



Indiana Department of Environmental Management

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Michael R. Pence
Governor

Carol S. Comer
Commissioner

May 24, 2016

William Ainsworth, President
Progress Rail Services Corporation
1600 Progress Drive
Albertville, AL 35950

Re: **Comment Letter**

Former Asea Brown Boveri T&D
Power (ABB)
3500 South Cowan Road
Muncie, Delaware County
VRP #6000407, #6000408, #6990826
LUST #199811570
UST Facility ID #7083
State Cleanup #201227817
RCRA ID #006062582
Brownfield Site #4101005

Dear Mr. Ainsworth:

In conjunction with part of the process for issuance of a Comfort Letter to Progress Rail Services Corporation (Progress Rail or Tenant) regarding its occupancy of part of the property located at 3500 South Cowan Road, Muncie, Delaware County (Site), Progress Rail submitted a proposed *Site Management Plan* (December 2014) (SMP) to the Indiana Department of Environmental Management (IDEM). The author of the SMP was not provided; only that it would be adopted by Arizona Maricopa Associates, LLC (AMA or Owner) and Progress Rail. This letter provides IDEM's comments on the proposed SMP, on which the Indiana Brownfields Program (Program) will continue to work with Progress Rail to help Progress Rail ensure that the plan will help Progress Rail meet the continuing obligations required to maintain its status as a bona fide prospective purchaser/tenant at the Site under Indiana Code (IC) § 13-25-4-8(b) (incorporating section 101(40) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. §§ 9601 *et. seq.*, and 42 U.S.C. § 9607(r)).

Site Description and History

The 265-acre Site is generally described as the "Front" and the "Rear" properties. The Front Property is 76 acre and has A 750,000 square foot manufacturing facility (Main Building) is located on the 76 acre Front Property and a locomotive test track is located on the 186 acre Rear Property.

From 1961 to February 1989, Westinghouse Electric (Westinghouse) owned the Site and operated a manufacturing facility for electrical transformers that contained polychlorinated biphenyls (PCBs) on the Site. During the 1980s and early 1990s, Westinghouse and Asea Brown Boreri T&D Power (ABB) operated the facility as a joint venture. From December 1989 to 1998, ABB solely owned the Site and operated the facility for transformer manufacturing. These historical manufacturing operations resulted in the release of PCBs to both the soil and ground water.

AMA became the Site and facility owner in 2007. According to a Memorandum of Industrial Building Lease Agreement (MOL) (June 10, 2015),¹ Progress Rail became the Tenant of the Front Property on October 22, 2010 and retroactively became the Tenant on the Rear Property on October 26, 2011, through a lease amendment executed on October 31, 2011.

As documented in the *Remediation Work Plan - Conceptual Site Model (RWP-CSM)* (June 2014) prepared by CBS for IDEM's Voluntary Remediation Program, PCB-contaminated water seeped up from the subsurface to the Main Building floor (p. 7) in July 2013. In addition, PCB-impacted soil has been encountered, specifically in former location of the Archery Range on the Rear Property and during construction of a roadway on the Front Property.

As a result of these encounters with PCB-impacted media and the possibility it could happen again in the future, IDEM requested that Progress Rail prepare a *Site Management Plan* to provide on-Site personnel with a response protocol in compliance with federal and state requirements. Upon finalization of the SMP, IDEM recommends that it be included within the existing Site Health & Safety Plan (HASP) for the on-Site facility so that on-Site personnel are prepared for any future encounter with PCB-impacted media.

An SMP should provide clear directions to the on-Site employees responsible for its implementation, and provide clear organizational roles and responsibilities for notification, clean-up, waste characterization, manifests, disposal and record keeping of PCB-impacted media encountered during Site operations or facility renovations. Sufficient detail should be included in the SMP to ensure that PCB-impacted media will be handled and disposed of in accordance with United States Environmental Protection

¹ One area of the Front Property, the southeast "large" tank farm (Large Tank Farm), is excluded from the Tenant's lease.

