UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101-3188

LAND, CHEMICALS &
REDEVELOPMENT
DIVISION

November 2, 2020

Dr. Justin J. Blasko
Superintendent
Monroe Public School District
200 East Fremont Street
Monroe, Washington 98272

Re: Transmission of Inspection Report and Warning Letter-
Ongoing use and management of PCBs at Sky Valley Education Center (SVEC)
351 Short Columbia Street, Monroe, Washington 98272

Dear Dr. Blasko:

On October 23, 2019, Kendall Moore, enforcement officer at the U.S. Environmental Protection Agency (EPA) conducted an inspection at Sky Valley Education Center (SVEC) and at the Monroe school district transportation site. The purpose of the inspection was to document the facility's PCB handling, storage and disposal practices for the PCB Program to determine SVEC's compliance with applicable PCB regulations and the PCB Risk Based Disposal Approval (RBDA or Approval) issued by the EPA to SVEC September 15, 2017. The need to determine compliance was in response to new information brought to the EPA's attention about potential sources of PCBs remaining at the school and unauthorized storage of PCB waste at the district transportation site.

The EPA is hereby transmitting to you a copy of the information gathered pursuant to the 2019 inspection. The Inspection Report is included with this letter as Enclosure 1. Enclosure 2 contains the Photo Log, and Enclosure 3 the sample results associated with that inspection.

The EPA has reviewed the information gathered during the inspection, and subsequent correspondence with Mr. Piplic, Director of Facilities, Monroe School District. We are writing to put you on notice of the EPA's concerns and identification of potential deviations from the governing PCB rules. Information currently available to the EPA suggests that SVEC may be deviating from the PCB requirements in the Toxic Substances Control Act (TSCA), the PCB regulations at 40 C.F.R Part 761, and the RBDA. Below, the EPA provides recommended actions for SVEC to address the concerns and potential deviations from TSCA and the RBDA.

Potential Deviations:

1. Prior to the inspection, SVEC collected wipe samples in the locations where fluorescent light ballasts (FLBs) were suspected. SVEC used the results of the wipe samples to conclude there was no unreasonable risk of injury to health or the environment. TSCA does not delegate the authority to determine unreasonable risk beyond the EPA. Condition 6 of the RBDA requires all sample results be submitted upon receipt by SVEC to the EPA for evaluation. The EPA will evaluate the results to determine whether an unreasonable risk exists and if further evaluation or actions are warranted.

SVEC appears to have deviated from the conditions of the RBDA.

