



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Edwin P. Madera, Senior Environmental Engineer
Raytheon Company
528 Boston Post Road
Sudbury, Massachusetts 01776-3375

DRAFT

Re: Approval for Risk-Based PCB Remediation under 40 CFR §761.61(c)

Dear Mr. Madera:

This is in response to your July 31, 2003 letter requesting approval of a risk-based plan to address PCB-contaminated soil and sediment at the former Raytheon facility located at 430 Boston Post Road, Wayland, Massachusetts (the Site).¹ The Site contains PCB-contaminated soil and sediment that exceed the allowable PCB levels under the federal PCB regulations at 40 CFR §761.61. The plan proposed by Raytheon Company (Raytheon) includes the following actions:

- Excavation and off-site disposal of PCB-contaminated soil and sediment located in specific areas of the wetland, such that health-based and eco-based risk standards will not be exceeded;
- Wetlands restoration through resoiling and revegetating;
- Establishment of deed restrictions; and
- Establishment of long-term monitoring for habitat recovery.

Based on the EPA's review, the proposed plan is acceptable and will create no unreasonable risk when conducted in accordance with the application and this Approval. Therefore, Raytheon may proceed with this project subject to the following conditions:

¹ This letter and its attached *Revised Application for Risk-Based Disposal Approval, July 2003* were submitted on your behalf by Environmental Resources Management and were provided to support a risk-based cleanup and disposal approach for PCB-contaminated materials under 40 CFR §761.61(c). Attachment I provides an inclusive list of supporting information for this request. These submissions will be referred to as the "application."

GENERAL CONDITIONS

1. This Approval shall become effective on the date of signature by the Regional Administrator of the EPA. Raytheon must provide written notification of its acceptance of, and intention to comply with, the conditions of this Approval to EPA. The person(s) providing such written notification shall be corporate officers of Raytheon.
2. This Approval shall be revoked if the EPA does not receive written notification from Raytheon of its acceptance of, and intention to comply with, the conditions and terms of this Approval within ten (10) business days of Raytheon's receipt of said Approval.
3. This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. §2605(e), and the PCB regulations at 40 CFR Part 761, and applies solely to the wetland project at the Site identified in the application (hereinafter, the "Remediation Area"). This Approval does not address non-PCB contamination that shall be addressed under the Massachusetts Contingency Plan 310 CMR 40.0000.
4. Raytheon must comply with all applicable federal, state and local regulations in the storage, handling, and disposal of all PCB wastes, including PCBs, PCB Items and decontamination wastes generated under this Approval. In the event of a new spill during remediation actions, Raytheon shall comply with the EPA's PCB Spill Cleanup Policy under 40 CFR Part 761, Subpart G (which applies to spills less than 72 hours old).
5. Raytheon is responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in activities conducted under this Approval. If at any time Raytheon has or receives information indicating that Raytheon or any other person has failed, or may have failed, to comply with any provision of this Approval, it must report the information to EPA in writing within 24 hours of having or receiving the information.
6. Raytheon shall notify EPA in writing at least 5 business days prior to initiating on-site construction activities under this Approval. Raytheon shall conduct on-site construction activities in accordance with the conditions of this Approval and with the application.

CLEANUP AND DISPOSAL ACTIVITIES

7. The cleanup level for *PCB remediation waste* in the Remediation Area shall be as described in the application. Verification sampling for *PCB remediation waste* both during (if applicable) and following excavation shall comply with Subpart O requirements and with the procedures described in the Application. Sampling shall be performed on a bulk basis (e.g. mg/Kg) and PCB analytical results shall be reported on a dry-weight basis.

8. Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C or 3500B/3550B of SW-846 and chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another method(s) is validated according to Subpart Q.
9. PCB waste generated as a result of the activities described in the Application, excluding any decontaminated materials, shall be disposed of in accordance with 40 CFR §761.61(a)(5), unless otherwise specified below:
 - a. Non-liquid cleaning materials, such as personal protection equipment, and similar materials resulting from decontamination, shall be disposed of in accordance with 40 CFR §761.79(g)(6).
 - b. Moveable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 CFR §761.79(b)(3)(i)(A), §761.79(b)(3)(ii)(A), or §761.79(c)(2).
 - c. PCB-contaminated water generated during decontamination shall be decontaminated in accordance with 40 CFR §761.79(b)(1) or disposed of under §761.70.