Agency (USEPA) Toxic Substances and Control Act (TSCA) regulations for PCBs (40 C.F.R. §761), as described in the self-implementing on-Site cleanup and disposal provisions (§ 761.61), the PCB Spill Cleanup Policy (§761.120), the PCB Spill Response Plan (§761.125), and other subparts incorporated by reference. TSCA has specific requirements for sampling, analysis, handling, and disposal of PCB-impacted materials which is different for various media (e.g. soil, concrete, water, etc.). These PCB sampling protocols should be incorporated into the SMP and readily available to on-Site personnel responsible for addressing PCB related incidents.

COMMENTS ON THE PROPOSED SMP

The following are IDEM's collective comments on the proposed SMP submitted by Progress Rail:

1. Page 4, Section 3.1 Please add the following, "in accordance with the environmental restrictive covenant (ERC) applicable to the Property, the integrity of the existing building slab which serves as a protective barrier to prevent direct contact with underlying contaminated soils must be maintained and no excavation, removal, disturbance, demolition or degradation of the building slab shall occur without replacement by a barrier that will provide equal or better protection."
2. Page 4, Section 3.2.ii. and 3.2.iii. "spills of hazardous or potentially hazardous materials requiring excavation of soils in connection with cleanup; and iii. rapid or gradual erosion of soil caps or reused media resulting in potential discharges of impacted particulate to natural drainages." Any caps or covers at the Site that are designed to prevent direct contact with contaminated subsurface materials will need Operation & Maintenance (O&M) plans to ensure they are not disturbed and are properly maintained and thus do not erode or degrade. Please include a figure in the SMP showing any such caps and/or covers.
3. Page 6, Section 4.2.1 Sampling Locations. Please revise the provision to state, "The number and location of samples will be determined by the qualified environmental professional based on its professional judgment, accepted industry practices, in accordance with the requirements of 40 C.F.R. § 761.260 through 761.398, and any site specific issues encountered at the Property at the time of the proposed work."
4. Page 7, Section 4.2.2 Sampling Methodology, end of paragraph. Please add the following statement, "Samples will be collected, managed, and analyzed in accordance with requirements of 40 C.F.R. § 761.240 through 761.398 and as discussed in USEPA publication "Test Methods for Evaluating Solid Waste: Physical/Chemical Methods" also known as SW-846, as applicable."

5. Page 7, Section 4.2.3. Soil Screening Methodology, end of paragraph. Please add the following statement, "Such screening should not be used for regulatory determination for cleanup and management standards, disposal requirements, or use authorizations."
6. Page 7, Section 4.2.3. Soil Screening Methodology. The soil screening methodology methods listed (visual, olfactory, and PID) are not designed to identify PCBs. Screening via "olfactory" methods is not protective of human health. Please revise to add appropriate PCB-specific screening methodology.
7. Page 7, Section 4.2.5. Data Report and Records Retention. Please add the following statement at the end of the paragraph, "...and submitted to IDEM or EPA, as required, for any remedial, management, or disposal activities."
8. Page 8, Section 4.3. Response to Site Characterization Data, third paragraph. Please reword the first sentence to read as follows, "Notice will be provided to appropriate parties, including possibly IDEM and/or EPA and in accordance with any land use restrictions applicable at the Site through a recorded Environmental Restrictive Covenant, as determined at the time...."
9. Page 9, Section 4.3, Response to Site Characterization Data, fourth paragraph. Please reword the second to last sentence of the fourth paragraph to read as follows "Any responsible parties will promptly prepare work plans to complete any required response actions for review and approval by PRMC and AMA, and IDEM and/or EPA, as required."
10. Page 11, 6.0. APPLICABLE PCB STANDARDS FOR MANAGEMENT AND DISPOSAL OF PCBs, end of third paragraph. Please add the following statement, "Prior to off-site disposal, all required notifications to IDEM, and approval from IDEM, shall be made and received."
11. Page 12, Section 6.1. PCB Impacts in Soil, Concrete, Asphalt, Related Media. The USEPA defines soil as "bulk PCB remediation waste", concrete as "porous surface", and asphalt either a non-porous or porous surface (40 CFR § 761.61 (5)(i) through (5)(iii)) and has outlined specific methods for characterizing and remediating these PCB waste types. This section of the SMP should be modified to incorporate these applicable methods.
12. Page 13, Section 6.1.3, Non-Porous Surfaces. As written, "Non-porous surfaces with PCBs less than or equal to 10 micrograms (μg)/100 centimeters squared (cm^2) may be disturbed and acceptable for unrestricted use." Please replace the above-quoted sentence with the following: Non-porous surfaces with PCBs less than or equal to 10 micrograms (μg)/100 centimeters squared (cm^2) may be disturbed but only material with PCBs less than or equal to 0.2 $\mu\text{g}/100 \text{ cm}^2$ is

