

**Cleanup Standards Scientific Advisory Board  
Meeting Minutes  
RCSOB Room 105  
February 24, 2016**

**CSSAB Members Present:**

Ronald Buchanan	Michael Meloy
Joel Bolstein	Craig Robertson
Chuck Campbell	Mark Smith
Colleen Costello	Mark Urbassik
Jill Gaito	Don Wagner
Annette Guiseppi-Elie (via telephone)	

**Environmental Protection Staff Present:**

C. David Brown	Mike Maddigan
Troy Conrad	Frank Nemec
Carolyn Fair	Randy Roush
John Gross	Jessica Shirley
George Hartenstein	Brie Sterling
Walt Harner	Noreen Wagner
Kim Hoover	Evan Wosochlo

**Others Present:**

Jenny DeBoer  
Neil Ketchum

**Call to Order**

Chairman Ronald Buchanan called the Cleanup Standards Scientific Advisory Board (CSSAB) meeting to order at 9:10 a.m.

The minutes from the April 22, 2015, meeting were approved with no comments or revisions.

Troy Conrad reviewed the CSSAB membership changes implemented since the last Board meeting: Ron Neufeld has left the Board; Colleen Costello has been appointed to the Board; all Secretary Appointment members' terms which expired in 2015 have been extended to 2019.

Mr. Buchanan called for Board Officer Elections. Nominated for chair: Ron Buchanan; Nominated for vice-chair: Michael Meloy. Both candidates were elected to their nominated positions unanimously by the Board.

Mr. Buchanan inquired how the lack of a passed Commonwealth budget for fiscal year 2015-2016 affects CSSAB operation. DEP (Troy Conrad/George Hartenstein) indicated that travel expenses for CSSAB were not able to be reimbursed for 2015, but can be in 2016. A hiring freeze within DEP remains in effect until further notice. Going forward, funding for the Bureau will be in satisfactory shape through June 2018. Beyond that point in time, additional legislation would be required to fully fund the Environmental Cleanup and Brownfields (EC&B) programs. Presently, EC&B's Division of Cleanup Standards is holding at 54 staff members: 10 in Central Office and 44 in the regional offices.

### **Land Recycling Program (LRP) Update**

DEP (Troy Conrad) addressed the CSSAB regarding LRP and CSSAB topics:

- Terms of two CSSAB members have expired (Chuck Campbell and Jill Gaito), and three other CSSAB members' terms will be expiring in 2016 (Ron Buchanan, Mark Urbassik, and Don Wagner);
- CSSAB member Craig Robertson requests the assignment of an alternate for him in the event of his absence at future meetings (this item will be further discussed at the next CSSAB meeting);
- General DEP pertinent staff movement/appointments: Ken Reisinger has been appointed Deputy Secretary (no longer Acting) of the Office of Waste, Air, Radiation & Remediation; John Krueger has moved to Central Office as Assistant Director of the Bureau of Air Quality; Kathy Horvath is now Acting Program Manager of EC&B in the Southcentral Regional Office;
- The Chapter 250 regulations will be on the agenda of the April 19, 2016, Environmental Quality Board meeting; it is anticipated that these revisions will be published as final by September 2016;
- Upcoming DEP LRP outreach activities were summarized: an environmental law forum in April (new vapor intrusion (VI) guidance to be discussed), prospective course offerings in association with DEP's partnership with PA Council of Professional Geologists, VI guidance webinar and classroom training; these efforts will be further determined once the VI guidance is published. Mr. Meloy suggests that DEP employ the PA Chamber of Business and Industry in its outreach efforts with regard to VI guidance training;
- The PA Brownfields Conference is scheduled for October 26-28, 2016, at the Lancaster County Convention Center in the City of Lancaster.

Mr. Meloy made reference to the recently enacted Oil and Gas Surface Activities regulations (Chapters 78 and 78a). Mr. Meloy expressed concern that there remain many outstanding issues with regard to spills at oil and gas activities sites and how these spills will be remediated under the LRP. Mr. Meloy suggested this as a topic at a future CSSAB meeting. A suggestion was subsequently made by CSSAB to form a separate workgroup for Oil and Gas Spill/Act 2 interfacing. By unanimous choice, Mr. Meloy was named chairman of the newly formed workgroup.

## **Draft Vapor Intrusion (VI) Guidance Public Comment Discussion**

DEP (Mike Maddigan) presented a summary of public comments received during the draft VI guidance public comment period and DEP responses to these comments. The CSSAB raised a concern regarding how the guidance, when published final, will affect site remediations that are in progress but haven't been completed and reports that haven't been submitted to the DEP. There is concern that completing a VI assessment under the newly published guidance may be too difficult to accomplish using the current guidance. CSSAB also suggests that much revision is still required in the draft guidance Section D: Preferential Pathways.

