority; 2) release TCG from compliance with any applicable requirements of federal, state, or local law; 3) release TCG from liability for, or otherwise resolve, any violations of federal, state, or local law.

CLEANUP AND DISPOSAL CONDITIONS

9) To the maximum extent practical, engineering controls, such as barriers, and removal techniques, (such as the use of HEPA ventilated tools), shall be used during removal processes. In addition, to the maximum extent possible, disposable equipment and materials, including PPE, shall be used to reduce the amount of decontamination necessary.

10) TCG shall provide EPA with a copy of the site-specific Health and Safety plan identified in Section 7 of the Work Plan when it is prepared.

11) PCB contaminated materials shall be removed and/or decontaminated, and verification sampling and analysis conducted as described below:

    a) Light ballasts shall be individually inspected, drummed, and disposed as TSCA waste in accordance with 40 CFR §761.50(b)(2). If light ballasts are not specifically identified as non-PCB or PCB free, they shall be presumed to contain PCBs.

    b) Non-asbestos containing demolition debris shall be managed for disposal as identified in Section 6.3.1 of the Work Plan. If waste characterization identifies PCB at or exceeding 50 mg/kg or 10 $\mu g/100\ cm^2$, such material shall be disposed of as allowed under 40 CFR §761.62(a). Otherwise, PCB contaminated demolition debris shall be disposed of as allowed under 40 CFR §761.62(b).

    c) Asbestos containing demolition debris shall be managed for disposal as identified in Section 6.3.1 of the Work Plan. If such debris also contains PCB at or exceeding 50 mg/kg or 10 $\mu g/100\ cm^2$, such material shall be disposed of in a TSCA disposal facility as allowed under 40 CFR §761.62(a). Otherwise, such debris shall be disposed of at an authorized Subtitle D facility permitted to accept Asbestos Containing Material and PCB Bulk Product Wastes
    (40 CFR §761.62(b)).

    d) Warehouse Sodium Vapor Lighting shall be decontaminated by wiping down the outer surface and removing and wiping down the lens, the bulb, and area enclosed by the lens. The cleaning of the fixture shall be done by wiping at least twice with a shop cloth dampened with a water and phosphate-free detergent solution and then rinsing the fixture twice with a clean shop cloth dampened with clean water. Following cleaning, each light fixture shall be wipe sampled in accordance with 40 CFR §761.123. One wipe sample shall be obtained from an outer surface of the fixture where dust was most likely to have accumulated. If the result exceeds 10 $\mu g/100\ cm^2$, the fixture either shall be re-cleaned by repeating the wiping procedure until the decontamination standard is met or it shall be removed and discarded in accordance with 40 CFR §761.62.

    e) Fiberglass insulation, which is sandwiched between the two layers of sheet metal at the north-south oriented wall dividing the main warehouse from the eastern warehouse, has limited areas where it is exposed at the cutouts in the wall between the north and south warehouses. Any exposed fiberglass insulation shall be removed and managed as

demolition debris as described in Section 6.3 of the Work Plan. Following removal of the exposed, dusty fiberglass insulation, a minimum of three representative bulk samples of the clean fiberglass insulation shall be obtained to document the PCB concentrations of the fiberglass insulation sandwiched between the sheet metal layers.

f) Electrical and Area Heating Equipment to remain in place such as electrical panels, transformers and overhead heaters in the warehouse and dock areas shall be cleaned in place. Following HEPA vacuuming, the equipment surfaces shall be wiped down at least twice with a shop cloth dampened with a water and phosphate-free detergent solution and then rinsed twice with a clean shop cloth dampened with clean water. Conduit containing electrical wiring extending vertically from the panel to the ceiling and from the panel to the floor also shall be cleaned using this procedure. Following cleaning, one wipe sample shall be obtained from each piece of electrical equipment where dust was most likely to have accumulated and is likely to be contacted during future use. If the result exceeds the target cleanup concentration (10 $\mu g/100\ cm^2$), the equipment either shall be re-cleaned by repeating the wiping procedure until the target concentration is met or removed and discarded in accordance with 40 CFR §761.62.

