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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

5 POST OFFICE SQUARE, SUITE100, BOSTON, MASSACHUSETTS 02109-3912

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

April 26, 2011

Dominic Cloud, City Manager
City of St. Albans
100 North Main Street
St. Albans, Vermont 05478

Re: PCB Cleanup and Disposal Approval under §§ 761.61(a) and (c)
Former Fonda Group Facility
15-21 Lower Newton Street
St. Albans, Vermont

Dear Mr. Cloud:

This is in response to the Notification[1] by the City of St. Albans (the City) of a proposed PCB cleanup at the former Fonda Group Facility (also known as Solo Cup) located at 15-21 Lower Newton Street, St Albans, Vermont (the Site) The City acquired the Site in 2007. PCB-contaminated wastes, including building materials and soils, have been identified that exceed the allowable PCB levels for *unrestricted use* under the federal PCB regulations at 40 CFR § 761.61(a).

The City is undertaking the proposed PCB remedial activities to improve the Site for potential redevelopment. The PCB cleanup and disposal plan under §§ 761.61(a) and (c) includes the following:

- Removal and off-site disposal of PCB-contaminated building walls with less than (<) 50 parts per million (ppm) at a state-approved disposal facility in accordance with § 761.61(a)(5)(i)(B)(*2*)(*ii*) or § 761.61(a)(5)(i)(B)(*2*)(*iii*);

- Removal and off-site disposal of PCB-contaminated building walls with greater than or equal to (≥) 50 ppm at a TSCA-approved or hazardous waste disposal facility in accordance with § 761.61(a)(5)(i)(B)(*2*)(*iii*);

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[1] Information was provided on your behalf by the Johnson Company and Weston & Sampson to satisfy the notification requirement under 40 CFR §§ 761.61(a)(3) and (c). Information was provided dated July 30, 2010 (SIP); December 15, 2010 (response to EPA Comments); February 28, 2011 (Additional Wall Sampling Results); March 3, 2011 (Additional Soil/Asphalt Sampling Results and e-mail response to site fencing/use); March 15, 2011 (e-mail clarification on low occupancy area); April 20, 2011 (response to EPA comments); and, April 19, 2011 (Risk-Based Cleanup and Disposal Notification). These seven documents, together, will be referred to as the Notification.

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- Removal and off-site disposal of PCB-contaminated soils with greater than (>) 0.74 ppm to meet the Vermont Department of Environmental Conservation requirements; or, alternatively, if this level is not achieved, removal and off-site disposal of > 10 ppm PCB-contaminated soil and placement of a clean cover over PCB-contaminated soils with less than or equal to (≤) 10 ppm remaining at the Site in accordance with § 761.61(a)(7);

- Placement of a clean cover over and fencing of PCB-contaminated concrete floors with greater than (>) 10 ppm PCBs; and,

- Filing of a deed restriction in accordance with § 761.61(a)(8), which will identify PCB concentrations remaining at the Site; will prohibit future use without cleanup; and, will require maintenance of the clean cover.

With the exception of the characterization sampling frequency for disposal, the proposed cleanup and disposal of the PCB-contaminated asphalt/soils and building walls meet the self-implementing cleanup and disposal requirements under 40 CFR § 761.61(a). Given the characterization data, the Site history, and the proposed cleanup plan, EPA has determined that the PCB contamination has been adequately delineated for purposes of segregation of the ≥ 50 ppm PCB-contaminated materials and < 50 ppm PCB-contaminated building materials. As such, EPA may approve the characterization sampling for off-site disposal under 40 CFR § 761.61(c).

Based on the EPA's review, the proposed interim risk-based plan for the PCB-contaminated concrete floor is acceptable and will create no unreasonable risk when conducted in accordance with the Notification and this Approval and the conditions of Attachment 1. EPA applies this unreasonable risk standard in accordance with the PCB regulations at 40 CFR §761.61(c), and the Toxic Substances Control Act, at 15 USC § 2605(e). Please see Condition 1 which specifies a 5-year time limit for this interim measure. If a redevelopment plan for the Site has not been identified within this time frame, the City may request an extension to this Approval provided that the interim measure remains protective of public health and the environment. Otherwise, the City will be required to comply with 40 CFR Part 761 and clean up the PCB contamination remaining at the Site.

