

**Cleanup Standards Scientific Advisory Board
Meeting Minutes
RCSOB Room 105
August 1, 2018**

CSSAB Members Present:

Chuck Campbell, Chairman	Michael Meloy
Joel Bolstein	James Connor
Colleen Costello	Don Wagner
Neil Ketchum (Alternate for Craig Robertson)	

Department of Environmental Protection (DEP) Staff Present:

Abbey Cadden	Frank Nemec
Troy Conrad	Robert Schena
Carolyn Fair	Brie Sterling
Mike Maddigan	

Others Present:

Jenny DeBoer Kachel - GHD
Ben Myers - GTA
Terence O'Reilly – TriState Environmental

Call to Order

Chairperson Chuck Campbell called the Cleanup Standards Scientific Advisory Board (CSSAB) meeting to order at 0923.

Administrative Items

The draft meeting minutes of the April 4, 2018, CSSAB meeting were approved unanimously without comment or revision.

Mr. Campbell reported that several CSSAB members are interested in developing workgroups to discuss relevant issues.

Two vacancies on the CSSAB remain. There are no new developments since the April 2018 meeting regarding filling these vacancies.

Mr. Campbell also requested that the Board receive a preview of the revised draft Technical Guidance Manual (TGM) prior to final publication. CSSAB would like a chance to review a red-

line version of the final document and provide input on any potential concerns with the final wording or other issues identified.

Land Recycling Program (LRP) Update

Troy Conrad gave an update on the health of the Hazardous Sites Cleanup Fund (HSCF), which funds the operating budget of the Bureau. The HSCF, along with funds received by the Environmental Protection Agency's (EPA) Section 128(a) Grant Program for State and Tribal Response Programs, is expected to provide sufficient funds to maintain 100% operation of Bureau of Environmental Cleanup & Brownfields (BECB) until the fiscal year ending June 30, 2019. Beyond this point, DEP will explore staff attrition and/or fewer response actions at Hazardous Sites Cleanup Act sites.

Personnel update – Mr. Conrad reported on the status of open managerial positions in the Bureau: The Environmental Program Manager (EPM) position in Central Office is expected to be filled later in 2018; the EPM position in the Southwest Regional Office (SWRO) will soon be vacant as Kevin Halloran, current EPM, is moving to the Assistant Regional Director position; two managerial positions in the Southeast Regional Office (SERO) remain unfilled. Colleen Costello inquired if DEP may implement a program such as New Jersey DEP's Licensed Remediation Site Professional due to staff attrition. There are no plans for PA DEP to transition to that type of program.

Per- and Polyfluoroalkyl Substances (PFAS) update – Mr. Conrad reported that he accompanied Lisa Daniels, Bureau Director of Safe Drinking Water, to the National PFAS Summit hosted by EPA in Washington, D.C. DEP and PA Department of Health will be exploring the feasibility of hiring a toxicologist to explore developing a maximum contaminant level for drinking water. Mr. Bolstein inquired as to whether Act 2 cleanups involving these substances can be undertaken utilizing the background cleanup standard. Mr. Conrad replied that yes, the background standard can be used, but most if not all Act 2 cleanups involving these substances have been undertaken using the site-specific standard with a pathway elimination remedy.

CSSAB subcommittee vs. workgroup public notification requirements – Mike Maddigan explained the difference between the entities and their respective notification requirements as requested by the CSSAB. A subcommittee is a subgroup of CSSAB members developed to address broad on-going topics and is comprised entirely of Board members. Subcommittee meetings are subject to the same notification requirements as full CSSAB meetings (meetings must be announced on the DEP website as well as comply with any other PA Sunshine Act requirements). Workgroups can be established to discuss a specific topic but can be comprised of CSSAB members, DEP staff, and other stakeholders and generally disband once a specific issue is resolved. There are no notification requirements for workgroup meetings. Also, conversations/emails between Board members on specific topics have no notification requirements.

(Editor's Note: According to DEP's draft Advisory Committee Guidelines (document # 012-1920-002), workgroups are established by DEP in concert with advisory committees and are

subject to the same notification requirements, when practicable, as subcommittees and advisory committees.)

TGM revision timeline – Mr. Conrad reported that the final TGM is anticipated to be published in December 2018. Going forward, DEP expects to update the TGM every 3 years. DEP is not planning on producing a comment/response document specifically addressing CSSAB comments regarding draft versions of the TGM as these comments have been addressed in CSSAB meetings over the past few years. DEP will consider providing the CSSAB with a redline version of the final document prior to publication to identify any minor grammatical changes. Michael Meloy inquired whether a redline version or user’s guide will be available to the public to help readers understand the revisions to the TGM. DEP will consider publishing a summary of major revisions. DEP is also producing a Response to Comments document which will be published simultaneously with the final TGM.

New Rulemaking Timeline – Mr. Conrad reported that proposed revisions to the Chapter 250 regulations will be presented to the CSSAB during the December 2018 meeting. The entire new rulemaking process is anticipated to last 15-18 months in total.

Overview of TGM responses to public comments presentation

Mr. Maddigan presented an overview of public comments received regarding the draft TGM.

Mr. Meloy emphasized the importance of giving the CSSAB access to a redline version of the revised draft TGM prior to its final publication. DEP agreed to take Mr. Meloy’s request under consideration. Mr. Campbell requested DEP to distribute a calendar indicating future milestones regarding TGM publication. The calendar would greatly benefit CSSAB with the knowledge of internal DEP deadlines, enabling CSSAB members to review and offer input on topics in a timely manner.

