To: Alkon, Margaret[Alkon.Margaret@epa.gov]; Santos, Carmen[Santos.Carmen@epa.gov]
From: Cross, Jay@DTSC
Sent: Fri 3/16/2018 8:16:49 PM
Subject: RE: Former Pechiney Facility - Draft LUC Review

Thank you for your comments, I will have the project manager forward the exhibits to you for review.

Jay Cross
(916) 322-2861

From: Alkon, Margaret [mailto:Alkon.Margaret@epa.gov]
Sent: Tuesday, March 13, 2018 5:16 PM
To: Santos, Carmen <Santos.Carmen@epa.gov>; Cross, Jay@DTSC <Jay.Cross@dtsc.ca.gov>
Subject: RE: Former Pechiney Facility - Draft LUC Review

I have reviewed the draft LUC's for the former Pechiney Cast Plate Facility and while most of EPA's prior comments seem to have been adequately addressed, I have the following comments. Please feel free to give me a call if you have any questions about my comments or wish to discuss.

For the North Parcel Draft LUC:

1. Correct the legal citation in 1.2.2 to read: Pursuant to the Toxic Substances Control Act ("TSCA") and its implementing regulations for PCBs at Part 761 of Title 40 of the Code of Federal Regulations (40 CFR Part 761), the EPA has oversight for PCB-impacted soil and concrete at the Property.

2. In Sections 6.1 and 6.2, correct the legal citation to read: "in 40 CFR Part 761"

3. The Owner should modify EPA and the Department if the zoning changes. Please change from passive to active voice the sentence in Section 1.1 stating "If zoning of the Property changes, then the Department and EPA shall be notified to determine if the conditions of this Covenant require modifications."

4. In the final sentence of subsection 4.2.a.i. the sentence currently reads "If disturbance concurs, the Department and EPA shall be notified." The word "concurs" should be "occurs"

5. In section 4.4 on Access, the first part requiring advance notice identifies Owner, Pechiney and other Occupants getting 7 day notice but the final sentence saying this advance notice requirement goes away upon completion of the remediation work is limited to Pechiney. That seems to be a drafting oversight. That final sentence should state "After DTSC and EPA approve completion of the remediation work outlined in the RAP, Pechiney, Owner and other Occupants will not require further notice under this section when the Department and/or the EPA request access to the Property."

6. The exhibits were not sent to me, and I can't review what I don't have.

For the South Parcel Draft LUC:

1. Correct the legal citation in 1.2.2 to read: Pursuant to the Toxic Substances Control Act ("TSCA") and its implementing regulations for PCBs at Part 761 of Title 40 of the Code of Federal Regulations (40 CFR Part 761), the EPA has oversight for PCB-impacted soil and concrete at the Property.

2. In Section 6.1 and 6.2, correct the legal citation to read: "in 40 CFR Part 761"

3. Please change from passive to active voice the sentence in Section 1.1 stating "If zoning of the Property changes, then the Department and EPA shall be notified to determine if the conditions of this Covenant require modifications." The Owner should modify EPA and the Department.

4. In the final sentence of subsection 4.2.a.i. the sentence currently reads "If disturbance concurs, the Department and EPA shall be notified." The word "concurs" should be "occurs"

5. In section 4.4 on Access, the first part requiring advance notice identifies Owner, Pechiney and other Occupants getting 7 day notice but the final sentence saying this advance notice requirement goes away upon completion of the remediation work is limited to Pechiney. That final sentence should state "After DTSC and EPA approve completion of the remediation work outlined in the RAP, Pechiney, Owner and other Occupants will not require further notice under this section when the Department and/or the EPA request access to the Property."

6. The exhibits were not sent to me, and I can't review what I don't have.

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Margaret Alkon
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From: Santos, Carmen
Sent: Monday, March 5, 2018 10:11 AM
To: Alkon, Margaret <Alkon.Margaret@epa.gov>
Subject: Former Pechiney Facility - Draft LUC Review

Hello Margaret,

This is regarding the review of draft LUCs for the former Pechiney facility. Below is the contact information for the DTSC attorney involved with the development of the Pechiney draft LUCs.

DTSC Attorney information
Jay Cross
(916) 322-2861
Jay.Cross@dtsc.ca.gov

Best,
Carmen

Carmen D. Santos

PCB Coordinator
USEPA Region 9 (LND-4-1)
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santos.carmen@epa.gov

"Think left and think right and think low and think high. Oh, the thinks you can think up if only you try!" Dr. Seuss

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Before printing this message and/or attachments, think if it is necessary. Think Green.

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