REGION 5
CHICAGO, IL 60604

July 1, 2024

TRANSMITTED VIA EMAIL

REPLY TO THE ATTENTION OF:
LR-16J

Mr. Chad Coy
Paramount Global
420 For Duquesne Boulevard, Suite 100
Pittsburgh, Pennsylvania 15222

Mr. Scott Jagger
Progress Rail Manufacturing Corporation
1605 Progress Drive P.O. Box 1037
Albertville, AL 35950

Mr. Arie de Jong
Arizona Maricopa Associates, L.L.C.
807 East Mission Road
San Marcos, CA 92069

Re: TSCA 40 CFR §761.61(c) Risk-Based Disposal Approval
Progress Rail Facility, 3500 South Cowan Road, Muncie, Indiana
USEPA ID# IND 006 062 582; Indiana VRP #6210301

Dear Mr. Coy:

I am writing in response to the February 9, 2024 request for approval under 40 Code of Federal Regulations (CFR) §761.61(c) of the Remediation Work Plan Archery Field Area Progress Rail Facility (Application) submitted on your behalf by PSARA Technologies, Inc (PSARA) to address polychlorinated biphenyl (PCB) contaminated soils located at the Progress Rail Facility Archery Field area (Archery Field) at 3500 South Cowan Road, Muncie, Indiana (Site). PSARA provided a Remediation Work Plan for the Archery Field Area on January 12, 2024 (RWP) which describes the plan for the removal of soils and sediments within the Archery Field, and the collection and analysis of confirmation samples from excavation sidewalls, floors within the excavation areas.

As described in the RWP, Paramount Global proposes to excavate PCB contaminated soil in two (2) "Hot Spot" locations in the Archery Field, and from segments of a drainage ditch within the Archery Field area to meet a remedial goal of 25 milligrams per kilogram (mg/kg) for soils and 1 mg/kg for sediments. During site characterization activities, soil in two (2) Hot Spot locations with PCB contamination in excess of 25 mg/kg was identified. The horizontal and vertical extent of PCB-impacted soils within the two (2) Hot Spot locations was determined by utilizing a grid-based, continuous 1-foot to 2-foot interval soil sampling plan. In addition, sediments were identified with PCB contamination in excess of 1 mg/kg within the drainage ditch adjacent to the easternmost Hot Spot. The extent of PCB-impacted sediments within the drainage ditch were determined by sampling locations upstream and downstream of the Hot Spot to depths of 84 inches below surface until PCBs were detected at concentrations below 1 mg/kg.

You request approval to excavate and remove PCBs from the Archery Field area for off-site disposal in either a TSCA chemical waste landfill or RCRA subtitle D solid waste landfill as determined by in-situ grid-based waste characterization sampling of impacted soils and sediment from the proposed excavation areas. Excavated soil and sediment from impacted grids will be segregated for disposal into waste to be disposed of at a TSCA chemical waste landfill, or waste to be disposed of in a RCRA subtitle D solid waste landfill according to the results of the in-situ waste characterization. The RWP indicates that upon completion of excavation and confirmation sampling, the Archery Field will be restored to its original condition, and excavated areas will be backfilled with clean soils at an elevation matching surrounding grades. PCB removal and site restoration activities are anticipated to be completed within 30 days of commencement of remediation activities on-site. EPA accepts this timeline and understands that any remaining cleanup necessary to address other PCB contaminated areas at the Site will be addressed in a workplan submitted under the federal PCB regulations at 40 CFR §761.61.

Under 40 CFR §761.61(c), the EPA Regional Administrator may approve a method to sample, cleanup or dispose of PCB remediation waste if it is found that the method will not pose an unreasonable risk of injury to human health or the environment. The proposal to clean up PCB impacted sediments, and the proposed modification to the 40 CFR §761.61 Subpart O cleanup verification sampling procedures precludes the applicability of self-implementing cleanup procedures in 40 CFR §761.61(a). For these reasons, the RWP is being approved under the applicability of the risk-based disposal under 40 CFR §761.61(c). The authority to grant such approvals in this regional office has been delegated to the Director of the Land, Chemicals and Redevelopment Division. Based on the information provided in your RWP, EPA finds that the removal of PCB impacted materials to the identified remedial goals and the disposal of removed PCB impacted materials in the appropriate permitted off-site waste disposal facilities will not pose an unreasonable risk of injury to human health or the environment.

EPA hereby approves your Application for a risk-based PCB disposal approval under 40 CFR §761.61(c) subject to the conditions of Attachment 1.

