UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

SEP 26 2018

Mr. William Rinaldi
Hazleton Creek Properties, LLC
4000 4th Avenue
Moosic, PA 18507

Re: Notice of Noncompliance
Docket Number: 03-18-0016

Dear Mr. Rinaldi:

Thank you for your response to the Notice of Non-compliance (NON) and Information Request Letter (IRL) that you recently received from the U.S. Environmental Protection Agency in relation to polychlorinated biphenyls (PCBs). EPA has reviewed your response and the information which you provided. In regard to the regulatory standards that were referenced in the NON and IRL, EPA is providing the following further clarification of the use of PCBs.

The Toxic Substances and Control Act, 15 U.S.C. Section 2605(e), and EPA's implementing regulations at 40 C.F.R. Part 761 impose limitations on, and requirements for, the ***use*** of PCB-containing materials. In particular, Section 761.20(a) of the PCB regulations prohibits the ***use*** of PCB-containing materials, regardless of any concentration, other than in a totally enclosed manner, without an exemption. Any concentration is defined in the PCB regulations under Section 761.3 as the "Quantifiable Level/Level of Detection", which means 2 micrograms per gram from any resolvable gas chromatograph peak, i.e. 2 parts per million (ppm).

The Pennsylvania Beneficial Use Permit and the Management of Fill Policy both provide for the ***use*** of PCB-containing material. They do not address the disposal of such material. As advised in the NON, the ***use*** of PCB-containing material is restricted to less than 2 ppm.

The NON your company received is a warning letter that EPA issues to alert parties of actual or potential violations, and to require corrective actions, where appropriate. No corrective action is necessary by your company at this time. However, further receipt of any PCB-containing materials with PCB concentrations equal to or greater than 2 ppm would constitute a violation of the TSCA PCB regulations. Please ensure that your facility takes all actions in preventing future violations. EPA also recommends that certified deed restrictions and land-use

covenants be applied to the actual property deed for your site to ensure that potential future purchasers and/or tenants of the property are aware that PCB-containing materials have been used at the site.

- Any future non-compliance with 40 C.F.R Part 761 of TSCA may result in further federal action. Nothing in the previously issued NON shall relieve Hazleton Creek Properties, LLC., of any duty to comply with any applicable federal, state, or local environmental laws. Please be advised that EPA reserves the right to investigate this matter further and to take any and all enforcement or other response actions which may be appropriate, including a reconsideration of the information provided in your response to the NON.

Any questions concerning this letter should be directed to Scott Rice of my staff at 304-231-0501 or rice.scott@epa.gov.

Sincerely,

John A. Armstead, Director
Land and Chemicals Division

cc: Walt Harner
(PADEP)