



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NEW YORK 10007-1866

SEP - 3 2002

**CERTIFIED MAIL,
RETURN RECEIPT REQUESTED**

William J. McFarland
Director, Environmental Remediation
General Motors Corporation, Worldwide Facilities Group
Remediation Team, M. C. 482-310-004
485 West Milwaukee
Detroit, MI 48202

Dear Mr. McFarland:

This letter is in response to General Motors Corporation's (hereinafter, "GM") January 29, 1998 request for a risk-based PCB disposal approval for portions of the former Hyatt Clark Industries, Inc. site located in Clark and Cranford, New Jersey, in accordance with the federal regulations for polychlorinated biphenyls (PCBs) promulgated pursuant to the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2601 *et seq.*, and set forth in Part 761 of Title 40 of the Code of Federal Regulations (40 C.F.R. Part 761). GM provided additional risk assessment information to the U.S. Environmental Protection Agency (EPA) on July 26, 1999. GM subsequently submitted to EPA GM's January 1998 Summary of PCB Contamination in Soils Proposed Remedial Action for the Former Hyatt Clark Industries, Inc. Site, its October 23, 1998 Remedial Action Workplan ("Soils RAW"), its June 1999 Groundwater Summary and Work Plan, and its February 7, 2000 Remedial Action Plan for Free Product. The seven documents referenced above are hereinafter collectively referred to as GM's "application" and are incorporated by reference into this approval.

GM is to develop a remedial action workplan for groundwater ("Groundwater RAW") that will include the February 7, 2000 Remedial Action Plan for Free Product, which must be approved by the New Jersey Department of Environmental Protection (NJDEP). GM must comply with this approved document, in addition to the Soils RAW, unless EPA Region 2 agrees to otherwise, in writing, at a later date. The provisions of this approval, however, supercede any less stringent, inconsistent provisions which may be contained in the RAWs.

A public notice of the draft of this approval and supporting documents was issued on September 5, 2001 with a 30 day comment period ending on October 8, 2001. Two comments were received and are addressed in the Appendix to this approval letter, "RESPONSIVENESS SUMMARY."

EPA Region 2 has reviewed GM's application and grants approval for the proposed risk-based remediation, subject to the conditions specified in this letter. This approval is being issued under the authority granted to the EPA by TSCA and pursuant to 40 C.F.R. § 761.61(c), (OMB Control Number 2070-0159). This approval constitutes an order under the authority of Section 6 of TSCA, 15 U.S.C. § 2605.

1. Effective Date and Review Date

This approval shall become effective on the date the Regional Administrator of EPA Region 2 receives written notification from GM of its acceptance of and intention to comply with the conditions of this letter. The person providing such written notification must be an officer of GM. EPA Region 2 will respond in writing to the notification of acceptance, confirming the effective date. This offer may be withdrawn if EPA Region 2 does not receive written notification from GM of its acceptance of, and intention to comply with, the conditions and terms of this approval within 45 days of the date of this approval letter.

The EPA will review this approval no later than 5 years from its effective date. At that time, if the EPA finds that the continued implementation of this approval presents an unreasonable risk of injury to health or the environment, the EPA may modify, suspend, or revoke this approval. Alternatively, the EPA may leave the existing approval in place or request further information to make a determination with respect to the approval.

2. Description of Extent of PCB Contamination

The former Hyatt Clark Industries, Inc. site, a portion of which is the subject of this approval, is located on Raritan Road in Clark and Cranford, New Jersey, between Central and Walnut Avenues. This site encompasses a total of 87 acres, of which 32 acres were used for parking, 32 acres were used for manufacturing, and 23 acres consisted of woodland. Five locations at the site contain a total of approximately 2,133 cubic yards of soils containing 50 parts per million (ppm) PCBs or greater:

- Area 1: approximately 302 cubic yards at the former storage pad location.
- Area 2: approximately 206 cubic yards at the former chip pit and rail unloading area.
- Areas 3 and 4: approximately 171 cubic yards at the former Substation 5 Area.
- Area 5: approximately 1,454 cubic yards under the manufacturing building slab.

Of the 540 soil samples collected and analyzed for PCBs, 182 contained detectable PCBs and 7 contained PCBs at 50 ppm or greater, with a maximum of 3,400 ppm in one sample. The five areas, noted above, where PCB detections were discovered to be greater than 50 ppm were located west and northwest of the plant formerly located on the site. Free product located in the ground at the site contains PCBs at varying concentrations up to approximately 100 ppm. Groundwater analysis showed PCB contamination only in the immediate vicinity of the former Substation 5 Area.

