



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
JACKSON DISTRICT OFFICE



DAN WYANT  
DIRECTOR

April 16, 2013

Mr. Jose Cisneros, Chief  
Waste Management Branch  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Boulevard LU-9J  
Chicago, Illinois 60604-3507

RECEIVED

APR 19 2013

CRA-DETROIT

Dear Mr. Cisneros:

SUBJECT: Michigan Department of Environmental Quality (MDEQ) Recommendation to Approve Coordinated Approval for Cleanup of Polychlorinated Biphenyls (PCBs); Revitalizing Auto Communities Environmental Response Trust (RACER), Former General Motors Company Vehicle Operations (CVO), Ypsilanti, Michigan; **MID 005 356 795**, MIK 468 293 311 (Michigan Site ID 81000496)

The Revitalizing Auto Communities Environmental Response Trust (RACER) requested in a letter dated February 27, 2013, to Mr. Peter Ramanauskas, a Coordinated Approval pursuant to 40 CFR Section 761.77(a) and (c), of the interim measures to remediate PCBs at CVO property. The interim measures are outlined in the Potential Area of Concern (PAOC) 18 Interim Measures Work Plan, submitted to the Michigan Department of Environmental Quality (MDEQ) and U.S. Environmental Protection Agency (EPA), Region 5 (EPA Region 5).

The MDEQ is seeking concurrence from the EPA Region 5, on a coordinated approval for Polychlorinated Biphenyls (PCBs) cleanup and disposal proposed at the CVO property located at 2901 Tyler Road, Ypsilanti, Michigan. RACER is proposing PCB remediation in the PAOC 18, in accordance with the Toxic Substances Control Act (TSCA), Title 40 of the Code of Federal Regulations (CFR), Part 761, February 17, 1978, as amended. The MDEQ is making this request under the amended final rules for PCB Disposal, effective August 28, 1998, 40 CFR Parts 750 and 761.

The CVO property is subject to the Resource Conservation and Recovery Act of 1976 (RCRA), Subtitle C, corrective action requirements of Title 42 of the United States Code (U.S.C.) §6901 et seq. and RACER has committed to timely implementation of interim measures proposed, and completion of final remedies. The MDEQ is the lead in facilitation, oversight, and approval authority for corrective action obligations at the CVO property located in Ypsilanti, Michigan under its authority as a state authorized to implement RCRA, 42 U.S.C. §6926, and in furtherance of its statutory and regulatory responsibilities under Part 111, Hazardous Waste Management, and Part 201, Environmental Remediation, of the Michigan Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), Michigan Compiled Laws (MCL) §§324.11101 et seq. and MCL 324.20101 et seq. (Part 111 and Part 201, respectively).

## **Applicability of Part 111 and 201 Criteria**

The MDEQ has facilitation, oversight and approval authority for corrective action obligations that include the groundwater protection standards and environmental protection standards for other media established pursuant to Part 201, Environmental Remediation, of the NREPA. EPA Region 5 has concurred with the use of the Part 201 cleanup criteria for corrective action in Michigan with a Corrective Action Memorandum of Understanding entered into by the EPA and the MDEQ on November 3, 2000, and the addendum letter dated April 15, 2002; see [http://www.michigan.gov/deq/0,1607,7-135-3312\\_4118\\_4240-56396--,\).html](http://www.michigan.gov/deq/0,1607,7-135-3312_4118_4240-56396--,).html).

The methodology for calculation of Part 201 generic cleanup criteria is consistent with that presented in the EPA's "Soil Screening Guidance: Technical Background Document" (May 1996) and the Risk Assessment Guidance for Superfund (1989). Because the Part 201 cleanup criteria were promulgated in 2002, the current criteria may be inconsistent with the EPA's Regional Screening Levels (RSLs). The RSLs are updated to reflect more recent risk assessment methodologies and toxicity values.

Part 201 cleanup criteria are back-calculated from a target cancer risk for carcinogens or a hazard quotient for non-carcinogens. The statutory target cancer risk under Part 201 is one additional cancer above the background cancer rate for 100,000 individuals ( $10^{-5}$ ). A hazard quotient of one is used to derive criteria for non-carcinogenic compounds. Criteria are developed based on generic assumptions that characterize patterns of human exposure associated with the following land use categories: residential and nonresidential. Generic cleanup criteria have been developed for residential and nonresidential land use. Consistent with EPA guidance, a mix of upper bound and midrange values are chosen to represent a reasonable maximum exposure for a human receptor identified as the most likely to represent the pattern of activity for each land use. Therefore, if site concentrations do not exceed criteria, it may be assumed that exposure to contaminants will not result in an unacceptable risk. Conversely, concentrations that exceed criteria indicate that exposure to site contaminants may result in an unacceptable risk of adverse health effects.