EPA is approving your Notification and PCB cleanup plan and you may proceed with the work under 40 CFR §§ 761.61(a) and (c); the Notification; and this Approval, subject to the conditions of Attachment 1.

Questions and correspondence regarding this Approval should be directed to:

Kimberly N. Tisa, PCB Coordinator (OSRR07-2)
United States Environmental Protection Agency
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527
Facsimile: (617) 918-0527

Please be aware that issuance of this Approval does not: 1) waive or compromise EPA's enforcement and regulatory authority; 2) release the City or any future Site owner from compliance with any applicable requirements of federal, state or local law; or 3) release the City or any future Site owner from liability for, or otherwise resolve, any violations of federal, state or local law.

EPA shall not consider the work authorized under the Approval to be complete until it has received all submittals required under this Approval. Please be aware that upon EPA receipt and review of the submittals, EPA may request any additional information necessary to establish that the work has been completed in accordance with 40 CFR Part 761, the Notification, and this Approval.

Sincerely,

James T. Owens III, Director
Office of Site Remediation & Restoration

Attachment 1

cc: K. Bisceglio, Weston
T. Coppolino, VT DEC
M. Becker, VT DEC
D. Paar, EPA
File

ATTACHMENT 1.

PCB CLEANUP AND DISPOSAL APPROVAL CONDITIONS UNDER § 761.61(a) and (c) FORMER FONDA GROUP FACILITY ("the Site") 15-21 LOWER NEWTON STREET, ST. ALBANS, VERMONT

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 *PCB remediation waste* located at the Site, specifically the PCB-contaminated building walls, building concrete floors, hazardous waste loading dock, and asphalt/soils located in the hazardous waste loading dock area, and certain PCB-contaminated equipment as identified in the Notification[2].

    a. Approval for the interim measures to address the PCB-contaminated concrete floors under § 761.61(c) for shall expire April 30, 2016 unless revoked, suspended, modified, extended or terminated.

    b. Request for renewal of the interim measures Approval under § 761.61(c) shall be made in writing at least 180 days, but not more than 270 days, prior to the expiration date. EPA may require the submission of additional information in connection with any renewal request.

    c. In the event that the City of St. Albans (the City) identifies any other PCB contamination that is regulated under the federal PCB Regulations at 40 CFR Part 761, it may request a modification to this Approval (see Condition 19) or it must submit a separate plan to address the contamination under § 761.61.

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 cleanup plan described in the Notification 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 within this Approval.

[2] Information was provided on your behalf by the Johnson Company and Weston & Sampson to satisfy the notification requirement under 40 CFR §§ 761.61(a)(3) and (c). Information was provided dated July 30, 2010 (SIP); December 15, 2010 (response to EPA Comments); February 28, 2011 (Additional Wall Sampling Results); March 3, 2011 (Additional Soil/Asphalt Sampling Results and e-mail response to site fencing/use); March 15, 2011 (e-mail clarification on low occupancy area); April 20, 2011 (response to EPA comments); and, April 19, 2011 (Risk-Based Cleanup and Disposal Notification). These seven documents, together, will be referred to as the Notification.

5. The City 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 response actions, 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 the City or any other person has failed, or may have failed, to comply with any provision of this Approval, it 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 transporters or disposal facilities selected by the City are authorized to conduct the activities set forth in the Notification. The City 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 statutes and regulations.

8. This Approval does not: 1) waive or compromise EPA's enforcement and regulatory authority; 2) release the City or any future owner from compliance with any applicable requirements of federal, state or local law; or 3) release the City or any future owner 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 from the City of its 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 1 business day prior to conducting any work under this Approval.

