



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**REGION I**  
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Certified Mail – Return Receipt Requested

**DEC 2 2010**

Scott Alfonse, Director  
Environmental Stewardship Department  
City of New Bedford  
133 William Street, Room 304  
New Bedford, Massachusetts 02740

Re: New Bedford High School Release Abatement Measure Plan – TSCA Applicability

Dear Mr. Alfonse:

This is written in response to your July 14, 2010 letter and October 21, 2010 amendment regarding the City of New Bedford's plan to conduct a performance-based disposal action to remove *PCB remediation waste* at the New Bedford High School property in accordance with 40 CFR § 761.61(b). Specifically, PCB-contaminated soils with greater than or equal to 50 parts per million ( $\geq 50$  ppm) were identified at sample location HF-31D at 1-3 feet.

These PCB-contaminated soils will be removed and disposed of at either Model City New York or the EQ/Wayne Disposal Landfill in Michigan. The work will be conducted during performance of a Release Abatement Measure (RAM) as set forth in the Massachusetts Contingency Plan and subject to review and oversight by the Massachusetts Department of Environmental Protection (MassDEP). The City has requested EPA's concurrence on the proposed plan.

As the City is proposing to remove and dispose of the PCB-contaminated soils with  $\geq 50$  ppm in accordance with 40 CFR § 761.61(b), no further EPA approval is required for removal and disposal of these PCB-contaminated soils.

Condition 1 of EPA's *August 31, 2005 Approval for Risk-Based Cleanup and Disposal* required the City to submit a plan to address PCB contamination if PCBs regulated under 40 CFR Part 761 were identified during assessment activities or alternatively, a justification as to why the PCBs were not regulated for cleanup. In your letter you conclude that with the exception of the HF-31D sample location, the PCB-contaminated soils do not meet the definition of a *PCB remediation waste* as defined at 40 CFR § 761.3. You base this determination on the facts that the PCB analytical results for the adjacent PCB-contaminated soils are less than ( $<$ ) 50 ppm and that New Bedford High School was constructed in the early 1970s. You state that all available information indicates that the soils located in the vicinity of HF-31 have not been disturbed since April 1978.

Given the above and based on all the sampling that has been conducted on the New Bedford High School property, it does not appear that the adjacent PCB-contaminated soils with < 50 ppm meet the definition of a *PCB remediation waste*, as defined at 40 CFR § 761.3. As indicated in the July 14, 2010 letter and the RAM, the < 50 ppm PCB-contaminated soils will be managed in accordance with the MCP under the oversight of the MassDEP. However, in the event the City determines that the PCB-contaminated soils with < 50 ppm do meet the definition of a *PCB remediation waste*, the City is required to comply with 40 CFR Part 761.

Please be aware that EPA's determination applies solely to the soils located in/around the HF-31 sample location. This determination has no bearing on the requirements under 40 CFR Part 761 for PCB-contaminated soils located on other portions of the New Bedford High School property or within the Parker Street Waste Site.

Questions regarding this matter should be directly to Kim Tisa at (617) 918-1527.

Sincerely,



Mary Sanderson, Chief  
Remediation & Restoration II Branch  
Office of Site Remediation & Restoration

cc: D. Sullivan, TRC  
M. Cote, MassDEP  
File

REC  
DEC 07 2010  
Scott Alfonse