g) Overhead door surfaces and ancillary components (e.g., door rails, etc.) shall be cleaned in place by mechanically scrubbing with a scrub brush as necessary then wiping down at least twice with a shop cloth dampened with a water and phosphate-free detergent solution. Double rinsing shall be completed by wiping with a shop cloth dampened with clean water. Abrasive techniques such as brushing or scraping may be used as needed to remove material. Following cleaning, one wipe sample shall be obtained from the surface that faces the building interior. If the result exceeds the target cleanup concentration (10 $\mu g/100\ cm^2$), the equipment either shall be re-cleaned by repeating the scrubbing/wiping procedure until the target concentration is met or removed and discarded as TSCA waste. Depending on its condition, an overhead door also may be discarded as TSCA waste without testing or cleaning; or removed, characterized and properly disposed based upon the analytical testing results in accordance with 40 CFR §761.62.

h) Dock levelers shall be cleaned following removal of bulk particulates by a combination of HEPA vacuuming or wet sweeping and wiping. Accessible surfaces of the dock levelers shall be mechanically scrubbed with a scrub brush as necessary and wiped down at least twice with a shop cloth dampened with a water and phosphate-free detergent solution. Double rinsing shall be completed by wiping with a shop cloth dampened with clean water. Abrasive techniques such as brushing or scraping may be used as needed to remove material. Following cleaning, one wipe sample shall be obtained from the surface of each dock leveler. If the result exceeds the target cleanup concentration (10 $\mu g/100\ cm^2$), the equipment either shall be re-cleaned by repeating the scrubbing/wiping procedure until the target concentration is met or discarded in accordance with 40 CFR §761.62.

i) PCB impacted material with Floor Expansion and Control Joints shall be removed as per Section 3 of the Addendum. In the event separator material is left in place between the foundation wall and the floor slab, a bulk sample of the separator material shall be

collected for PCB analysis. One representative sample of the floor separator material per every approximately 200 lineal feet of material left in place, or a minimum of one sample from each wall where the material must remain in place, whichever is greater, shall be collected prior to sealing the material with epoxy coating.

j) The concrete floor slab, building walls, and ceiling shall be decontaminated per Section 5.2.1 of the Work Plan. Wall and column paint shall be removed as per Section 4 of the Addendum. Floor paint shall be removed as per Section 5 of the Addendum.

   i) Floor paint and dust removed from the building by scarification, sweeping, and HEPA vacuuming shall be disposed of in accordance with §761.62.

   ii) Post-cleanup concrete floor sampling shall be conducted as described in Section 2 of the Addendum. The target cleanup objective for concrete wipe and bulk samples is 10 $\mu g/100\ cm^2$ and 1 mg/kg, respectively.

   iii) Confirmatory sampling of the walls shall be completed after the building decontamination activities as described in Section 5.2.1 of the Work Plan and, for previously painted areas, as described in Section 4 of the Addendum. The target cleanup objective for the bulk wall sampling locations shall be 1 mg/kg or less.

   iv) The building columns shall be wipe sampled following power washing as described in Section 5.2.2 of the Work Plan. The target cleanup objective is 10 $\mu g/100\ cm^2$.

   v) Confirmatory sampling from the surfaces of ceiling trusses and horizontal support beams shall be performed at a rate of one sample per 1,000 ft^2 of ceiling area to meet a target cleanup objective is 10 $\mu g/100\ cm^2$.

   vi) If the decontamination objectives are not met after the first round of cleaning, additional cleaning shall be performed and additional confirmatory samples shall be collected.

   vii) Chemical extraction for PCBs shall be conducted using Method 3500B/3540C of SW-846; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846 unless another extraction or analytical method is validated according to 40 CFR Part 761 Subpart Q.

k) Following completion of abatement activities and prior to occupancy of the building, indoor air sampling shall be conducted over a 24 hour time period to verify the effectiveness of the decontamination methods that were used.

   i) Prior to collection of post-abatement air samples, doors and windows of the building shall be closed 24 hours prior to the start of sampling and remain closed for the duration of the sampling event.