11. Prior to initiating onsite work under this Approval, the City shall submit the following information:

    a. a contractor work plan, prepared and submitted by the selected demolition or remediation contractor(s), detailing the procedures that will be employed for removal of PCB-contaminated materials and for monitoring during cleanup activities. This work plan should also include information on waste storage, handling, and disposal for each waste stream type;

b. a certification signed by its selected demolition or remediation contractor, stating that the contractor has read and understands the Notification, and agrees to abide by the conditions specified in this Approval; 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.

CLEANUP AND DISPOSAL CONDITIONS

12. For cleanup of *PCB remediation waste* (i.e., building walls, loading dock, and soils) and interim capping of the building concrete floors (i.e. *porous surfaces*) at the Site, the following shall apply:

    a. All PCB-contaminated *porous surfaces* (i.e. building walls and loading dock) at greater than (>) 1 ppm shall be removed and disposed of off-site in accordance with 40 CFR § 761.61(a)(5) and the Notification.

    b. At a minimum, the cleanup level for bulk *PCB remediation waste* (i.e. soil) located within the hazardous waste loading dock at the Site shall comply with the requirements under § 761.61(a)(4)(i)(A) for a *high occupancy area* cleanup, but may be more stringent to meet the PCB screening level specified by the Vermont Department of Environmental Conservation. Verification sampling shall comply with the Subpart O requirements, and samples shall be collected from excavation bottoms and from excavation sidewalls, as applicable.

    c. PCB-contaminated *porous surfaces* (i.e. building concrete floor) shall be cleaned, covered with clean materials, and/or fenced as described in the Notification. Approval for this interim measure shall expire on April 30, 2016 (see Condition 1).

    d. Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846 for solid matrices and Method 3500B/3510C of SW-846 for aqueous matrices; 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.

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 § 761.61(a)(5), unless otherwise specified below:

    a. Decontamination wastes and residues 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 § 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 § 761.79(b)(1) or disposed of under § 761.70.

DEED RESTRICTION AND USE CONDITIONS

14. Within 60 days of completion of the cleanup activities described in the Notification and authorized by this Approval, and as required under § 761.61(a)(8)(i)(B), the City shall submit to EPA a certification, signed by a City approving official, that it has recorded the notation on the deed as required under § 761.61(a)(8)(i)(A). A copy of the notation on the deed must also be submitted. The notation on the deed restriction shall include: a description of the extent and levels of contamination at the Site following remediation; a description of the actions taken at the Site; a description of the use restrictions for the Site; and the long-term monitoring and maintenance requirements on the Site. The long-term monitoring and maintenance shall include: a description of the activities that will be conducted, including inspection criteria, frequency, and routine maintenance activities; sampling protocols, sampling frequency, and analytical criteria; and EPA reporting requirements (see Condition 18).

15. The City, and any subsequent owner, lessee, or transferee seeking the benefit of this Approval, shall notify the EPA of the sale, lease or transfer of any portion of the Site, in writing, no later than thirty (30) days prior to any sale, lease or transfer. This notification shall include the name, address, and telephone number of the new owner(s), lessee(s) or transferee(s). In the event that the City sells, leases or transfers any portion of the Site, the City shall continue to be bound by all the terms and conditions of this Approval, except as provided below. EPA may allocate some or all of this Approval's responsibilities to a new owner, lessee or transferee through the issuance of a modification of this Approval ("New Owner Modification") as follows:

    a. The City and the new owner(s), lessee(s) or transferee(s) must request, in writing, that the EPA issue a New Owner Modification to the new owner(s), lessee(s) or transferee(s) which transfers some or all responsibilities to comply with the terms and conditions of this Approval to that entity or entities;

    b. The EPA reviews the request, and determines whether to issue a New Owner Modification;

    c. EPA provides a draft New Owner Modification for comment by the requesting party(ies) and, following its receipt and review of any written comments, EPA shall provide the final New Owner Modification to the party(ies); and,

d. The new owner(s), lessee or transfer entity provides written notification to the EPA of its acceptance of and intention to comply with the terms and conditions of the final New Owner Modification. The New Owner Modification may be withdrawn if the EPA does not receive written notification from the new owner(s), lessee(s) or transferee(s) of its acceptance of, and intention to comply with, the terms and conditions of the New Owner Modification within thirty (30) days of the date of the New Owner Modification. Under such circumstances, all terms and conditions of this Approval will continue to be binding on the City.