2. SVEC's November 12, 2019, report shows wipe samples were analyzed with NIOSH method 5503 rather than EPA SW-847 8082. Condition 12 of the RBDA and 40 C.F.R. § 761.314 specify a required sampling analysis method applicable to these activities. Use of an unapproved sampling method potentially deviates from the conditions of the RBDA and 40 C.F.R. § 761.314.
3. Multiple light fixtures observed during the EPA's inspection were in use and in storage at SVEC that appeared to be the same model/type suspected to contain PCBs, some of which were identified to contain PCBs either through sampling by the inspector or they were labeled as PCB waste. SVEC's September 8, 2016, letter to the EPA certified that all PCB-containing FLBs had been removed from the school and disposed. The RBDA was issued based on the assertion that all PCB-containing FLBs were previously removed and disposed. In accordance with Condition 16 of the RBDA the EPA may revoke the Approval due to misrepresentations or omissions of material fact. The observation of PCB FLBs in use and in storage at SVEC potentially constitutes a misrepresentation or omission of material fact in SVEC's representation to the EPA in support of its application for its RBDA.
4. Fixtures in the Administration Building observed during the EPA's inspection had signs of spilled potting material indicative of the kind used in PCB FLBs, and the inspector's wipe sample confirmed PCBs > 10 $\mu g/100cm^2$ were in place at the time of inspection. PCB items that are leaking or no longer intact are not authorized for use and are regulated for disposal. It appears that SVEC has deviated from 40 C.F.R. § 761.50(b)(2). Accordingly, SVEC may have engaged in unauthorized disposal of PCBs.
5. During the EPA's inspection, carpeting was visible and accessible in a pod building classroom. Carpet in this classroom was previously removed because PCBs were found in the carpet and removal was deemed necessary to prevent exposure to PCBs embedded in the carpet. The ongoing accessibility of this carpet potentially presents an unreasonable risk of injury to health and the environment. This observation contradicts SVEC's September 8, 2016, letter which certified that all carpeting had been removed from that classroom and disposed. In accordance with Condition 16 of the RBDA the EPA may revoke the Approval due to misrepresentations or omissions of material fact. The observation of carpet remaining in the classroom potentially constitutes a misrepresentation or omission of material fact in SVEC's representation to the EPA in support of its application for its RBDA.
6. During the EPA's inspection, epoxy encapsulant was visibly degraded in some locations. Degradation of the encapsulant may create exposure to the underlying contaminated porous surface and require approved controls to prevent unreasonable risk of injury to health and the environment. Condition 8 of the RBDA states that any renovation or demolition activities that will affect the encapsulated porous surfaces are not covered by the Approval, and those activities must be conducted under separate approval, which SVEC has not applied for.
7. During the EPA's inspection, EPA sampled an air filter from a ventilation unit. PCBs were identified on the air filter. This indicates a release of PCBs from a source within the range of the ventilation unit which is inconsistent with representations made to the EPA in support of the Approval, and indicates PCBs may be available in the inhalation pathway for occupants potentially requiring approved controls to prevent unreasonable risk of injury to health.
8. During the EPA's inspection, PCB waste from SVEC was observed in storage at the Monroe School District transportation site. This observation contrasts with SVEC's September 8, 2016, letter certifying that all PCB-containing FLBs were removed and disposed. The RBDA was issued based on SVEC's representation that all FLBs were disposed. In accordance with Condition 16 of the RBDA the EPA may revoke the Approval due to misrepresentations or omissions of material fact.

The observation of PCB waste in storage potentially constitutes a misrepresentation or omission of material fact in SVEC's representation to the EPA in support of its application for its RBDA.

9. During the EPA's inspection, the inspector observed that the entry door to the storage area did not have a Large PCB Mark- M_L - alerting entrants that PCBs are inside. Certain storage areas are required to have the PCB mark, as described in 40 C.F.R. § 761.65(c)(3). SVEC may have deviated from the marking regulations.
10. During the EPA's inspection, the inspector observed some PCB waste stored in bags on the floor, not in secondary containment. 40 CFR 761.65(b)(1)(ii) requires curbing and containment of at least two times the internal volume of the largest PCB Article or PCB Container or 25 percent of the total internal volume of all PCB Articles or PCB Containers stored there, whichever is greater. SVEC may have deviated from the storage regulations.
11. During the EPA's inspection, the inspector noted the dates on the PCB waste demonstrate the waste had been in storage for over a year. 40 C.F.R. § 761.65(a)(1) requires PCB waste to be disposed of within one year from the date it was determined to be PCB waste and the decision was made to dispose of it. SVEC may have deviated from the storage regulations.

The EPA is concerned that SVEC may still have PCB material onsite, three years after certifying to the EPA that all PCB material was removed and disposed prior to the EPA's issuance of a Risk-Based Disposal Approval to SVEC in 2017. The EPA has been aware of leaking PCB FLBs and SVEC's attempts to identify and remove them since 2013. We are very concerned that PCB contaminated fixtures continue to be found, six years into the process of inspecting and taking inventory, cleaning and removing and disposing of light fixtures.

Ms. Mullin, EPA Region 10 PCB Coordinator, sent an e-mail to Mr. John Mannix, Assistant Superintendent for Operations for Monroe Public School District on June 3, 2020, detailing corrective actions SVEC should take by July 5, 2020, to come into compliance with the 2017 RBDA and PCB regulations. Many of these items were recommended to Mr. Piplic by Mr. Moore during the closing of the October 23, 2019, inspection and in a follow up email from Ms. Mullin to Mr. Piplic on October 24, 2019. Some of these items were re-iterated again in an email from Ms. Mullin to Mr. Mannix on November 7, 2019.