Criteria for groundwater and soil have been calculated for several human exposure pathways including drinking water ingestion, soil leaching to groundwater, dermal contact with groundwater in an excavation, incidental ingestion and dermal contact with soil, volatile and particulate releases to ambient air, and groundwater and soil volatilization to indoor air. Additional criteria for the protection of aquatic species, terrestrial wildlife, or human secondary exposures are applicable to groundwater that vents to surface water bodies. At sites of environmental contamination where multiple pathways are relevant, the most restrictive criterion for each media is chosen as the applicable cleanup goal.

While the Part 201 program relies heavily on the generic cleanup criteria to evaluate sites of environmental contamination, professional judgment is also used to identify those situations that require more restrictive cleanup. For example, if site conditions

result in overland runoff of soil contaminants to surface waters, response action may be required even where soil concentrations do not exceed the applicable generic criteria.

For PCBs in soil, the Part 201 soil direct contact pathway results in the most restrictive generic cleanup criteria. The Part 201 generic direct contact criteria (DCC) consider both incidental ingestion of soil and direct dermal contact with soil. The following table presents the current, promulgated DCC for PCBs for each land use category.

Land Use Category	Part 201 DCC in parts per million (ppm) or milligrams per kilogram (mg/kg)
Residential	4.0
Nonresidential	16.0

Compliance with the DCC is required throughout the soil profile, including soils at depth, since it is assumed that, without appropriate and reliable land use restrictions, subsurface soils may be brought to the surface in the future.

Part 201 requires that a state drinking water standard, if available, be used as the cleanup criterion for groundwater used as a source of drinking water. The Michigan standard is identical to the Federal Maximum Contaminant Level (MCL) for PCBs of 0.5 parts per billion (ppb) (ug/L). If groundwater is currently venting to surface water or may vent to surface water in the future, the water quality standard for protection of surface water of 0.2 ppb (ug/L) for PCBs must be met in the groundwater before mixing with surface water. In addition, a Part 201 groundwater contact criterion (GCC) of 2.3 ppb (ug/L) is available for PCBs. The GCC is protective of direct contact with groundwater under a soil intrusive scenario such as utility installation or repair. The GCC is applicable for all land use categories but is controlling only if groundwater is not and will not vent to surface water, and if groundwater is either not in an aquifer, or will be prevented from use as drinking water by an institutional control.

#### **MDEQ Review of PAOC18 Interim Measures Work Plan**

The MDEQ supports approval of the proposed PAOC18 Interim Measures Work Plan and verifies that work completed to address PCBs and work proposed for completion in the plan is consistent with the requirements of both Part 111 and Part 201 for PCB remediation. With this determination, the MDEQ submits this notice of intent to approve and requests that EPA agree to proceed with a coordinated approval pursuant to 40 CFR Section 761.77(c)(1)(i).

The scope of work described in the PAOC 18 Interim Measures Work Plan is intended to deal with PCB and Chlorinated Volatile Organic Compounds (CVOCs) remediation. We have attached a draft work plan approval letter that describes clarifications or anticipated conditions for our approval, which may be relied upon by EPA during its

consideration of this request for coordinated PCB approval. We will not finalize our conditional work plan approval letter until we receive a reply from EPA to our request for a coordinated approval.

The MDEQ determined from its review of the work plan that PCB concentrations found at the CVO facility in excess of the Part 201 cleanup criteria presented an unreasonable risk to human health and the environment and required further assessment. The proposed interim response activity includes remediation of PAOC 18, the removal of CVOCs and PCB impacted soils, groundwater, and DNAPL at the CVO facility. The MDEQ applied Part 201 cleanup criteria and risk-based processes to assess risk from exposure to CVOC and PCB contamination at the CVO facility and considered response actions and land use, engineering and/or exposure controls as allowed under Part 111 and applicable requirements of Part 201 and consistent with the goals of RCRA corrective action.

The MDEQ has determined that the PAOC18 Interim Measures Work Plan complies with the corrective action objectives of Part 111/RCRA and applicable requirements of Part 201. The MDEQ is requesting the following:

1. That the EPA Regional Administrator make a determination under §761.77(c)(1)(i) that Part 111 requires management of PCB contamination that is no less stringent than the applicable TSCA PCB requirements found at §761.61(c) or §761.62(c).
2. That the EPA Regional Administrator is prepared to make a determination that the MDEQ approved PAOC18 Interim Measures Work Plan will constitute a "PCB decision or enforcement document issued by an authorized State Director for a State Program that has been approved by EPA" that conforms to the requirements of the TSCA PCB requirements found at §761.77(c); and
3. That the EPA Regional Administrator will grant TSCA PCB Coordinated Approval.

