



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

LR-16J

Karyn Selle, Project Manager
Maple Street Commerce LLC,
c/o IRG Realty Advisors LLC
4020 Kinross Lakes Parkway Suite 200
Richfield, Ohio 44286

Re: Self-Implementing PCB Cleanup Application
Maple Street Commerce (Former Hoover Company Facility)
101 East Maple, North Canton, Ohio
EPA ID: OHD 004 462 161
AOC RCRA-05-2016-0012

Dear Ms. Selle:

The U.S. Environmental Protection Agency has completed its review of the March 25, 2021 notification and certification, stating that you intend to conduct a self-implementing cleanup and disposal of polychlorinated biphenyl (PCB) remediation waste in accordance with the requirements of 40 Code of Federal Regulations (CFR) § 761.61(a).

Background

The site was used by Hoover Company for sweeper manufacturing from 1907 until 2008, when the property was acquired by Maple Street Commerce LLC (MSC). Multiple stages of investigation have been completed at the site and the Facility is subject to a RCRA 3008(h) Administrative Order on Consent (RCRA-05-2016-0012), dated May 24, 2016 (the 2016 AOC), for ongoing Corrective Action. PCB impacted soils were identified in connection with investigation MSC conducted for a proposed on-site building expansion under a November 18, 2020 RCRA Facility Investigation (RFI) Work Plan Addendum 2, and EPA's December 3, 2020 Conditional Approval of related work under the 2016 AOC.

As previously discussed on March 19, 2021, some of the initial work to address the PCBs is being conducted under Paragraph 14 of the 2016 AOC, which provides that the Respondent must notify EPA within 48 hours of discovery of a new release, summarizing the immediacy and the magnitude of the potential threat. MSC submitted data to EPA on February 26, 2021, as the

initial notification. MSC submitted a Risk-based PCB Cleanup application under 40 CFR § 761.61(c) on March 15, 2021, and notified EPA on March 19, 2021, of its intent to submit a revised Self-Implementing PCB Cleanup Application under 40 CFR § 761.61(a). At that time, MSC notified EPA that it would proceed with cleanup under 40 CFR § 761.61(b), which does not require EPA approval, while waiting for EPA's approval on the revised Self-Implementing PCB Cleanup Application. As allowed under Paragraph 14 of the 2016 AOC, the EPA Project Manager may orally authorize Respondent to act prior to EPA's receipt of the revised workplan if immediate action is required.

Conditional Approval of March 25, 2021 PCB Cleanup Application

You provided documentation stating that the property consists of approximately 73 acres, and that PCB contamination was found in three areas surrounding the site's former waste water treatment ponds, encompassing a total of 95,000 square feet, and located within an area identified as the North Yard where redevelopment is proposed.

Your March 25, 2021 submittal indicated that the site conditions include PCB impacts that appear to be constrained within the upper 2-6 feet of shallow fill materials in areas identified as the Northeastern Area, the Northwestern Area, and the Southwestern Area. It is unclear if the PCB contamination is related to past releases from the decommissioning of former on-site transformers, the site's former die-casting operations, or the manufacturing of capacitors or other electronics related to the sweeper manufacturing operations, and the impacts were identified in the area of several former on-site oil pits. Information submitted indicates the impacts are generally within non-native fill materials, and underlying native soil consists primarily of silts and clays. Groundwater is reportedly present at depths between 2-15 feet below grade.

Your application states that PCB-impacted soils in the Northwest and Southwest Areas will be remediated to a high occupancy PCB remediation objective of ≤ 10 part per million (ppm) with a cap in accordance with 40 CFR § 761.61(a)(4)(i)(A), and PCB-impacted soils in the Northeast Area will be remediated to a low occupancy PCB remediation objective of ≤ 100 ppm with a cap in accordance with 40 CFR § 761.61(a)(4)(i)(B)(3). Other contaminants have also been detected at the site but are not the subject of the PCB cleanup work.

Based on the information provided, PCBs were identified at the site at concentrations up to 8,779 ppm. Excavated soils with in-situ concentrations of ≥ 50 ppm shall be considered PCB Remediation Waste and shall be disposed of in accordance with 40 CFR § 761.61(a)(5)(i)(B)(2)(iii). Excavated soils with in-situ concentrations of < 50 ppm shall be considered PCB Remediation Waste and shall be disposed of in accordance with 40 CFR § 761.61(a)(5)(i)(B)(2)(ii). The landfills selected for disposal must be identified in the cleanup completion report to be submitted. Confirmation sampling must be performed in accordance with 40 CFR Part 761 Subpart O, including all four sidewalls and the base of the excavations. From the information provided, 5,920 tons (4,353 cubic yards) of bulk PCB remediation waste with PCB concentrations ≥ 50 ppm shall be properly disposed at US Ecology in Belleville, Michigan, and 636 cubic yards of bulk PCB remediation waste with concentrations < 50 ppm shall be disposed at Republic Services - Countywide Landfill, in East Sparta, Ohio.

Based on our review, your notification is hereby approved for these three areas of the site, totaling 95,000 square-feet, subject to the following conditions:

1. As stated in 40 § CFR 761.61(a), you must conduct the cleanup in accordance with all applicable requirements of 40 CFR §§ 761.61(a)(1) through (9). A copy of those requirements is enclosed for your convenience. To assist you in completing the cleanup successfully, we have placed an “X” in the margin to identify specific requirements for which your notice is deficient in describing how you plan to comply. Specific comments about each of the deficient areas are noted in ***bold italics*** following the respective regulatory citation.
2. All references to the handling of materials from the Waste Water Treatment (WWT) ponds under the Soil Management Plan shall be stricken; handling of sediment and concrete from the WWT ponds must be conducted under an approval from Ohio EPA for closure of the ponds under the Permit To Install. MSC must characterize both sediment and concrete for PCBs and submit the data to US EPA for review before handling and disposal can be authorized as specified under §761.61(a)(5)(i)(B) and the conditions of this approval of the March 25, 2021, 40 CFR § 761.61(a) PCB Cleanup Application.
3. You must prepare a cleanup completion summary report that describes how you conducted the PCB cleanup in accordance with the applicable regulatory requirements, including those marked with an “X” on the enclosure. You must send a copy to Joseph Kelly, Physical Scientist with the Region 5 Remediation Branch, within 60 days after the proposed completion of the cleanup.
4. Until EPA approves a site-wide Soil Management Plan for Corrective Action under the 2016 AOC, MSC must notify EPA and obtain EPA’s evaluation of the proposed handling and disposal of any soil disturbed when removing PCBs, under 40 C.F.R. §761.61 and this approval (please refer to the closing portion of the enclosure).

