UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

JUN 27 2019

Eversource Energy Service Company
Attn: Matt Calvert, Senior Environmental Specialist
107 Selden Street, BNM2
Berlin, Connecticut 06037

Re: PCB Cleanup and Risk-Based Disposal Approval under 40 CFR §§ 761.61(a) and (c)
Berlin Settling Basin

Dear Mr. Calvert:

This is in response to the Notification by Eversource Energy Service Company ("Eversource")[1] to address PCB-contaminated soil located in and adjacent to the settling basin ("the Site") on its property at 107 Selden Street in Berlin, Connecticut, as authorized by the PCB regulations. Soil located within and adjacent to the Site contains PCBs that exceed the allowable PCB level for *unrestricted use* under the federal PCB regulations at 40 CFR § 761.61(a). Eversource has requested approval to address the PCB-contaminated soil and concrete located within the Site area under the PCB cleanup and disposal options at 40 CFR §§ 761.61(a) and (c).

In the Notification, Eversource has proposed the following activities:

1. Collect pre-excavation (i.e., verification samples) in the location where sheet piling will be required to limit groundwater infiltration (i.e., along the stream) to confirm PCB concentrations are less than or equal to ("≤") 1 part per million ("ppm");

2. Excavate the catch basin and collect samples from the inlet and outlet of the remaining drainage piping to confirm PCB concentrations for either off-site disposal or for abandonment in-place if PCB concentrations are ≤ 10 ppm;

3. Excavate PCB-contaminated soil and concrete with greater than or equal to ("≥") 50 ppm and greater than (">") 10 ppm but less than ("<") 50 ppm and dispose off-site as a *PCB remediation waste* in accordance with 40 CFR § 761.61(a)(5)(i)(B)(*2*)(*iii*) and 40 CFR § 761.61(a)(5)(i)(B)(*2*)(*ii*), respectively (Attachment 2);

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1 Information was submitted by Eversource to satisfy the notification requirement under 40 CFR §§ 761.61(a)(3) and (c). Information was provided dated September 2015 (*Settling Basin Remedial Action Plan);* January 2019 (*Settling Basin Remedial Action Plan* (supercedes September 2015 submittal)); April 30, 2019 (Responses to EPA verbal comments of April 18, 2019); May 2, 2019 (email Response to EPA comments of May 1, 2019); May 17, 2019 (email Response to CTDEEP comments); June 4, 2019 (email cross-sections of soil cap area); June 10, 2019 (emails clarification on management of drainage piping); June 11, 2019 (email clarification on < 10 ppm PCB soil); and, June 18, 2019 (emails Responses to EPA comments). These submittals will be referred to as the "Notification."

4. Following removal of ≥ 50 ppm PCB-contaminated soil, collect post-excavation samples in accordance with Subpart O to confirm PCB concentrations are < 50 ppm prior to excavation of < 50 ppm PCB-contaminated soil;

5. Excavate PCB-contaminated soil (with exception of sample location B190), with > 1 ppm but less than or equal to ("≤") 10 ppm located outside the Settling Basin and consolidate into the Settling Basin;

6. Collect post-excavation samples in accordance with 40 CFR Part 761 Subpart O to confirm that PCB concentrations remaining outside the Settling Basin are ≤ 1 ppm (with exception of sample location B190 and the drainage piping) and within the Settling Basin are ≤ 10 ppm;

7. Construct a clean cap over > 1 ppm but ≤ 10 ppm *PCB remediation waste* comprised of an orange geotextile and minimum 4-feet of clean soil, with exception of the box culvert where the requirements under 40 CFR § 761.30(p) for *Continued use of porous surfaces contaminated with PCBs regulated for disposal by spills of liquid PCBs* will be implemented if PCB concentrations > 1 ppm are present (Attachment 3);

8. Record a deed notice in accordance with 40 CFR § 761.61(a)(8) to document PCB concentrations remaining at the Site and any use restrictions and cap maintenance requirements.

Eversource has proposed alternatives to the prescriptive requirements under 40 CFR § 761.61(a). Specifically, Eversource is proposing the following: consolidation of PCB-contaminated soil with ≤ 10 ppm; modification to the soil sampling requirements under 40 CFR § 761.616(a)(5)(i)(B)(*2*)(*i*) for off-site disposal; a cap design modification; and, pre-verification sampling in locations where sheet piling will be installed to limit groundwater infiltration and to facilitate excavation.

