

**Cleanup Standards Scientific Advisory Board
Meeting Minutes
RCSOB Room 105
June 28, 2017**

(meeting minutes revised and approved at September 7, 2017 CSSAB meeting)

CSSAB Members Present:

Ronald Buchanan, Chairman
Joel Bolstein
James Connor
Annette Guiseppi-Elie (telephone)

Michael Meloy
Craig Robertson
Mark Urbassik
Don Wagner

Department of Environmental Protection (DEP) Staff Present:

Abbey Cadden
Troy Conrad
Carolyn Fair
George Hartenstein
Mike Maddigan
Patrick McDonnell

Frank Nemec
Randy Roush
Keith Salador
Brie Sterling
Noreen Wagner

Others Present:

Chuck Campbell
Jenny DeBoer
Neil Ketchum

Kay Linnell
Mike Tomka

Call to Order

Chairman Ronald Buchanan called the Cleanup Standards Scientific Advisory Board (CSSAB) meeting to order at 9:05 a.m. All meeting attendees introduced themselves.

DEP Secretary Introduction

Troy Conrad introduced Patrick McDonnell, Secretary of the DEP. Secretary McDonnell addressed the committee and thanked all the members for their service and continuing work to address Land Recycling Program issues. He also stressed the value of relationships between the Department and advisory committees. Secretary McDonnell reported that DEP is currently reviewing inconsistency issues with public participation policies. He discussed his experience participating in nine environmental justice listening sessions which bring to light issues such as “food deserts” and the impact of oil and gas activities on disadvantaged communities. Secretary McDonnell also reported that 10 years of budget cutting has resulted in reduction of DEP staff

from approximately 3,200 to the present 2,400 staff. DEP remains the leading agency in receiving Right-to-Know requests, with approximately 100 DEP staff devoted to this issue. DEP is also hopeful that an electronic document storage system will be in-place soon, enabling DEP to achieve its goal of becoming a paperless agency. Secretary McDonnell concluded his statement by updating the Board with perfluorooctanoic acid/perfluorooctyl sulfonate (PFOA/PFOS) status: EPA is taking the lead on advancing the science of these emerging contaminants, and DEP is actively participating on the committee for studying the risk of these compounds on the environment.

Administrative Items

The draft meeting minutes of the 11/16/2016 CSSAB meeting were not voted final as two omissions were noted. The draft meeting minutes of 11/16/2016 will be revised by DEP to include the two noted omissions and a CSSAB conference call will be held for a final vote on the minutes.

The CSSAB by-laws were reviewed to determine any desired adjustments to the current language. The following items were discussed: the need for language allowing any member to remain a voting member of the Board after their term is expired but prior to their re-appointment or removal (2 of the 13 Board slots are currently vacant and 2 are filled by expired-term members); the need to revise language to reflect the need to meet quarterly or as determined by the Department; the need to add language reflecting the fact that items of lesser importance may be voted on via email or conference call;. A request was made to investigate the possibility of video conference (e.g. WebEx) for future CSSAB meetings. Video conferencing may encourage more public attendance/participation.

Land Recycling Program (LRP) Update

Mr. Conrad proceeded with the LRP update. The Vapor Intrusion (VI) Guidance document was published in January 2017. To date, the rollout of the new guidance document has gone smoother than expected; very few questions have been received by Central Office from the public. Conrad thanked the Board for their effort and hard work getting the VI Guidance completed. Craig Robertson suggested the Board provide a review of the VI frequently asked questions (FAQ) document prior to incorporating these concepts into the Technical Guidance Manual (TGM). The Board also requested the ability to comment again on the Draft TGM prior to it being released for public comment.

The Board suggested proposing an extended public comment period (more than 30 days) when the draft TGM published. Troy Conrad stated that DEP will consider this request. The anticipated initial posting of the draft TGM on the website remains September 2017.

George Hartenstein proceeded with a program funding update. Long term, DEP is still searching for sources of funding for the LRP. DEP currently has enough financial sources to fully fund the LRP for another 12 months. Joel Bolstein suggested a revision to increase the report submittal fee structure. This revision would need to be accomplished in a revision of the statute. Mike

Meloy inquired if proposed reduced funding from the U.S. EPA would affect operations of the LRP. Mr. Hartenstein reported that any variance in the financial aid DEP receives from EPA will not affect program operations.