Please note that this approval does not relieve you from your duty to comply with all other applicable federal, state, and local requirements and the 2016 AOC. In addition, please note that if you wish to make any changes to your notification (including changes in the project schedule), then you must submit your proposal to Joseph Kelly, of my staff, in writing no less than 14 calendar days prior to the proposed implementation of the change. If you have any questions, please contact him by e-mail at kelly.joseph@epa.gov or by telephone at (312) 353-2111.

Sincerely,

Jose G. Cisneros, Chief
Remediation Branch
Land, Chemicals & Redevelopment Division

Enclosure

cc: Lindsay Crow, Hull & Associates (by email)
Justin Lichter and Frank Lanterman, Maple Street Commerce, LLC (by email)
Mark Norman and Ryan Elliot, Vorys, Sater, Seymour and Pease LLP (by email)
Maria Gonzalez, EPA ORC (by email)
Andrea Legg, North Canton Library (by email)
Michael Bolas and John Schmidt, Ohio EPA (by email)
Paul DePasquale, Stark County Health Department (by email)

ENCLOSURE

Regulatory Requirements of 40 CFR 761.61(a)

Please note that an “X” in the margin [] indicates that the notification and certification of your intention to conduct a self-implementing cleanup does not adequately explain how you intend to comply with the regulatory requirement.

[X] (1) *Applicability*

- (i) The self-implementing procedures may not be used to clean up:
 - (A) Surface or ground waters.
 - (B) Sediments in marine and freshwater ecosystems.
 - (C) Sewers or sewage treatment systems.
 - (D) Any private or public drinking water sources or distribution systems.
 - (E) Grazing lands.
 - (F) Vegetable gardens.

Although this conditional approval does not approve of disposal activities that are needed for the wastewater treatment (WWT) pond closure under the Permit to Install (PTI), based on the presence of PCB-contaminated sediment in the ponds, the potential exists for the outfall and related sewer system to be impacted by PCBs. Testing of the sediments in the sewers should be performed to determine if the sewers have been impacted. Based on the results, a Risk-Based, 40 CFR § 761.61(c) cleanup application may need to be submitted to EPA to address the cleaning and/or abandonment of sewer systems that cannot be addressed under 40 CFR § 761.61(a).

Additional in-place characterization of the pond sediments and concrete is required, and excavation and decommissioning of the WWT ponds should not be initiated before appropriate characterization under this application (in addition to Ohio EPA’s March 30 2021 correspondence regarding the PTI) is determined to be complete. Sediment and concrete must be characterized in-place, before determining how wastes can be handled. The sampling data from further characterization of pond sediments and concrete should be provided to EPA for review as an addendum to the § 761.61(a) application before PCB excavation or disposal occurs. All references to the PCB-contaminated pond sediments and concrete should be removed from the Attachment C - Soil Management Plan of the PCB Cleanup Application because characterization is insufficient, and those materials are not considered under this application. EPA provided guidance on the suggested activities necessary for adequate characterization of the sediments in an email on February 17, 2021 which should be followed along with Ohio EPA’s additional comments. Accurate waste determinations are needed for both sediment and concrete, in accordance with 40 CFR § 761.61(a), before determining whether the material is eligible to be disposed in accordance with 40 CFR § 761.61 (a)(5)(i)(B)(2)(ii) or whether the wastes must be disposed in accordance with in accordance with 40 CFR § 761.61 (a)(5)(i)(B)(2)(i) or 40 CFR § 761.61 (a)(5)(i)(B)(2)(iii). EPA is unable to grant approval to disposal of PCBs < 50 until that testing has been completed. Ohio EPA must also grant approval for the PTI application for Closure of Ponds 1, 2, 3, and 4, and any related requirements must be met before proceeding. Please provide additional information explaining how Applicant intends to segregate the PCBs > 50 from the PCBs < 50 based on the Subpart N sampling of sediments and concrete.

[] (ii) The self-implementing cleanup provisions shall not be binding upon cleanups conducted under other authorities, including but not limited to, actions conducted under section 104 or section 106 of CERCLA, or section 3004(u) and (v) or section 3008(h) of RCRA.

[X] (2) **Site characterization.** Any person conducting self-implementing cleanup of PCB remediation waste must characterize the site adequately to be able to provide the information required by paragraph (a)(3) of this section. Subpart N of this part provides a method for collecting new site characterization data or for assessing the sufficiency of existing site characterization data.

Characterization of soils in three areas (titled the Northwest Area, Southwest Area, and East Area in the March 25, 2021 Notification of Self-Implemented Clean-up Activities under the Toxic Substance Control Act) was performed in general conformance with 40 CFR § 761 Subpart N. The applicant identified PCBs > 50 ppm throughout a 95,000 square-foot area (approximately 13,000 sq ft in the Northwest Area, approximately 40,000 sq ft in the Southwest Area, and approximately 42,000 sq ft in the East Area) during site characterization related to a RCRA Facility Investigation (November 18, 2020 RFI Work Plan Addendum 2), conducted under a RCRA 3008(h) administrative order (RCRA 05-2016-0012). The applicant submitted a 40 CFR § 761.61(c) risk-based cleanup application on March 15, 2021, but has implemented Performance-Based cleanup pursuant to 40 CFR §761.61(b) and Paragraph 14 of the AOC without formal approval from EPA, as allowed, to address PCBs >50 ppm in the 95,000 sq ft (estimated) area of impact due to the timing considerations related to a risk-based approval. The Applicant subsequently submitted a revised “Notification of Self-Implemented Clean-up Activities” (self-implementing application) under the Toxic Substance Control Act on March 25, 2021. EPA anticipates the respondent will have initiated Performance-Based cleanup under 40 CFR §761.61(b) in the interim, and prior to EPA’s review and issuance of this conditional approval of the Self-Implementing application, after which, the Applicant will continue cleanup under 40 CFR §761.61(a).