This approval applies to all portions of the site, including groundwater, contaminated with PCBs at concentrations of 50 ppm or greater (hereinafter, the "TSCA Remediation Area"). The TSCA Remediation Area and those areas above the NJDEP PCB cleanup standard of 0.49 ppm (hereinafter, the "Total Remediation Area") are subject to the New Jersey Industrial Site Recovery Act (ISRA) and have been designated as Case No. 87769. Those portions of the site with PCB contamination at concentrations less than 50 ppm are subject to, and will be addressed in accordance with, NJDEP requirements.

3. Remedial Measures for Soils; Cap Remedy

The remedial action for the soil in the TSCA Remediation Area, as described in the Soils RAW, includes capping approximately 12 acres of the former manufacturing area with a multilayer cap, consisting of an average of three feet of fill, a synthetic membrane barrier system, and one foot of fill as cover. On top of this cap is more fill (typically four feet), a layer of topsoil, and a driving range and golf course.

4. Remedial Measures for Free Product and Groundwater

Continuing investigation and remediation of free product and groundwater under and impacted by the site shall be implemented in accordance with NJDEP requirements. GM shall promptly provide the EPA with copies of all correspondence and submissions made to NJDEP regarding or related to free product and/or groundwater associated with the site. GM shall also promptly provide the EPA with copies of all correspondence from NJDEP to GM unless the EPA (at the contact point listed in Section 11, below) was copied on the information. The EPA may waive this requirement, in writing, for specific documents upon request where documents are not significant to the issues. Each year, by July 1st, until both the free product and groundwater remediation have been completed, GM shall provide the EPA with a brief written summary of activities related to free product and groundwater for the previous calendar year (January through December). The NJDEP is addressing groundwater issues at the site, as the groundwater is significantly impacted by other organic compounds. Although the EPA intends that NJDEP will take the lead in addressing the free product and groundwater issues, the EPA reserves the right to take any action authorized under TSCA and its implementing regulations, or any other applicable statute or regulation.

5. Recording of Approval and Deed Notice

Within sixty (60) days of completing the construction of the cap remedy, as described in the Soils RAW and above, (or within 60 days of the effective date of this approval, whichever is later), GM shall record a Deed Notice, in accordance with New Jersey law, with the County Clerk's Office, Union County, New Jersey. The Deed Notice shall be consistent with NJDEP requirements and shall include: a description of the extent of contamination found at the site; a description of the remedial measures for soils; a description of the remedial measures for groundwater and free product if the Groundwater RAW has been approved by NJDEP at that

time; the restrictions on use included in Section 8 of this approval; and, a copy of this approval, appended as an attachment. Within ten (10) days of the recording, GM shall submit to EPA Region 2 a copy of the Deed Notice, in addition to a certification signed by an officer of the company that GM has recorded the Deed Notice and approval, as required above. If at the required time of the recording of the Deed Notice NJDEP has not yet approved the Groundwater RAW, GM shall amend the Deed Notice to include a description of the remedial measures for groundwater and free product within sixty (60) days of such approval by NJDEP. Within ten (10) days of the amendment, GM shall submit to EPA Region 2 a copy of the amended Deed Notice and a certification signed by an officer of the company that GM has recorded the amended Deed Notice.

6. Inspection and Maintenance Obligations for Soils Remedy; Annual Report to the EPA

Upon completion of the cap remedy, GM shall visually inspect the cap at least annually and maintain the cap as needed. The cap shall be maintained to prevent access to the contaminated material (e.g. soil and debris) under the cap and to prevent such material from being released. GM shall prepare written reports of visual inspections and maintenance needed and/or completed. In addition, each year, by July 1st, GM shall submit to EPA Region 2 a copy of all such cap inspection and maintenance reports, as well as any other information regarding any problems maintaining this remedy during the previous calendar year (January through December).