Mr. Conrad provided an update on DEP's standing on the PFOA/PFOS issue. Brie Sterling, an Environmental Chemist in DEP's Central Office, is serving on the Interstate Technology & Regulatory Council's (ITRC) per- and polyfluoroalkyl substances (PFAS) team. EPA has recently set a lifetime health advisory level (HAL) of 70 parts per trillion for these compounds. This may be used to create a soil medium -specific concentration (MSC) in the future. Act 2 states that a groundwater MSC cannot be more stringent than an established HAL. Several states have developed HALs which are more stringent than the EPA's. The Board recommends adding a page on the DEP website and/or fact sheets on the substances. Mr. Conrad will consider this along with posting 'paths forward' for the public on the DEP website. Fact sheets for PFAS from ITRC are expected in late September 2017.

Discussion of CSSAB's proposed revisions to TGM Sections I, II, III, and V

Mike Maddigan presented an overview of accepted suggested changes proposed by CSSAB to the draft revised TGM and DEP. During this presentation, the following topics were discussed:

- The term 'Enterprise Zone' is considered an outdated term. A statutory revision may be needed to eliminate or revise this term.
- CSSAB expressed gratitude for DEP's decision to accept data characterizing a specific release no matter the age of the data.
- A Pennsylvania Natural Diversity Inventory environmental search is necessary prior to Step 5 of the eco-screen process. This point will be added to the draft TGM as it presently is not clear.
- A revision shall be added to the draft TGM to emphasize that seasonal groundwater variations are site-dependent and may not exist at every site. Collection of sufficient site data will be required during the site characterization process to demonstrate attainment of a cleanup standard.
- Clarification is still needed regarding the current draft TGM language discussing the use of soil management plans as part of post remediation care plans. DEP may add language to this section of the TGM regarding minor routine soil movement.

Noreen Wagner presented an overview of suggested changes proposed by the CSSAB regarding storage tank release sites and DEP's decisions regarding those suggestions. Discussions regarding separate phase liquids (SPL) determined that it is unlikely that the Statewide health standard (SHS) can be met if SPL is detected in point of compliance (POC) wells. However, the SHS can be met in instances when SPL is detected in interior wells if MSCs are met at POC wells. CSSAB believes that SPL can be present at any site if attainment of a cleanup standard is

demonstrated as provided in 25 Pa. Code §§ 250.702(b)(3)(ii) and 250.702(b)(4). It was agreed that the key to meeting the site-specific standard when SPL has migrated offsite is determining if there is an impact to off-site receptors, not the mere presence of SPL off-site.

Mr. Maddigan resumed his presentation with recommendations suggested by the CSSAB that were not adopted by DEP. Further discussion points:

- Both CSSAB and DEP agreed that four quarters of groundwater sampling may not be necessary at a site if the remediator can demonstrate attainment with less monitoring. However, the burden is on the remediator to demonstrate a site does not need at least four quarters of monitoring.
- Craig Robertson distributed a handout of a figure from Section IV of the draft revised TGM – vapor intrusion guidance. Mr. Robertson argued that the vapor intrusion screening values already consider the impact of preferential pathways and therefore, an additional preferential pathway evaluation is not necessary. Expecting remediators to access buildings to search for external preferential pathways and significant foundations openings could cause much difficulty to remediators as private homeowners may not always provide access to the interior of their homes. DEP indicated that it is following this approach to remain consistent with the approach adopted by EPA. Members of the CSSAB noted that the updated vapor intrusion guidance document does not follow the approach adopted by EPA in all instances and, by way of example, departs from that approach by including soil screening values in the vapor intrusion guidance document. DEP stated that to date, this has not been an issue but it will continue to monitor the questions that come in to Central Office and if this becomes a widespread issue it will consider bring it to the Board’s attention for further discussion.
- DEP is not requiring sediment to be addressed at every applicable Act 2 site, however, there is no reason to specifically exclude sediment as an option to the remediator, if they so choose.

PPRTV toxicity values confidence update

CSSAB expressed concern regarding the soil MSC for vanadium. A change in toxicity values during the last rulemaking resulted in the MSC for vanadium in soil to be reduced by two orders of magnitude from 1,500 mg/kg to 15 mg/kg (residential direct contact MSC). This is reportedly causing major problems for remediators. CSSAB recommends using EPA’s calculated toxicity value for vanadium pentoxide that EPA provides in their Regional Screening Value (RSL) table instead of the PPRTV value in calculating the MSC. DEP explained that they have allowed the use of the calculated vanadium pentoxide toxicity value for site-specific standard evaluations. However, DEP has some reservations with the use of this value. The main reservation is that the vanadium pentoxide toxicity value in the RSL table is a calculated value as opposed to the PPRTV value which is peer-reviewed. There is a great deal of uncertainty associated with the calculated value. Additionally, EPA reported low confidence with the PPRTV vanadium toxicity

value but it also reported low confidence with the vanadium pentoxide calculated value. This discussion was tabled to the next meeting due to time constraints.

Meeting Adjourned at 3:10 p.m.