NOTE: the applicant must conduct verification sampling in accordance with Subpart O for all excavation sidewalls and the excavation base to show that removal of all PCB remediation waste ≥ 50 ppm has been remediated prior to the cleanup of PCBs < 50 ppm, pursuant 761.61(a). Applicant intends to remediate PCB remediation waste to low occupancy levels with a cap (≤ 100 ppm) in the Eastern area of the remediation site, and high occupancy with a cap (≤ 10 ppm) in the Northwestern and Southwestern portions of the remediation site, in an area where a building expansion is proposed. Excavation must continue until verification sampling conducted in accordance with Subpart O confirms the cleanup goals of ≤ 100 ppm and ≤ 10 ppm have been achieved for respective areas.

NOTE: PCBs were identified in sediments in the WWT ponds, where cleanup levels for high occupancy use with a cap are anticipated based on the expected location of the future building expansion. Characterization of PCB-contaminated sediments in the WWT ponds is incomplete. The Application states that pond materials will be characterized in accordance with the applicable regulations. The applicant must determine whether wastes are hazardous in furtherance of Ohio EPA’s correspondence dated March 30, 2021, or whether PCB remediation waste ≥ 50 ppm is present for purposes of characterization,

disposal, and the use of the proposed high occupancy cleanup levels under this application. Excavation and disposal of PCB remediation wastes may not be performed in that area pursuant to 40 CFR § 761.61(a) without first obtaining EPA approval, and therefore, EPA is unable to grant approval for the WWT ponds until Applicant determines if PCBs in sediment and concrete are below 50 ppm, or above 50 ppm. Please provide additional information explaining how Applicant intends to segregate the > 50 from the < 50 based on the Subpart N sampling of sediments and concrete.

[] (3) ***Notification and certification.***

[X] (i) At least 30 days prior to the date that the cleanup of a site begins, the person in charge of the cleanup or the owner of the property where the PCB remediation waste is located shall notify, in writing, the EPA Regional Administrator, the Director of the State or Tribal environmental protection agency, and the Director of the county or local environmental protection agency where the cleanup will be conducted. The notice shall include:

Applicant notified local Agencies of the cleanup schedule on March 25, 2021. Applicant initially submitted a risk-based application on March 15, 2021 and requested waiver of the 30-day notification but elected to initiate performance-based disposal under 40 CFR § 761.61(b). Cleanup work initiated under 40 CFR § 761.61(b) is expected to last approximately 30 days, during which time this conditional approval will be issued. This may satisfy the requirement for a notification to be submitted at least 30 days prior to beginning cleanup work pursuant to 40 CFR § 761.61(a). However, a copy of the Self-Implementing PCB Cleanup Application should be sent now to the following parties to satisfy the requirements identified in the next section:

- ***Michael Bolas, Project Coordinator
Division of Environmental Response & Revitalization
Ohio Environmental Protection Agency
Northeast District Office
2110 East Aurora Road
Twinsburg, OH 44087- 1924***
- ***Paul DePasquale, R.S., M.P.A.
Director of Environmental Health
Stark County Health Department
7235 Whipple Avenue NW; Suite B
North Canton, Ohio 44720***

[] (A) The nature of the contamination, including kinds of materials contaminated.

[X] (B) A summary of the procedures used to sample contaminated and adjacent areas and a table or cleanup site map showing PCB concentrations measured in all pre-cleanup characterization samples. The summary must include sample collection and analysis dates. The EPA Regional Administrator may require more detailed information including, but not limited to, additional characterization sampling or all

sample identification numbers from all previous characterization activities at the cleanup site.

Applicant should submit the March 25, 2021 Self-Implementing PCB Cleanup Application to Ohio EPA and the Stark County Health Department at least 30 days prior to beginning cleanup work conducted under 40 CFR § 761.61(a). Given the proposed redevelopment schedule, the cleanup was initiated under 761.61(b) which does not require EPA approval, but submittal of the information is still required.

- [] (C) The location and extent of the identified contaminated area, including topographic maps with sample collection sites cross referenced to the sample identification numbers in the data summary from paragraph (a)(3)(i)(B) of this section.
- [X] (D) A cleanup plan for the site, including schedule, disposal technology, and approach. This plan should contain options and contingencies to be used if unanticipated higher concentrations or wider distributions of PCB remediation waste are found or other obstacles force changes in the cleanup approach.

Cleanup is anticipated to be performed in the next several months. Wastes with PCB levels ≥ 50 ppm must be disposed of in a hazardous waste landfill permitted by EPA under section 3004 of RCRA, or by a State authorized under section 3006 of RCRA, or a PCB disposal facility in accordance with 40 CFR §761.61(a)(5)(i)(B)(2)(iii). By email on March 25, 2021 and within the Self Implementing PCB Application, the applicant identified that an estimated total of 5,920 tons (4,353 cubic yards) of bulk PCB remediation waste with PCB concentrations ≥ 50 ppm will be hauled via licensed transporters to US Ecology in Belleville, Michigan. The application identifies that an estimated total of 636 cubic yards of remaining bulk PCB remediation waste with concentrations < 50 ppm will be disposed of at Republic Services - Countywide Landfill, in East Sparta, Ohio.

Notification must be made to EPA of any revisions in the cleanup plan. This includes characterization, in accordance with Subpart N, to delineate PCB impacts in pond sediments, and pond concrete, along with any additional wastes with PCBs ≥ 50 ppm, before cleanup proceeds. Please provide additional information explaining how Applicant intends to segregate the PCBs > 50 from the PCBs < 50 based on the Subpart N sampling of sediments and concrete.

Obstacles forcing changes in cleanup approach may include utilities or media not described in the original proposal, such as concrete structures that are not removed, or prevent the collection of cleanup verification samples.

- [] (E) A written certification, signed by the owner of the property where the cleanup site is located and the party conducting the cleanup, that all sampling plans, sample collection procedures, sample preparation procedures, extraction procedures, and instrumental/chemical analysis procedures used to assess or characterize the PCB contamination at the cleanup site, are on file at the location designated in the certificate, and are available for EPA inspection. Persons using alternate methods for chemical extraction and chemical analysis for site characterization must include in the certificate a statement that such a method will be used and that a comparison study

which meets or exceeds the requirements of subpart Q of this part, and for which records are on file, has been completed prior to verification sampling.

