UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

APR 5 2012

CERTIFIED MAIL - RETURN RECEIPT REQUESTED
Article Number: 7011 0470 0002 3731 8992

Mr. Alex Lempert
Director, IEH Division
New York City School Construction Authority
30-30 Thomson Avenue
Long Island City, New York 11101-3045

Re: Public School 9K, Brooklyn, New York
Approval for Cleanup and Disposal of PCB Remediation Waste under 40 CFR §761.61(a) and Approval for Characterization and Verification Sampling under 40 CFR §761.61(c)

Dear Mr. Lempert:

This is in response to the February 9, 2012 Notification of Self-Implementing Onsite Cleanup and Disposal of PCB Remediation Waste, submitted by the New York City School Construction Authority (SCA). This Approval concerns SCA's plan to address polychlorinated biphenyl (PCB) contamination in the soil at Public School (P.S.) 9K (P.S. 9K), located at 80 Underhill Avenue, Brooklyn, New York. This document will be referred to as the "Application". The PCB contaminated soil is considered to be PCB remediation waste that exceeds the cleanup levels under the federal PCB regulations at 40 CFR §761.61(a)(4).

With the exception of the characterization and verification sampling requirements under Subparts N and O of 40 CFR Part 761, the proposed removal of the PCB remediation waste meets the self-implementing cleanup and disposal requirements under 40 CFR §761.61(a). Based on characterization sampling of the soil conducted at P.S. 9K and the proposed removal and disposal off-site of soil, the United States Environmental Protection Agency (EPA) finds that this sampling, in this proposed remediation context, is acceptable for delineating areas of the PCB remediation waste to be addressed. The EPA also finds that SCA's plan for verification sampling is acceptable for purposes of determining compliance with the PCB cleanup standards for high occupancy areas of 1 part per million (unrestricted) and 10 parts per million (with implementation of a cap and deed restriction meeting the requirements of 40 CFR §761.61(a)(7) and (a)(8), respectively).

EPA hereby approves SCA's Application, and it may proceed with the cleanup and disposal under 40 CFR §§761.61(a) and (c) and its Application, subject to this Approval. This Approval also constitutes an order under the authority of Section 6 of the Toxic Substances Control Act, 15 U.S.C. §2605.

Please note that this Approval does not constitute a determination by EPA that the transporters or the disposal facilities selected by SCA are authorized to conduct the activities set forth in the Application. SCA is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct any such activities in accordance with all applicable federal, state and local statutes and regulations.

Should you have any questions concerning this matter, please contact Mr. James S. Haklar, of my staff, at (732) 906-6817 or at haklar.james@epa.gov.

Sincerely yours,

Dore LaPosta, Director
Division of Enforcement and Compliance Assistance

cc: Nancy Clark, New York City Department of Health and Mental Hygiene
Jane O'Connell, New York State Department of Environmental Conservation