The EPA recommends SVEC take the following corrective measures:

1. Remove any FLBs or light fixtures still in place in the school with PCBs or the potential to contain PCBs.
2. Dispose of removed FLBs and/or fixtures or store them properly.
3. Bring the storage location into compliance with the requirements of 40 C.F.R. § 761.65.
4. Request the EPA's approval to engage in long-term storage of the PCB waste in accordance with 40 C.F.R. § 761.61(c) due to the observation that the date the waste currently in storage is greater than one year.
5. Request approval from the EPA for removal of the carpet remnant including controls to prevent releases during removal and associated sampling to demonstrate no unreasonable risk of injury to health or the environment from removal activities.
6. Request the EPA's approval to repair epoxy where it is degrading, including controls to prevent releases during repair and associated sampling to demonstrate no unreasonable risk of injury to

health or the environment from repair activities.

7. Request the EPA's approval to incorporate into the Monitoring, Maintenance and Inspection Plan (MMIP) a general inspection and maintenance plan SVEC will follow to manage the encapsulant on a long-term basis, including visual inspection of epoxy integrity, reporting any repair needs to the EPA, and a general plan for maintenance including controls to prevent releases during repair and associated sampling to demonstrate no unreasonable risk of injury to health or the environment from repair or maintenance activities.
8. Provide a work plan for decontaminating the ventilation unit and associated duct work in accordance with 40 CFR 761.79.
9. Submit an air sampling plan for approval by the EPA for all locations where FLBs have recently been discovered, within the reach of the ventilation unit, for the carpet removal project, and wherever epoxy will be repaired.

Mr. Piplic has been in touch with Ms. Mullin and provided several submittals attempting to address many of the issues identified in this letter. Those submittals were previously identified as incomplete or inadequate, as detailed in several emails from Ms. Mullin, the latest sent on August 26, 2020, to Mr. Piplic, which you were copied on. Mr. Piplic stated on July 14, 2020, that Mr. Mannix was replaced by Mr. Scarpelli, Executive Director of Support Services, and that Mr. Scarpelli will be involved in this project. The EPA has yet to hear from Mr. Scarpelli. Mr. Piplic stated on July 24, 2020, that the District intended to hire a new environmental consultant to assist in developing the MMIP. Mr. Piplic again stated on September 10, 2020, that SVEC is in the process of hiring an environmental consultant to assist with the remaining work. However, as of the date of this letter, SVEC has not yet developed any submittals for EPA approval that address these issues.

The EPA recommends SVEC address these concerns with more urgency than has yet been demonstrated.

There have been changes in Monroe School District staffing during our communication with SVEC following the inspection. In order to provide continuity of communication between the EPA and SVEC on this long term project, and to assure that the EPA is communicating with the person authorized to make decisions for SVEC regarding these matters, please identify the appropriate point of contact at SVEC and any other employees who should be included in communication from the EPA to SVEC.

Be advised that SVEC may be subject to an enforcement action, including a penalty action, for violations of TSCA, its implementing regulations, and the conditions of the 2017 RBDA. Furthermore, misrepresentations or omissions of any material fact in support of SVEC's application for the 2017 RBDA, or any departure from the conditions of the RBDA without prior, written authorization from the EPA, may result in the EPA's revocation or suspension of the Approval.

SVEC need not take the recommended actions if SVEC can demonstrate to the EPA that no deviation from TSCA, the PCB regulations, or the RBDA has occurred. You may, if you wish, respond to the potential deviations addressed in this letter with any related information that you wish the EPA to take into consideration, including any information concerning whether the RBDA should be revoked. The EPA recommends SVEC submit adequate documentation addressing the items above by December 7, 2020.

If you require additional technical assistance to respond to these concerns, or if you have any questions, you may contact Michelle Mullin of my staff at (206)553-1616 or mullin.michelle@epa.gov.

Sincerely,

MARY MCARTHUR

Digitally signed by MARY MCARTHUR
Date: 2020.11.02 12:36:30 -08'00'

Lisa McArthur,
Branch Chief

Enclosures
1. Inspection Report
2. Inspection Photo Log
3. Inspection Sample Results