UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MA 02109-3912

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

JUN 26 2014

Gerard McCarty, Director of Public Facilities
Town of Weston
89 Wellesley Street
Weston, Massachusetts 02493

Re: PCB Cleanup and Disposal Plan Approval under §§ 761.61(a) and (c) and § 761.79(h)
Field Elementary School, Weston, Massachusetts

Dear Mr. McCarty:

This is in response to the Notification[1] by the Town of Weston (the Town) for approval to clean up and dispose of PCB-contaminated building materials located in the building known as the Field Elementary School (the Site) located at 99 School Street in Weston, Massachusetts. The Site contains PCB-contaminated materials that exceed the allowable PCB levels under 40 CFR § 761.20(a), § 761.61, and § 761.62. Specifically, PCBs have been found in caulk and paints and in building substrates.

The Town has proposed the following cleanup and disposal plan:

- Remove *PCB bulk product waste* (i.e., expansion joint caulk) and dispose of in a permitted landfill in accordance with 40 CFR § 761.62
- Remove *PCB remediation waste* (i.e., painted and non-painted brick, ceramic tile, concrete, and CMU along both sides of the joint caulk) to a distance of 12 inches from the joint caulk and dispose as a greater than or equal to (≥) 50 parts per million (ppm) PCB waste in accordance with 40 CFR § 761.61(a)(5)(i)(B)(*2*)(*iii*)

[1] The Notification was prepared by Universal Environmental Consultants and Lord Associates, Inc. on behalf of the Town of Weston to satisfy the notification requirement under 40 CFR § 761.61(a)(3). Information was submitted dated October 16, 2013 (PCB Abatement Plan (SIP); April 17, 2014 (Revised Polychlorinated Biphenyl Abatement Plan); June 9, 2014 (email response to EPA questions); June 11, 2014 (email response to PCB remediation waste clarification question); June 13, 2014 (response concerning ceramic tile and verification sampling); and June 19, 2014 (email response to joint types and yellow-painted areas). These submittals shall be referred to as the "Notification".

- Remove *PCB bulk product waste* (i.e., paint and associated concrete wall and floor by scarification in 1/2 inch layers) and dispose of in a permitted landfill in accordance with 40 CFR § 761.62

- Conduct verification sampling to confirm that the PCB cleanup standard of ≤ 1 ppm has been met for building surfaces

The Town has determined that certain caulks (i.e., tan window and roof caulk, black basement caulk, and grey door caulk) which have PCB concentrations at less than (<) 50 ppm, meet the criteria for an *Excluded PCB Product* under § 761.3. Under the PCB regulations, *Excluded PCB Products* are authorized for use and thus there is no requirement for removal of the caulk or decontamination of surfaces that are in contact with the < 50 ppm caulk. The Town has determined that these products will be disposed of with the general demolition debris.

Based on EPA's review, the information provided in the Notification meets the requirements under 40 CFR §§ 761.61 761.62, and 761.79(h) for removal and disposal *of PCB bulk product wastes* and *PCB remediation wastes.* Further, the proposed decontamination and disposal activities are consistent with the requirements and standards established under § 761.61(a), § 761.62, § 761.79 for similar types of PCB-contaminated materials.

The Town has proposed a deviation from the Subpart O verification sampling frequency for the building *porous surfaces* (i.e., interior expansion joints). EPA has determined that the sampling verification sampling frequency for the expansion joints is adequate to confirm that the PCB cleanup standard has been met provided that concrete masonry unit (CMU) samples are collected along the expansion joint previously identified to have a PCB concentration of 65.2 ppm (See Attachment 1, Condition 13). EPA finds that the alternative sampling frequency proposed by the Town will not create an unreasonable risk of injury to public health or the environment when conducted in accordance with the Notification and this Approval. EPA may approve the sampling under § 761.61(c).

The Town may proceed with its cleanup in accordance with 40 CFR §§ 761.61(a) and (c); § 761.79(h) and§ 761.62; its Notification; and this Approval, subject to the conditions of Attachment 1.

EPA shall not consider the work authorized under the Approval to be complete until it has received the 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

cc: Ammar Dieb, UEC
Ralph Tella, Lord Associates
MassDEP, Northeast Region
File

Attachment 1

ATTACHMENT 1

PCB CLEANUP AND DISPOSAL APPROVAL CONDITIONS
FIELD ELEMENTARY SCHOOL ("the Site")
99 SCHOOL STREET, WESTON, MASSACHUSETTS

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 the *PCB bulk product waste* and the *PCB remediation waste* located at the Site and identified in the Notification.

2. The Town of Weston (the Town) 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.

5. The Town 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 Town shall contact EPA within 24 hours for direction on PCB cleanup and sampling requirements.

6. The Town 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 Town has or receives information indicating that the Town 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 Town are authorized to conduct the activities set forth in the Notification. The Town 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 Town from compliance with any applicable requirements of federal, state or local law; or 3) release the Town from liability for, or otherwise resolve, any violations of federal, state or local law.

9. Failure to comply with the Approval conditions specified herein shall constitute a violation of the requirement in § 761.50(a) to store or dispose of PCB waste in accordance with 40 CFR Part 761 Subpart D.