INSPECTION AND REVOCATION CONDITIONS

10. Raytheon shall allow and assist any authorized representative of the Administrator of the EPA to inspect the Site and to inspect records and take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal by Raytheon to allow and assist such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.
11. This Approval, issued pursuant to 40 CFR §761.61(c), is conditioned on full and forthright disclosure of all material facts. Any misrepresentation or omission of any material fact in the Application or in any records or reports may result in the EPA's revocation, suspension and/or modification of this Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
12. Any modification(s) in the plan, specifications, or information submitted by Raytheon, contained in the application, and forming the basis upon which this Approval has been issued, must receive prior written approval from the EPA. Minor modifications to this Approval may be authorized, in writing, by the Branch Chief of the Chemicals Management Branch. Raytheon shall inform the EPA of any modification, in writing, at least 5 business days prior to such change. No action may be taken to implement any such modification unless the EPA has approved of the modification, in writing. The EPA may request additional information in order to determine whether to approve of the

modification. If such modification involves a change in the use of the Remediation Area which results in exposures not considered in the application, the EPA may revoke, suspend, and/or modify this Approval if it finds that this risk-based cleanup and disposal action may pose an unreasonable risk of injury to health or the environment due to the change in use, or if the EPA does not receive information from Raytheon it deems appropriate to make a determination regarding such potential risk.

USE CONDITIONS AND DEED NOTICE

13. Within ninety (90) days of completing the activities described in the application, Raytheon shall submit for EPA's review and approval, a Deed Notice for the Site. The Deed Notice shall include a description of the extent and levels of contamination found in the Remediation Area; a description of the actions taken in the Remediation Area; and a description of the use restrictions for the Remediation Area. Within thirty (30) days of EPA's approval of the Deed Notice, Raytheon shall record the Deed Notice with the Registry of Deeds. A copy of this Approval shall be appended as an attachment to the Deed Notice. Within 10 business days of the recording, Raytheon shall submit to the EPA a copy of the Deed Notice, with a certification signed by a corporate officer that Raytheon has recorded the Deed Notice and Approval as required above. In the event of a modification to this Approval that requires a change to the Deed Notice, Raytheon shall record any amendment to the Deed Notice, resulting from any approved modification(s), within 30 days of such change(s).

SALE OR TRANSFER OF PROPERTY

14. A portion of the Site is currently owned by Wayland Meadows Limited Partnership, which has executed an Easement and Restriction Agreement with Raytheon under which Raytheon may access the Site for the purposes of site investigation and remediation. In the event that any portion of the Remediation Area is sold, Raytheon shall continue to be bound by all the terms and conditions of this Approval, unless the following occur:
 - a. The new owner(s) requests, in writing, that the EPA reissue this Approval to the new owner(s), transferring all responsibility to comply with the terms and conditions of this Approval to that entity or those entities;
 - b. The EPA reissues this Approval to the new owner(s), transferring all responsibility to comply with the terms and conditions of this Approval to that entity or those entities; and,
 - c. The new owner(s) provides written notification to the EPA of its acceptance of and intention to comply with the terms and conditions of the reissued Approval. The reissued Approval may be withdrawn if the EPA does not receive written notification from the new owner(s) of its acceptance of, and intention to comply with, the conditions and terms of the reissued Approval within 30 days of the date of the

reissued Approval. Under such circumstances, this Approval and all conditions thereof, will remain in effect.

RECORDKEEPING AND REPORTING CONDITIONS

15. Raytheon shall prepare and maintain all records and documents required by 40 CFR Part 761, including but not limited to the records required by 40 CFR Part 761, and Subparts J and K. Raytheon shall maintain a written record of the cleanup and the analytical sampling for activities conducted under this Approval in one centralized location for at least 5 years. All records shall be made available for inspection by authorized representatives of the EPA.
16. Raytheon shall submit a final report to EPA within 120 days of completion of the activities authorized under this Approval. At a minimum, this final report shall include: a short narrative of the remedial activities; an estimate of the total size of the remediated areas; characterization and confirmation sampling analytical results; copies of the accompanying analytical chains of custody; field and laboratory quality control/quality assurance checks; copies of manifests; and copies of certificates of disposal or similar certifications issued by the disposer.
16. Required submittals shall be mailed to:

Kimberly N. Tisa, PCB Coordinator
United States Environmental Protection Agency
1 Congress Street, Suite 1100 - CPT
Boston, Massachusetts 02114-2023
Telephone: (617) 918-1527
Facsimile: (617) 918-0527

The EPA finds that the operations to be authorized under this Approval will not present an unreasonable risk of injury to health or the environment. This Approval may be revoked, suspended and/or modified if the EPA determines that implementation of this Approval may present an unreasonable risk of injury to health or the environment. Nothing in this Approval is intended or is to be construed to prejudice any right or remedy concerning PCBs or other federally-regulated contaminants at the Site otherwise available to the EPA under Section 6 of TSCA, 15 U.S.C. § 2605, 40 CFR Part 761, or other provisions of federal law.

