UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

JUL 29 2008

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Vinicius P. Castagnola, Vice President
Environmental & Regulatory Compliance
New York City School Construction Authority
30-30 Thomson Avenue
Long Island City, New York 11101

Re: Public School 53R - Approval for Cleanup and Disposal of PCB Remediation Waste under 40 CFR §761.61(a), and Approval for Characterization and Verification Sampling under 40 CFR §761.61(c)

Dear Mr. Castagnola:

This is in response to the July 3, 2008 Notification of Self-Implementing Onsite Cleanup and Disposal of PCB Remediation Waste, submitted by the New York City School Construction Authority (SCA). The submission concerns SCA's plan to address polychlorinated biphenyl (PCB) contamination in the soil at Public School 53R (PS 53R), located at 330 Durant Avenue, Staten Island, New York. SCA's submission also includes a request for a waiver of the 30-day notification requirement of 40 CFR §761.61(a)(3). The proposed remediation plan was amended through submittal of additional information by SCA in electronic correspondence dated July 7, 2008, July 18, 2008, July 21, 2008 and July 23, 2008. These documents will be referred to as the "Application". The PCB contaminated soil is considered to be a PCB remediation waste that exceeds the cleanup levels under the federal PCB regulations at 40 CFR §761.61(a)(4).

With the exception of the characterization and verification sampling requirements under Subparts N and O of 40 CFR Part 761, the proposed removal of the PCB-remediation waste meets the self-implementing cleanup and disposal requirements under 40 CFR §761.61(a). Based on characterization sampling of the soil conducted at PS 53R and the proposed removal and disposal off-site of the upper 2 feet of soil, EPA finds that this sampling, in this proposed remediation context, is acceptable for delineating areas of PCB remediation waste to be addressed. EPA also finds that SCA's plan for verification sampling (i.e., one grab sample for every 400 square feet of excavation with a maximum distance between samples of 20 linear feet) is acceptable for purposes of determining compliance with the PCB cleanup standards for high occupancy areas of 1 part per million (unrestricted) and 10 parts per million (with implementation of a cap and deed restriction meeting the requirements of 40 CFR §761.61(a)(7) and (a)(8), respectively). EPA is approving SCA's Application and request for a waiver of the 30-day notification requirement, and it may proceed with the cleanup and disposal under 40 CFR §§761.61(a) and (c) and its Application, subject to this approval.

Should you have any questions concerning this matter, please contact James S. Haklar, Ph.D., of my staff, at (732) 906-6817.

Sincerely yours,

Dore LaPosta, Director
Division of Enforcement and Compliance Assistance

cc: Jeffrey Shear, New York City Department of Education
Nancy Clark, New York City Department of Health and Mental Hygiene
Jane O'Connell, New York State Department of Environmental Conservation
Gary Heath, New York City Department of Environmental Protection