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

AUG - 2 2011

CERTIFIED MAIL - RETURN RECEIPT REQUESTED
Article Number: 7011 0470 0002 3745 0159

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: P.S. 38K - 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 April 29, 2011 Notification of Self-Implementing Onsite Cleanup and Disposal of PCB Remediation Waste, submitted by the New York City School Construction Authority (SCA). This Approval concerns SCA's plan to address polychlorinated biphenyl (PCB) contamination in the soil at Public School 38K (P.S. 38K), located at 450 Pacific Street, Brooklyn, New York. The proposed remediation plan, upon which this Approval is based, was amended by SCA through submittal of additional information in correspondence dated June 2, 2011. These documents will be referred to as the "Application". The PCB contaminated soil is considered to be 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 P.S. 38K and the proposed removal and disposal off-site of soil, the United States Environmental Protection Agency (EPA) finds that this sampling, in this proposed remediation context, is acceptable for delineating areas of the PCB remediation waste to be addressed. The EPA also finds that SCA's plan for verification sampling 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 hereby approves SCA's Application, and it may proceed with the cleanup and disposal under 40 CFR §§761.61(a) and (c) and its Application, subject to this Approval. This Approval also constitutes an order under the authority of Section 6 of the Toxic Substances Control Act, 15 U.S.C. §2605.

Please note that this Approval does not constitute a determination by EPA that the transporters or the disposal facilities selected by SCA are authorized to conduct the activities set forth in the Application. SCA is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct any such activities in accordance with all applicable federal, state and local statutes and regulations.

Should you have any questions concerning this matter, please contact James S. Haklar, Ph.D., P.E., of my staff, at (732) 906-6817 or at haklar.james@epa.gov.

Sincerely yours,

Dore LaPosta, Director
Division of Enforcement and Compliance Assistance

cc: Nancy Clark, New York City Department of Health and Mental Hygiene
Jane O'Connell, New York State Department of Environmental Conservation