



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

LR-16J

**TRANSMITTED VIA EMAIL**

Mr. Anil Thakady  
ATE Mile, LLC  
90 North Main Street  
Clarkston, Michigan 48346

Re: Risk-Based PCB Cleanup and Disposal Approval 40 C.F.R. § 761.61(c)  
8MK Property  
12700 West 8 Mile Road  
Oak Park, Oakland County, Michigan

Dear Mr. Thakady:

I am writing in response to the March 13, 2023 Final Risk-Based PCB Cleanup and Disposal Application (Application) and request for approval under Title 40 of the Code of Federal Regulations (C.F.R.) § 761.61(c), submitted on your behalf by Applied Environmental (AE) to address polychlorinated biphenyl (PCB) contaminated soils and concrete located at the Former WWJ Radio/8MK Property (Property) at 12700 West 8 Mile Road in Oak Park, Michigan.

As described in the Application, the subject Property consists of a 4.59-acre parcel that is developed with one 5,325 square foot one-story building with a partial basement located under the central portion of the subject building. The building was constructed in 1938 and is centrally located on the subject property while the remainder of the property is developed with an asphalt drive, small parking lot and a manicured lawn. The subject building is currently unoccupied and was previously used as the broadcasting studios and offices of WWJ Radio AM 950 from 1938 through the 1990s. ATE Mile, LLC, the Developer/Owner, intends to redevelop the existing 4.59-acre parcel and building into a restaurant and event space.

The source of PCBs at the subject property was from two 4,800-volt electrical transformers located within the basement of the subject building. A power outage in 2014 caused the sump pump located in the northeast corner of the basement to cease operating and the basement to flood. When power was restored, water within the basement contacted the energized transformers, resulting in an explosion and release of transformer oil containing PCBs. This impacted the floors, walls, and ceiling of the basement. Flood water from the basement was subsequently pumped onto the grass area located approximately 70 to 80 feet northwest of the subject building by a maintenance contractor.

Multiple rounds of sampling were performed to characterize PCB contamination in exterior soils and interior basement surfaces. Soil samples collected from beneath the basement concrete floor and groundwater samples collected at the Property did not detect PCB contamination.

The Application proposes to remove exterior PCB contaminated soil via excavation and interior basement concrete surfaces via excavation and scarification to meet a 1 milligram per kilogram (mg/kg) cleanup level appropriate for high occupancy use areas without further conditions under 40 C.F.R. § 761.61(a)(4)(i)(A). Verification sampling will be conducted to confirm the cleanup levels are met. Soil excavation will continue until laboratory analytical results demonstrate that PCB concentrations in the excavation limits are less than 1 mg/kg. If PCB concentrations remain above the target cleanup level of 1.0 mg/kg in basement concrete surfaces after scarification, the remaining PCB-impacted surfaces will be encapsulated with an epoxy coating. If basement concrete surfaces require encapsulation, a PCB Long-Term Monitoring and Maintenance Plan will be implemented to inspect surfaces, and collect surface wipe and indoor air samples on an ongoing basis to ensure that the remaining encapsulated PCBs pose no exposure risk to the occupants.

Under 40 C.F.R. § 761.61(c), the EPA Regional Administrator may approve a method to sample, cleanup or dispose of PCB remediation waste if it is found that the method will not pose an unreasonable risk of injury to human health or the environment. The authority to grant such approvals in this regional office has been delegated to the Director of the Land, Chemicals and Redevelopment Division. Based on the information provided in your March 13, 2023 Application, EPA approves your request under 40 C.F.R. § 761.61(c) subject to the conditions of Attachment 1.

EPA encourages property owners, regulatory agencies, responsible parties, developers and communities to voluntarily use greener practices for contaminated site cleanup. Please see Section 6 of the American Society for Testing and Materials (ASTM) Standard Guide E2893 for Greener Cleanups for Best Management Practices (BMP). EPA encourages you to review the guide and implement any practices that are feasible. If you incorporate any Greener Cleanup BMPs identified in the ASTM E2893 Standard, the Completion Report should include a section on BMP documentation, as described in ASTM E2893 Section 6.6.5.

This letter does not relieve you from compliance with any other federal, state or local regulation and does not preclude EPA from initiating any enforcement action, including an action seeking civil penalties for any violation of federal regulations. All conditions of this approval and other applicable requirements of TSCA and its implementing regulations will continue to apply to the property after any transfer in ownership.

If you have any additional questions, or wish to discuss this information, please feel free to contact Peter Ramanauskas of my staff at (312) 886-7890 or [ramanauskas.peter@epa.gov](mailto:ramanauskas.peter@epa.gov).

Sincerely,

Edward Nam  
Director  
Land, Chemicals and Redevelopment Division

cc: Michelle Bakun, EGLE  
Jillian Roundtree, U.S. EPA Office of Regional Counsel

**ATTACHMENT 1  
APPROVAL CONDITIONS**

8MK Property  
12700 West 8 Mile Road  
Oak Park, Michigan

**A. Authorized Remedial Action**

ATE Mile, LLC is authorized to remediate PCB remediation waste found at the Former WWJ Radio/8MK Property (Property) located at 12700 West 8 Mile Road in Oak Park, Michigan according to the procedures described in the March 13, 2023 Application and according to the conditions below:

