



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

MAR 25 2009

Donald A. Robinson, Ph.D.
Director of Environmental Health & Safety
Draper Hall Room 117
University of Massachusetts
40 Campus Center Way
Amherst, Massachusetts 01003-9244

Re: PCB Cleanup and Disposal Approval under 40 CFR §§ 761.61(a) and (c)
RTN: 1-16269

Dear Mr. Robinson:

This is in response to the Notification¹ by the University of Massachusetts (UMass) for a proposed PCB cleanup at the Lederle Graduate Research Center (LGRC) located at 710-740 Pleasant Street on the UMass campus, Amherst, Massachusetts (the Site). Specifically, PCB-contaminated soils that exceed the allowable PCB levels for unrestricted use under the federal PCB regulations at 40 CFR § 761.61(a) have been identified at the Site. The PCB contamination is associated with PCB caulk, which was abated under the *June 22, 2007 Alternative Decontamination Approval under 40 CFR §§ 761.61(a), 761.62, and 761.79(h)*.

In the Notification, UMass has submitted a proposed PCB cleanup plan under the self-implementing cleanup and disposal option (SIP) at 40 CFR § 761.61(a). Under the proposed plan, PCB-contaminated soil at greater than (>) 1 part per million will be excavated and disposed of off-site.

With the exception of the characterization and verification sampling requirements, UMass's proposal meets the SIP procedural and cleanup requirements at § 761.61(a). Given the Site history and source of PCB contamination, the characterization sampling procedures and results, and the proposed excavation procedures and verification sampling, EPA has determined the following:

1. The PCB-contaminated areas with > 1 ppm have been delineated for cleanup;
2. The PCB-contaminated soils with greater than or equal to (\geq) 50 ppm PCBs have been adequately delineated from the less than (<) 50 ppm PCBs for off-site disposal; and,

¹ Information was submitted by Woodard & Curran on your behalf, and was provided to satisfy the notification requirements under 40 CFR § 761.61(a). Information was provided dated March 4, 2009; and, March 5, 2009, March 10, 2009, March 11, 2009, March 13, 2009, March 17, 2009, and March 23, 2009 (via e-mail). These submittals shall be referred to as the "Notification."

3. The proposed post-excavation sampling is sufficient to verify that the PCB cleanup standard of less than or equal to (\leq) 1 ppm has been met.

EPA finds that the alternative characterization and verification sampling will result in no unreasonable risk to public health or the environment and EPA may approve the alternative sampling for *PCB remediation waste* under § 761.61(c). UMass may proceed with its self-implementing cleanup in accordance with §§ 761.61(a) and (c); its Notification; and, this Approval, subject to the conditions of Attachment 1.

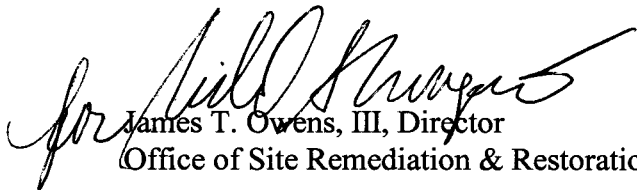
This Approval does not release UMass from any applicable requirements of federal, state or local law, including the requirements by the Massachusetts Department of Environmental Protection under the Massachusetts Contingency Plan.

Correspondence or questions regarding this Approval should be directed to the following:

Kimberly N. Tisa, PCB Coordinator
United States Environmental Protection Agency
1 Congress Street, Suite 1100 - CPT
Boston, Massachusetts 02114-2023
Telephone: (617) 918-1527
Facsimile: (617) 918-0527

EPA shall not consider the activities authorized under this Approval to be complete until it has received all submittals required under this Approval.

Sincerely,


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

Attachment 1

cc: J. Hamel, Woodard & Curran
Mass DEP RTN: 1-16269
Amherst Health Department
File

ATTACHMENT 1: PCB APPROVAL CONDITIONS
TOWER A AND THE LOW-RISE BUILDING SOILS (“the Site”)
LEDERLE GRADUATE RESEARCH CENTER (LGRC)
UNIVERSITY OF MASSACHUSETTS, AMHERST, MA

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* identified in the Notification, specifically the exterior soils around Tower A and the Low Rise Building.
2. UMass shall conduct on-site activities in accordance with the conditions of this Approval and with the Notification.
3. This Approval may be revoked if the EPA does not receive written notification from UMass of its acceptance of the conditions of this Approval within 10 business days of receipt.
4. 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.
5. The terms and abbreviations used herein shall have the meanings as defined in 40 CFR § 761.3 unless otherwise defined within this Approval.
6. UMass 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, UMass shall contact EPA within 24 hours for direction on PCB cleanup and sampling requirements.
7. UMass 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 UMass has or receives information indicating that UMass 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.
8. This Approval does not constitute a determination by EPA that the transporters or disposal facilities selected by UMass are authorized to conduct the activities set forth in the Notification. UMass 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.

9. UMass shall notify EPA in writing of the scheduled date of commencement of on-site activities at least 5 business days prior to conducting any work under this Approval.
10. This Approval does not: 1) waive or compromise EPA's enforcement and regulatory authority; 2) release UMass from compliance with any applicable requirements of federal, state or local law; or 3) release UMass from liability for, or otherwise resolve any violations of federal, state or local law.

CLEANUP and DISPOSAL CONDITIONS

11. Prior to initiating onsite work under this Approval, UMass shall submit the following information to EPA:
 - 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; 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 the quality assurance requirements specified in the Notification and in this Approval.
12. The cleanup level for bulk *PCB remediation waste* (i.e. soil) at the Site shall be less than or equal to (\leq) 1 part per million (ppm).
 - a. *Bulk PCB remediation waste* samples shall be collected on a bulk basis (i.e. mg/Kg) and reported on a dry-weight basis. Verification sampling shall comply with the procedural requirements of Subpart O with a maximum 10-foot grid spacing interval as detailed by the March 23, 2009 submittal; samples shall be collected from both excavation bottoms and sidewalls, as applicable.
 - (1) If bulk *PCB remediation* composite samples are collected, the following shall apply:
 - (a) The composite shall be prepared using equal volumes of each grab sample in accordance with § 761.289(a); and,
 - (b) The composite sample analytical results shall be adjusted by multiplying the composite analytical results by the number of grab samples comprising the composite. This adjusted result shall be used to determine the cleanup requirements for the bulk *PCB remediation waste*.

- 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 method(s) is validated according to Subpart Q.
13. 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 § 761.40; stored in a manner prescribed in § 761.65; and, disposed of in accordance with 40 CFR § 761.61(a)(5), unless otherwise specified below:
- a. Non-liquid cleaning materials, such as PPE and similar materials resulting from decontamination, 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 § 761.70.

INSPECTION, MODIFICATION AND REVOCATION CONDITIONS

14. UMass 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 UMass 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, schedule, 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 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. UMass 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 the analytical sampling shall be established and maintained by UMass 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 by authorized representatives of EPA.
19. UMass shall submit a final report to EPA within 60 days of completion of the PCB cleanup and disposal activities authorized under this Approval. At a minimum, this final report shall include: a short narrative of the activities; characterization and confirmation (verification) sampling analytical results (if applicable); 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 remediated area(s); copies of manifests and/or bills of lading; and, copies of certificates of disposal or similar certifications issued by the disposer.
20. Required submittals shall be mailed to:

Kimberly N. Tisa, PCB Coordinator
United States Environmental Protection Agency
1 Congress Street, Suite 1100 - CPT
Boston, Massachusetts 02114-2023
Telephone: (617) 918-1527
Facsimile: (617) 918-0527
21. 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 1