Land Recycling Program
Overview of Technical Guidance Manual
Responses to Public Comments

Cleanup Standards Scientific Advisory Board Meeting
August 1, 2018

presented by
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PADEP

Tom Wolf, Governor
Patrick McDonnell, Secretary
Today’s Discussion

• CSSAB comments on the Technical Guidance Manual (TGM)
• Public comment summary
• Overview of public comments and responses for each section of TGM
• Timeline for the Comment-Response document and Final TGM
CSSAB TGM Comment Background

• CSSAB provided two rounds of TGM comments
  • 2013 – First Round
  • 2016/2017 – Second Round

• Most of 2014 and 2015 focused on Vapor Intrusion (VI) guidance.

• TGM revisions from first round of comments presented during 2016 CSSAB meetings.
CSSAB TGM Comment Background

• CSSAB provided a second round of comments at the November 2016 and April 2017 meetings.
• TGM revised again based on second round of CSSAB comments and regional office recommendations.
• Draft TGM released for public comment on December 16, 2017, with 90-day public comment period.
Public Comment Summary

Public Comments Received

• Public comment period ended March 16, 2018.
• 96 comments received.
• Nine different commentators.
• Responses to all comments are being drafted using regional office input.
• DEP will create a Comment-Response document which will be published with the Final TGM.
Section 1 - Overview

- One commentator believes Act 2 is not protective enough and sites should be cleaned up to pristine conditions.
- Response: Purpose of the TGM is to guide remediators in conducting Act 2 cleanups, not to change statutory or regulatory requirements.
Section 2 – Act 2 Remediation Process

• Several commentators expressed concern about misleading or confusing language regarding site characterization, the Special Industrial Area (SIA) process, and how to attain the standards.

• In many cases the Department has agreed to clarify or remove language in question. In other cases the response explains why the Department believes no change is necessary.
Section 3 – Tech. & Procedural Guidance

• Some commentators were concerned with explanation of the use of environmental covenants (ECs), post-remediation care requirements, activity and use limitations, etc.

• Responses: Clarify EC requirements and revise examples and existing text.
Section 3 (cont’d)

- Other comments concerned procedural guidance, site characterization and attainment procedures, saturated soils, sediment, ecological evaluations, and a few administrative questions.
- Responses: Explain TGM wording and provide appropriate statutory/regulatory citations. Other responses agree to make necessary revisions.
Section 3 (cont’d)

- Several comments about new storage tank corrective action process and maximum extent practicable (MEP) language. Concern with misinterpretation/misapplication of guidance.

- Responses: Clarify text or explain why text is worded a specific way.

- Some comments requested revisions beyond the scope of the guidance.
Section 4 – Vapor Intrusion

• Only five comments received on the VI section.
• Commentators requested clarification on the figures, site-specific standard (SSS) section, and discussion on mitigation.
• Responses: Include addition of notes to figures, explanation of mitigation systems as remedies, and explanation of SSS text in question.
Section 5 (cont’d)

• Most Section 5 comments focused on new guidance for management of separate phase liquid (SPL).

• Several comments require no revision
  – Commentator did not request a revision
  – Requested change beyond the scope of TGM
  – Information already provided elsewhere in TGM
Section 5 (cont’d)

• Department agreed with some other SPL comments which will result in revisions.

• Examples of proposed text revisions for SPL section:
  – Add text clarifying when remediation to MEP is necessary.
  – Add examples of information needed to characterize SPL releases.
Section 5 (cont’d)

• Several other comments received regarding interface with other statutes.
  – Movement of waste at storage tanks sites
  – Requested movement of text within Section 5 to emphasize important topics.

• Revisions under consideration to accommodate most of these comments.
Section 6 – Related Documents/Websites

• One comment on Section 6 requesting addition of storage tank program guidance documents.
• Department agrees, and references to these documents will be added.
Appendix A – Groundwater Monitoring

• Groundwater monitoring guidance new for TGM.
• Several comments beyond scope of guidance or already addressed elsewhere in TGM.
• Other comments warrant revisions such as:
  – Explaining benefits of flush-mount wells
  – Adding information on use of passive sampling
  – Adding detail on purge water management
• Responses for each comment have been reviewed by regional office staff.
• Concurrent development of Comment-Response document and Final TGM revisions.
• Comment-Response document and Final TGM on track to be published by end of 2018.
Questions?
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