



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
2890 WOODBRIDGE AVENUE
EDISON, NEW JERSEY 08837-3679

MAY 20 2010

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Mr. Vinicius Castagnola, Vice President
Environmental and Regulatory Compliance
New York City School Construction Authority
30-30 Thompson Avenue
Long Island City, New York 11101

**Re: Consent Agreement and Final Order
Docket Number TSCA-02-2010-9201**

Dear Mr. Castagnola:

Pursuant to the U.S. Environmental Protection Agency's (EPA's) Consent Agreement and Final Order (CAFO), this letter is in response to your April 19, 2010 correspondence transmitting the Citizens Participation Plan (CPP). Please be advised that the EPA has reviewed the CPP, and has the following comments.

General Comments

The Need for Online Outreach: A vigorous online component is essential to citizen participation. Therefore, please add an email address where the public may formally send their public comments during any related public comment period. Additionally, please add (and note in all fact sheets) a central web site where key documents can be easily accessed. For example: <http://schools.nyc.gov/Offices/SCA/Reports/default.htm>

Key documents should be posted online as they become available including, but not limited to:

- USEPA Consent Agreement and Final Order (CAFO)
- Best Management Practices Protocol Fact Sheet
- Remedial Investigation Work Plan Fact Sheet
- Remedial Investigation Report/Feasibility Study Fact Sheet
- USEPA Approved Pilot Preferred Remedy Fact Sheet

Lastly, please post online the dates and location of all public information sessions and public meetings, as well as a link where the public may voluntarily subscribe to a list serv for email alerts, news and important updates.

Outreach in Other Languages: At a minimum, fact sheets should also be made available in Spanish.

Public Information Sessions: We stress the need to begin scheduling the public information sessions as soon as possible, regardless of whether or not the Remedial Investigation (RI) Plan has been approved by EPA. If the RI Plan has not been approved by the Agency prior to the public information sessions, then the City can present its proposed activities. Since these sessions are to be held prior to the start of the Pilot Study, any delay in holding the sessions will ultimately delay the start of field work, and there is a relatively narrow (summertime) window within which to perform this work.

Additionally, all public information sessions should include a short presentation of the Pilot Study, including the Study's objectives and scope.

Implementation Timetable: Please include in the document a timetable for implementing the specified CPP activities.

Specific Comments

Section 3.4: Item number 2 should be revised to clearly indicate that, as specified in the CAFO, encapsulation of existing PCB caulk will only occur with prior EPA approval.

Section 4.2: The EPA representative to specify is:

Elias Rodriguez, M.P.A.
Press Officer
U.S. Environmental Protection Agency
290 Broadway, New York, NY 10007
rodriguez.elias@epa.gov
212-637-3664

Section 4.3: To avoid any confusion, the CPP should clearly explain, either here or elsewhere in the document, that multiple schools are located within Pilot School Buildings "178X/176X" and "309K/712K". Furthermore, the document should present the relevant information (address, grades, etc.) for all schools located within these buildings.

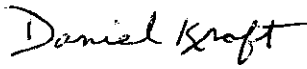
Section 5.0: The table presented on Page 11 is not necessary. For simplicity, it is sufficient to just list in this section the currently available and anticipated draft and final reports, fact sheets, etc., and include a commitment to place these documents in the repository within a specified number of days after they become available.

Section 6.1: Please include in this section the Brooklyn Borough President and a representative for the City Council.

Section 6.3: While the major City newspapers are listed in this section, we recommend including smaller borough or neighborhood newspapers as well. For example, we believe that The Staten Island Advance and El Diario La Prensa should be included in the listing.

Based on the above comments, at this time EPA cannot approve the CPP. Please be assured that we will work with you to resolve the Agency's concerns regarding this document. If you have any questions, please feel free to contact James Haklar, Ph.D., P.E., of my staff at (732) 906-6817.

Sincerely yours,

A handwritten signature in cursive script that reads "Daniel Kraft".

Daniel J. Kraft
Acting Chief
Pesticides and Toxic Substances Branch