



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
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Re: Amendment 1 to TSCA PCB Cleanup Plan for Clow Valve Company, 1375 Magnolia Avenue, Corona, California–CATSCA102301

Dear Mark Willett and Britton Winterer:

Thank you for working with the U.S. Environmental Protection Agency, Region 9 (“USEPA”) to address the disposal of polychlorinated biphenyls (“PCBs”) found at Clow Valve Company (“Clow”) located at 1375 Magnolia Avenue in Corona, California (the “Site”). USEPA has reviewed the *Risk-Based Approval Modification Application 40 CFR 761.61 (c)(1)* (“Amendment 1”) dated April 25, 2022 prepared by WSP USA (“WSP”) on behalf of Clow and the current owner of the property, B9 Magnolia Owner, LLC (“B9 Magnolia”).

The original *Risk-Based Approval Application* (the “Application”) dated April 9, 2019 approved leaving soils containing PCBs in place, in some cases under existing concrete caps. A land use covenant for the Site was recorded in November 2021, and there is a soil management plan and operation and maintenance plan addressing maintenance of the caps.

During implementation of the Application workplan, additional PCB-impacted soil was discovered. Amendment 1 proposes to excavate soil from two areas with elevated PCB levels surrounding sample locations AOC7-B1 and S-60, and to cap all remaining locations with total PCB levels above the approved cleanup level of 15 ppm.

Sample locations AOC7-B1 (within the cap area) and S-60 (outside the cap area) have total PCB levels of approximately 2,200 ppm and 37 ppm respectively. Material from these areas will be removed prior to implementation of grading activities, and confirmation sampling will ensure that the cleanup level of 15 ppm has been reached. Excavations will be backfilled in accordance with the 2001 *DTSC Information Advisory Clean Imported Fill Material Fact Sheet*.

The Site is being redeveloped into a warehouse and distribution center following remediation. The cap will consist of a mix of 6-inch concrete, building footprint, and 10-inch compacted soil. The maximum PCB level to be left in place under the cap is 290 ppm. The maximum level to be left uncapped is approximately 3 ppm.

Redevelopment of the Site will require Site-wide grading. Soil from within the capped area will not be moved outside the capped area. This will ensure that soil from the capped area, which has relatively high levels of PCBs, does not contaminate the rest of the Site. Additionally, any soil that is excavated from the capped area and disposed off-site will be disposed as if it has at or above 50 ppm PCBs.

USEPA is approving Amendment 1 with conditions pursuant to 40 C.F.R. § 761.61(c) (i.e., risk-based disposal standards of TSCA). USEPA finds that the methods described in Amendment 1, as modified by the conditions in this approval, will not pose an unreasonable risk of injury to health or the environment. Clow and B9 Magnolia shall implement Amendment 1 as modified by the conditions listed below.

USEPA Conditions of Approval and Additional Comments:

1. **Off-Site Applications:** Initial sample results indicate PCB contamination from the Site has spread to an adjacent property to the east owned by Riverside County. Sample results from near the western fence line of the Site indicate contamination may have spread to a property owned by BSNF Railroad. Clow and B9 Magnolia shall submit an application(s) for the Riverside County and BSNF Railroad properties within one (1) year of the date of this letter, unless USEPA agrees in writing that characterization sampling data for these area(s) indicate an application(s) is not needed under TSCA. Any characterization sampling shall be completed within nine (9) months of the date of this letter.
2. **Soil Management Plan and O&M Plan Amendment:** The existing soil management plan (“SMP”) and operation and maintenance plan (“O&M plan”) shall be amended to include updated figure(s) showing the known PCB levels left in place and the TSCA cap area(s), address maintenance of concrete and soil caps, and to specify that any soil removed from the footprint of the cap must be disposed as if it has at or above 50 ppm PCBs. The amended SMP and O&M plan shall also state that any changes to land use or modification or removal of the TSCA cap requires notification by the owner and/or occupant to, and additional approval from, USEPA. Updated versions of these documents shall be submitted for USEPA approval within 30 days of submittal of the cleanup completion report.
3. **Land Use Control Amendment:** The applicant shall revise the existing Land Use Covenant (“LUC”) with the California Department of Toxic Substances Control (“DTSC”) and submit a draft to USEPA for review and approval no later than 90 days after submittal of the cleanup completion report. The revised LUC shall reference Amendment 1, include updated figure(s) showing the known PCB levels left in place and the TSCA cap area(s), require that any soil removed from the footprint of the TSCA cap be disposed as PCB remediation waste disposed as if it has at or above 50 ppm PCBs, and require that any changes to land use or modification or removal of the TSCA cap requires notification by the owner and/or occupant to, and additional approval from, USEPA. The revised LUC shall also document the following: (1) the PCB levels left in place following the work approved in Amendment 1, (2) the updated TSCA cap area, and (3) cap maintenance and soil removal activities that must be performed as required by this approval and as specified in the revised and USEPA-approved soil management plan and O&M plan. The applicant shall record the USEPA-approved revised LUC in accordance with California state law.
4. **Stockpiling of Soil:** Clow and B9 Magnolia shall comply with the provisions of 40 C.F.R. § 761.65(c)(9) if stockpiling soils for off-Site disposal.
5. **Disposal of PCBs:** Clow and B9 Magnolia 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, Clow and B9 Magnolia 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). Clow and B9 Magnolia must select appropriate disposal facilities based on the in-situ PCB concentrations of the waste.