7. Sale of the Property

GM currently owns the site and shall notify EPA Region 2 of the sale of any portion of the TSCA Remediation Area, or any adjacent property located within 50 feet thereto, in writing, no later than thirty (30) days prior to such action. This notification shall include the name, address, and telephone number of the new owner(s). GM shall visually inspect the cap within thirty (30) days prior to its sale of any such property and shall provide a written report of the results of the inspection and any as yet unreported inspections and/or maintenance on the cap, to EPA Region 2 and the buyer no later than ten (10) days prior to the sale. In the event that GM sells any portion of the TSCA Remediation Area, or any adjacent property located within 50 feet thereto, GM shall continue to be bound by all the terms and conditions of this approval, unless and until the following occurs:

1. The new owner(s) requests, in writing, that EPA Region 2 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;
2. The new owner(s) demonstrates to EPA's satisfaction that it is capable of meeting the obligations imposed by this approval;

3. EPA Region 2 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,

4. The new owner(s) provides written notification to EPA Region 2 of its acceptance of and intention to comply with the terms and conditions of the reissued approval. The reissued approval may be withdrawn if EPA Region 2 does not receive written notification from the new owner of its acceptance of, and intention to comply with, the conditions and terms of the reissued approval within 45 days of the date of the reissued approval. Under such circumstances, this approval, issued to GM, will remain in effect.

8. Restrictions on Use

The TSCA Remediation Area, or any adjacent property located within 50 feet thereto, may not be used for any use other than the golf course activities identified in GM's application unless the EPA authorizes, in writing, a change in use.

9. Modifications and Changes in Use

Any modification(s) in the plan, specifications, or information submitted in GM's application or any of the documents submitted to the EPA in support of GM's application, based upon which this approval has been issued, must receive prior written approval from the Regional Administrator of EPA Region 2. Modifications to this approval that the EPA deems minor, however, may be authorized, in writing, by the Chief of the Pesticides and Toxic Substances Branch. GM shall inform EPA Region 2 of any change, in writing, at least sixty (60) days prior to such change. No action may be taken to implement any such modification unless EPA Region 2 has approved of the modification, in writing. EPA Region 2 may request additional information in order to determine whether or not it approves of the modification. If such modification involves a change in the use of the site, the EPA may revoke, suspend, and/or modify this approval if it finds that GM's remedy(ies) may pose an unreasonable risk of injury to health or the environment due to the change in use or if EPA Region 2 does not receive information it deems appropriate from GM to make a determination regarding such potential risk. GM shall record any amendment to the Deed Notice and/or this approval, resulting from any modification(s), within sixty (60) days of such change(s). Within ten (10) days of the amendment, GM shall submit to EPA Region 2 a copy of the amended Deed Notice and a certification signed by an officer of the company that GM has recorded the amended Deed Notice.

10. EPA Entry and Inspection

GM shall allow any authorized representative of the EPA to (at EPA's discretion), during reasonable business hours:

1. inspect the GM site to assess compliance with this approval and/or the federal PCB regulations;
2. inspect any records related to this approval and/or the federal PCB regulations;
and
3. take samples for the purpose of assessing compliance with this approval and/or the federal PCB regulations or for any other purpose authorized by law.

Any refusal to allow any of the above actions may result in the suspension and/or revocation of this approval, as well as any action by the EPA for any legal or equitable relief or remedy available under applicable law.

11. General Provisions

All notifications, documents, and requests to be submitted to EPA Region 2 as specified in this approval shall, unless EPA Region 2 later indicates otherwise in writing, be sent to:

PCB Approvals
Pesticides and Toxic Substances Branch
United States Environmental Protection Agency, Region 2
2890 Woodbridge Avenue (MS-105)
Edison, New Jersey 08837-3679

Telephone: (732) 906-6817 Facsimile: (732) 321-6788

This approval, issued pursuant to 40 C.F.R. § 761.61(c), is subject to GM having provided EPA Region 2 and NJDEP with full and forthright disclosure of all material facts. Any misrepresentation or omission by GM of any material fact in GM's application or in any document submitted to the EPA and/or NJDEP in support of GM's application 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 under applicable law.

GM shall be responsible for the actions (or the failure to act) of all individuals who implement or are otherwise involved in any activities taken pursuant to or otherwise required under this approval for the period that GM is subject to the conditions of this approval. GM's acceptance of this approval constitutes GM's agreement to comply with: 1) all conditions and terms of this approval, and 2) all applicable provisions of federal, state, and local law. This

approval specifies the requirements applicable under TSCA and does not make any determination regarding requirements which may be applicable under other federal, state, or local law. TSCA disposal requirements do not supercede other, more stringent, applicable federal, state, or local laws, including any applicable requirements under the Solid Waste Disposal Act and its amendments, including the Resource Conservation and Recovery Act.

