

**Meeting Minutes
Cleanup Standards Scientific Advisory Board
Rachel Carson State Office Building – Room 105
February 13, 2019**

CSSAB Members Present:

Chuck Campbell, Chairman	Michael Meloy
Joel Bolstein	Craig Robertson
James Connor	Mark Urbassik (via telephone)
Colleen Costello	Don Wagner
Annette Guiseppi-Elie (via telephone)	

Department of Environmental Protection (DEP) Staff Present:

C. David Brown	Lee McDonnell
Abbey Cadden	Frank Nemec
Troy Conrad	Robert Schena
Laura Edinger	Brie Sterling
Mike Maddigan	

Others Present:

Jenny Kachel - GHD
Neil Ketchum – Groundwater Sciences Corporation
Ed Layton – BAI Group
Kay Linnell - Langan

Call to Order

Mr. Chuck Campbell, Chairman of the Cleanup Standards Scientific Advisory Board (CSSAB), called the meeting to order at 0920. Around the room introductions proceeded.

The draft meeting minutes of the August 1, 2018 CSSAB meeting were approved unanimously without comment or revision.

Membership update: Mr. Troy Conrad confirmed that any CSSAB members whose term has expired may remain on the Board and actively participate until re-appointment or replacement. Mr. Conrad reported that obtaining member re-appointments and filling vacancies on a timely basis has been problematic for many DEP advisory boards.

Mr. Campbell proposed future CSSAB meetings to start at 0930 as Call to Order usually has occurred closer to 0930 than 0900. Mr. Campbell also suggested that future meetings be preceded by a CSSAB Workgroup telephone conference for meeting preparation.

Land Recycling Program (LRP) Update

Funding Update: Mr. Conrad gave an update on the status of the Hazardous Sites Cleanup Fund (HSCF), which funds the operating budget of the Bureau of Environmental Cleanup & Brownfields (BECB). As a result of reduced funding available, there is a growing number of vacancies across the Bureau. Going forward, central and regional office staff will be focused on providing customer service, and less focus will be given to state-funded hazardous site cleanups. The Agency will continue to explore possible funding sources for beyond the fiscal year ending June 2020. Mr. Joel Bolstein inquired about Industrial Sites Reuse Program funding administered by the Department of Community & Economic Development, and its availability to provide funding to the program. Mr. Bolstein stated that funding from this program for remediation work has been drastically reduced.

Personnel update: Mr. Conrad introduced Mr. Lee McDonnell to the CSSAB. Mr. McDonnell is the Bureau's new Environmental Program Manager for the Division of Cleanup Standards.

Per- and Polyfluoroalkyl Substances (PFAS) update: Mr. Conrad reported on continuing statewide efforts for this emerging contaminant. Presently, PA is in the process of attaining proper instrumentation and trained staff to conduct laboratory analysis. DEP staff is collecting samples from drinking water suppliers for laboratory analysis. DEP is working in coordination with PA Department of Transportation to identify sources of fire-fighting foam usage throughout the Commonwealth. DEP is also focusing on expansion of data collection in areas where continuing sources of PFAS persist. Additionally, DEP is investigating the possible promulgation of medium specific concentrations (MSC) for PFAS in soil and a PA state drinking water maximum contaminant level (MCL). Mr. Bolstein inquired who would take responsibility for any associated contamination resulting from a firefight using PFAS-laden foam. Mr. Conrad reported that no discussions regarding this issue have been undertaken. Ms. Colleen Costello inquired whether PFAS compounds can be remediated under the Act 2 background cleanup standard. Mr. Conrad stated that the background standard would be available for PFAS contaminated sites. Mr. Bolstein reminded the Board and DEP that Act 2 cleanups allow contaminants to remain in-place above their respective MSCs (e.g. 75%/10x rule for Statewide health standard cleanup attainment). Ms. Annette Guiseppi-Elie inquired if PA has representation in the Environmental Council of States (ECOS); Ms. Guiseppi-Elie offered to work with the DEP regarding this emerging contaminant's toxicological research.