Mr. Bolstein inquired as to whether a Q&A database will continue after final TGM publication. Mr. Conrad replied yes.

Mr. Campbell inquired if separate phase liquid (SPL) guidance is forthcoming from DEP. Specific SPL requirements as detailed in Chapter 245 regulations (Storage Tank and Spill Prevention Program) that are applicable to Act 2 will be added to the revised TGM.

Mr. Meloy asked if Act 2 program interaction with Oil & Gas and with the Toxic Substances Control Act (specifically, the cleanup of polychlorinated biphenyls – PCBs) will be addressed as requested in the comments he submitted during the public comment period. Mr. Conrad reported that language regarding Act 2 interaction with those two programs will not be integrated into the final TGM.

Mr. Bolstein and Ms. Costello have reportedly been experiencing a recent surge in excess site characterization activities required by Act 2 project staff. Ms. Costello stated that characterization activities have been required on offsite downgradient properties, causing delays

and unnecessary expenditures that can be avoided with the acceptance of groundwater modeling. As such, Mr. Bolstein and Ms. Costello are requesting more robust language in the TGM suggesting that groundwater modeling be an acceptable instrument for demonstrating attainment of a cleanup standard. Mr. Conrad stated the DEP will take the request under consideration. In the meantime, any disputes that may arise regarding this topic can be taken to the project officer's supervisory chain-of-command and, without satisfactory conclusion, to Central Office BECB staff.

Summary of possible Chapter 250 rulemaking revisions

Mr. Maddigan presented an overview of possible Chapter 250 rulemaking revisions for the CSSAB to consider. The proposed revisions were divided into the categories "potential minor changes" and "potential substantive changes." The following present significant discussion points during the presentation:

- Minor change – Mr. Maddigan asked if Act 2 provides liability protection for analytes reported by labs not accredited for those analytes for which accreditation is available. It was determined that this is rare and should be handled on a case-by-case basis. The Board recommended against adding this language as part of the rulemaking.
- Minor change – Explain in § 250.503(e) that when land use changes from non-residential to residential at Special Industrial Area (SIA) sites, a revised baseline environmental report (BER) needs to be submitted, not just a new remediation plan. CSSAB objected to the wording of the proposed change, as they believe the Act 2 project officer may be inclined to interpret 'revised' to indicate an entirely new BER is required in this instance. DEP will consider revising the wording for this change from "revised" to "amend" to avoid confusion.
- Substantive change – Increase groundwater ingestion rate from 2.0 L/day to 3.0 L/day. This change would cause ingestion-based numeric values to decrease. CSSAB was not in agreement with the volumetric revision as typical for human consumption. The CSSAB stated that a value of 2.5 L/day would be more appropriate and asked if the PA Department of Health or the Safe Drinking Water Program have an accepted value that can be used. After further discussion it was decided to form a CSSAB workgroup to further discuss this change.
- Substantive change – DEP requesting guidance on whether 5 µg/dL or 10 µg/dL is the proper blood lead concentration that demonstrates adverse health effects. CSSAB recommended that 10 µg/dL be used in the equation to calculate medium-specific concentrations (MSCs) for residential and non-residential lead exposure.
- Substantive change – The definition of a "volatile" is to be revised in § 250.1 to include several semi-volatiles that are included in the definition of a "volatile" in the vapor intrusion guidance. It was determined that this issue would be assigned to a CSSAB workgroup to further evaluate the implications of the proposed change.
- Substantive change – Add Perfluorooctane Sulfonate (PFOS) and Perfluorooctanoic Acid (PFOA) to tables. Since a Health Advisory Limit (HAL) has been issued, the groundwater MSCs for these substances will be added to the regulations. The soil MSCs

will require calculation. It was determined that the PFOS/PFOA MSC derivation will be forwarded to a workgroup for further discussion.

Presentation and discussion of potential Chapter 250 numeric value changes (tables)

Brie Sterling presented the summary of potential numeric changes to the Chapter 250 regulations and the procedures for rounding the MSCs. Following Ms. Sterling's presentation, the following topics were discussed:

- Mr. Meloy expressed his continuing concern with the reportedly unjustified decrease in MSC by several orders of magnitude for vanadium in soil because of the previous Chapter 250 rulemaking revisions.
- On Table 4A of the Chapter 250 regulations (MSCs for Inorganic Regulated Substances in Soil) Mr. Meloy requested chlorides to be added. He believes the MSC for chlorides in soil can be calculated in a similar manner as the MSC for aluminum, which is included on the table.

Other Business

Mr. Bolstein asked for an update on the general health of the LRP regarding the number of incoming Act 2 sites observed across the Commonwealth. Mr. Conrad reported that the number of incoming sites has remained consistent over the past year.

Mr. Campbell concluded proceedings by reviewing potential action items: DEP to add calendar of milestones to CSSAB members; CSSAB to form one or more workgroups to further discuss: lead blood level concentrations, groundwater ingestion rates, definition of a volatile, PFOS/PFOA issue, toxicity value of vanadium, and development of a soil MSC for chlorides. CSSAB may call upon DEP staff and the public for assistance as needed. Mr. Conrad suggested that all workgroup considerations for DEP be submitted by the end of September 2018.

Mr. Conrad reported that the PA Brownfields Conference is being held October 1-3, 2018, at the Sands Casino in Bethlehem, PA. Registration at the conference website is open.

Meeting Adjourned at 1520.