Following DEP's presentation, Craig Robertson presented the core VI group comments to DEP regarding their review of the draft guidance document. Although the CSSAB is generally pleased with the many improvements the draft guidance applies with respect to the current VI guidance, the following issues/concerns remain:

- Ambiguity is present regarding the transition of the current guidance to the new guidance after publication as final. There are no specifics regarding the timing of the application of the new guidance to reports/investigations that have occurred or are occurring but have not yet been approved by DEP;
- The draft VI guidance is extremely difficult to understand and follow with regard to utilization in a combination of cleanup standards site cleanup;
- Further clarification regarding the definition of preferential pathways is warranted;
- Placing limitations on the use of medium-specific concentrations (MSC)-based screening values is less justified scientifically than restricting the use of the attenuation factor-derived values based on these limitations;
- Modification of language regarding use of proximity distances is warranted;
- Limitation on the seasonality of sampling indoor air will make the VI assessment overly burdensome with respect to time;
- Utilization of proximity distances added to a .10 factor to Statewide health screening values in a site-specific cleanup standard scenario may result in a highly costly and disruptive VI effort that may be unnecessary; and
- Figures require modifications.

Most of the comments presented were previously shared with DEP. Any revisions to the VI guidance document that may be warranted based on these CSSAB comments will be reflected in the final published guidance document.

## **Draft Sections I and II of Technical Guidance Manual (TGM) Discussion**

Draft Sections I and II of the revised TGM were originally distributed to all CSSAB members approximately two weeks prior to today's meeting. Mr. Maddigan reviewed highlights and changes proposed in these two sections of the forthcoming revised manual. Other discussion points included the following:

- The CSSAB suggested removing the word “contamination” from all instances in the manual and replace it with “release of a regulated substance.” From a legal standpoint, the word “contamination” is more difficult to define and may encompass all releases whether the substance in question exceeds a standard or not;
- The VI guidance document will eventually be integrated into the TGM as Section IV;
- DEP requested CSSAB comment on Sections I and II by the July 13, 2016, Board meeting. At that time, it is anticipated that the Board will receive the draft Sections III and V of the TGM from DEP;
- CSSAB requested use of “old” data (i.e. data collected more than two years from report submittal) in order to demonstrate attainment of a cleanup standard and would like to see this language in the revised TGM;
- CSSAB also commented that the Special Industrial Area (SIA) cleanup standard is sometimes interpreted as a separate standard, when in fact it is not; therefore, the Board suggested clarifying this in the revised TGM.

### **Update on Separate Phase Liquids (SPL) at Storage Tank Corrective Action Sites**

Separate phase liquid/maximum extent practicable subcommittee member Mark Urbassik reported that the subcommittee has been dormant. Prior to dormancy, the subcommittee was close to wrapping up its work. It was decided that the subcommittee will reconvene to complete its tasks and present findings at the next CSSAB meeting in July. Noreen Wagner of DEP will re-circulate the latest documentation to the subcommittee members; Mr. Urbassik will organize additional meetings for the subcommittee.

### **Technologically Enhanced Naturally Occurring Radioactive Materials (TENORM)**

With the increased exposure to radionuclide-containing shale cuttings from drilling conducted in support of natural gas drilling, DEP is intending to develop MSCs for commonly encountered radionuclides. Mr. Conrad of DEP stated that the Department withdrew radionuclide MSCs for consideration around 1997. Currently DEP is seeking assistance from CSSAB for re-development of MSCs for radionuclides in soil.

Mr. Urbassik offered his consulting firm’s radionuclide expert to review the Department’s notes and assumptions from 1997 and earlier. Mr. Bolstein agreed to inspect his personal archives for relevant notes from the 1996-1997 period. In addition, cleanups conducted on U.S. Department of Defense sites will be reviewed, if accessible, to determine if science has advanced in this area. Progress on these issues will be further explored during the next CSSAB meeting.

### **Other Issues**

Mr. Meloy requested an update on the status of DEP’s draft Management of Fill Policy. Mr. Conrad reported that this draft policy is expected to become final in concert with publication of the Chapter 250 regulations. Mr. Meloy expressed his belief that this will be a problematic issue as there are known Polycyclic Aromatic Hydrocarbon compounds in place in some areas of Pennsylvania which are higher in concentration than the concentration limits of the same

compounds allowable as 'clean' fill in the draft policy. Mr. Conrad agreed to pass along Mr. Meloy's concerns to the Bureau of Waste Management for consideration.

Mark Smith reported that, due to updated ASTM Phase I requirements, more in-person file reviews are being required. Mr. Smith has been having difficulty getting appointments with some regional offices in a timely manner to conduct these reviews, thus delaying report outputs. Mr. Conrad reported that Central Office would investigate this matter further.

**Meeting Adjourned at 2:55 p.m.**