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

APR 0 2 2019

REPLY TO THE ATTENTION OF

CERTIFIED MAIL 7017 0530 0000 1267 5185
RETURN RECEIPT REQUESTED

Mr. Tony Koblinski, CEO
Madison-Kipp Corporation
201 Waubesa Street
Madison, Wisconsin 53704

Re: U.S. Environmental Protection Agency TSCA PCB Coordinated Approval
Madison-Kipp Corporation (MKC) Facility
201 Waubesa Street - Madison, Wisconsin
EPA ID: WID 006 071 716
WDNR BRRTS Numbers: 02-13-562649; 02-13-578014; 02-13-576860

Dear Mr. Koblinski:

On February 26, 2018, MKC requested a Coordinated Approval in accordance with 40 Code of Federal Regulations (CFR) § 761.77 and the November 21, 2006 U.S. Environmental Protection Agency and Wisconsin Department of Natural Resources (WDNR) One Cleanup Program Memorandum of Agreement (MOA). Since 2012, MKC performed numerous investigation and response actions concerning polychlorinated biphenyl (PCB) contamination at the Madison-Kipp facility under the MOA with WDNR oversight and EPA participation. MKC entered into a Stipulation and Order for Judgment (Stipulation) with the State of Wisconsin on November 27, 2017. The Stipulation fully resolves any current claims by the State of Wisconsin concerning the presence or historic presence of PCBs at the Madison-Kipp Facility.

The Stipulation details the future monitoring, interim remedy, and response obligations required by the State of Wisconsin to address PCB contamination at the MKC facility. As a follow-up to the Stipulation, MKC provided additional supporting information and responded to EPA comments on April 26, 2018, June 20, 2018, and July 19, 2018.

This approval is granted in accordance with TSCA Section 6(e) and the Federal PCB regulations at 40 CFR § 761.77. EPA views the November 27, 2017 Stipulation as serving as the technical and legal basis of the TSCA PCB Coordinated Approval pursuant to 40 CFR § 761.77(c)(1)(i). Under this Coordinated Approval, MKC and any future successors and assignees must abide by the conditions identified in the November 27, 2017 Stipulation and the Approval Conditions enclosed as Attachment 1.

MKC will dispose of any PCB Remediation Waste removed in any future remedial actions off-site in accordance with 40 CFR § 761.61 and the Conditions in Attachment 1.

If there is any removal, replacement, or other change to a cover system or building which is acting as a cover that renders residual PCB accessible or a planned change in occupancy, land, or property use, MKC will provide written notice to EPA and WDNR at least 60 days prior to the proposed change. The notice will describe the nature and scope, location, and purpose of the proposed activity and describe how the activity will comply with 40 CFR § 761.61.

You must notify EPA in writing at least 5 calendar days prior to any proposed change related to PCB waste management requirements in the Stipulation in accordance with 40 CFR § 761.77(a)(3).

This letter does not relieve the site owner from compliance with any other federal, state or local regulation and does not preclude EPA from initiating any enforcement action, including an action seeking civil penalties for any violation of federal regulations. Any additional PCB contamination identified at the facility in the future within areas not previously assessed may be subject to federal TSCA regulations.

All conditions of this Approval and other applicable requirements of TSCA and its implementing regulations will continue to apply to the subject property after any transfer in ownership.

If you have any further questions regarding this matter, please feel free to contact Peter Ramanauskas, of my staff, at 312-886-7890 or ramanauskas.peter@epa.gov.

Sincerely,

Tinka G. Hyde
Division Director
Land and Chemicals Division

Enclosure

cc: Mr. Michael Schmoller, WDNR
Mr. Mark Sheppard, MKC
Ms. Katherine Vater, TRC Environmental Corporation
Mr. John Steketee, EPA Office of Regional Counsel

ATTACHMENT 1 - APPROVAL CONDITIONS

TSCA PCB Coordinated Approval
Madison-Kipp Corporation (MKC) Facility
201 Waubesa Street - Madison, Wisconsin
EPA ID: WID 006 071 716
WDNR BRRTS Numbers: 02-13-562649; 02-13-578014; 02-13-57686

A. Authorized Remedial Action

MKC is authorized to perform an interim disposal of PCB remediation waste found at the Madison, Wisconsin facility according to the conditions described in the November 27, 2017 Stipulation and Order for Judgement between the State of Wisconsin and MKC (Stipulation), and according to the conditions set forth below.

B. Groundwater Monitoring

1. MKC shall conduct semi-annual sampling for PCB at the monitoring well locations identified in Table 1 of the February 2018 *On-Site PCB Monitoring and Interim Remedy Status Report*. Additionally;

    a. MKC shall include MW-3D and MW-5S in the semi-annual PCB sampling program.

    b. MKC shall collect one round of groundwater samples for PCB analysis at MW-2S, MW-2D, MW-5D, and MW-6D.

