

Attachment A

PCB Maintenance, Cleanup and Disposal Conditions

Town of Southington, CT

John F. Kennedy and Joseph A. DePaulo Middle Schools

Conditions

1. Description of Materials to Which Conditions Apply: The conditions herein apply to PCB-contaminated vapor barriers and mastic between inner and outer walls in both middle schools ("Schools"), as well as any substrates (i.e., exterior/interior walls) that have been in contact with the PCB-contaminated vapor barriers and mastic (herein collectively referred to as "PCB Materials").

2. Deadline for removing PCB Materials: Given the results of years of air monitoring, which have not showed levels of concern, Respondent shall remove all PCB Materials by December 31, 2042. At EPA's sole discretion, EPA Region 1's Director of Enforcement and Compliance Assurance Division or equivalent, in consultation with the Land, Chemicals, and Redevelopment Division or equivalent, may extend this deadline upon Respondent's showing of good cause.

3. Temporary In-Place Maintenance Conditions:
 - a. Until the PCB Materials are removed, Respondent shall undertake the following activities to ensure that the PCB Materials do not pose a risk to people or the environment:
 - I. Conduct indoor air monitoring and submit results to EPA;
 - II. Implement a deed restriction; and
 - III. Develop and implement a communications plan.
 - b. Within 60 days of the effective date of this CAFO, Respondent shall submit for EPA approval, and thereafter implement a monitoring plan ("MP") that includes the following:
 - I. A description of the indoor sampling activities that will be conducted, including sampling protocols, sampling frequency, analytical criteria, and reporting requirements;
 1. Indoor air sampling shall be conducted in accordance with EPA Method TO-4A or TO-10A. Sufficient sample volumes shall be collected to provide a minimum laboratory reporting limit of less than (" $<$ ") 0.05 $\mu\text{g}/\text{m}^3$ for total PCBs. PCB analysis shall be conducted for PCB homologues and/or PCB congeners by EPA method 680, EPA Method 1668, or an equivalent method.

- II. A communications plan, which details how the indoor air results will be communicated to users of the Schools, other on-site workers, and interested stakeholders;
 - III. Submission of monitoring results to EPA;
 - IV. Continuation of the activities required under the MP until EPA determines, in writing, that such activities are no longer necessary or that MP provisions can be safely modified.
- c. *Existing Monitoring Plan:* In 2014, Respondent submitted an MP that EPA approved (the “2014 MP”), so EPA authorizes Respondent to use the 2014 MP rather than submit a new MP pursuant to paragraph 3.b. above.¹ Changes to the MP, including but not limited to sampling frequency, are subject to approval by EPA Region 1’s Chief of the Toxics, Pesticides and Drinking Water Compliance Section, Enforcement and Compliance Assurance Division, in consultation with the Land, Chemicals, and Redevelopment Division or their equivalents.
- d. *Additional work:* Based on its review of air monitoring results, EPA may determine, or Respondent may propose for EPA review and approval, that modification to the MP is needed to support the safe management of the PCB Materials. In particular, if PCBs are greater than 0.3 µg/m³ in any indoor air sample or greater than 1 µg/ 100 cm² in any wipe sample, Respondent shall contact EPA for further discussion and direction on alternatives, which may include development of a site-specific risk exposure assessment, initiation of additional protective measures, and/or removal and disposal of PCBs.
- e. *Deadline for Submittal of Sampling Results:* Respondent shall submit air monitoring results to EPA by October 30 of each year in sampling activities occur.

4. *Deed Restriction and Use Conditions*

- a. Within 365 days of the effective date of the CAFO, Respondent shall submit for EPA review and approval a draft deed restriction that shall include:
 - I. A description of the extent and levels of PCB contamination at the Schools and a description of the use restrictions for the Schools, as applicable.
 - II. A description of the monitoring requirements for indoor air, which may be addressed by the MP.
 - III. A figure identifying the location of the PCB Materials that remain in place.

¹ The 2014 MP specifies site-specific action levels for the Schools of 300 ng/m³ (0.3 µg/m³) for PCBs in any air samples, which EPA found to be appropriate for middle schools.

- b. Within seven days of receipt of EPA's approval of the draft deed restriction, Respondent shall record it.
- c. If Respondent sells, leases, or transfers any portion of the school where the PCB Materials remain in place, Respondent must notify EPA at least 90 days prior to the transaction. Respondent and/or the new owner or lessee shall be required to develop a plan to address the PCB Materials in accordance with 40 C.F.R. §§ 761.61 and 62.

5. Disposal of PCB Materials:

- a. Respondent shall submit for EPA review and approval a PCB cleanup and disposal plan to address the PCB Materials at least 180 days prior to the expiration date established under Paragraph 2, above, and 180 days prior to any renovation or demolition activities that would affect the PCB Materials. Such plan shall comply with the requirements of 40 C.F.R. Part 761, Subpart D, including, but not limited to, approval application requirements in 40 C.F.R. § 761.61 and 62. The plan shall include the following components:
 - I. Description of project;
 - II. Description of how project will meet requirements of 40 C.F.R. Part 761;
 - III. A contractor work plan, prepared and submitted by the selected contractor(s) detailing:
 - 1. the procedures that will be employed for removal of the PCB Materials;
 - 2. containment design;
 - 3. air monitoring procedures during the cleanup and handling;
 - 4. waste storage, handling, and disposal for each waste stream type; and
 - 5. equipment decontamination.
- b. Respondent shall comply with all applicable federal, state, and local regulations in the storage, handling, and disposal of all PCB wastes.

6. Notifications and Submissions to EPA:

Until further notice, Respondent shall send submissions required by this CAFO to: Katherine Woodward at woodward.katherine@epa.gov and bowman.john@epa.gov.

- a. Respondent shall notify EPA within 24 hours of receiving information that:
 - I. Respondent or any other person may have failed to comply with 40 C.F.R. Part 761;
 - II. A new spill or release of PCBs occurs.

Respondent is responsible for the actions of its employees, contractors, and subcontractors involved in PCB maintenance, abatement, and remedial activities.

7. Access, Reporting, Recordkeeping, and Document Retention:

- a. Respondent shall provide access to the Schools, at all reasonable times, to EPA officials and authorized EPA representatives to: inspect the Schools, inspect records, and take samples to determine compliance with 40 C.F.R. Part 761 and this CAFO.
- b. Within 10 days of request, Respondent shall provide records and documentation relating to the activities conducted pursuant to this CAFO.
- c. Any reports and sampling results submitted pursuant to this Attachment shall include a certification that the information set forth therein is true, accurate, and complete.
- d. Until at least five years after all of Respondent's obligations under this CAFO have been met, Respondent shall keep all documents and records related to its performance of its obligations under this CAFO in a centralized location. Also, Respondent's contract(s) shall require maintenance of such documents and records, as well as production of such information to Respondent and/or EPA within ten (10) days of request.

8. Revocation Conditions: Respondent agrees that the expiration date provided in paragraph 2 for the temporary in-place maintenance of the PCB Materials may be revoked, modified, or otherwise altered:

- a. If EPA finds a violation of the conditions of the CAFO or of 40 C.F.R. Part 761, including EPA's PCB Spill Cleanup Policy, or other applicable rules and regulations;
- b. If EPA finds that the covered activities present an unreasonable risk of injury to human health or the environment; or
- c. If EPA finds that changes are necessary to comply with new rules, standards or guidance.

The parties shall first confer about a revised expiration date, and EPA will set a new date.