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

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

SEP 15 2011

Sullivan School Associates, LP
Attn: Mr. Nathan Bateman
470 Fore Street, Suite 400
Portland, Maine 04101

Re: PCB Cleanup and Disposal Approval under 40 CFR § 761.61(a); § 761.61(c); and § 761.79(h)
Former Sullivan School
Berwick, Maine

Dear Mr. Bateman:

This is in response to the Notification [1] by Sullivan School Associates, LP (SSA) for approval of a plan to address PCB contamination in the former Sullivan School located at 45 School Street, Berwick, Maine (the Site). The Site contains PCB-contaminated materials that exceed the allowable PCB levels under the federal PCB regulations at 40 CFR §§ 761.20, 761.61(a), and 761.62. Specifically, SSA has determined that *PCB bulk product waste* (i.e., paint) and *PCB remediation waste* (i.e., concrete, plaster, and brick) are present in the following locations:

- Gym-05
- Girls-01
- Boys-02
- Class-11
- Class-03
- Shop-01
- Shop-02
- Hallway-01

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1 Information was submitted by Credere Associates, LLC on behalf of SSA to support a self-implementing cleanup and disposal approach for *PCB remediation waste* under 40 CFR §§ 761.61(a) and (c) and § 761.79(h). Information was provided dated May 18, 2011 (Site Characterization and PCB Cleanup Plan); July 18, 2011 (contact information via e-mail); July 29, 2011 (additional site characterization and response to EPA comments via e-mail); and, September 12, 2011 (site access agreement and certification via e-mail). These submissions will be referred to as the "Notification."

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The Town of Berwick executed a Site access agreement, which authorizes SSA to conduct PCB remedial actions at the Site. As such, SSA has proposed a PCB cleanup and disposal plan under 40 CFR §§ 761.61(a) and (c) and § 761.79(h) that includes the following major activities:

- Remove PCB paint and associated PCB-contaminated *porous surfaces* with greater than (>) 1 part per million (ppm) and dispose as a greater than or equal to (≥) 50 ppm PCB waste;

- Conduct verification sampling to document that the PCB cleanup standard of less than (<) 1 ppm has been met for *porous surfaces* and for soil, as applicable; and,

- Restore remediated areas with new concrete floors or new finish materials and paint on walls, or enclose walls with new permanent steel stud and sheetrock wall systems.

With respect to certain paints, caulk and glazing which have PCB concentrations at < 25 ppm, SSA has determined that these products meet the definition of an *Excluded PCB Product* as defined at 40 CFR § 761.3. As such, cleanup and disposal of these products are not addressed in this Approval. In its Notification, SSA has indicated that many of these products will be removed; covered by new wall/ceiling system; or, covered with new paint. Please be aware that should SSA determine that the paints, caulk, or glazing with < 25 ppm do not meet the definition of an *Excluded PCB Product*, these products will be regulated for cleanup and disposal in accordance with 40 CFR Part 761.

Based on the EPA's review, the information provided in the Notification meets the requirements under § 761.62(a) and § 761.79(h) for removal and disposal of *PCB bulk product waste* (i.e., paints) and under § 761.61(a) and § 761.61(c) for cleanup and disposal of *PCB remediation waste*. SSA has proposed a deviation from the verification sampling requirements under § 761.61(a)(6). Given the sampling that has been conducted and the proposed abatement plan, EPA has determined that the alternative sampling will not result in an unreasonable risk to public health or the environment. Thus, EPA may approve this alternative sampling under § 761.61(c).

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

Questions and correspondence regarding this Approval should be directed to:

Kimberly N. Tisa, PCB Coordinator
United States Environmental Protection Agency
5 Post Office Square, Suite 100
Mail Code: OSRR07-2
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527
Facsimile: (617) 918-0527

This Approval does not release SSA or the Town of Berwick from any applicable requirements of federal, state or local law, including the requirements related to cleanup and disposal of PCBs or other contaminants under the Maine Department of Environmental Protection (ME DEP) regulations.

EPA shall not consider this project complete until it has received all 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

Attachment 1: Approval Conditions
Attachment 2: Region 1 *Standard Operating Procedure For Sampling Porous Surfaces for Polychlorinated Biphenyls (PCBs) Revision 4,* dated May 5, 2011

cc: K. Trefethen, Town of Berwick
J. Steinglass, Credere
Wilkes Harper, ME DEP
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ATTACHMENT 1:

PCB CLEANUP AND DISPOSAL APPROVAL CONDITIONS
FORMER SULLIVAN SCHOOL
45 SCHOOL STREET
BERWICK, MAINE

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 *PCB remediation waste and PCB bulk product waste* identified in the Notification[(2)] and located at the Site.

2. Sullivan School Associates, LP (SSA) shall conduct on-site activities in accordance with the conditions of this Approval and with the Notification.

3. In the event that the activities described in the Notification differ 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. SSA 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, SSA shall contact EPA within twenty-four (24) hours for direction on sampling and cleanup requirements.

6. SSA 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 SSA has or receives information indicating that SSA 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 twenty-four (24) hours of having or receiving the information.