1. ATE Mile, LLC shall excavate PCB impacted soils exceeding the high-occupancy use cleanup goal of 1 mg/kg as described in Section 6.1.4 of the Application.
2. Verification samples shall be collected from excavation sidewalls and bottom as described in Section 6.1.6 of the Application. Excavation shall continue until laboratory analytical results demonstrate that PCB concentrations in the excavation limits are less than 1.0 mg/kg.
3. Any imported clay, common fill, or topsoil material used to backfill the excavation shall not contain PCB in excess of 1 mg/kg.
4. PCB impacted concrete from the basement floor of the building shall be removed for off-site disposal as described in Section 6.2.4 of the Application.
5. The surface area of the basement ceiling and walls shall be scarified to meet the high-occupancy use cleanup goal of 1 mg/kg as described in Section 6.2.2 of the Application.
6. Verification sampling of scarified surfaces shall be conducted as described in Section 6.2.3 of the Application. If sample results indicate that PCB concentrations on the walls and/or ceiling remain above the target cleanup level of 1.0 mg/kg, then the area(s) shall undergo additional scarification, power washing and resampling up to a maximum of three additional times. If after additional verification sampling PCB concentrations remain above the target cleanup level of 1.0 mg/kg, the remaining PCB-impacted surfaces shall be encapsulated following the procedures described in Section 6.2.5.
7. If encapsulation of basement wall and/or ceiling surfaces is required, post-encapsulation surface wipe and indoor air sampling shall be performed as described in Section 6.2.6 of the Application.
  - a. Indoor air sampling shall be conducted in accordance with EPA Method TO-10A to ensure indoor air concentrations remain below  $0.289 \mu\text{g}/\text{m}^3$ . Sufficient sample volumes shall be collected to provide a minimum laboratory reporting limit below this level.
  - b. Wipe sampling of encapsulated surfaces shall be performed on a surface area basis by the standard wipe test as specified in 40 C.F.R. § 761.123 to meet the decontamination standard of  $\leq 10$  micrograms per 100 square centimeters ( $\mu\text{g}/100 \text{ cm}^2$ ) required under 40 C.F.R. § 761.79(b)(3)(i)(A).

8. Prior to being transported off-site for disposal, any storage of PCB remediation wastes shall be in compliance with 40 C.F.R. § 761.65(c)(1) or (9).
9. All PCB Remediation Waste generated shall be disposed of in accordance with 40 C.F.R. §§ 761.61(a)(5)(i)(B)(2)(ii) or 761.61(a)(5)(i)(B)(2)(iii), for < 50 mg/kg and ≥ 50 mg/kg wastes, respectively, and as noted in Sections 6.1.4 and 6.2 of the Application.
10. Any water containing PCB must be decontaminated or disposed of as allowed under 40 C.F.R. §§ 761.61(a)(5)(i)(B) or 761.61(b)(1).
11. Movable equipment, tools, and sampling equipment shall be decontaminated as described in Section 8.2 of the Application and wipe sampled to meet the decontamination standard of ≤ 10 micrograms per 100 square centimeters ( $\mu\text{g}/100\text{ cm}^2$ ) required under 40 C.F.R. § 761.79(b)(3)(i)(A). Decontamination wastes including personal protective equipment shall be disposed of in accordance with 40 C.F.R. §§ 761.61(a)(5)(v).
12. ATE Mile, LLC is responsible for assuring that dust control and air monitoring is performed as noted in Section 10.1 of the Application.
13. ATE Mile, LLC is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct PCB transportation and disposal activities in accordance with all applicable federal, state, and local statutes and regulations.

**B. Inspection, Maintenance, and Monitoring**

1. If encapsulation is performed, ATE Mile, LLC shall implement the PCB Long-Term Monitoring and Maintenance Plan (LMMP) provided in Appendix 9 of the Application to collect inspect surfaces, collect surface wipe and indoor air samples to ensure that the remaining encapsulated PCBs pose no exposure risk to the occupants.
2. If wipe or air samples collected under the LMMP exceed  $1\ \mu\text{g}/100\text{cm}^2$  or  $0.289\ \mu\text{g}/\text{m}^3$ , respectively, ATE Mile, LLC shall contact EPA within 48 hours as noted in Section 7.5 of the LMMP provided in Appendix 9.
3. The LMMP will remain in effect and monitoring will continue until such time that EPA approves, in writing, that LMMP activities are no longer necessary.

**C. Property Use and Restrictions**

1. If ATE Mile, LLC is unable to meet the 1 mg/kg cleanup level in the basement concrete walls or ceilings, an Institutional Control shall be recorded with the Oakland County Register of Deeds containing language that all current and future owners must maintain the protective coating.
2. ATE Mile, LLC shall provide a copy of the recorded Institutional Control as part of the completion report for work conducted under this Approval.

**D. Recordkeeping and Reporting**

1. ATE Mile, LLC shall submit a completion report to EPA no later than 90-days upon the completion of work and as described in Section 11.0 of the Application.

2. If encapsulation is performed, ATE Mile, LLC shall report inspection and monitoring results for encapsulated surfaces and indoor air to EPA as noted in Section 9.1 of the LTTM provided in Appendix 9 of the Application on an annual basis. ATE Mile, LLC shall identify a report submittal date in the completion report required under Condition D.1 above.
3. ATE Mile, LLC shall maintain all records and documents required by 40 C.F.R. Part 761 including records required by Subparts J and K, 40 C.F.R. §§ 761.180-761.218.

**E. Change of Ownership**

1. If encapsulation is performed, at least 45 days before conveying, in any manner, ownership or responsibility of the Property, ATE Mile, LLC shall notify EPA of its intent to convey such ownership or responsibility. Such notice will include the date of the intended conveyance, and the name, address, and phone number of the intended new owner or responsible person. If the conveyance is being made to a corporate entity, this notice will also include the name of a contact person.
2. At least 30 days before such conveyance, ATE Mile, LLC shall submit to EPA a notarized affidavit signed by the intended new owner or responsible person which states that such person will abide by the provisions of this Risk-Based Approval granted to ATE Mile, LLC for this Property.