   ii) Indoor air sampling shall be conducted in accordance with EPA Method TO-4A or

TO-10A. Sufficient sample volumes shall be collected to provide a minimum laboratory reporting limit of < 0.05 $\mu g/m^3$.

iii) Analytical results of post-abatement air sampling shall be submitted to EPA within 5 business days of the TCG's receipt of results and prior to the start of building occupancy.

l) PCB waste at any concentration generated as a result of the activities described in the Work Plan and Addendum shall be marked in accordance with 40 CFR §761.40; stored in a manner consistent with 40 CFR §761.65; and disposed of in accordance with 40 CFR §761.61 or
§761.62, unless otherwise specified below.

i) Decontamination wastes and residues identified in Section 6.3.3 of the Work Plan shall be disposed of in accordance with 40 CFR §761.79(g)(6).

ii) Movable 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).

iii) PCB contaminated water generated during building decontamination shall be decontaminated using an on-site carbon treatment system and placed in a treated water storage tank for testing and re-use. The treated water in the storage tank shall be sampled for PCBs to ensure that the concentration is at or below 3 micrograms per liter (µg/L) per
40 CFR §761.79(b)(1)(ii). If the treated storage water is at or below 3 micrograms per liter (µg/L), this treated water shall be recycled for use in power washing the building. Treated water with PCB concentrations above 3 µg/L either shall be re-treated until the concentrations meet 40 CFR §761.79(b)(1) standards or staged in separate storage tanks for additional decontamination to the unrestricted use standard of ≤ 0.5 µg/L as identified in Section 6.3.3 of the Work Plan prior to disposal or reuse for power washing.

INSPECTION, MONITORING, MODIFICATION AND REVOCATION CONDITIONS

12) TCG shall allow any authorized representative of the Administrator of the EPA to inspect the site, inspect records, and take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal by TCG to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.

13) Any proposed modification in the plan, specifications, or information in the Work Plan and Addendum must be submitted to EPA for review and approval and as discussed in Section 5.4 of the Work Plan. Any proposed modification in the plan or specifications contained in the Work Plan and Addendum or any departure from the conditions of this Approval without prior, written authorization from the EPA may result in revocation,

suspension, and/or modification of the Approval, in addition to any other legal or equitable relief or remedy EPA may chose to pursue.

14) Any misrepresentation or omission of any material fact in the Work Plan and Addendum or in any records or reports may result in EPA's revocation, suspension, and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may chose to pursue.

RECORDKEEPING AND REPORTING CONDITIONS

15) TCG 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 TCG at the Site. All records shall be made available for inspection to authorized representatives of EPA. TCG must maintain written records for three years from the date of completion of the cleanup under this approval.

16) TCG shall develop a report of all of the decontamination efforts as noted in Sections 8 and 9 of the Work Plan. At a minimum, this Report shall include: a discussion of project activities, including any modifications that were made to the cleanup plan; a description of the cleanup, decontamination, and disposal activities conducted under Paragraph 11 of this Approval; identification of characterization and post-abatement sampling including all sampling locations and specific identification of locations where cleanup objectives may not have been met for items referenced in Paragraph 11; analytical results and laboratory data packages; copies of the accompanying analytical chains of custody; field and laboratory quality control/quality assurance checks; an estimate of the quantity of PCBs removed and disposed of off-site; copies of manifests and/or bills of lading; and copies of certificates of disposal or similar certifications issued by the disposer, if applicable; and a certification that the cleanup and decontamination has been conducted and completed in accordance with the Work Plan and Addendum, this approval, and 40 CFR Part 761. TCG must submit this report to:

Peter Ramanauskas
Corrective Action Section 1 (LU-9J)
EPA Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604
ramanauskas.peter@epa.gov

within 8 weeks of completing the cleanup under this approval.

17) If TCG incorporates any Greener Cleanup BMPs identified in the ASTM E2893 Standard, the Report should include a section on BMP documentation, as described in ASTM E2893 Section 6.6.5.

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.