UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

Via Electronic Mail and U.S. Postal Service

September 26, 2012

Mr. Craig Wilkinson
Titanium Metals Corporation
181 Water Street
Black Mountain Industrial Center
Henderson, NV 89015

Re: Toxic Substances Control Act (TSCA), Polychlorinated Biphenyls (PCBs): J-2 Landfill Risk-Based PCB Characterization Work Plan, TIMET Facility, Henderson, Nevada (PCB Work Plan) – August 6, 2012 USEPA Region 9 Conditional Approval – Amendment to Condition 2

Dear Mr. Wilkinson:

The U.S. Environmental Protection Agency Region 9 (USEPA) is responding to the August 23, 2012 request[1] from Environmental Resources Management (ERM) for USEPA to amend Condition 2 (Screening level for site characterization) in the August 6, 2012 approval of the subject PCB Work Plan. ERM has made this request on behalf of Titanium Metals Corporation (TIMET) which ERM and USEPA have discussed. USEPA agrees with TIMET / ERMs request. USEPA is amending Condition 2 below to reflect that agreement.

This amendment to the August 6, 2012 approval is being granted under the risk-based PCB cleanup option in 40 CFR761.61(c) of TSCA.

<u>Amendment to USEPA's Condition 2 in August 6, 2012 Approval</u>

1. Original Condition 2 (Screening level for site characterization) with striked-out text.

> "Preliminarily, we have agreed to a 1 part per million (ppm) screening level (SL) for characterization of waste in the J2 Landfill. The total PCB concentration for each sample should be calculated by adding the PCB congeners detected in each sample analyzed via USEPA Method 1668C.
>
> The 95% upper confidence limit (UCL) of the mean of the characterization data to be collected at the J2 Landfill will be compared to the SL. If the UCL is below the 1 ppm SL, additional characterization may not be necessary. ~~If the UCL is above the 1 ppm SL, hot spots would be removed to lower the UCL; and after hot spot removal the UCL would be recalculated and again compared to the 1 ppm SL. If the UCL is still above the SL after removal of hot spots, TIMET~~

[1] August 23, 2012 electronic mail message from David Wilson (ERM) sent at 11:41 AM to Carmen Santos (USEPA R9).

~~and USEPA will meet to discuss the characterization data and decide next steps, which may involve considering a risk evaluation~~."

2. **Amended Condition 2 (Screening level for site characterization). (Underlined text added as modification).**

   "Preliminarily, we have agreed to a 1 part per million (ppm) screening level (SL) for characterization of waste in the J2 Landfill. The total PCB concentration for each sample should be calculated by adding the PCB congeners detected in each sample analyzed via USEPA Method 1668C.

   The 95% upper confidence limit (UCL) of the mean of the characterization data to be collected at the J2 Landfill will be compared to the SL. If the UCL is below the 1 ppm SL, additional characterization may not be necessary. <u>If the UCL is above the 1 ppm SL, TIMET and USEPA will meet to discuss the characterization data and decide next steps, which may involve considering a risk evaluation.</u>"

We look forward to being of assistance during TIMET's implementation of the PCB Work Plan. If you have any questions concerning this approval, please call Carmen D. Santos at 415.972.3360. Thank you for your courtesies and cooperation in this matter.

Sincerely,

Jeff Scott, Director
Waste Management Division

<u>Cc Via Electronic Mail Only</u>

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