Any failure by GM to comply with any condition or term of this approval shall constitute a violation of said approval, which has been issued pursuant to 40 C.F.R. § 761.61(c); such violation is made unlawful by Section 15(1)(C) of TSCA, 15 U.S.C. § 2614(1)(C). Any such violation(s) may result in an action by the EPA for any legal or equitable relief or remedy available under applicable law. Any such violation might also result in the EPA revoking, suspending, and/or modifying this approval.

EPA Region 2 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 after GM's acceptance thereof at any time if EPA Region 2 determines that implementation of this approval may present an unreasonable risk of injury to health or the environment. Nothing in this letter is intended or is to be construed to prejudice any right or remedy concerning the operation of GM's facility, the former Hyatt Clark Industries, Inc. site, otherwise available to the EPA under TSCA and/or 40 C.F.R. Part 761.

Sincerely,

s/ Jane M. Kenny

Jane M. Kenny
Regional Administrator

cc: Commissioner Bradley M. Campbell
New Jersey Department of Environmental Protection

Stephen E. Maybury, Bureau Chief, BEECRA
New Jersey Department of Environmental Protection

Joslin Kwan, Case Manager, BEECRA
New Jersey Department of Environmental Protection

Kim Tucker-Billingslea, Remediation Project Manger
General Motors Corporation, Worldwide Facilities Group

Laura L. Fitzpatrick, Esq.
General Motors Corporation

APPENDIX

RESPONSIVENESS SUMMARY

APPROVAL FOR
GENERAL MOTORS CORPORATION
PCB REMEDIATION OF THE
FORMER HYATT CLARK INDUSTRIES, INC. SITE
RARITAN ROAD, CLARK AND CRANFORD, NEW JERSEY

NJD002457174

INTRODUCTION

This document constitutes responses to comments received during the public comment period on the United States Environmental Protection Agency's (EPA) draft approval for remediation of the former Hyatt Clark Industries, Inc. site on Raritan Road in the townships of Clark and Cranford, New Jersey. The approval is for General Motors Corporation (GM) to conduct a risk-based remediation of polychlorinated biphenyls (PCBs) under the authority of the federal PCB regulations (40 C.F.R. § 761.61(c)). Comments from two parties were received by EPA on the draft approval for the former Hyatt Clark Industries, Inc. site during the public comment period of September 5, 2001 through October 5, 2001. This document comprises the response to comments received during the public comment period.

BACKGROUND

PCB contamination at the former Hyatt Clark Industries, Inc. site may have come from electrical equipment and the historic use of PCBs in hydraulic fluid. GM, which owned the site prior to the formation of Hyatt Clark Industries, Inc, requested approval from EPA of a remedial plan developed with the New Jersey Department of Environmental Protection (NJDEP) involving a cap over all portions of the site with PCBs above the NJDEP residential standard. Part of the proposed cap would be over an area of the site contaminated with PCBs at concentrations in excess of 50 parts per million (ppm). Remediation of PCBs at concentrations of 50 ppm or greater is subject to the federal PCB regulations (40 C.F.R. Part 761) in addition to any state requirements.

PCBs above 50 ppm were located in the manufacturing portion of the property. The five locations of PCB contamination in the manufacturing area contain 2,133 cubic yards of contaminated soil, much of it beneath the remaining floor of the manufacturing building. Five of 182 samples contained PCBs above 50 ppm with one sample at 3,400 ppm. This PCB contamination is to be contained under a 12 acre cap. (The total cap includes approximately 25 acres.) The cap design includes installation of a geomembrane layer that blocks precipitation from penetrating below the cap, thereby reducing any flow of surface water through contaminated soil into the ground water below. The cap (including fill) is also a minimum of four feet thick with a golf course on top. There is a layer of contaminated oil associated with ground water in some areas. The implementation of the cap and a groundwater withdrawal system, which continues to be implemented, will insure that PCBs do not migrate further and will remove some oil.

RESPONSIVENESS SUMMARY

RESPONSE TO COMMENTS

PCB REMEDIATION OF FORMER HYATT CLARK INDUSTRIES, INC. SITE

NJD002457174

Commentator #1:

Comments on the Public Notice 01-04, Former Hyatt Clark Industries, Inc. Site in regards to the proposal to leave the contaminants in the ground

I am concerned that the toxics in the grounds of the future Hyatt-Hills Golf Course are part of the silt and debris that flow from the golf course site thru a storm sewer system that cuts across Cranford and Clark underground and then underneath the Garden State Parkway and then gets dumped into the Rahway River, about 1/4 mile up river from Bloodgood Dam.

