Proposed Revisions to DEP’s Management of Fill Policy

Solid Waste Advisory Committee

September 21, 2018
Changes Proposed

• Re-organize document for clarity and ease of use.
  – Provides a stepwise method for making a fill determination.
  – Incorporate information on using Form FP-001.
  – Incorporate many of the FAQs currently on DEP’s website into the policy.
Changes Proposed

• Incorporate Act 2 standards by reference, with two exceptions:
  – If total PCB concentration is >2ppm but <50ppm, further evaluation may be necessary by EPA.
  – Total PCB concentration cannot exceed 50ppm.

• The Act 2 standards are incorporated into the definition of “uncontaminated material.”
Changes Proposed

• Clarify existing definitions
• Provide additional definitions for frequently used terms that are not defined by the existing policy.
• Clarify how the policy applies to fill that has already been used as clean or regulated fill.
• Provide guidelines for sampling plan development in Appendix A.

• Provide instructions for sampling fill stored in piles.
  – Clarify existing sampling language

• Provide instructions for sampling in-situ fill.

• Include SPLP as a method to determine alternative soil-to-groundwater value.
Changes Proposed

• Include a mechanism for demonstrating that exceedances of the numeric limits may be due to background concentration.
• Provide instructions for performing a background demonstration.
• Include equivalent site evaluation for fill that exceeds numeric limits due to background.
• Provide instructions for performing an equivalent site evaluation.
Timeline

• DEP plans to publish notice of the proposed changes in the *Pennsylvania Bulletin* in the fourth quarter of 2018.
• DEP will accept public comment for 60 days.
• Targeting the second quarter of 2019 for publishing the final policy.
Questions?

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