EPA encourages property owners, regulatory agencies, responsible parties, developers and communities to voluntarily use greener practices for contaminated site cleanup. Please see Section 6 of the American Society for Testing and Materials (ASTM) Standard Guide E2893 for Greener Cleanups for Best Management Practices (BMP). EPA encourages you to review the guide and implement any practices that are feasible. If you incorporate any Greener Cleanup BMPs identified in the ASTM E2893 Standard, the Completion Report should include a section on BMP documentation, as described in ASTM E2893 Section 6.6.5.

This letter does not relieve you from compliance with any other federal, state or local regulation and does not preclude EPA from initiating any enforcement action, including an action seeking civil penalties for any violation of federal regulations. All conditions of this approval and other applicable requirements of TSCA and its implementing regulations will continue to apply to the property after any transfer in ownership.

If you have any additional questions, or wish to discuss this information, please feel free to contact Tyler Jacobs of my staff at (312) 886-6002 or jacobs.tyler@epa.gov.
Sincerely,

Edward Nam, Director
Land, Chemicals and Redevelopment Division

7/1/2024

X 

Edward Nam, Director
Land, Chemicals and Redevelopment Division
Signed by: EDWARD NAM

cc: Mark Nance, IDEM
George Ritchotte, IDEM
John Steketee, U.S. EPA, ORC

ATTACHMENT
APPROVAL CONDITIONS

Remediation Work Plan Archery Field Area
Progress Rail Facility, 3500 South Cowan Road, Muncie, Indiana

A. Authorized Remedial Action

Paramount Global is authorized to remediate PCB remediation waste found at Paramount Global's Progress Rail Facility Archery Field (Archery Field) at 3500 South Cowan Road, Muncie, Indiana according to the procedures described in the January 12, 2024, Remediation Work Plan Archery Field Area (RWP) and according to the conditions below:

1. Paramount Global shall remove PCB impacted soils and sediment within the Archery Field as described in Sections 5.3 of the RWP.

2. Post-excavation sidewall and bottom samples shall be collected as presented in Section 5.3 of the RWP.

3. Prior to being transported off-site for disposal, the excavated materials may be temporarily staged on-site in compliance with 40 C.F.R. § 761.65(c)(9) as described in Section 5.2.4 of the RWP.

4. Any imported clay, common fill, or topsoil material shall not contain PCB in excess of 1 mg/kg.

5. All PCB Remediation Waste generated shall be disposed of in accordance with 40 CFR §§ 761.61(a)(5)(i)(B)(*2*)(*ii*) or 761.61(a)(5)(i)(B)(*2*)(*iii*), for < 50 mg/kg and ≥ 50 mg/kg wastes, respectively, as noted in Section 6.3 of the RWP.

6. Any water containing PCB must be decontaminated or disposed of as allowed under 40 C.F.R. §§ 761.61(a)(5)(i)(B) or 761.61(b)(1).

7. Movable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 C.F.R. §§ 761.79(b)(3)(i)(A), 761.79(b)(3)(ii)(A), or 761.79(c)(2) and as described in Section 5.5 of the RWP. Decontamination wastes shall be disposed of in accordance with 40 C.F.R. § 761.79(g).

8. Paramount Global is responsible for assuring that dust controls are implemented, air and dust monitoring conducted, and persons participating in the remedial activities wear personal protective equipment as noted in Section 5.2.4 and Appendix G of the RWP.

9. Paramount Global is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct PCB transportation and disposal activities in accordance with all applicable federal, state, and local statues and regulations.

B. Inspection, Maintenance, and Monitoring

1. Following remediation activities, the Archery Field area will be restored to its original condition as noted in Section 7.0 of the RWP.

2. Paramount Global shall provide EPA with an annual certification in January of each calendar year that confirms the condition of the restored areas acting as cover over areas of PCBs remaining at the Archery Field below the 25 ppm standard and that the land use is in compliance with all applicable Institutional Controls (IC).

C. Property Use and Restrictions

1. Following the completion of final site remediation of PCBs, the existing Environmental Restrictive Covenant shall be updated to include the information required under 40 CFR 761.61(a)(8) at a minimum. Paramount Global must work with the IDEM Institutional Controls Group to modify the existing Environmental Restrictive Covenant prior to closure of VRP Project #6210301.

2. Paramount Global shall provide a draft copy of the IC to EPA for review prior to recordation as part of the completion report for work conducted under this Approval.

D. Recordkeeping and Reporting

1. Paramount Global shall submit a completion report to EPA no later than 90-days upon the completion of work described in the Application.

2. Paramount Global shall maintain all records and documents required by 40 C.F.R. Part 761 including records required by Subparts J and K, 40 C.F.R. §§ 761.180-761.218.