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

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

OCT 17 2014

Mr. Tom Cullen
Fairfield Board of Education Office
501 Kings Highway East
Fairfield, Connecticut 06824

Re: PCB Cleanup and Disposal Approval under 40 CFR § 761.61(a) and § 761.79(h)
Ludlowe High School, Fairfield, Connecticut (Phase II)

Dear Mr. Cullen:

This is in response to the Notification[1] by the City of Fairfield Public Schools (FPS) for approval of a proposed PCB cleanup plan at the Ludlowe High School located at 785 Unquowa Road in Fairfield, Connecticut (the Site). The Site contains PCB-contaminated materials that exceed the allowable PCB levels under 40 CFR § 761.20(a), § 761.61, and § 761.62.

FPS has requested an approval under 40 CFR Part 761 to clean up and dispose of the identified PCB-contaminated wastes during replacement of windows associated with the Phase II portion of the Site renovation project. Specifically, FPS is proposing the following PCB cleanup standards and activities under this project:

- Remove window/door frame caulk, from door 32 and door 33 and adjacent *porous surfaces* (i.e., first course (minimum of 6 inches) of brick/ mortar associated with doors 32 and 33), and dispose of as a *PCB bulk product waste* in accordance with § 761.62

- Remove bulk *PCB remediation waste* (i.e., soil outside of room 138 to a depth of 4 inches and to a distance of 24 inches from the building) and dispose of as *PCB remediation waste* less than (<) 50 parts per million (ppm) in accordance with § 761.61(a)(5)(i)(B)*(2)(ii)*

- Conduct verification sampling in accordance with 40 CFR 761 Subpart O to confirm that the PCB cleanup standard of less than or equal to (≤) 1 ppm has been met for both *porous surfaces* and soils

[1] The notification was prepared by AMC Environmental, LLC on behalf of the City of Fairfield Public Schools to satisfy the requirements under 40 CFR § 761.61(a) and § 761.79(h). Information was submitted dated July 3, 2014 (Self-Implementing On-Site Cleanup and Disposal Plan (SIP)); September 10, 2014 (Revised SIP); September 26, 2014 (Response to EPA Comments); September 30, 2014 (2nd Revised SIP); and October 7, 2014 (2nd Response to EPA comments) and October 13, 2014 (3rd Response to EPA comments). These submittals together shall be referred to as the "Notification".

FPS has determined that certain caulk (i.e., window caulk exterior to room 138), which has PCB concentrations at < 50 ppm, meets 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. While these building materials are not addressed in the Approval, FPS is proposing to remove and dispose of the products containing PCBs with greater than (>) 1 ppm but < 50 ppm in accordance with the Connecticut Department of Energy and Environmental Protection (CTDEEP) regulations.

The Notification meets the requirements and standards established under § 761.61(a), 761.62, and 761.79 for cleanup and disposal of *PCB remediation waste* and *PCB bulk product waste*.

FPS may proceed with its cleanup in accordance with 40 CFR § 761.61(a); § 761.62; § 761.79(h); its Notification; and this Approval, subject to the conditions of Attachment 1. Please be aware that this Approval only addresses the PCB-contaminated materials associated with the Phase II portion of the Site renovation project (see Attachment 1, Condition 1). EPA expects FPS to implement the community outreach plan as detailed in its Notification.

Questions and correspondence regarding this Approval should be directed 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

EPA shall not consider this project complete until it has received all submittals required under this Approval. Please be aware that upon 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 Gary Trombly, CTDEEP
Sal Morabito, Fairfield Board of Education
Jason Pringle, AMC Environmental
File

Attachment 1

ATTACHMENT 1:

PCB CLEANUP AND DISPOSAL APPROVAL CONDITIONS
LUDLOWE HIGH SCHOOL (the Site)
785 UNQUOWA ROAD
FAIRFIELD, CONNECTICUT

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.

    a. Specifically, this Approval applies to PCB-contaminated materials located on the window/door systems identified as Phase II (Doors 32 and 33, and windows associated with room 138 (cafeteria)) of the Site cleanup.

    b. Upon completion of the investigation, the City of Fairfield Public Schools (FPS) may request a modification to this Approval to incorporate cleanup of the additional construction phases under this Approval (see Condition 17) or FPS may submit a separate cleanup plan in accordance with 40 CFR § 761.61.

2. The City of Fairfield Public Schools (FPS) 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. FPS 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, FPS shall contact EPA within 24 hours for direction on PCB cleanup and sampling requirements.

6. FPS 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 FPS has or receives information indicating that FPS 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 FPS are authorized to conduct the activities set forth in the Notification. FPS 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 FPS from compliance with any applicable requirements of federal, state or local law; or 3) release FPS 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 FPS of its acceptance of the conditions of this Approval within 10 business days of receipt.

11. FPS shall notify EPA in writing of the scheduled date of commencement of on-site activities at least 1 business day prior to conducting any work under this Approval.

12. Prior to initiation of work authorized under this Approval, FPS shall submit the following information for EPA review and/or approval:

    a. a certification signed by its selected abatement/demolition 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 containment and air monitoring that will be employed during abatement activities. This work plan should also include information on how and where wastes will be stored and disposed of, 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 method requirements and quality assurance requirements specified in the Notification and in this Approval.

CLEANUP AND DISPOSAL CONDITIONS

13. 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.

14. PCB-contaminated materials associated with Phase II of the renovation project shall be decontaminated and verification sampling and analysis shall be conducted as described below:

    a. All visible residues PCB caulk and associated *non-porous surfaces* (e.g., glass panes, window/door frames from doors 32 and 33) and *porous surfaces* (i.e., first course (6 inches) of brick/mortar) with greater than (>) 1 ppm shall be removed and disposed of as a *PCB bulk product waste* in accordance with 40 CFR § 761.62 as described in the Notification.

    b. The decontamination standard for building *porous surfaces* (i.e., brick/mortar) shall be less than or equal to (≤) 1 part per million (ppm).

        i) 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. Verification samples shall be collected in accordance with 40 CFR 761 Subpart O.

        ii) Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846 and chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another method(s) is validated according to Subpart Q.

    c. The cleanup level for bulk *PCB remediation waste* (i.e., soils) at the Site shall be ≤ 1 ppm.

        i) Bulk *PCB remediation waste* (i.e., soil) samples shall be collected on a bulk basis (e.g. mg/Kg) and reported on a dry-weight basis. Verification sampling shall comply with Subpart O; samples shall be collected from both excavation bottoms and sidewalls, as applicable.

ii) Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846 and chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another method(s) is validated according to Subpart Q.

15. PCB waste (at any concentration) generated as a result of the activities described in the Notification, excluding any decontaminated materials, shall be marked in accordance with CFR 40 CFR § 761.40; stored in a manner consistent with 40 CFR § 761.65; and, disposed of in accordance with 40 CFR § 761.61 or § 761.62, unless otherwise specified below.

    a. Non-liquid cleaning materials, PPE and similar materials resulting from decontamination may be disposed of in accordance with 40 CFR § 761.79(g)(6).

    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

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

17. 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).

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. FPS 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 cleanup and disposal and the analytical sampling shall be established and maintained by FPS 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. FPS shall submit a final report in both hard copy and electronic version, 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 confirmation 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 and 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
    United States Environmental Protection Agency
    5 Post Office Square, Suite 100 – (OSRR07-2)
    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