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

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

OCT 21 2011

Mr. William R. Morse
Sunoco, Inc
10 Industrial Highway MS4
Lester, Pennsylvania 19029

Re: PCB Cleanup and Disposal Approval under 40 CFR §§ 761.61(a) and (c)
88-90 South Maple Street
Westfield, Massachusetts

Dear Mr. Morse:

This is in response to the Sunoco, Inc. Refining and Marketing (Sunoco)[1] request for approval of a proposed plan to address PCB contamination on the property located at 88-90 South Maple Street, Westfield, Massachusetts (the Site). The Site contains PCB-contaminated soils that exceed the allowable PCB levels under 40 CFR § 761.61 for a *low occupancy area* as defined at 40 CFR § 761.3.

While Sunoco is not the Site owner, Sunoco has assumed responsibility for the proposed PCB cleanup. As such, Sunoco has requested an approval under 40 CFR §§ 761.61(a) and (c) that includes the following activities:

- Areas SB-313 and SB-315:
  - Remove PCB-contaminated soils with greater than or equal to ($\geq$ 25 parts per million (ppm) PCBs and dispose as a $\geq$50 ppm PCB waste in a TSCA-approved or RCRA hazardous waste landfill;
  - Conduct sampling to verify that the PCB cleanup standard of less than (<) 25 ppm has been met; and,
  - Backfill the excavated areas with clean fill.

[1] The Notification was prepared by Apex Companies, LLC and GZA Environmental on behalf of Sunoco to satisfy the requirements under 40 CFR §§ 761.61(a) and (c). Information was submitted dated May 9, 2011 (Self-Implementing Cleanup and Disposal Plan (SIP)); July 26, 2011 (Response to EPA Comments); and, September 23, 2011 and October 19, 2011 (Response to Additional Clarification request). These submittals shall be referred to as the "Notification".

- In the vicinity of SB-311, leave PCB-contaminated soils in place under the current pavement which will serve as a cap; and,

- Execute a deed restriction in the form of an Activity and Use Limitation (AUL) for the entire property.

Sunoco has determined that PCB-contaminated soils with < 50 ppm (with the exception of location SB-311) do not meet the definition of a *PCB remediation waste* as defined at § 761.3. In the event that Sunoco determines that the < 50 ppm PCB-contaminated soils are regulated for cleanup and disposal under 40 CFR Part 761, Sunoco shall submit a plan for cleanup of these soils in accordance with 40 CFR § 761.61.

With the exception of the proposed verification sampling frequency for soils and the cap design requirements, the Notification meets the requirements and standards established under § 761.61(a) for cleanup and disposal of *PCB remediation waste*.

EPA has determined that the existing pavement meets the substantive cap requirements under § 761.61(a)(7) and that the pavement is sufficient to prevent exposure of PCB-contaminated soils to Site users. EPA has determined that the alternative cap design will not present an unreasonable risk to public health or the environment and EPA may approve the cap under § 761.61(c).

Sunoco proposed a deviation from the verification sampling requirements under § 761.61(a)(6) for soils. EPA does not agree that sufficient justification has been provided to support an alternative verification sampling plan. This Approval requires verification sampling in accordance with Subpart O (see Attachment 1, Condition 12b).

In the Notification, Sunoco requested that execution of the deed restriction required under § 761.61(a)(8) be extended to coincide with the recording of the Massachusetts Contingency Plan Activity and Use Limitation (AUL), which is anticipated to occur in mid 2012. Given that the AUL will address the entire property, EPA has determined that the extension is reasonable and will not present an unreasonable risk to public health or the environment. EPA is approving the extension under § 761.61(c) (see Attachment 1, Condition 20).

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

This Approval only addresses cleanup and disposal of the *PCB remediation waste* identified in the Notification. In the event that Sunoco or the Site owner identifies other PCB-contaminated wastes subject to cleanup and disposal under the PCB regulations, cleanup of the PCB-contaminated wastes will be required in accordance with 40 CFR Part 761 (see Attachment 1, Condition 1).