EPA has determined that: (1) consolidation of ≤ 10 ppm *PCB remediation waste* is reasonable as it will reduce the overall footprint of the PCB-contaminated area; (2) for segregation of ≥ 50 ppm PCB-contaminated soil with off-site disposal, Eversource will be collecting samples in accordance with Subpart O to confirm remaining PCB concentrations are < 50 ppm prior to excavation of < 50 ppm PCB-contaminated soil; (3) the proposed cap is consistent with the Connecticut Department of Energy and Environmental Protection ("CTDEEP") regulations for ≤ 10 ppm PCB-contaminated soil for an Industrial/Commercial setting; and, (4) the proposed pre-verification sampling at the stream where sheet piling will be required for excavation is reasonable. EPA finds that the proposed consolidation, alternative sampling, and alternative cap, once completed, will not present an unreasonable risk of injury to health or the environment. EPA applies this no unreasonable risk standard in accordance with the PCB regulations at 40 CFR § 761.61(c), and the Toxic Substances Control Act, at 15 C § 2605(e).

Eversource may proceed with its plan in accordance with 40 CFR §§ 761.61(a) and (c), and its Notification, subject to this Approval and the conditions of Attachment 1.

This Approval does not release Eversource from any applicable requirements of federal, state or local law, including those requirements related to groundwater monitoring or to remediation of other contaminants at the property by the Connecticut Department of Energy and Environmental Protection.

Questions and correspondence regarding this Approval should be directed to:

Kimberly N. Tisa, PCB Coordinator (LCRD07-2)
United States Environmental Protection Agency
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527
Tisa.kimberly@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 21) should include a section on BMP Documentation, as described in Section 6.6.5 of the Guide.

EPA shall not consider this specific project complete until it has received all submittals required under this Approval, including construction of the clean cap and recording of the deed notice. Please be aware that upon EPA 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,

Nancy Barnakian

Nancy Barnakian, Acting Division Director
Land, Chemicals and Redevelopment Division

Attachment 1: Approval Conditions
Attachment 2: Soil Excavation Areas (Figure 6)
Attachment 3: Post-Excavation Soil Cap and Deed Notice Area (Figure 7)

cc: Gary Trombly, CTDEEP
File

ATTACHMENT 1

PCB CLEANUP AND RISK-BASED DISPOSAL APPROVAL CONDITIONS
EVERSOURCE BERLIN CAMPUS SETTLING BASIN
107 SELDEN STREET
BERLIN, 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-contaminated soil and concrete located within and adjacent to the area of the Settling Basin (the "Site") as identified in the Notification.

    a. In the event that Eversource Energy Service Company ("Eversource") identifies PCB-contaminated soil or other media not described in the Notification, which is subject to cleanup and disposal under the PCB regulations, Eversource shall be required to notify EPA and clean up such PCB-contaminated soil and other media in accordance with 40 CFR Part 761.

    b. Eversource may submit a separate plan to address such PCB contamination not identified in the Notification or may modify the Notification to incorporate cleanup of such PCBs under this Approval in accordance with Condition 16.

2. Eversource shall conduct on-site activities in accordance with the conditions of this Approval and with the Notification.

3. In the event that the cleanup and disposal 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. Eversource 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, Eversource shall contact EPA within 24 hours for direction on PCB cleanup and sampling requirements.

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[2] Information was submitted by Eversource to satisfy the notification requirement under 40 CFR §§ 761.61(a)(3) and (c). Information was provided dated September 2015 (*Settling Basin Remedial Action Plan);* January 2019 (*Settling Basin Remedial Action Plan* (supercedes September 2015 submittal)); April 30, 2019 (Responses to EPA verbal comments of April 18, 2019); May 2, 2019 (email Response to EPA comments of May 1, 2019); May 17, 2019 (email Response to CTDEEP comments); June 4, 2019 (email cross-sections of soil cap area); June 10, 2019 (emails clarification on management of drainage piping); June 11, 2019 (email clarification on < 10 ppm PCB soil); and, June 18, 2019 (emails Responses to EPA comments). These submittals will be referred to as the "Notification".