- [X] (ii) Within 30 calendar days of receiving the notification, the EPA Regional Administrator will respond in writing approving of the self-implementing cleanup, disapproving of the self-implementing cleanup, or requiring additional information. If the EPA Regional Administrator does not respond within 30 calendar days of receiving the notice, the person submitting the notification may assume that it is complete and acceptable and proceed with the cleanup according to the information the person provided to the EPA Regional Administrator. Once cleanup is underway, the person conducting the cleanup must provide any proposed changes from the notification to the EPA Regional Administrator in writing no less than 14 calendar days prior to the proposed implementation of the change. The EPA Regional Administrator will determine in his or her discretion whether to accept the change, and will respond to the change notification verbally within 7 calendar days and in writing within 14 calendar days of receiving it. If the EPA Regional Administrator does not respond verbally within 7 calendar days and in writing within 14 calendar days of receiving the change notice, the person who submitted it may deem it complete and acceptable and proceed with the cleanup according to the information in the change notice provided to the EPA Regional Administrator.

EPA received formal notification of self-implementing cleanup activities under 40 CFR § 761.61(a) on March 25, 2021. EPA notified Applicant on March 17, 2021 of its intent to provide comments on the self-implementing application based on EPA's preliminary review of the March 15, 2021 risk-based application. Applicant initiated cleanup under 40 CFR § 761.61(b), as allowed. Applicant's reference to a February 26, 2021 data submittal in the Certification section of the application has no relation to the 30-day review period because the referenced data submittal does not contain the required elements of an application.

- [X] (iii) Any person conducting a cleanup activity may obtain a waiver of the 30-day notification requirement, if they receive a separate waiver, in writing, from each of the agencies they are required to notify under this section. The person must retain the original written waiver as required in paragraph (a)(9) of this section.

EPA notified Applicant on March 17, 2021 that there is no 30-day waiver for a 40 CFR § 761.61(c) application, that EPA would provide comments if the application was revised to a 40 CFR § 761.61(a) self-implementing application (submitted March 25, 2021). Given the proposed redevelopment schedule, the cleanup was initiated under 761.61(b) which does not require EPA approval.

- [] (4) ***Cleanup levels.*** For purposes of cleaning, decontaminating, or removing PCB remediation waste under this section, there are four general waste categories: bulk PCB remediation waste, non-porous surfaces, porous surfaces, and liquids. Cleanup levels are based on the kind of material and the potential exposure to PCBs left after cleanup is completed.

[] (i) *Bulk PCB remediation waste.* Bulk PCB remediation waste includes, but is not limited to, the following non-liquid PCB remediation waste: soil, sediments, dredged materials, muds, PCB sewage sludge, and industrial sludge.

[X] (A) *High occupancy areas.* The cleanup level for bulk PCB remediation waste in high occupancy areas is ≤ 1 ppm without further conditions. High occupancy areas where bulk PCB remediation waste remains at concentrations > 1 ppm and ≤ 10 ppm shall be covered with a cap meeting the requirements of paragraphs (a)(7) and (a)(8) of this section.

Cleanup shall address all PCBs in high occupancy areas exceeding 1 ppm (> 1 ppm) by direct disposal of PCBs > 10 ppm, and installation of a cap for PCBs > 1 ppm and ≤ 10 ppm, along with the recording of an appropriate deed restriction. The deed restriction must also address the proper future handling of PCB wastes that remain in-place above 1 ppm, and identify that a high occupancy area means any area where occupancy for any individual not wearing dermal and respiratory protection for a calendar year is 335 hours or more (an average of 6.7 hours or more per week) as defined in §761.3.

[] (B) *Low occupancy areas.*

[] (1) The cleanup level for bulk PCB remediation waste in low occupancy areas is ≤ 25 ppm unless otherwise specified in this paragraph.

[] (2) Bulk PCB remediation wastes may remain at a cleanup site at concentrations > 25 ppm and ≤ 50 ppm if the site is secured by a fence and marked with a sign including the M_L mark.

[X] (3) Bulk PCB remediation wastes may remain at a cleanup site at concentrations > 25 ppm and ≤ 100 ppm if the site is covered with a cap meeting the requirements of paragraphs (a)(7) and (a)(8) of this section.

Cleanup will be performed to address all PCBs in low occupancy areas exceeding 25 ppm (> 25 ppm) by direct disposal of PCBs > 100 ppm, and installation of a cap for PCBs > 25 ppm and ≤ 100 ppm, along with the recording of an appropriate deed restriction. The deed restriction must also address the proper future handling of PCB wastes that remain in-place above 1 ppm, and PCB wastes that remain in-place above ≥ 50 ppm, and must identify that a low occupancy area means any area where occupancy for any individual not wearing dermal and respiratory protection for a calendar year is less than 335 hours (an average of 6.7 hours per week) as defined in §761.3.

[] (ii) *Non-porous surfaces.* In high occupancy areas, the surface PCB cleanup standard is $\leq 10 \mu\text{g}/100 \text{ cm}^2$ of surface area. In low occupancy areas, the surface cleanup standard is $< 100 \mu\text{g}/100 \text{ cm}^2$ of surface area. Select sampling locations in accordance with subpart P of this part or a sampling plan approved under paragraph (c) of this section.

- [X] (iii) *Porous surfaces.* In both high and low occupancy areas, any person disposing of porous surfaces must do so based on the levels in paragraph (a)(4)(i) of this section. Porous surfaces may be cleaned up for use in accordance with §761.79(b)(4) or §761.30(p).