NOTIFICATION AND CERTIFICATION CONDITIONS

10. This Approval may be revoked if the EPA does not receive written notification from the Town of its acceptance of the conditions of this Approval within 10 business days of receipt.

11. The Town shall submit the following information for EPA review and/or approval:

    a. a certification signed by its selected contractor, stating that the contractor(s) has read and understands the Notification, and agrees to abide by the conditions specified in this Approval;

    b. a contractor work plan, prepared and submitted by the selected demolition or abatement contractor(s) describing the job site air monitoring and containment that will be employed during abatement activities. This work plan should also include information on how and where wastes will be stored, and on how field equipment will be decontaminated; and,

    c. a certification signed by the selected analytical laboratory, stating that the laboratory has read and understands the extraction and analytical methods and quality assurance requirements specified in the Notification and in this Approval.

REMEDIAL AND DISPOSAL CONDITIONS

12. To the maximum extent practical, engineering controls, such as barriers, and removal techniques, such as the use of HEPA ventilated tools, shall be utilized during removal processes. In addition, to the maximum extent possible, disposable equipment and materials, including PPE, will be used to reduce the amount of decontamination necessary.

13. PCB-contaminated materials shall be decontaminated and confirmatory sampling and analysis shall be conducted as described below:

    a. All visible residues of PCB paint and caulk (i.e., *PCB bulk product waste*) shall be removed as described in the Notification.

    b. The decontamination standard for *porous surfaces* (i.e., concrete masonry unit (CMU), brick, ceramic tile, and concrete walls) shall be less than or equal to ($\leq$) 1 part per million (ppm) PCBs.

i) Verification sampling for *porous surfaces* shall be performed on a bulk basis (i.e., mg/kg) and reported on a dry weight analysis. Sampling for *porous surfaces* shall be conducted in accordance with the EPA Region 1 *Standard Operating Procedure for Sampling Porous Surfaces for Polychlorinated Biphenyls (PCBs) Revision 4, May 5, 2011*, at a maximum depth interval of 0.5 inches.

(1) Expansion joints

(a) Sampling for the expansion joints shall be conducted at the following frequency: 1 sample per side for the first 10 expansion joints for each substrate type (i.e., brick, CMU, concrete, or ceramic tile) for a minimum of 46 samples at the CMU-CMU joints, 22 samples at the CMU-ceramic tile joints, 12 samples at the CMU-metal column joints, and 14 samples at the close joint areas (2 joints within 2 feet).

(b) The location where the PCB concentration was 65.2 ppm in the CMU (sample 136749) shall be included in the first 10 expansion joints.

(c) If the PCB concentration is $\leq$ 1 ppm for all samples within a substrate type (i.e., brick, CMU, concrete, or ceramic tile) the minimum sampling frequency shall be 1 sample per side for every 10 expansion joints of that substrate type for the remainder of the project.

(d) If the PCB concentration in any sample result within a substrate type is determined to be greater than (>) 1 ppm the sample frequency shall revert to 1 sample per side for the remaining expansion joints for that substrate type.

(2) Sampling for the concrete walls and concrete floor following paint removal shall be conducted in accordance with the frequency specified in 40 CFR 761 Subpart O.

ii) 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 or analytical method(s) is validated according to Subpart Q.

iii) In the event that any sample result is greater than (>) 1 ppm, additional masonry shall be removed and verification samples shall be collected to confirm that the $\leq$ 1 ppm PCB cleanup standard has been met.

14. 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 40 CFR § 761.61(a)(5) or § 761.62, unless otherwise specified below:

    a. Decontamination wastes and residues shall be disposed of in accordance with 40 CFR § 761.79(g).

    b. Moveable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 CFR § 761.79(b)(3)(i)(A), § 761.79(b)(3)(ii)(A), or § 761.79(c)(2).

    c. PCB-contaminated water generated during decontamination shall be decontaminated in accordance with 40 CFR § 761.79(b)(1) or disposed of under § 761.60.

INSPECTION, MODIFICATION AND REVOCATION CONDITIONS

15. The Town shall allow any authorized representative of the Administrator of the EPA to inspect the Site, to inspect records, and take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal by the Town to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.

16. Any proposed modification(s) in the plan, specifications, or information in the Notification must be submitted to EPA no less than 14 calendar days prior to the proposed implementation of the change. Such proposed modifications will be subject to the procedures of 40 CFR § 761.61(a)(3)(ii).

17. 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.

18. 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.

RECORDKEEPING AND REPORTING CONDITIONS

19. The Town 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 decontamination and the analytical sampling shall be established and maintained by the Town 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 to authorized representatives of EPA.

20. The Town shall submit a final report in hard copy and electronic format, to the EPA within 60 days of completion of the activities authorized under this Approval. At a minimum, this final report shall include: a short narrative of the project activities with photo-documentation; characterization and verification sampling analytical results; 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; copies of manifests or bills of lading; and, copies of certificates of disposal or similar certifications issued by the disposer.

21. Required submittals shall be mailed 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

22. 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