



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NY 10007-1866

JUL - 7 2006

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Lorraine Roberts, P.E.  
Environmental Engineer 2  
New York State Department of Correctional Services  
Division of Facilities Planning and Development  
State Campus Building 2  
1220 Washington Avenue  
Albany, New York 12226-2050

**Re: Approval for Cleanup and Disposal of PCB Remediation Waste under 40 CFR §761.61(a), and approval for characterization and verification sampling under 40 CFR §761.61(c)**

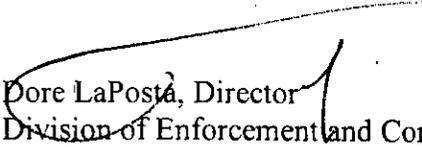
Dear Ms. Roberts:

This is in response to Paragon Environmental Construction, Inc.'s (Paragon's) March 21, 2006 submission, on behalf of the New York State Department of Correctional Services (NYSDCS), of a proposed remediation plan to address polychlorinated biphenyl (PCB) contamination at the Midstate Correctional Facility, located on Old River Road in Marcy, New York (also referred to as the "Site"). The proposed remediation plan was amended through submittal of additional information on March 29, 2006, April 17, 2006, April 19, 2006, April 26, 2006, and April 28, 2006. Collectively, the submittals will be referred to as the "Application". The Site contains PCB remediation waste that exceeds the cleanup levels under the federal PCB regulations at 40 CFR §761.61(a)(4).

With the exception of the characterization and verification sampling requirements under Subparts N and O of 40 CFR Part 761, the proposed excavation and disposal of the PCB-remediation waste meet the self-implementing cleanup and disposal requirements under 40 CFR §761.61(a). Based on the characterization sampling previously conducted at the Site and Paragon's April 26, 2006 proposal for additional characterization sampling, EPA finds that the proposal is acceptable for delineating areas of PCB remediation waste to be excavated. EPA also finds that the April 26<sup>th</sup> proposal for verification sampling in the excavation areas is acceptable for purposes of determining compliance with the PCB cleanup level for high occupancy areas of 1 part per million. EPA is approving NYSDCS' Application, and it may proceed with the cleanup and disposal under 40 CFR §§761.61(a) and (c) and its Application, subject to this approval.

Should you have any questions on this matter, please contact James S. Haklar, Ph.D., P.E., of my staff, at (732) 906-6817.

Sincerely yours,

  
Dore LaPosta, Director  
Division of Enforcement and Compliance Assistance

cc: James Doyle, New York State Department of Environmental Conservation