Porous surfaces, such as concrete, may be encountered during excavation which must be sampled if found to be in contact with PCB-contaminated soil. This may include existing building foundation walls/footers, or previously unknown structures. Concrete samples should be collected in accordance with 40 CFR Part 761, Subpart N for characterization and possible disposal as remediation waste if encountered during the course of the planned excavation, or should be collected in accordance with 40 CFR Part 761, Subpart O to verify the completeness of remediation if encountered at the perimeter of the excavation, preventing collection of verification soil samples. Alternatively, concrete can be assumed to contain PCBs ≥ 50 in lieu of sampling. Impacted concrete must be properly handled for off-site disposal in accordance with 40 CFR §761.61(a)(5)(i)(B) based on waste characterization testing unless disposed in accordance with 40 CFR § 761.61(b). Following removal or upon establishing the perimeter of the excavation, Maple Street Commerce must collect samples of concrete or soils from the perimeter of the excavation in support of cleanup verification to meet either high or low occupancy cleanup goals, as appropriate for the area, as intended under the application.

Please note that in-situ characterization for PCB disposal is required for each separate media. If these materials are found to be PCB-contaminated, Maple Street Commerce shall notify EPA.

NOTE: EPA understands that a Permit to Install has been submitted to Ohio EPA for closure of the WWT ponds that outlined a proposal for the removal of contaminated sediments within the ponds and related concrete structures. EPA understands that a response was issued by Ohio EPA on March 30, 2021, directing additional requirements. Sediments contaminated with PCBs > 1 ppm and approaching 50 ppm are located within the WWT ponds, and in contact with concrete at the base of the ponds. The sediments have not been sufficiently characterized to determine if all wastes contain PCBs below 50 ppm, and therefore, cannot be evaluated for disposal using the options under a 40 CFR § 761.61(a) approval without further characterization. EPA and Ohio EPA require further characterization of the pond sediments. In addition, related concrete structures that are in-contact with PCB-contaminated sediments have not been characterized. As a result, further characterization of both sediment and concrete is required. The data shall be submitted for USEPA review before authorizing handling and disposal as allowed under §761.61(a)(5)(i)(B) and this approval. The Application states that pond materials will be characterized in accordance with the applicable regulations, but that characterization is necessary before EPA can approve the disposal of PCBs < 50 . EPA is therefore unable to grant approval for the pond areas under this approval until the further characterization testing has been completed. All references to the PCB-contaminated pond sediments and concrete should be removed from the Attachment C - Soil Management Plan of the PCB Cleanup Application because characterization is insufficient, and those materials are not considered under this application.

- [X] (iv) *Liquids*. In both high and low occupancy areas, cleanup levels are the concentrations specified in §761.79(b)(1) and (b)(2).

In the event liquids are encountered onsite which require disposal (such as (dewatering of groundwater from the excavation or liquids from the remediation waste) they must be sampled in accordance with 40 CFR § 761.269 to determine PCB concentration prior to disposal. If liquids are found to contain PCBs, they will be considered either bulk PCB liquids or liquid PCB remediation wastes, and disposal or decontamination must be performed in accordance with 40 CFR § 761.61(a)(5)(iv) or 40 CFR § 761.79(b)(1) and (b)(2) respectively.

- [] (v) *Change in the land use for a cleanup site*. Where there is an actual or proposed change in use of an area cleaned up to the levels of a low occupancy area, and the exposure of people or animal life in or at that area could reasonably be expected to increase, resulting in a change in status from a low occupancy area to a high occupancy area, the owner of the area shall clean up the area in accordance with the high occupancy area cleanup levels in paragraphs (a)(4)(i) through (a)(4)(iv) of this section.

- [] (vi) The EPA Regional Administrator, as part of his or her response to a notification submitted in accordance with §761.61(a)(3) of this part, may require cleanup of the site, or portions of it, to more stringent cleanup levels than are otherwise required in this section, based on the proximity to areas such as residential dwellings, hospitals, schools, nursing homes, playgrounds, parks, day care centers, endangered species habitats, estuaries, wetlands, national parks, national wildlife refuges, commercial fisheries, and sport fisheries.

- [] (5) ***Site cleanup***. In addition to the options set out in this paragraph, PCB disposal technologies approved under §§761.60 and 761.70 are acceptable for on-site self-implementing PCB remediation waste disposal within the confines of the operating conditions of the respective approvals.

- [] (i) *Bulk PCB remediation waste*. Any person cleaning up bulk PCB remediation waste shall do so to the levels in paragraph (a)(4)(i) of this section.

- [] (A) Any person cleaning up bulk PCB remediation waste on-site using a soil washing process may do so without EPA approval, subject to all of the following:
- (1) A non-chlorinated solvent is used.
 - (2) The process occurs at ambient temperature.
 - (3) The process is not exothermic.
 - (4) The process uses no external heat.
 - (5) The process has secondary containment to prevent any solvent from being released to the underlying or surrounding soils or surface waters.
 - (6) Solvent disposal, recovery, and/or reuse is in accordance with relevant provisions of approvals issued according to paragraphs (b)(1) or (c) of this section or applicable paragraphs of §761.79.

- [X] (B) Bulk PCB remediation waste may be sent off-site for decontamination or disposal in accordance with this paragraph, provided the waste is either dewatered on-site or

transported off-site in containers meeting the requirements of the DOT Hazardous Materials Regulations (HMR) at 49 CFR parts 171 through 180.

It is presumed that the shallow soils targeted in this cleanup will not require dewatering; otherwise, waste will require on-site dewatering or must be transported off-site in containers meeting the requirements of the DOT Hazardous Materials Regulations (HMR) at 49 CFR Parts 171 through 180.

- [X] (1) Removed water shall be disposed of according to paragraph (b)(1) of this section.

In the event liquids are encountered which require disposal, they must be sampled in accordance with 40 CFR § 761.269 prior to disposal.

- [X] (2) Any person disposing off-site of dewatered bulk PCB remediation waste shall do so as follows:
- (i) Unless sampled and analyzed for disposal according to the procedures set out in §§761.283, 761.286, and 761.292, the bulk PCB remediation waste shall be assumed to contain ≥ 50 ppm PCBs.
 - (ii) Bulk PCB remediation wastes with a PCB concentration of < 50 ppm shall be disposed of in accordance with paragraph (a)(5)(v)(A) of this section.
 - (iii) Bulk PCB remediation wastes with a PCB concentration ≥ 50 ppm shall be disposed of in a hazardous waste landfill permitted by EPA under section 3004 of RCRA, or by a State authorized under section 3006 of RCRA, or a PCB disposal facility approved under this part.
 - (iv) The generator must provide written notice, including the quantity to be shipped and highest concentration of PCBs (using extraction EPA Method 3500B/3540C or Method 3500B/3550B followed by chemical analysis using EPA Method 8082 in SW-846 or methods validated under subpart Q of this part) at least 15 days before the first shipment of bulk PCB remediation waste from each cleanup site by the generator, to each off-site facility where the waste is destined for an area not subject to a TSCA PCB Disposal Approval.