6. Eversource 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 Eversource has or receives information indicating that Eversource 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 Eversource are authorized to conduct the activities set forth in the Notification. Eversource 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 Eversource from compliance with any applicable requirements of TSCA or of any other federal, state or local law; or 3) release Eversource 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 § 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 Eversource of its acceptance of the conditions of this Approval within 10 business days of receipt.

11. Prior to beginning soil excavation work authorized under this Approval, Eversource shall submit the following information:

    a. Pre-verification sampling results for the soil located within the sheet piling area along the stream with any proposed modifications that are necessary to the remediation plan based on these results;

    b. a certification signed by its selected oversight contractor and remediation contractor, if applicable, stating that the contractor(s) has read and understands the Notification, and agrees to abide by the conditions specified in this Approval; and,

    c. 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.

CLEANUP AND DISPOSAL CONDITIONS

12. The cleanup level for *PCB remediation waste* at the Site shall be less than or equal to ("≤") 10 mg/Kg (or parts per million ("ppm")).

    a. All post-cleanup verification sampling for bulk *PCB remediation waste* (i.e., soil) shall be performed on a bulk basis (i.e. mg/Kg) and PCB analytical results reported on a dry weight basis. Verification sampling for bulk *PCB remediation waste* shall comply with the procedures and frequencies under Subpart O. Confirmatory samples shall be collected from both excavation bottoms and sidewalls, as applicable.

        i) Following excavation of the greater than or equal to ("≥") 50 ppm bulk *PCB remediation waste*, samples shall be collected in accordance with 40 CFR Part 761 Subpart O to confirm that the ≥ 50 ppm bulk *PCB remediation waste* has been removed prior to beginning removal of < 50 ppm bulk *PCB remediation waste*;

        ii) Composite sampling **may not** be conducted during the segregation of ≥ 50 ppm bulk *PCB remediation waste* from < 50 ppm bulk *PCB remediation waste* for off-site disposal.

    b. *Porous surfaces* (e.g., concrete) shall be sampled on a bulk basis (i.e., mg/Kg) and PCB analytical results 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.

    c. Chemical extraction for PCBs shall be conducted using Method 3500B/3540C of SW-846; 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.

13. The disposal of *PCB remediation waste* shall be in accordance with 40 CFR § 761.61(a)(5). Specifically:

    a. PCB-contaminated soil and concrete (e.g., piping) with greater than (>) 10 ppm but < 50 ppm PCBs shall be disposed of in accordance with 40 CFR § 761.61(a)(5)(i)(B)(*2*)(*ii*) or 40 CFR § 761.61(a)(5)(i)(B)(*2*)(*iii*).

    b. PCB-contaminated soil and concrete with ≥ 50 ppm shall be disposed of in accordance with 40 CFR § 761.61(a)(5)(i)(B)(*2*)(*iii*).

14. All PCB waste (at any 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 prescribed in 40 CFR § 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

15. Eversource 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 Eversource to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.

16. 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).

17. 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.

18. 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.

19. 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; if EPA finds that PCBs are migrating from the Site; or, if EPA finds that these activities present an unreasonable risk of injury to health or the environment.

RECORDKEEPING AND REPORTING CONDITIONS

20. Eversource 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 these activities shall be established and maintained by Eversource 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.

21. Eversource shall submit a final completion report in both a hard copy and electronic version (e.g., CD-ROM), to the EPA within 60 days of completion of the activities authorized under this Approval. Laboratory analytical reports may be provided in electronic format only. At a minimum, this final report shall include: a short narrative of the project activities with photographic documentation and Greener Cleanups BMP documentation, if implemented; characterization and confirmation sample analytical results; copies of the analytical chains of custody; field and laboratory quality control/quality assurance checks; the quantity of PCB waste disposed of off-site; 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.

22. Within sixty (60) days of completion of PCB remediation activities, Eversource shall submit to EPA a certification as required at § 761.61(a)(8)(i)(B), that it has recorded the notation on the deed as required under § 761.61(a)(8)(i)(A) with a copy of the recorded deed notice. The deed notice shall also include a requirement for maintenance of the soil cap to be constructed over > 1 ppm but ≤ 10 ppm *PCB remediation waste* remaining at the Site and for ensuring the requirements under 40 CFR § 761.30(p) are met for the box culvert, if applicable.