MDEQ appreciates your willingness to work with us on this TSCA PCB Coordinated Approval process. We hope to receive concurrence on this approval or an extension request within 30 days. Please find attached a draft approval document. Should you require further information, please contact Mr. Kevin Lund, P.E. at (517) 780-7846; [lundk@michigan.gov](mailto:lundk@michigan.gov); or 301 East Louis Glick Highway, Jackson Michigan, 49201-1556.

Sincerely,



Mitchell Adelman, District Supervisor  
Jackson District Office  
Remediation and Redevelopment Division  
517-780-7852

Enclosure MDEQ approval letter

cc: Mr. Grant Trigger, RACER Trust  
Mr. Dave Favero, RACER Trust  
Ms. Beth Landale, CRA  
Mr. Peter Ramanauskas, EPA  
Ms. Jean Greensley, EPA  
Mr. Phil Schrantz, MDEQ  
Ms. DeLores Montgomery, MDEQ  
Dr. Deb MacKenzie-Taylor, MDEQ  
Mr. John McCabe, MDEQ  
Mr. Kevin Lund, MDEQ  
Corrective Action File



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
JACKSON DISTRICT OFFICE



DAN WYANT  
DIRECTOR

DRAFT May \_\_, 2013

Mr. Grant R. Trigger  
Michigan Cleanup Manager  
Racer Trust  
2930 Ecorse Road  
Ypsilanti, Michigan 48198

Dear Mr. Trigger:

SUBJECT: Approval of Response Activity Plan, Potential Area of Concern (PAOC) 18 Interim Measures Work Plan, including Coordinated Approval for Cleanup of Polychlorinated Biphenyls (PCBs);, Company Vehicle Operations (CVO), Ypsilanti, Michigan; MID 005 356 795, MIK 468 293 311 (Michigan Site ID 81000496)

Revitalizing Auto Communities Environmental Response (RACER) Trust has formally requested approval from the Michigan Department of Environmental Quality (MDEQ) of response activities, outlined in Potential Area of Concern (PAOC) 18 Interim Measures Work Plan, Company Vehicle Operations (CVO), (Work Plan), dated February 2013. The MDEQ has completed its technical review of the Work Plan pursuant to Part 111, Hazardous Waste Management, including the environmental protection or cleanup standards and associated requirements pursuant to Part 201, Environmental Remediation, of the Michigan Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), Michigan Compiled Laws (MCL) §§324.11101 *et seq.* and 324.20101 *et seq.* (Part 111 and Part 201, respectively) and the Resource Conservation and Recovery Act of 1976 (RCRA), Subtitle C, corrective action requirements of Title 42 of the United States Code §6901 *et seq.*

On February 22, 2013, the MDEQ formally requested Toxic Substances Control Act of 1976 (TSCA) Coordinated Approval for the Work Plan from the U.S. Environmental Protection Agency (EPA), Region 5, under the amended final rules for Disposal of PCBs effective August 28, 1998, Title 40 of the Code of Federal Regulations (CFR), Parts 750 and 761, specifically §761.77(3)(c). That letter (copy enclosed) described the basis for the request and provided additional details regarding the regulatory framework and background for the corrective action conducted at the facility to date. RACER formally requested Coordinated Approval from the EPA for the RACER CVO site on February 27, 2013.

The In-Situ soil conditioning approach was submitted in Appendix G of the work plan pursuant to Rule 323.2210(u)(iii) of Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. Specifically, Rule 323.2210(u)(iii) allows for a discharge of wastewater to a plume of groundwater contamination without a permit if the discharge is for the purpose of a remedial investigation or action and the work is approved by the division that has compliance oversight.

Based upon MDEQ evaluation of the In-Situ soil conditioning, the work plan satisfies the requirements of R 323.2210(u)(iii). Implementation by the mixing of oxidants and an activator within the excavation may proceed as proposed.

Upon consultation with the EPA, the MDEQ has determined that the Work Plan will comply with the corrective action objectives of Part 111/RCRA, including the environmental protection standards and associated requirements pursuant to Part 31 and Part 201 if the conditions specified below are complied with.