Given the proposed redevelopment schedule, the cleanup was initiated as a performance-based disposal under 40 CFR § 761.61(b) which does not require EPA approval. Pursuant to 40 CFR § 761.61(b), applicant will dispose of PCB levels ≥ 50 ppm in a TSCA Chemical Waste Landfill, and following issuance of this approval, will continue disposal of PCB ≥ 50 ppm pursuant to 40 CFR 761.61(a)(5)(i)(B)(2)(iii). EPA approval of the revised 40 CFR § 761.61(a) self-implementing cleanup application submitted on March 25, 2021 authorizes the applicant to dispose of PCB remediation waste from the Northwest, Southwest, and East areas identified in the application with PCB concentrations of < 50 ppm at a municipal solid waste landfill that is permitted to accept PCB wastes with concentrations below 50 ppm, following landfill approval, pursuant to 40 CFR 761.61(a)(5)(i)(B)(2)(ii). Applicant will provide written notice to the disposal facilities at least 15 days before the first shipments as required by this section. Please copy EPA on the notification.

- [] (3) Any person may decontaminate bulk PCB remediation waste in accordance with §761.79 and return the waste to the cleanup site for disposal as long as the cleanup standards of paragraph (a)(4) of this section are met.
- [] (ii) Non-porous surfaces. PCB remediation waste non-porous surfaces shall be cleaned on-site or off-site for disposal on-site, disposal off-site, or use, as follows:
 - [] (A) For on-site disposal, non-porous surfaces shall be cleaned on-site or off-site to the levels in paragraph (a)(4)(ii) of this section using:
 - (1) Procedures approved under §761.79.
 - (2) Technologies approved under §761.60(e).
 - (3) Procedures or technologies approved under paragraph (c) of this section.
 - [] (B) For off-site disposal, non-porous surfaces:
 - (1) Having surface concentrations $<100 \mu\text{g}/100 \text{ cm}^2$ shall be disposed of in accordance with paragraph (a)(5)(i)(B)(2)(ii) of this section. Metal surfaces may be thermally decontaminated in accordance with §761.79(c)(6)(i).
 - (2) Having surface concentrations $\geq 100 \mu\text{g}/100 \text{ cm}^2$ shall be disposed of in accordance with paragraph (a)(5)(i)(B)(2)(iii) of this section. Metal surfaces may be thermally decontaminated in accordance with §761.79(c)(6)(ii).
 - [] (C) For use, non-porous surfaces shall be decontaminated on-site or off-site to the standards specified in §761.79(b)(3) or in accordance with §761.79(c).
- [] (iii) *Porous surfaces.* Porous surfaces shall be disposed on-site or off-site as bulk PCB remediation waste according to paragraph (a)(5)(i) of this section or decontaminated for use according to §761.79(b)(4), as applicable.
- [X] (iv) *Liquids.* Any person disposing of liquid PCB remediation waste shall either:
 - (A) Decontaminate the waste to the levels specified in §761.79(b)(1) or (b)(2).
 - (B) Dispose of the waste in accordance with paragraph (b) of this section or an approval issued under paragraph (c) of this section.

Liquids observed onsite must be sampled in accordance with 40 CFR §761.269 prior to disposal to determine PCB concentrations. If liquids are found to contain PCBs, they will be considered either bulk PCB liquids or liquid PCB remediation wastes, and disposal or decontamination must be performed as specified in § 761.61(a)(5)(iv) or § 761.79(b)(1) and (b)(2) respectively. Containers used to hold the waste may also require decontamination or disposal in accordance with 40 CFR § 761.79 or 40 CFR § 761.61(c) respectively.
- [] (v) *Cleanup wastes.* Any person generating the following wastes during and from the cleanup of PCB remediation waste shall dispose of or reuse them using one of the following methods:
 - [X] (A) Non-liquid cleaning materials and personal protective equipment waste at any concentration, including non-porous surfaces and other non-liquid materials such as rags, gloves, booties, other disposable personal protective equipment, and similar

materials resulting from cleanup activities shall be either decontaminated in accordance with §761.79(b) or (c), or disposed of in one of the following facilities, without regard to the requirements of subparts J and K of this part:

- (1) A facility permitted, licensed, or registered by a State to manage municipal solid waste subject to part 258 of this chapter.
- (2) A facility permitted, licensed, or registered by a State to manage non-municipal non-hazardous waste subject to §§257.5 through 257.30 of this chapter, as applicable.
- (3) A hazardous waste landfill permitted by EPA under section 3004 of RCRA, or by a State authorized under section 3006 of RCRA.
- (4) A PCB disposal facility approved under this part.

Disposal of personal protective equipment waste should be handled in accordance with the above-mentioned regulations.

[] (B) Cleaning solvents, abrasives, and equipment may be reused after decontamination in accordance with §761.79.

[] (6) ***Cleanup verification*** —

[X] (i) *Sampling and analysis.* Any person collecting and analyzing samples to verify the cleanup and on-site disposal of bulk PCB remediation wastes and porous surfaces must do so in accordance with subpart O of this part. Any person collecting and analyzing samples from non-porous surfaces must do so in accordance with subpart P of this part. Any person collecting and analyzing samples from liquids must do so in accordance with §761.269. Any person conducting interim sampling during PCB remediation waste cleanup to determine when to sample to verify that cleanup is complete, may use PCB field screening tests.

Verification sampling of the entire excavation base and all sidewalls after cleanup must be conducted in accordance with 40 CFR § 761 Subpart O, to evaluate the entire area of the excavation in three dimensions. Post-remediation cleanup verification sampling must be performed to meet the requirements of 40 CFR § 761 Subpart O for all areas where characterization sampling in accordance with Subpart N does not demonstrate that the cleanup objectives have been met. Samples may be composited in accordance with the procedures outlined in 40 CFR § 761 Subpart O to reduce analytical costs as long as samples are collected and analyzed from each 1.5-meter grid location.