There is a problem and this plan may allow the contamination of the Rahway River by the pollutants in the grounds of the golf course to continue.

Already, one agency has ignored this situation, politicians have ignored it. Will the USEPA do the same?

Response #1:

The remediation of the Hyatt Clark site includes a new storm water collection system above the non-porous synthetic barrier in the cap. Storm water does not come into contact with any contamination remaining below the cap. The old storm water sewers have been cleaned, the vertical drains disconnected and removed, and the horizontal pipes filled with flowable fill (FF) (pumped full of concrete). Where the storm water sewers are very deep below the surface, they are filled with FF to the extent possible using access through manholes. Periodically along the horizontal pipes construction has been done around the perimeter of the horizontal pipes to keep them from becoming a pathway for water to move along. The last portion of the storm sewer exiting the southeast portion of the property has been cleaned and the new system for a portion of the property feeds into it near where it leaves the site. This is the outfall referred to above which goes to the Rahway River.

The remainder of the old storm water collection system is no longer in use or usable and is below the cap.

The areas of high PCB contamination are in the former manufacturing area. Storm water from that area was accumulated and stored in a tank to be tested to confirm that it could be discharged to the Rahway Valley Sewerage Authority. The outfall to the Rahway River on the south east corner did not receive storm water from the manufacturing area.

The other two outfalls from the site go to the Robinson Branch and the North Branch of the Rahway River. The old and new outfalls are subject to NJDEP permits with monitoring requirements. The current outfalls do not contact PCB contaminated soil above the NJDEP residential cleanup standard of 0.49 parts per million.

During construction, standard methods are used to keep dirt/sediment from entering the sewer system under a NJDEP Construction Activity Permit.

Commentator #2:

HYATT HILLS GOLF COURSE COMMISSION
P.O. Box 5663, Clark, New Jersey, 07066

RE: Public Comments to USEPA Draft Conditional Approval for PCB Remediation
Applicant: General Motors Corporation ("GM")
Premises: Former Hyatt Clark Industries, Inc.
Raritan Road
Clark and Cranford
Union County, New Jersey

Dear Mr. Stoller:

In response to the September 5, 2001 public notice, following are the comments of the Hyatt Hills Golf Course Commission to the EPA Draft Approval of GM's January 29, 1998 proposal for risk-based PCB remediation of the effected portion of the referenced premises.

By way of background the Hyatt Hills Golf Course Commission is a joint Commission of the Townships of Clark and Cranford organized to manage and operate a golf course complex at the GM site. The facility, which is being constructed by GM, serves as both a redevelopment project for the benefit of the municipal communities and as an important contribution to the revitalization of the State of New Jersey.

We recognize that the approval relates only to those limited areas of the site contaminated with polychlorinated biphenyls (PCB) which fall under the jurisdiction of the Federal Regulation for PCB pursuant to the Toxic Substances Control Act (TSCA). Nonetheless, as the entity which will operate the site pursuant to an Operating Agreement with GM, and as set forth in the Commission's December 21, 2000 Agreement with the New Jersey Department of Environmental Protection, (NJDEP), the Commission would like to express its support for the EPA's Draft Approval.

The EPA states that the NJDEP will take the lead in the remedial measures for soils, free product and groundwater containing greater than 50 parts per million of PCB, confirms NJDEP's reporting requirements and sets forth some additional annual reporting to EPA. We believe this is the most effective use of resources in that it limits duplication of regulatory efforts while keeping the federal government fully informed of site activities and remedial activities under its jurisdiction. The reporting requirements will also serve to increase the availability of site information to the public outside of the municipalities of Clark and Cranford. In summary, the draft approval serves the public and protects public health by approving GM's continuing redevelopment and remedial activities as approved by NJDEP.

Respectfully Submitted

HYATT HILLS GOLF COURSE COMMISSION

J. Robert Hoeffler, Co-Chairman

Robert S. Ellenport, Co-Chairman

Response #2:

This commentator does not raise any issues regarding the draft approval which require a response. The comment was supportive of the approach EPA had proposed.