Section 20114b(3) of Part 201, NREPA, states that when a response activity plan is submitted for approval, the MDEQ may notify the submitter that the plan is approved with conditions, if applicable. The Response Activity Plan is approved with the following conditions:

**Conditions for Approval**

- A. RACER wrote in Section 2.3, "The PCB remediation requirement criteria is based on disposal of TSCA regulated PCBs". In several places in the Work Plan, RACER makes a reference to the cleanup level for PCBs being 50 ppm. The way this level is represented in the Work Plan may be a concern for EPA and is a concern for MDEQ. For clarification, the MDEQ understands the 50 ppm level for PCB is used only for disposal decisions and is not a risk based target cleanup level. The direct contact criterion (DCC) is the appropriate generic risk based target based on land use and takes into consideration both incidental ingestion of soil and direct dermal contact with soil. Our approval of the Work Plan is conditioned upon RACER conducting the remediation in accordance with PCB environmental protection standards pursuant to Part 111 R 299.9629(3)(a)(iii) as follows:

- ≤16 ppm for nonresidential use – requires a deed restriction if greater than 4 ppm
- ≤4 ppm for unrestricted residential use

The Work Plan must also identify the following as remediation requirements:

- >50 ppm remediation/disposal level - excavation and disposal in TSCA approved landfill/incinerator
- ≤50 ppm to 16 ppm will fall into the Part 201 non-TSCA disposal if disposed of off-Site – soil remaining onsite is limited nonresidential cleanup category and requires an adequate engineered exposure control and deed restriction.

- B. RACER and MDEQ evaluated multiple technologies/approaches and determined that a combination of excavation, disposal, and monitoring along with a deed restriction was the best technical and economic solution for the whole CVO property. The CVO property will be deed restricted to maintain nonresidential zoning and use. RACER has presented a conceptual plan to the MDEQ for a final RCRA corrective action which will employ an element of land use restriction across the entire CVO property. Due to the extent of low level CVOs, some metals and potentially PCBs, the deed restriction will prohibit soil movement and have groundwater use limitations (e.g. prohibit potable or other direct uses such as gardening). MDEQ expects that RACER will place additional restrictions (as required) along with engineering controls (if necessary) on portions of the CVO property where PCB sampling of soil indicates that concentrations of PCBs remain in soils at levels exceeding 16 ppm, the MDEQ nonresidential direct contact criteria. The areas where levels of PCBs are found to be below 16 ppm will be included in the land use restriction applied to the entire CVO property. The MDEQ expects that RACER will apply land use restrictions and engineering controls that are approvable and satisfy the requirements of TSCA in the event that PCBs exceeding 16 ppm are left in place. It is

the MDEQ expectation that a restrictive covenant intended to maintain the non-residential use (i.e., all contaminants are below nonresidential criteria, but some are above unrestricted residential criteria) would list the contaminants that are remaining on property at levels above residential criteria. If Total PCBs exceed 4 ppm, PCBs will be included as contaminants of concern as part of the restrictive covenant.

- C. Analyses to determine total PCB levels must be included in all verification sample locations collected from the floor and sidewalls at a spacing/separation consistent with MDEQ S3TM guidance. These sample locations will mark the extent of the final excavation. These PCB results will be incorporated with the PCB sampling locations conducted prior to excavation for soils that will remain in place.
- D. Excavated material exceeding Land Disposal Restrictions (LDRs) will not be staged in piles outside the area for remediation but will go directly into trucks or lined and covered roll off boxes for transport to appropriate disposal. Excavated material that does not exceed LDRs may be staged in piles outside the area for remediation if
  - 1) an appropriate liner and cover are used that are compatible with the contaminants to prevent or minimize cross media transfer, and
  - 2) there is a secondary containment (e.g., berm or other elevated material under edge of liner) to prevent run-on and run-off.
- E. Final approval of the PCB Remediation Plan is contingent upon the EPA Regional Administrator granting TSCA PCB Coordinated Approval after making a determination under 40 CFR §761.77(c)(1)(i) that Part 111, including the environmental protection standards and associated requirements of Part 201, requires management of PCB contamination that is no less stringent than the applicable TSCA PCB requirements found at 40 CFR §761.61(c) or §761.62(c) and that the MDEQ approved Work Plan constitutes a "PCB decision or enforcement document" that conforms to the requirements of the TSCA PCB requirements found at 40 CFR §761.77(c).

This approval with conditions of the Response Activity Plan is based upon the representations and information contained in the submittal, therefore the MDEQ expresses no opinion as to whether other conditions that may exist will be adequately addressed by the response activities that are proposed. Notwithstanding this approval, if environmental contamination is found to exist that is not addressed by the Response Activity Plan and you are otherwise liable for the contamination, additional response activities may be necessary.

Should you require further information, please contact Mr. Kevin Lund, P.E. at (517) 780-7846; [lundk@michigan.gov](mailto:lundk@michigan.gov); or 301 East Louis Glick Highway, Jackson Michigan, 49201-1556.

Sincerely,

Mitchell Adelman, District Supervisor  
Jackson District Office  
Remediation and Redevelopment Division  
517-780-7852



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