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DEPARTMENT OF ENVIRONMENTAL PROTECTION



Bureau of Environmental Cleanup & Brownfields

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

**Cleanup Standards Scientific Advisory Board Meeting
August 1, 2018**

**presented by
Michael Maddigan
PADEP**

Tom Wolf, Governor

Patrick McDonnell, Secretary

Public Comment Overview

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

Public Comment Overview

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 Comments

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.

Public Comments & Responses

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.

Public Comments & Responses

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.

Public Comments & Responses

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.

Public Comments & Responses

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.

Public Comments & Responses

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.

Public Comments & Responses

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.

Public Comments & Responses

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

Public Comments & Responses

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.

Public Comments & Responses

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.

Public Comments & Responses

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.

Public Comments & Responses

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

Final TGM Publication

- 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.



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Questions?
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