2. Groundwater Samples

    a. Groundwater samples shall be collected and analyzed in accordance with the Quality Assurance and Field Sampling Plan as provided in Attachment 3 of MKC's April 26, 2018 Response to EPA comments and incorporated into the February 2018 PCB Groundwater Monitoring Plan.

    b. The plans in paragraph B.1 above shall be amended to include the following components as stated in MKC's June 20, 2018 response to EPA comments:

    If total PCBs are detected in a semi-annual groundwater sample, then during the next semi-annual sampling event, the well will be sampled for the following:

    i. Total PCBs (unfiltered).
    ii. If the preceding sample had turbidity >10 Nephelometric Turbidity Units (NTU): Dissolved PCBs (filtered using a 2.0 μm filter), to assess for colloidal transport.
    iii. If the preceding sample had turbidity <10 NTU and a PCB concentration greater than the equilibrium solubility: dissolved organic carbon and volatile organic

compounds (VOCs) to assess the potential for facilitated/co-solvency transport.

iv. If total PCBs are detected, the total PCB concentration as well as any additional data will be reviewed to determine if PCBs are being transported by groundwater or dissolved in groundwater.

3. If two successive sampling events identify PCB detections at well locations listed in and exceeding the standard identified in Subparagraph 9.b of the Stipulation and inclusive of MW-3D and MW-5S, then MKC shall prepare the remedial action options report as required by that Subparagraph. The remedial action options report shall include the evaluation of a groundwater hydraulic control option.

4. The semi-annual sampling program may be reviewed after 5 years as noted in Subparagraph 9.a.v of the Stipulation.

C. Inspections and Maintenance

1. MKC shall maintain the engineered barriers over the residual on-site PCB contamination in accordance with the February 2018 Cap Maintenance Plan. The engineered barriers consist of a combination of existing concrete building foundation and concrete/asphalt pavement.

2. MKC shall inspect the engineered barriers on an annual basis in accordance with Section 2.2. and Appendix C of the February 2018 Cap Maintenance Plan.

3. If damage to the engineered barriers is noted during the inspections, or at any other time during the year, repairs will be scheduled in accordance with Section 2.3 and Appendix C of the February 2018 Cap Maintenance Plan.

D. Excavation and Disposal

1. MKC shall complete excavation and removal of PCB-impacted soil above the WDNR's industrial direct contact Residual Concentration Limit (RCL) of 0.967 milligrams per kilogram (mg/kg) for total PCBs at the Rain Garden in accordance with the November 2017 Excavation and Restoration Work Plan.

2. Upon completion of the Rain Garden excavation, MKC shall continue to monitor the outfall area/pipe and manhole MH-1A as identified in the June 18, 2018 *Polychlorinated Biphenyls (PCBs) in Rain Garden – Interim Investigative Summary Follow-up* letter. In addition to sediment sampling, MKC shall collect a water sample from the outfall.

3. All PCB waste generated for off-site disposal shall be sampled for PCB prior to removal to determine disposal requirements under 40 CFR §761.61. MKC may assume materials contain $\geq$ 50 mg/kg PCB in lieu of sampling for the purposes of off-site disposal in accordance with 40 CFR §761.61(a)(5)(i)(B)(*2*)(*i*). Bulk PCB remediation waste at concentrations of $\geq$ 50 mg/kg shall be disposed of in accordance with 40 CFR §761.61(a)(5)(i)(B)(*2*)(*iii*). Bulk PCB remediation waste at concentrations of less than 50 mg/kg shall be disposed of in accordance with 40 CFR §761.61(a)(5)(i)(B)(*2*)(*ii*). PCB contaminated water shall be

decontaminated in accordance with 40 CFR §761.79(b)(1) or disposed of under §761.61(b).

E. Financial Assurance

MKC shall comply with the financial assurance requirements in Paragraph 10 of the Stipulation.

F. Recordkeeping and Reporting

1. MKC shall maintain all records and documents required by 40 CFR Part 761 including records required by Subparts J and K.

2. MKC shall provide EPA with the results of the semi-annual groundwater sampling conducted in Section B above within 60 days of the sampling event as required by the November 27, 2017 Stipulation. As part of the reporting, MKC shall include an evaluation and discussion of the potential for colloidal and co-solvency transport based on the field data and the sample characteristics.

3. MKC shall submit annual reports to EPA identifying groundwater monitoring results, providing information on any site excavations involving the disturbance or disposal of PCB contaminated soil, status of Financial Assurance and continuing obligations (i.e. obligations to maintain structural or institutional safeguards in regard to residual contamination) as required by the Stipulation, and the results of engineered barrier inspections and repairs. MKC shall maintain such records as long as it owns the facility and shall transfer those records in their entirety to any subsequent owners at the time of conveyance.

4. MKC shall implement a Risk Mitigation Plan to communicate chemical risks and mitigation requirements to construction workers. Limitations on soil disturbance at the facility shall be identified consistent with the Risk Mitigation Plan.

5. MKC shall notify EPA in writing at least 60 days prior to any proposed changes in occupancy, land, or property use.

6. MKC shall notify EPA in writing within 60 days if any proposed excavation of PCB at the Facility is required pursuant to Subparagraph 9.c of the Stipulation.

7. In addition to the submittals required under the Conditions of this Approval, MKC shall copy EPA on all submittals to WDNR as required by the Stipulation.

8. Required submittals shall be mailed to:

   Regional PCB Coordinator
   U.S. Environmental Protection Agency, Region 5
   77 West Jackson Boulevard (LU-16J)
   Chicago, Illinois 60604