EPA shall not consider this cleanup complete until it has received all submittals required under this Approval. Should you have any questions on this matter, please contact Kimberly Tisa at (617) 918-1527.

Sincerely,

Robert W. Varney
Regional Administrator

cc: J. Drobinski, ERM
R. Leary, ERM
Wayland Conservation Commission
Army Corps of Engineers, Concord
MADEP

ATTACHMENT 1.

- Phase I, Initial Site Investigation, May 1996
- Environmental Risk Characterization of the Wetlands Adjacent to the Former Raytheon Facility, Wayland, Massachusetts November 09, 2001
- Phase II, Comprehensive Site Assessment, Vol I, November 28, 2001
- Phase II, Comprehensive Site Assessment, Vol II - Appendix A-E, November 27, 2001
- Phase II, Comprehensive Site Assessment, Vol III - Appendix F-G, November 27, 2001
- Phase II, Comprehensive Site Assessment, Vol IV - Appendix H, November 27, 2001
- Phase II, Comprehensive Site Assessment, Vol V - Appendix H, November 27, 2001
- Phase II, Comprehensive Site Assessment, Vol VI - Appendix I-J, November 27, 2001
- Phase III, Remedial Action Plan, November 28, 2001
- Phase IV, Remedy Implementation Plan, Vol 1, December 30, 2002
- Phase IV, Remedy Implementation Plan, Vol 2 - Appendix A-F, December 30, 2002
- Phase IV, Remedy Implementation Plan, Vol 3 - Appendix F-L, December 30, 2002
- Response to Public Comment, December 19, 2002
- Application for a Risk-Based Disposal Approval, December 23, 2002
- Information Supplement - Application for Risk-Based Disposal Approval, April 3, 2003
- Other Permit Application Information, April 14, 2003
- Second Information Supplement - Application for Risk-Based Disposal Approval, May 8, 2003
- Response to Comments, July 25, 2003
- Response to Comments, July 31, 2003 and Revised Application for Risk-Based Disposal Approval, July 2003
- Response to Comments #4, August 6, 2003
- Response to EPA Comment - 13 August 2003 Letter, August 25, 2003
- Response to EPA Comment - 13 August 2003 Letter, August 28, 2003
- Revised QA/QC Plan, September 4, 2003

U.S. ENVIRONMENTAL PROTECTION AGENCY, NEW ENGLAND REGION
PUBLIC NOTICE
FORMER RAYTHEON FACILITY, WAYLAND, MASSACHUSETTS
DRAFT PCB CLEANUP AND DISPOSAL APPROVAL

The United States Environmental Protection Agency, Region I (EPA) is hereby providing public notice of EPA's proposed approval of the request by Raytheon Company (Raytheon) to clean up and dispose of polychlorinated biphenyls (PCBs) at the former Raytheon facility located at 430 Boston Post Road, Wayland, Massachusetts. The proposed approval would be issued under Section 6(e)(1) of the Toxic Substances Control Act (TSCA) and the federal PCB regulations at 40 CFR Part 761. Clean up of non-PCB contaminants at the facility is being addressed under the Massachusetts Contingency Plan 310 CMR 40.0000.

The purpose of this public notice is to solicit written comments concerning the proposed approval. Raytheon's Application for approval (in the form of a risk-based disposal application), Raytheon's supporting documentation for the cleanup, and the proposed approval and are available for public inspection at the following locations during normal business hours:

U.S. Environmental Protection Agency
One Congress Street, 11th Floor
Boston, MA 02114-2023
(617) 918-1527

and

Wayland Public Library
5 Concord Road
Wayland, MA 01778

Distribution:

REC'D SEP 10 2003 ERM Boston
Client/Location: (# if contract file)

File Folder: _____

In addition, EPA may hold a public hearing if such a hearing is requested in writing, and if EPA believes a hearing would serve to clarify issues concerning the proposed approval. Written comments on the draft approval and/or requests for a public hearing must be received by October 1, 2003, directed to:

Kimberly Tisa, PCB Coordinator (CPT)
U.S. Environmental Protection Agency
1 Congress Street, Suite 1100
Boston, MA 02114-2023

All written comments submitted to EPA by October 1, 2003 will be considered in EPA's final decision on the proposed approval.