This Approval does not release Sunoco or the Site owner from any applicable requirements of federal, state or local law, including the requirements related to cleanup and disposal of PCBs under the Massachusetts Department of Environmental Protection regulations.

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 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,

Nancy Baumann for

James T. Owens III, Director
Office of Site Remediation & Restoration

cc S. Roberts, F.L. Roberts & Company
Neal Carey, GZA Environmental
MassDEP, Western Region
File

Attachment 1 - Approval Conditions

ATTACHMENT 1:

PCB CLEANUP AND DISPOSAL APPROVAL CONDITIONS
88-90 SOUTH MAPLE STREET
WESTFIELD, 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 remediation waste* located at the Site and identified in the Notification.

2. Sunoco, Inc. Refining and Marketing (Sunoco) 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. Sunoco 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, Sunoco shall contact EPA within 24 hours for direction on PCB cleanup and sampling requirements.

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

10. Sunoco 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, detailing the procedures that will be employed for cleanup and disposal of PCB-contaminated soils. This work plan should also include information on dust monitoring; 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 extraction and analytical method requirements and quality assurance requirements specified in the Notification and in this Approval.

CLEANUP AND DISPOSAL CONDITIONS

11. To the maximum extent practical, engineering controls shall be utilized to minimize the potential for PCB releases during the cleanup. In addition, to the maximum extent possible, disposable equipment and materials, including PPE, will be used to reduce the amount of decontamination necessary.

12. Bulk *PCB remediation waste* (i.e. soil) shall be removed and verification sampling and analysis shall be conducted in areas SB-313 and SB-315 as described below:

    a. The cleanup standard for bulk *PCB remediation waste* (i.e. soil) shall be less than or equal to ($\leq$ 25 parts per million (ppm).

    b. Bulk *PCB remediation waste* verification 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 comply with Subpart O and samples shall be collected from both sidewalls and bottoms, as applicable.

    c. 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.

13. 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, 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 or dewatering shall be decontaminated in accordance with 40 CFR § 761.79(b)(1) or disposed of under § 761.60.

INSPECTION, MODIFICATION AND REVOCATION CONDITIONS

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

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). EPA may request additional information in order to determine whether the modification is acceptable and meets the requirements of 40 CFR Part 761.

16. If such modification involves a change in the use of the Site which results in exposures not considered in the Notification, the EPA may revoke, suspend, and/or modify this Approval upon finding that the activities may pose an unreasonable risk of injury to health or the environment due to the change in use. EPA may take similar action if the EPA does not receive requested information needed from Sunoco to make a determination regarding potential risk.

17. 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

18. Sunoco 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, and shall submit same to the Site owner. A written record of the cleanup and disposal and the analytical sampling shall be established and maintained by Sunoco and the Site owner 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.

19. Sunoco shall submit a final report to the EPA within 60 days of completion of the activities authorized under this Approval, and shall submit same to the Site owner. At a minimum, this final report shall include: a short narrative 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 PCB waste disposed of and the size of the PCB cleanup area(s); copies of manifests and bills of lading; and copies of certificates of disposal or similar certifications issued by the disposer. The Report shall also include a certification signed by a Sunoco official verifying that the authorized activities have been implemented in accordance with this Approval and the Notification.

20. On or before June 1, 2012, and as required under § 761.61(a)(8)(i)(B), the Site owner shall submit to EPA a signed certification that the notation on the deed has been recorded as required under § 761.61(a)(8)(i)(A). A copy of the notation on the deed must also be submitted. In the event that an extension to this timeframe is required due to recording of the Massachusetts Contingency Plan Activity and Use Limitation, Sunoco or the Site owner may request an extension for the recording of the notation on the deed. Such request shall include an estimated timeframe for the extension and a justification for the extension. EPA shall determine whether to approve the extension request based on the information provided.

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