2 Information was submitted by Credere Associates, LLC on behalf of SSA to support a self-implementing cleanup and disposal approach for *PCB remediation waste* under 40 CFR §§ 761.61(a) and (c) and § 761.79(h). Information was provided dated May 18, 2011 (Site Characterization and PCB Cleanup Plan); July 18, 2011 (contact information via e-mail); July 29, 2011 (additional site characterization and response to EPA comments via e-mail); and, September 12, 2011 (site access agreement and certification via e-mail). These submissions will be referred to as the "Notification."

7. This Approval does not constitute a determination by EPA that the transporters or disposal facilities selected by SSA are authorized to conduct the activities set forth in the Notification. SSA 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 SSA or the Town of Berwick from compliance with any applicable requirements of federal, state or local law; or 3) release SSA or the Town of Berwick from liability for, or otherwise resolve any violations of federal, state or local law.

NOTIFICATION AND CERTIFICATION CONDITIONS

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

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

11. Prior to initiating onsite work under this Approval, SSA 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 contractor(s), detailing the procedures that will be employed for remediation of PCB-contaminated materials and for containment and monitoring during remediation activities. This work plan should also include information on waste storage, handling, and disposal for each waste stream type and for equipment decontamination; and,

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

REMEDIAL AND DISPOSAL CONDITIONS

12. To the maximum extent practical, engineering controls shall be utilized to minimize the potential for PCB releases during the abatement. 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 bulk product waste* and *PCB remediation waste* shall be removed and/or decontaminated and verification sampling and analysis shall be conducted as described below:

    a. All visible residues of PCB paint and associated wastes shall be removed and disposed of as described in the Notification.

    b. The decontamination standard for *porous surfaces* (e.g., concrete and brick) shall be less than or equal to (≤) 1 part per million (ppm) PCBs.

        i) All post-decontamination verification sampling of *porous surfaces* shall be performed on a bulk basis (i.e. mg/Kg). Samples shall be collected in accordance with the EPA Region 1 *Standard Operating Procedure For Sampling Porous Surfaces for Polychlorinated Biphenyls (PCBs) Revision 4,* dated May 5, 2011, at a maximum depth interval of 0.5 inches.

        ii) The minimum verification sampling frequency for decontaminated *porous surfaces* shall be one (1) sample for every 150 square feet or three (3) samples per matrix type (e.g. concrete wall, brick wall, wooden studs) per room, whichever is greater.

        iii) Chemical extraction for PCBs shall be conducted using Method 3500B/3540C of SW-846; 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.

        iv) In the event that **any** verification sample has a PCB concentration greater than (>) 1 ppm, SSA shall contact EPA for further discussion and direction on abatement alternatives and sampling requirements.

    c. The decontamination standard for bulk *PCB remediation waste* (i.e. soil) shall be ≤1 ppm.

        i) Bulk *PCB remediation waste* samples shall be collected on a bulk basis (i.e. mg/Kg) and PCB analytical results shall be reported on a dry weight analysis. Verification sampling shall be conducted in accordance with the procedural requirements at 40 CFR Part 761, Subpart O. The minimum verification sampling frequency for soil shall be one (1) sample for every 150 square feet or three (3) samples per area, whichever is greater.

ii) Chemical extraction for PCBs shall be conducted using Method 3500B/3540C of SW-846; 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.

14. 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 § 761.40; stored in a manner prescribed in § 761.65; and, disposed of in accordance with 40 CFR § 761.61 or § 761.62, unless otherwise specified below:

    a. Decontamination wastes and residues shall 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

15. 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).

16. 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.

17. Any misrepresentation or omission of any material fact in the Notification or in any future 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.

18. Approval for these activities may be revoked, modified or otherwise altered: if EPA finds a violation of the conditions of this Approval or of 40 CFR Part 761, including EPA's PCB Spill Cleanup Policy, or other applicable rules and regulations; or if EPA finds that these activities present an unreasonable risk to public health or the environment.

19. SSA and the Town of Berwick 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 SSA or the Town of Berwick to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.

RECORDKEEPING AND REPORTING CONDITIONS

20. SSA shall prepare and maintain all records and documents required by 40 CFR Part 761, including, but not limited to, the records required by Subparts J and K and shall submit same to the Town of Berwick. SSA shall maintain a written record of the cleanup and the analytical sampling for activities conducted under this Approval at the Site. All records shall be made available for inspection by authorized representatives of the EPA, until such time as EPA approves in writing a request for an alternative disposition of such records.

    SSA shall submit a Final Completion Report (Report) to the EPA within 60 days of completion of the activities described under this Approval and shall submit same to the Town of Berwick. At a minimum, this Report shall include: a discussion of the project activities; 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 PCBs removed and disposed off-site; copies of manifests; and, copies of certificates of disposal or similar certifications issued by the disposer, if applicable.

21. Required submittals shall be mailed to:

    Kimberly N. Tisa, PCB Coordinator
    United States Environmental Protection Agency
    5 Post Office Square, Suite 100
    Mail Code: OSRR07-2
    Boston, Massachusetts 02109-3912

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