



REGION 1
BOSTON, MA 02109

Mr. Shaun Gately
Director of Development Services
Town of Vernon
55 West Main Street
Vernon, CT 06066-3291
sgately@vernon-ct.gov

Re: PCB Cleanup and Disposal Approval under 40 CFR § 761.61(a)
Town of Vernon

Dear Mr. Gately:

This is in response to the Notification¹ by the Town of Vernon (the Town) for approval of a proposed PCB cleanup and disposal plan at the former Daniel's Mill (the Site) located at 98 East Main Street in Vernon, Connecticut. Specifically, soil and concrete located at the Site were identified to contain PCBs at concentrations that exceed the allowable PCB level of 1 part per million (ppm) for unrestricted use under the federal PCB regulations at 40 CFR § 761.61(a)(4).

The Town is proposing the following PCB cleanup and disposal activities at the Site:

- Remove *PCB remediation waste* (i.e., soil) east and west of the former mill building and dispose as greater than or equal to (\geq) 50 ppm PCB in accordance with 40 CFR § 761.61(a)(5)(i)(B)(2)(iii)
- Remove *PCB remediation waste* (i.e., soil and concrete) in the basement of the former mill building and dispose as \geq 50 ppm PCB in accordance with 40 CFR § 761.61(a)(5)(i)(B)(2)(iii)
- Scarify remaining concrete within the basement to a minimum depth of 1 inch
- Conduct verification sampling of all soil and concrete in accordance with Subpart O to verify the cleanup standard of \leq 1 ppm has been achieved

¹ The Notification was prepared by GZA GeoEnvironmental, Inc. (GZA) on behalf of the Town of Vernon (the Town) to satisfy the requirements under 40 CFR § 761.61(a)(3). Information was submitted dated January 2023 (Notification of Self-Implementing Cleanup PCB Impacted Concrete and Soil); July 27, 2023 (meeting with EPA via Teams); August 28, 2023 (Response to EPA Comments); November 15, 2023 (second Response to EPA Comments); February 1, 2024 (third Response to EPA Comments); and April 18, 2024 (confirmation of intended regulatory provision). These submittals together shall be referred to as the "Notification".

The information provided in the Notification meets the requirements under 40 CFR § 761.61(a)(3). The Town may proceed with its cleanup and disposal in accordance with 40 CFR § 761.61(a), its Notification, and this Approval, subject to the conditions of Attachment 1.

This Approval does not release the Town from any applicable requirements of federal, state or local law, including the requirements related to cleanup and disposal of *PCB remediation waste* under Connecticut Department of Energy and Environmental Protection (CTDEEP) regulations.

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

Questions and correspondence regarding this Approval should be directed to:

Brian Drake, Project Manager
United States Environmental Protection Agency
5 Post Office Square, Suite 100,
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1771
drake.brian@epa.gov

EPA encourages the compliance with greener cleanup practices for all cleanup projects and recommends adherence to the ASTM Standard Guide to Greener Cleanups E2893-16 ("Guide") for work conducted under this Approval and the Notification. Greener Cleanups is the practice of integrating options that minimize the environmental impacts of cleanup actions in order to incorporate practices that maximize environmental and human benefit. Please see Section 6 of the Guide for the Best Management Practices ("BMP") Process dated May 2016. (See www.astm.org/Standards/E2893.htm for additional information). EPA encourages you to review the Guide and implement any practices that are feasible. If implemented, the PCB completion report (see Attachment 1, Condition 22) should include a section on BMP Documentation, as described in Section 6.6.5 of the Guide.