acceptable for unrestricted use. Materials with PCB levels between 10 µg/100 cm² and 0.2 µg/100 cm² must be removed in accordance with applicable regulations if disturbed.

13. Page 14, Section 6.1.4 Liquids. Please reword the first sentence to add the bolded text and read, "Liquid with PCBs greater than **or equal to 3 ppb** shall not be discharged..."
14. Page 14, Section 6.2, Disposal of Certain Excavated Materials. Please reword the first sentence to add the bolded text and read as follows, "Non-liquid waste materials may be removed for disposal where all of the materials contain less than 50 ppm PCBs, **but were associated with a source of 50 ppm PCBs or greater, provided that USEPA and IDEM** are notified in advance and requisite approval for disposal has been received." Also, reword the last sentence to read as follows, "In the unlikely event that PRMC ships any PCB-impacted waste off-site for disposal, it must, prior to any such shipments, obtain a written authorization from the **IDEM and USEPA** Regional Administrator for USEPA, Region 5, for its disposal plan."

GENERAL COMMENTS

- Numerous sections in the report discuss using "average" concentrations for future excavated materials for making decisions regarding disposal or beneficial reuse. The SMP should calculate the 95% upper confidence level (UCL) of the mean for this purpose.
- The SMP needs to comply with 29 CFR 1910.1200 (Hazardous Communication aka HAZCOM) if the on-Site HASP does not already contain that component. Although any remediation/cleanup work will be performed by CBS under a HASP that meets HAZWOPER (29 CFR 1910.120 Hazardous Waste Operations and Emergency Response), the HAZCOM standard applies to all workers at the facility. PCBs are not covered by RCRA and, therefore, are not exempt from HAZCOM (see https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=20195).
- The Site-specific HASP should make clear what training or health and safety measures (e.g. Personal Protective Equipment) are needed for workers who may come into contact with contaminated media, specifically PCB-contaminated media. Specifically, the HASP (or SMP) should cover:
 - Roles and Responsibilities
 - Training
 - Decontamination

- Material Safety Data Sheets (MSDSs)
 - Personal Protective Equipment
 - Handling of investigation derived wastes
- An Environmental Restrictive Covenant (ERC) applicable to the Property was issued in conjunction with the issuance of the Comfort Letter to PRMC on April 4, 2016. Please review the ERC and the SMP to ensure that the SMP fully complies with the scope of the land use restrictions in the ERC.
 - There are numerous spelling and formatting errors that need to be addressed. IDEM did not provide a comment in every instance. Care should be taken when providing a final draft for review.

IDEM is pleased to assist Progress Rail Services Corporation with finalization of a Site Management Plan for its facility. Should you have any questions or comments, please contact Lynette Schrowe at 317/234-8622 or toll free from within Indiana at 800/451-6027, ext. 4-8622. She can also be reached via email at: lschrowe1@idem.in.gov.

Sincerely,



Andrea Robertson Habeck
Technical Staff Coordinator
Indiana Brownfields Program

cc: Rick Gittings, Arizona Maricopa Associates, LLC 807 East Mission Road, San Marcos, CA 92069
Jan Pels, USEPA Region 5 (*electronic copy*)
Meredith Gramelspacher, Indiana Brownfields Program (*electronic copy*)
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