6. **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.
7. **Equipment Decontamination:** Clow and B9 Magnolia 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).
8. **PCB Cleanup Report:** Clow and B9 Magnolia 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. Clow and B9 Magnolia 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). Clow and B9 Magnolia shall also include figures, surveys, or GPS coordinates depicting the location and results for all site characterization samples and verification samples.
9. **Procedures to Submit Reports, Documentation, and Correspondence to USEPA:** The cleanup party (i.e., Clow and B9 Magnolia) should follow the below procedures to submit reports and documentation required in this approval to USEPA and to send correspondence to USEPA related to this approval.
 - a. The title of the report or the subject line on documentation and correspondence (inclusive of emails) shall include the PCB cleanup site identification number (“PCB SITE ID”) assigned by USEPA and the PCB site name (“PCB Site”). Specific to USEPA’s approval of the cleanup party’s initial application: the PCB SITE ID is CATSCA102301, the PCB Site is CLOW VALVE, and the USEPA project manager is Sara Ziff (ziff.sara@epa.gov).
 - b. If no claim of confidentiality accompanies the submitted information, then such information may be made available to the public by USEPA without further notice to you [15 U.S.C. 2613; 82 FR 6522 (January 19, 2017); 40 C.F.R. § 2.203(a)].
 - c. The cleanup party must contact USEPA about submission procedures, if the cleanup party intends to submit information to USEPA with an assertion of business confidentiality.
 - d. Except as otherwise specified in these instructions, all documentation (e.g., reports), correspondence, and other written communications shall be submitted to USEPA electronically via email to the USEPA project manager (ziff.sara@epa.gov) with a courtesy electronic copy via email to R9LandSubmit@EPA.gov. Please include the PCB SITE ID (i.e., CATSCA102301) and PCB Site name (i.e., CLOW VALVE) in the email’s subject line.
10. **Future Proposed Modifications to Cleanup Plan:** Clow and B9 Magnolia 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 Clow and B9 Magnolia from complying with all applicable TSCA requirements and federal, state, and local law, regulations and permits. Departure from the conditions of the approval without prior written permission from USEPA may result in revocation of this approval, and/or commencement of 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 based on new information acquired during additional site characterization, cleanup verification, and/or during future post-cleanup activities (e.g. redevelopment or post-redevelopment) at the Site. 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. If additional information demonstrates that USEPA cannot sustain the no unreasonable risk determination, USEPA will modify or revoke this approval. In case of conflict between the Application and applicable requirements in 40 C.F.R. Part 761, the applicable requirements in 40 C.F.R. Part 761 take precedent.

USEPA appreciates the opportunity to assist Clow and B9 Magnolia with this PCB cleanup. If you have any questions regarding this approval, please contact Sara Ziff at (415) 972-3536. Thank you for your cooperation.

Sincerely,

Jeff Scott, Director
Land, Chemicals and Redevelopment Division

cc (electronic): Jeffrey Bennett, WSP
Larry Bowers, McWane
Gary Edwards, Western Realco
Rebecca Sundilson, WSP