EPA shall not consider this project to be 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,

Dan Wainberg, Manager
RCRA Corrective Action and PCB Branch
Land, Chemicals and Redevelopment Division

Attachment 1: PCB Cleanup and Disposal Approval Conditions

cc: David Rusczyk, GZA, David.rusczyk@gza.com
Amber Trahan, CTDEEP, amber.trahan@ct.gov
Lorraine Byrne, EPA, byrne.lorraine@epa.gov
File

ATTACHMENT 1

**PCB CLEANUP AND DISPOSAL APPROVAL CONDITIONS
TOWN OF VERNON
FORMER DANIEL'S MILL (the SITE)
98 EAST MAIN STREET
VERNON, 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 remediation waste* located at the former Daniel's Mill and identified in the Notification.
 - a. In the event that the Town of Vernon (the Town) identifies other PCB-contaminated wastes (i.e., PCBs not identified in the Notification) subject to cleanup and disposal under the PCB regulations, the Town will be required to notify EPA and to clean up the PCB-contaminated wastes in accordance with 40 CFR Part 761.
 - b. The Town may submit a separate plan to address the PCB contamination or may propose to modify the Notification to incorporate cleanup of the PCBs under this Approval in accordance with Condition 17.
2. The Town 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. The Town 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, the Town shall contact EPA within 24 hours for direction on PCB cleanup and sampling requirements.

6. The Town 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 the Town has or receives information indicating that the Town 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 the Town are authorized to conduct the activities set forth in the Notification. The Town 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 the Town from compliance with any applicable requirements of TSCA or of other federal, state or local law; or, 3) release the Town from liability for, or otherwise resolve any violations of TSCA or of any other federal, state or local law.
9. Failure to comply with the Approval conditions specified herein shall constitute a violation of the requirement in 40 CFR § 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 the Town of its acceptance of the conditions of this Approval within 10 business days of receipt.
11. The Town 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. Such notification shall include an estimated schedule for completion of the PCB cleanup and disposal actions authorized under this Approval.
12. Prior to initiation of work authorized under this Approval, the Town shall submit the following information to EPA:
 - a. a certification signed by its selected remediation contractor, stating that the contractor(s) has read and understands the Notification, and agrees to abide by the conditions specified in this Approval; and,
 - b. 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

RISK-BASED DISPOSAL CONDITIONS

13. To the maximum extent practical, engineering controls shall be utilized to minimize the potential for PCB releases during work within the Site. In addition, to the maximum extent possible, disposable equipment and materials, including PPE, will be used to reduce the amount of decontamination necessary.
14. The cleanup level for *PCB remediation waste* (i.e., soil and concrete) at the Site shall be less than or equal to (\leq) 1 part per million (ppm) as required under 40 CFR § 761.61(a)(4)(i)(A) to meet the *high occupancy area* PCB cleanup standard without further restrictions.
 - a. Sampling for *porous surfaces* (i.e., soil and concrete) 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. Samples shall be collected in accordance with 40 CFR Part 761 Subpart O to confirm PCB concentrations that remain are \leq 1 ppm. Soil samples shall be collected from both excavation bottoms and sidewalls, as applicable.
 - b. Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846 for solid matrices and Method 3500B/3510C of SW-846 for aqueous matrices; 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.
 - c. Alternative extraction methods to those identified above are allowed under the August 29, 2023 changes to 40 CFR Part 761. If using methods other than specified in 14.b, EPA shall be notified in writing of the proposed extraction method. Any other extraction or analytical method(s) must be validated according to Subpart Q.
15. All PCB waste (regardless of concentration) generated as a result of the activities described in the Notification, excluding any decontaminated materials, shall be marked in accordance with 40 CFR § 761.40; stored in a manner consistent with 40 CFR § 761.65; and, disposed of in accordance with 40 CFR § 761.61(a)(5), unless otherwise specified below.
 - a. Decontamination wastes and residues shall be disposed of in accordance with 40 CFR § 761.79(g).
 - 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. The Town 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 the Town 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 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.
19. 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.
20. 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 of injury to health or the environment.

RECORDKEEPING AND REPORTING CONDITIONS

21. The Town 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 the Town 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.

22. The Town shall submit a PCB completion report as an electronic version to the EPA within 60 days of completion of the activities authorized under this Approval. At a minimum, this completion report shall include: a short narrative of the project activities with photographic documentation and Greener Cleanups BMP documentation, if implemented; 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; copies of certificates of disposal or similar certifications issued by the disposer; and, the estimated cost of the PCB remediation work conducted under this Approval.

23. Required submittals shall be emailed to:

Brian Drake, Project Manager
United States Environmental Protection Agency
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912
Drake.brian@epa.gov

24. 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.

END OF ATTACHMENT