[X] (ii) *Verification.*

(A) Where sample analysis results in a measurement of PCBs less than or equal to the levels specified in paragraph (a)(4) of this section, self-implementing cleanup is complete.

(B) Where sample analysis results in a measurement of PCBs greater than the levels specified in paragraph (a)(4) of this section, self-implementing cleanup of the sampled PCB remediation waste is not complete. The owner or operator of the site must either dispose of the sampled PCB remediation waste, or re-clean the waste

represented by the sample and reinitiate sampling and analysis in accordance with paragraph (a)(6)(i) of this section.

Pursuant to 40 CFR § 761.61(b) and continuing pursuant to 40 CFR § 761.61(a)(5)(i)(B)(2)(iii), applicant will dispose of PCB levels ≥ 50 ppm in a TSCA Chemical Waste Landfill. Applicant will be required to demonstrate that confirmation sampling of the excavation sidewalls and base were collected in accordance with 40 CFR § 761 Subpart O, and confirm PCB concentrations of <50 ppm following cleanup under § 761.61(b), before proceeding with further cleanup of PCBs < 50 ppm in high occupancy areas, or confirm all PCB concentrations are <100 ppm in low occupancy areas (with a cap). If confirmation sampling of the excavation sidewalls and base in accordance with 40 CFR § 761 Subpart O identifies a PCB concentration of <50 ppm that requires further cleanup, Applicant will dispose of remediation wastes at a municipal solid waste landfill that is permitted to accept PCB remediation wastes with concentrations below 50 ppm as needed until the cleanup criteria of 10 ppm is met for high occupancy areas in anticipation of installation of a cap.

- [X] (7) ***Cap requirements.*** A cap means, when referring to on-site cleanup and disposal of PCB remediation waste, a uniform placement of concrete, asphalt, or similar material of minimum thickness spread over the area where remediation waste was removed or left in place in order to prevent or minimize human exposure, infiltration of water, and erosion. Any person designing and constructing a cap must do so in accordance with §264.310(a) of this chapter, and ensure that it complies with the permeability, sieve, liquid limit, and plasticity index parameters in §761.75(b)(1)(ii) through (b)(1)(v). A cap of compacted soil shall have a minimum thickness of 25 cm (10 inches). A concrete or asphalt cap shall have a minimum thickness of 15 cm (6 inches). A cap must be of sufficient strength to maintain its effectiveness and integrity during the use of the cap surface which is exposed to the environment. A cap shall not be contaminated at a level ≥ 1 ppm PCB per Aroclor™ (or equivalent) or per congener. Repairs shall begin within 72 hours of discovery for any breaches which would impair the integrity of the cap.

Depending on the final verification results, where a cap is used as a means of demonstrating compliance with the cleanup objectives, documentation should be provided to demonstrate that the final cap meets all of the prescribed requirements, including thickness and physical parameters. Additional considerations should be given to any specific physical or chemical testing or design criteria that may be needed to demonstrate compliance with Ohio EPA's prevailing guidance/regulations for these purposes. An inspection schedule should be incorporated into the final report to ensure that the cap is maintained in perpetuity.

- [X] (8) ***Deed restrictions for caps, fences and low occupancy areas.*** When a cleanup activity conducted under this section includes the use of a fence or a cap, the owner of the site must maintain the fence or cap, in perpetuity. In addition, whenever a cap, or the procedures and requirements for a low occupancy area, is used, the owner of the site must meet the following conditions:

Depending upon the final verification results, the use of a cap and low occupancy restriction as a means of obtaining closure for PCB impacts must be recorded as a deed restriction against the property with the Stark County Recorder of Deeds and comply with applicable law and the 2016 AOC. A signed/certified copy of the deed restriction must be returned to the Regional Administrator within 60 days, along with a signed statement from the owner indicating that the deed restriction has been recorded, and a survey conducted by a registered land surveyor showing the location of the cap(s) relative to a referenced permanent datum. An inspection schedule should be incorporated into the deed restriction and the final report to ensure that the cap is maintained in perpetuity as part of the long-term site Operations & Maintenance schedule. The deed restriction must also identify the levels of PCBs that remain in-place, the occupancy duration limits that define the use criteria (i.e., <6.7 hours per week), and identify that PCB wastes that remain in-place must be handled in accordance with § 761.61, which supersedes the proposed soil management plan, if disturbed in the future. Considering these activities are also being completed under RCRA Corrective Action, the Deed Restriction should be part of an Environmental Covenant that also addresses the long-term management of wastes that are left in-place, and other requirements related to Corrective Action.

- [] (i) Within 60 days of completion of a cleanup activity under this section, the owner of the property shall:
- [X] (A) Record, in accordance with State law, a notation on the deed to the property, or on some other instrument which is normally examined during a title search, that will in perpetuity notify any potential purchaser of the property:
- (1) That the land has been used for PCB remediation waste disposal and is restricted to use as a low occupancy area as defined in §761.3.
 - (2) Of the existence of the fence or cap and the requirement to maintain the fence or cap.
 - (3) The applicable cleanup levels left at the site, inside the fence, and/or under the cap.

Depending upon the final verification results and future site use, the use of a cap, or low occupancy restriction as a means of obtaining closure for PCB impacts must be recorded as a deed restriction against the property with the Stark County Recorder of Deeds and comply with applicable law and the 2016 AOC. A signed/certified copy of the deed restriction must be returned to the Regional Administrator within 60 days, along with a signed statement from the owner indicating that the deed restriction has been recorded. Considering these activities are also being completed under RCRA Corrective Action, the Deed Restriction should be part of an Environmental Covenant that also addresses the long-term management of wastes that are left in-place, and other requirements related to Corrective Action.

- [X] (B) Submit a certification, signed by the owner, that he/she has recorded the notation specified in paragraph (a)(8)(i)(A) of this section to the EPA Regional Administrator.

