UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

SEP 0 1 2017

Mr. Greg Haet
Associate Director of Environmental Protection
Office of Environment, Health, & Safety
University of California, Berkeley
University Hall 3rd Floor #1150
Berkeley, California 94720

Re: USEPA Conditional Approval of PCB Cleanup Plan for University of California, Berkeley (UC Berkeley) Richmond Field Station (RFS) Corporation Yard and B150 Transformer at 1301 South 46th Street in Richmond, California

Dear Mr. Haet:

Thank you for working with the U.S. Environmental Protection Agency, Region 9 ("USEPA") to address the disposal of polychlorinated biphenyls ("PCBs") found at the UC Berkeley Richmond Field Station ("RFS") Corporation Yard and B150 Transformer located at 1301 South 46th Street in Richmond, California (the "Site"). USEPA has received and reviewed UC Berkeley's *Risk-based Disposal Approval Application* (the "Application") dated August 10, 2017, which outlines UC Berkeley's plan for remediation and disposal of soils containing PCBs at the Site as well as post-remediation verification.

The Application describes excavation and subsequent disposal of soil consistent with the Toxic Substances Control Act ("TSCA") standards. The RFS currently has industrial land use consisting of an academic teaching and research facility, library facility, and several non-university commercial tenants. Proposed future land use as presented the 2014 Berkeley Global Campus Long Range Development Plan anticipates continued similar land use. Additionally, a planned deed restriction will prohibit residential use. UC Berkeley will remediate the Site to meet USEPA's regional screening level of 1 ppm total PCBs for industrial land use.

USEPA is approving UC Berkeley's Application with conditions pursuant to 40 C.F.R. § 761.61(c) (i.e., risk-based disposal standards of TSCA). UC Berkeley shall implement the Application as modified by the conditions listed below.

USEPA Conditions of Approval and Additional Comments:

1. **Deed Restriction:** A land use control in the form of a deed restriction shall be implemented to prohibit residential use consisting of a residence, mobile home, or factory-built housing constructed or installed for use as residential human habitation. In addition, certain commercial uses defined as "sensitive uses" shall also be prohibited; sensitive uses consist of (a) a hospital for humans, (b) a public or private school for persons less than 18 years of age, (c) a day care center for children, or (d) any permanently occupied habitation other than those used for industrial purposes.

2. **Storage of Contaminated Soil:** PCB-contaminated soil shall be placed directly into lined bins with covers and/or cubic yard boxes upon excavation, and may be stored on the Site for up to 180 days.

3. **Completion of Cleanup:** If any soil above the cleanup level of 1 ppm total PCBs is left in place at the Site for evaluation/excavation during a future phase of the project, then that soil shall be secured with a locked 6-foot-high chain-link fence posted with a warning sign including the PCB M_L mark.

4. **Disposal of PCBs:** UC Berkeley shall dispose of all PCB waste that it generates during the PCB cleanup in accordance with the TSCA PCB regulations and other applicable federal, state, and local regulations. In determining the disposal method for the waste, UC Berkeley must comply with the anti-dilution requirements in 40 C.F.R. § 761.1(b). All bulk PCB remediation waste (i.e., soil) must be disposed of in accordance with the requirements in 40 C.F.R. § 761.61(a)(5). UC Berkeley must select appropriate disposal facilities based on the in-situ PCB concentrations of the waste.

5. **PCB Cleanup Waste Disposal:** Cleanup waste (e.g., personal protective equipment, rags, gloves, booties) shall be disposed of in accordance with 40 C.F.R. § 761.61(a)(5)(v). Disposal of all waste shall be in accordance with all federal, state, and local regulations.

6. **Equipment Decontamination:** UC Berkeley shall decontaminate non-disposable sampling tools and equipment, as well as movable equipment used during cleanup and/or additional sampling in accordance with 40 C.F.R. § 761.79(c)(2). Decontamination residues must be disposed of at their original concentrations in accordance with the requirements in 40 C.F.R. § 761.79(g). Recordkeeping of the decontamination events must be maintained in accordance with the requirements in 40 C.F.R. § 761.79(f)(2). These procedures must be implemented in a manner that is protective of human health and the environment consistent with the requirements in 40 C.F.R. § 761.79(e).

7. **PCB Cleanup Report:** UC Berkeley shall submit a PCB cleanup report to USEPA, to include all relevant data and justification demonstrating that the work completed is consistent with this approval. UC Berkeley must address at a minimum all the reporting requirements set forth at 40 C.F.R. § 761.61(a)(9) and 40 C.F.R. § 761.125(c)(5). UC Berkeley shall also include figures, surveys, or GPS coordinates depicting the location and results for all site characterization samples, verification samples, and any PCBs left under a cap.

8. **Future Proposed Modifications to Cleanup Plan:** UC Berkeley shall request any changes to the approved cleanup plan via email to USEPA, and USEPA will provide any response to the request via email.

This approval does not relieve UC Berkeley from complying with all other applicable federal, state, and local regulations and permits. Departure from the conditions of the approval without prior written permission from USEPA may result in the commencement of proceedings to revoke this approval and/or an enforcement action. Nothing in this approval bars USEPA from imposing penalties for violations of this approval or for violations of other applicable TSCA PCB requirements or for activities not covered under this approval.

This approval only applies to the Site. USEPA reserves the right to require additional characterization and/or cleanup of PCBs at the Site if new information during additional site characterization, cleanup verification, and/or during future post-cleanup activities (e.g. redevelopment or post-redevelopment) at the property shows that PCBs remain at the Site above the approved PCB cleanup level. In addition, USEPA may require cleanup of areas immediately adjacent to the Site if those areas are found to be impacted by PCBs from the Site.

USEPA appreciates the opportunity to assist UC Berkeley with this PCB cleanup. If you have any questions regarding this approval, please contact Sara Ziff at (415) 972-3536 or ziff.sara@epa.gov. Thank you for your cooperation.

Sincerely,

for Jeff Scott, Director
Land Division

cc: Karl Hans, UC Berkeley Office of Environment, Health & Safety