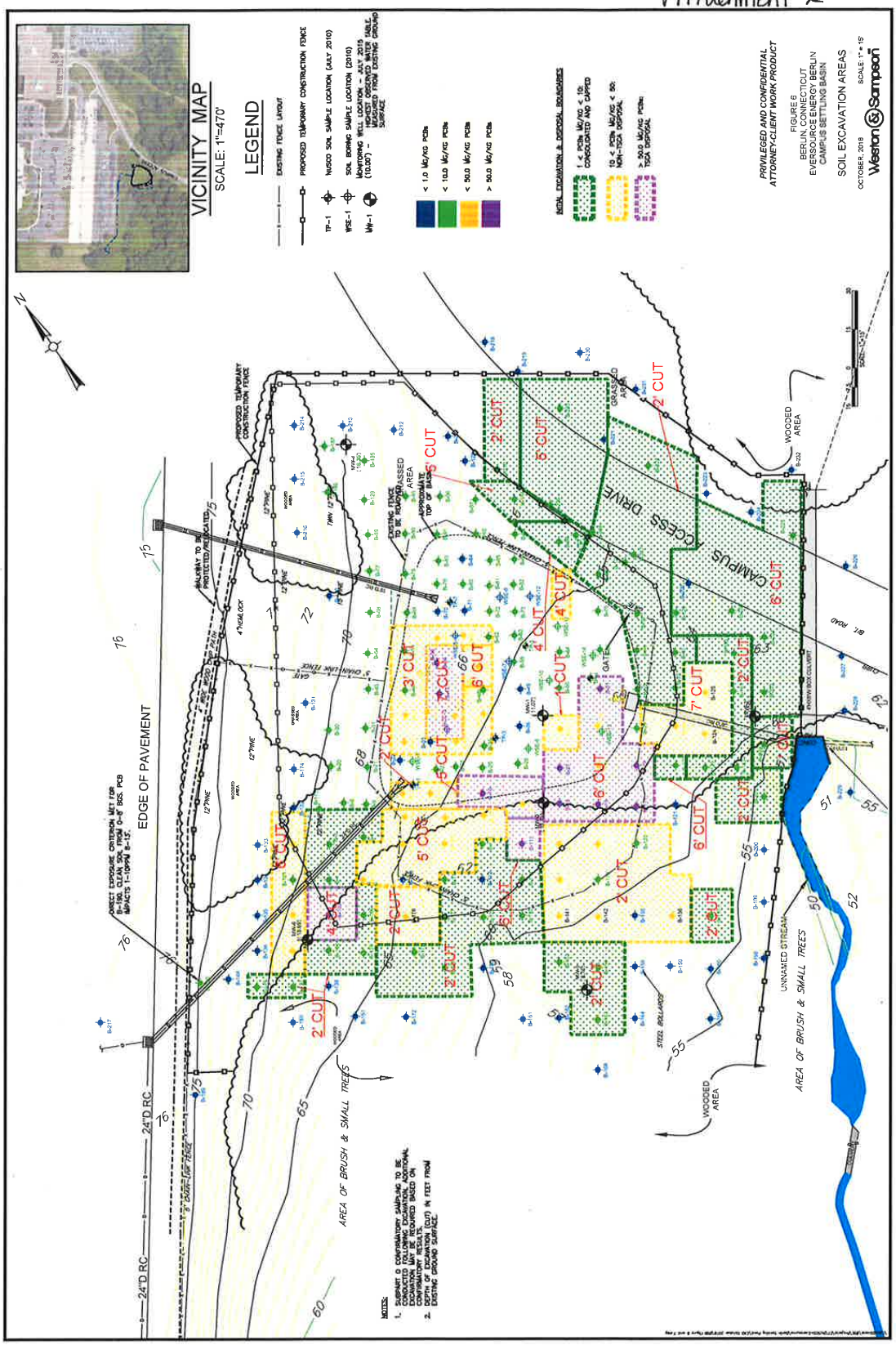
23. Required submittals shall be mailed to:

    Kimberly N. Tisa, PCB Coordinator
    United States Environmental Protection Agency
    5 Post Office Square, Suite 100 (LCRD07-2)
    Boston, Massachusetts 02109-3912
    Telephone: (617) 918-1527

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 1

Attachment 2



Attachment 3