Depending upon the final verification results and future site use, the use of a cap, or low occupancy restriction as a means of obtaining closure for PCB impacts must be recorded as a deed restriction against the property with the Stark County Recorder of Deeds and comply with applicable law and the 2016 AOC. A signed/certified copy of the deed restriction must be returned to the Regional Administrator within 60 days, along with a signed statement from the owner indicating that the deed restriction has been recorded. Considering these activities are also being completed under RCRA Corrective Action, the Deed Restriction should be part of an Environmental Covenant that also addresses the long-term management of wastes that are left in-place, and other requirements related to Corrective Action.

- [] (ii) The owner of a site being cleaned up under this section may remove a fence or cap after conducting additional cleanup activities and achieving cleanup levels, specified in paragraph (a)(4) of this section, which do not require a cap or fence. The owner may remove the notice on the deed no earlier than 30 days after achieving the cleanup levels specified in this section which do not require a fence or cap.
- [X] (9) **Recordkeeping.** For paragraphs (a)(3), (a)(4), and (a)(5) of this section, recordkeeping is required in accordance with §761.125(c)(5).

The applicant shall document the cleanup activities performed as related to 40 CFR §761.61(a), and maintain records for a period of 5 years.

EPA is not providing detailed comment on the Attachment C - Soil Management Plan (SMP). A SMP should be part of a site-wide cleanup approach to Corrective Action and would require additional information, including a comprehensive risk assessment and further evaluation of potential exposure pathways and anticipated future use. As submitted, the SMP is beneficial in identifying the possible exposure concerns the construction workers may encounter from other contaminants during excavation, but it does not include a comprehensive analysis of the site risk and 40 CFR § 761.61 is the only document that directs the handling and disposal of wastes that may contain PCBs. Characterization of PCB remediation waste is required to be performed in-situ, before excavation.

EPA does not believe the SMP provides sufficient information to instruct the operator on the excavation, handling, and proper disposal of wastes, or definitively identify whether on-site storage is specifically allowable. The SMP mentions characterization of disposal options for soils containing elevated concentrations of lead, cadmium and TCE via Toxicity Characteristic Leaching Procedure testing. EPA has not reviewed that data to determine whether TCLP-hazardous soils are present, in-place, at the site. Clarification is needed in this issue, since TCLP-hazardous soil is considered a principle threat waste under RCRA Corrective Action that cannot remain on-site. Such wastes may be considered hazardous, and excavation would trigger generation, requiring proper handling and disposal. Hazardous wastes are not specifically considered under a PCB cleanup application. EPA believes the operator should be provided with sufficient direction to determine specifically how to evaluate the potential wastes, which should include a summary figure depicting the locations where contaminants were already detected at levels above the most conservative cleanup criteria for residential properties. Soils exceeding the most-protective State and Federal screening and/or cleanup criteria for any contaminant are considered impacted and cannot be relocated on-site without an approved SMP under EPA's

RCRA Corrective Action program and cannot be considered “clean fill”. It is anticipated that all excavated materials from the site are contaminated wastes that require proper handling under State and Federal regulations. The soils may not be transported off-site for use as “clean fill” in any circumstance, and the potential for any on-site reuse would require prior EPA approval under a risk assessment. EPA makes no determination of the adequacy of the proposed sampling rate per volume for purposes of characterization of wastes.

Lastly, the Soil Management Plan also does not identify that PCB wastes that remain at concentrations exceeding 1 ppm for PCBs may require further characterization under § 761.61(a), and does not clearly identify where PCBs remain in place at levels exceeding 50 ppm that require proper disposal in accordance with 40 CFR § 761.61(a)(5)(i)(B)(2)(i), 40 CFR § 761.61(a)(5)(i)(B)(2)(iii), or 40 CFR § 761.61(b) if excavated in the future. The SMP for the PCB application should be limited to future handling of PCB wastes, and direct the user to the proper handling and disposal of PCB wastes in accordance with 761.61 to achieve the following:

- 1. restrict any activities within areas where PCBs exceed 1 ppm, as specifically identified on a survey or related figure, that would require workers not wearing dermal and respiratory protection to have direct contact with soil containing PCBs for more than an average of 6.7 hours per week;*
- 2. prohibit any excavations beneath the existing/future caps in the in the three PCB cleanup areas, unless workers trained in handling PCB-impacted materials will be present during excavation work and appropriate personal protective equipment (PPE) protocols will be followed to avoid unacceptable exposure to PCB-impacted soils in accordance with Occupational Safety and Health Administration (OSHA) Rule 29 CFR Part 1910;*
- 3. ensure any disturbance of soils containing PCBs on the property is done with caution and adheres to the requirements for characterization, notification, confirmation sampling and reporting to State and Federal Agencies,*
- 4. ensure subsequent management of PCB containing materials is performed under 40 CFR Part 761, and in accordance with the "Notification of Self-Implemented Clean-up Activities under the Toxic Substance Control Act (TSCA) at the North Yard Portion of the Former Hoover Facility" dated March 25, 2021;*
- 5. ensure that bulk PCB remediation wastes with a PCB concentration ≥ 50 mg/kg that may be excavated in the future from the “Northeast Area” of the PCB cleanup on the property, or wastes presumed to contain PCBs > 50 mg/kg based on prior sampling data, are segregated for disposal in a hazardous waste landfill permitted by USEPA under section 3004 of RCRA, or a landfill permitted by a State under section 3006 of RCRA, or an approved PCB disposal facility;*
- 6. ensure that additional characterization work (in accordance with 40 CFR Part 761 Subpart N) is completed, and a revised cleanup plan is submitted to USEPA for approval as an addendum to the “March 25, 2021 Application” prior to disposal in accordance with §761.61 (a), if PCB contamination is encountered in areas that are not addressed in the March 25, 2021 application, or concentrations within low-occupancy areas are anticipated to be < 50 ppm;*
- 7. ensure sampling is performed in accordance with 40 CFR Part 761 Subpart O at the completion of excavation initiated under bullet 6 above, to demonstrate that the cleanup is complete.*
- 8. ensure the management of contaminated soils, media and/or debris located on the property is conducted in accordance with the applicable State and Federal Solid and Hazardous Waste regulations for all contaminants identified above the most restrictive residential levels, unless under an approved Site-Wide Soil Management Plan approved by EPA and Ohio EPA.*

As noted in the letter, MSC must also comply with the 2016 AOC.