



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NY 10007-1866

June 2, 2020

Robert Hare
RACER Trust Cleanup Manager
1505 Woodward Ave., Suite 200
Detroit, MI 48226

Re: Former Hyatt Clark Industries Site
1300 Raritan Road
Clark, Union County, New Jersey
EPA ID#: NJD002457174
Approval for Self-Implementing Cleanup and Disposal Notification PCB Remediation Waste under 40 CFR §761.61(a) and for Characterization and Verification Sampling under 40 CFR §761.61(c) and Approval for Alternative Decontamination under 40 CFR §761.79(h)

Dear Mr. Hare:

This is in response to the March 17, 2020 document and the April 30, 2020 revised document entitled "Self-Implementing Cleanup and Disposal Notification for RACER PCB Remediation Waste Site, Clark, New Jersey," prepared by Arcadis U.S. on behalf of the Revitalizing Auto Communities Environmental Response Trust (RACER Trust) for the Former Hyatt Clark Industries site. This document will be referred to as the "Application." The polychlorinated biphenyl (PCB) contamination is considered to be PCB remediation waste that is subject to the applicable cleanup levels under the federal regulations at 40 CFR §761.61(a)(4).

The proposed remedial action will be conducted on portions of an inactive Conrail Corporation-owned railroad right-of-way and an existing commercial property that are located adjacent to the former Hyatt Clark Industries site. Currently, soils with PCB concentrations of up to 50.7 parts per million (ppm) remain within the project area. The proposed remedial action calls for the excavation and offsite disposal of all soils with PCB concentrations in excess of 0.2 ppm, including 35 cubic yards of soils with PCB concentrations in excess of 50 ppm, and an additional 1,393 cubic yards with PCB concentrations between 0.2 ppm and 50 ppm.

In accordance with 40 CFR §761.61(a)(5)(i)(B)(2)(iii), soils containing PCBs at concentrations equal to or greater than 50 ppm will be transported for offsite disposal at a Toxic Substances Control Act (TSCA) permitted chemical waste landfill or a Resource Conservation and Recovery Act (RCRA) Subtitle C permitted landfill. Wastes containing PCBs at concentrations less than 50 ppm will be managed as non-TSCA regulated waste and will be transported for disposal at a municipal solid waste landfill (Subtitle D facility) in accordance with 40 CFR §761.61(a)(5)(v)(A).

With the exception of the characterization sampling requirements under Subpart N of 40 CFR §761 and the verification sampling requirements under Subpart O of 40 CFR §761, the proposed removal of PCB remediation waste meets the self-implementing cleanup and disposal requirements under 40 CFR

§761.61(a). In addition, based on the characterization and proposed verification sampling, in accordance with 40 CFR §761.61(c), the United States Environmental Protection Agency (EPA) finds that this sampling, in this proposed remediation context, is acceptable for purposes of determining compliance with the High Occupancy Area PCB cleanup standard of 1 ppm.

RACER Trust has also requested, in accordance with 40 CFR §761.79(h), approval for an alternative procedure and standard for decontamination of equipment and tools. Decontamination of all equipment will be conducted over a decontamination pad, where the equipment will be cleaned via dry scraping and pressure washers to remove bulk material that could potentially contain PCBs. Equipment will be triple rinsed and visually inspected to confirm the removal of adhered soil or other materials. Wipe samples will be collected for verification to confirm compliance with a decontamination standard of 10 micrograms per 100 square feet. EPA finds that the proposed alternative decontamination procedure and standard are acceptable for the cleanup activities that will be performed at the site.

EPA hereby approves the RACER Trust's Application, and it may proceed with the cleanup and disposal under 40 CFR §761.61(a) and (c) and the Application, subject to this Approval. This Approval also constitutes an order under the authority of Section 6 of the Toxic Substances Control Act (TSCA), 15 U.S.C. §2605. This approval only specifies the applicable requirements under TSCA and does not cite to or make any determinations regarding the requirements that may be applicable under other federal, state, or local law. TSCA disposal requirements do not supersede other, more stringent, applicable federal, state or local laws. Any deviation from these disposal facilities would require further review and approval by EPA.

Please note that this Approval does not constitute a determination by EPA that the transporters or the disposal facilities selected by the RACER Trust is authorized to conduct the activities set forth in the Application. RACER Trust is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct any such activities in accordance with all applicable Federal, State and local statutes and regulations.

Should you have any questions concerning this matter, please feel free to contact me at (212) 637-3315, or have your staff contact Jean Robert Jean of my staff at (212) 637-4136.

Sincerely,

Ariel Iglesias, Director
Land, Chemicals and Redevelopment Division

cc: Kevin Schick, NJDEP
Gwen Zervas, Section Chief (NJDEP-BCM)
John Messinger, Arcadis US Inc.