



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

Mr. Mitch Gardner
c/o G3 40 Gardena, LLC
15235 Western Avenue,
Gardena, California 90249

Re: USEPA Conditional Approval of PCB Cleanup Plan under TSCA 761.61(c) for Rosecrans Development also known as the Gardena Village located at 2101 and 2129 West Rosecrans Avenue, Gardena, California – EPA TSCA ID# CATSCA102221

Dear Mr. Gardner:

Thank you for working with the U.S. Environmental Protection Agency, Region 9 (“USEPA”) to address the characterization and disposal of polychlorinated biphenyls (“PCBs”) found at 2101 and 2129 West Rosecrans Avenue, Gardena, California (the “Site” or “Rosecrans Place” or “Gardena Village”).

USEPA has received and reviewed the *Risk-Based Approval Application* (the “Application”) submitted by Ramboll US Corporation (Ramboll) on behalf of Rosecrans Place LLC, the (“Applicant”) on May 21, 2020. The Application outlines the plan for characterizing, removing, and disposing of soils with PCB concentrations greater than 970 ppb.¹ The Application consists of a Response Plan dated May 21, 2020 that contains the signed certification and a Soil Management Plan dated December 13, 2020.

The Applicant proposes to redevelop the Site by constructing a residential and commercial mixed-use development on the 5.46-acres, which consists of two parcels. The proposed project will include one 5,080 square foot free-standing commercial building and 105 residential dwelling units, which are further broken down as follows: 50 residential three-story townhomes, 14 live/work units, and 41 three-story single-family dwelling units.

The remedial approach for PCBs in soil is excavation and off-Site disposal. Soil containing PCBs at concentrations exceeding 970 ppb in the upper 5 feet of soil will be excavated and disposed of off-Site. Confirmation soil sampling and analysis will be conducted to verify that target concentration of 970 ppb is met at the excavation bottom and sidewalls. The maximum depth of impacted soil removal will be approximately 5 feet below ground surface, unless otherwise determined and discussed with USEPA at the time impacted soils below 5 feet depth are discovered. Any soils left “in place” above target level of 970 ppb at a depth below 5 feet will be recorded on a deed restriction.

USEPA is approving the Application with conditions pursuant to 40 C.F.R. § 761.61(c) (i.e., risk-based disposal standards of TSCA). EPA believes implementation of the Application, as amended by the conditions below, will pose no unreasonable risk of injury to health or the environment. The Applicant shall implement the Application as modified by the conditions listed below.

USEPA Conditions of Approval and Additional Comments:

1. **Land Use Restriction** – The Applicant shall have a LUC that shall restrict the use of the property consistent with Section 5.10 of the Final Response Plan. The LUC shall be submitted to USEPA for

¹ 970 parts per billion (ppb) is equivalent to 0.970 parts per million (ppm).

review and approval. A copy of the final LUC shall be sent to USEPA. If any homeowner or other tenant bi-laws are created, these bi-laws shall reference the LUC and clearly spell out the restrictions for each property owner or tenant. In addition, the bi-laws shall include language assigning the homeowners association the responsibility to enforce the restrictions, comply with the soil management plan, conduct and submit the annual inspection reports, and maintain copies of property owner certifications. If any parcel within this site is sold or resold, the new owner must acknowledge in writing that they have read the LUC, understand that the restrictions in the LUC are to prevent exposure to PCBs that remain on the property, and understand and agree to the property restrictions. Owner certifications shall be maintained by the homeowner's association for inspection by EPA or the California Department of Toxic Substances Control (DTSC) or any other state or local agency.

The LUC shall:

- a. Prohibit any alteration of the concrete caps within the backyards of residential properties.
 - b. Prohibit any soil disturbances within the landscaped common areas that are not authorized in the approved Soil Management Plan.
 - c. Prohibit any alteration, disturbance or degradation of the asphalt caps that are not authorized in the approved Soil Management Plan.
 - d. Include language referencing the annual Inspection, Repair, and Maintenance requirements in condition 2 and the Soil Management Plan in condition 3.
 - e. Include a diagram showing the areas that are subject to restrictions and inspections.
 - f. Require owners of all parcels to acknowledge and agree to the property restrictions. These written acknowledgement and agreements shall be maintained for review by EPA or DTSC.
2. **Inspection, Repair, and Maintenance Plan** – The Applicant shall submit an Inspection, Repair, and Maintenance plan to USEPA within 90 days before submittal of the cleanup completion report. This plan shall include a minimum inspection frequency of once every year. It shall also identify the process of repairing and maintaining the soil, concrete, and asphalt caps. A copy of the annual inspection report shall be submitted to DTSC and EPA within 30 days after the inspection is complete.
 3. **Soil Management Plan** - The Applicant shall submit a soil management plan to USEPA at the same time as the Inspection, Repair, and Maintenance Plan. The two documents may be combined into one single document. The Soil Management Plan shall be implemented when any hardscape or soil in greenspace areas are disturbed.
 4. **Disposal of PCBs:** The Applicant 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, the Applicant must comply with the anti-dilution requirements in 40 C.F.R. § 761.1(b). All bulk PCB remediation waste must be disposed of in accordance with the requirements in 40 C.F.R. § 761.61(a)(5). The Applicant 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:** The Applicant 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:** The Applicant 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. The Applicant must address at a minimum all the reporting requirements listed in 40 C.F.R. § 761.61(a)(9) and 40 C.F.R. § 761.125(c)(5). The Applicant shall also include figures, surveys, or GPS coordinates depicting the location and results for all Site characterization samples. An electronic copy of the report containing the information described in this condition, must be submitted via email to Mike Zabaneh at Zabaneh.mahfouz@epa.gov and to R9LandSubmit@epa.gov. Please include the project name: “Rosecrans Place” and the site ID: “CATSCA102221” in the subject line in all email correspondence with EPA.
8. **Future Proposed Modifications to the Application:** The Applicant 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 the Applicant 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 Applicant. 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. 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 the Applicant with this PCB cleanup. If you have any questions regarding this approval, please contact “Mike” Mahfouz Zabaneh at (415) 972-3536 or zabaneh.mahfouz@epa.gov. Thank you for your cooperation.

Sincerely,

Jeff Scott, Director
Land, Chemicals, and Redevelopment Division

cc (electronic): Leo Rebele, Ramboll
Brian Bauer, Ramboll
R9LandSubmit (Records Center)