16. In the event that the sale, lease or transfer of the Site will involve or result in a change in the use of the Site, EPA may revoke, suspend, and/or modify this Approval or the New Owner Modification if it finds, due to the change in use, that the interim risk-based cleanup and disposal action will not be protective of health or the environment. The new owner shall record any amendment to the deed restriction, resulting from any approved modification(s), within sixty (60) days of such change(s). To be effective in amending the original deed restriction as it may apply to the City, the New Owner must secure the agreement and consent of the City to amend the deed restriction, and obtain any necessary subordinations of prior recorded interests that may be affected by the terms of the amended deed restriction.

17. In any sale, lease or transfer of the Site, the City shall retain sufficient access rights to enable it to continue to meet the obligations under this Approval for long-term maintenance and monitoring of the Site, except as provided otherwise in a re-issued approval.

INSPECTION, MONITORING, MODIFICATION AND REVOCATION CONDITIONS

18. Within thirty (30) days of receipt of this Approval, the City shall submit for EPA's review and approval, a detailed long-term monitoring and maintenance implementation plan (MMIP) for the Site. The City shall incorporate any changes to the MMIP required by EPA.

    a. The MMIP shall include: a description of the activities that will be conducted, including inspection criteria, frequency, and routine maintenance activities; sampling protocols, sampling frequency, and analytical criteria; and reporting requirements.

    b. The City shall submit the results of these long-term monitoring and maintenance activities to EPA. Based on its review of the results, EPA may determine that modification to the MMIP is necessary in order to monitor and/or evaluate the long-term effectiveness of the fence and caps.

c. Activities required under the MMIP shall be conducted until such time that EPA determines, in writing, that such activities are no longer necessary.

19. Any modification(s) in the plan, specifications, or information submitted by the City, contained in the Notification, and forming the basis upon which this Approval has been issued, must receive prior written approval from the EPA. The City shall inform the EPA of any modification, in writing, at least ten (10) days prior to such change. No action may be taken to implement any such modification unless the EPA has approved of the modification, in writing. The EPA may request additional information in order to determine whether to approve the modification.

    If such modification involves a change in the use of the Site which results in exposures not considered in the Notification, the EPA may revoke, suspend, and/or modify this Approval upon finding that this risk-based cleanup and disposal action may pose an unreasonable risk of injury to health or the environment due to the change in use. EPA may take similar action if the EPA does not receive requested information needed from the City to make a determination regarding potential risk.

20. 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.

21. 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.

22. Approval for these activities may be revoked, modified or otherwise altered: if EPA finds a violation of the conditions of this Approval or of 40 CFR Part 761, including EPA's PCB Spill Cleanup Policy, or other applicable rules and regulations; if EPA finds that these activities present an unreasonable risk to public health or the environment; or if EPA finds that there is migration of PCBs from Site. The City may apply for appropriate modifications in the event new rules, standards, or guidance comes into effect.

23. 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 by the City to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.

RECORDKEEPING AND REPORTING CONDITIONS

24. 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 cleanup 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.

25. The City shall submit a final report to EPA within 75 days of completion of the PCB cleanup activities authorized under this Approval. At a minimum, this final report shall include: a short narrative of the cleanup and disposal activities; characterization and verification sampling analytical results, as 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 and the size of the remediated area(s); copies of manifests and/or bills of lading; and, copies of certificates of disposal or similar certifications issued by the disposer.

26. As required under Condition 18 of this Approval, the City shall submit the results of the long-term monitoring and maintenance activities to EPA as specified in the final MMIP to be approved by EPA.

27. Required submittals shall be mailed to:

    Kimberly N. Tisa, PCB Coordinator
    United States Environmental Protection Agency
    5 Post Office Square, Suite 100
    Mail Code: OSRR07-2
    Boston, Massachusetts 02109-3912
    Telephone: (617) 918-1527
    Facsimile: (617) 918-0527

28. 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.

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END OF ATTACHMENT 1