New Rulemaking Timeline: Mr. Conrad reported that proposed revisions to the Chapter 250 regulations are expected to be promulgated within a 22-24-month timeframe. Mr. Michael Meloy stated that the Bureau of Waste Management's Management of Fill Policy (MOFP) and its interaction with the Chapter 250 regulations may continue to produce confusion to the consulting community due to the lack of consistency between the adopted MSCs, the proposed MSC revisions, and the regulated fill concentrations proposed for the MOFP.

Technical Guidance Manual (TGM): Mr. Conrad reported that final publication of the TGM occurred on 1/19/2019. DEP appreciated all the time and effort that CSSAB devoted to finalizing

this publication. Updates to the TGM are planned to occur on a 24-36-month basis going forward. Since the Question & Answer (Q&A) database has been removed from the LRP website, Mr. Bolstein questioned the protocol for general technical questions going forward. Mr. Conrad requested that all technical questions be forwarded to Mr. Michael Maddigan. Mr. Meloy suggested keeping the Q&A database on the LRP website. Ms. Costello suggested keeping the Q&A database on the LRP website but removing the answers and replacing them with section references indicating the location of the answers in the revised TGM. Ms. Costello and Mr. Craig Robertson volunteered to assist in this effort.

Discussion of proposed capping guidance addendum to TGM

Mr. Maddigan presented a proposed addendum to the TGM regarding guidance of the construction of caps as engineering controls. Following Mr. Maddigan's presentation regarding the origin and proposed text, he opened the proceedings for questions/comments from the Board.

Several members of the CSSAB commented that the cap construction guidance is overly prescriptive. There is concern that regional Act 2 project officers will consider this guidance as a 'requirement' with respect to engineering control cap construction. The consensus from the CSSAB is that this guidance is not needed and that implementing such guidance makes the Act 2 process more cumbersome which may discourage some from entering the Act 2 process. The CSSAB expressed particular concern with the Inspections and Maintenance section of the proposed capping guidance as being particularly prescriptive. It was suggested that this section be removed and replaced with a reference to the post-remediation care plan section of the TGM and focusing the guidance on the goals of the remedy. Mr. Conrad stated that DEP would consider the recommended revision.

Mr. C. David Brown, Professional Geologist Manager in the Southeast Regional Office (SERO) explained that SERO has been receiving inquiries from consultants and stakeholders seeking guidance for constructing engineering control caps. In addition, SERO has experienced instances of failure to document construction of caps after workplan approval has been issued. Additionally, Secretary McDonnell of DEP has requested that LRP develop guidance for this engineering remedy.

The CSSAB committed to developing a workgroup to review the proposed capping guidance developed by the DEP and will propose revisions/recommendations. The workgroup will be chaired by Ms. Jenny Kachel of GHD; Ms. Costello will assist and inform DEP of other CSSAB members who will participate in the workgroup. DEP informed CSSAB that any revisions/recommendations proposed to the guidance should be presented to DEP within six to ten weeks from the date of this meeting.

Summary of possible Chapter 250 rulemaking revisions presentation

Mr. Maddigan presented an overview of proposed Chapter 250 rulemaking revisions for the CSSAB to consider. The following present significant discussion points and CSSAB

recommendations during the presentation, and is based on distributed hard copy proposed language revisions:

- § 250.6 Public Participation: After discussion, it was suggested that in § 250.6(c)(4) the word “measures” should be substituted for the word “opportunities”; in § 250.6(d) revise language as follows: “If a public involvement plan has been requested, it shall be provided to the municipality and the Department prior to implementation of the plan/report”, delete rest of the sentence, and delete subsections (1) and (2).
- § 250.306 Ingestion numeric values: The default groundwater ingestion rate is 2.0 L/day. The proposed revision has been increased to 2.5 L/day. However, since DEP’s Clean Water Program has proposed to use 2.4 L/day as a default water ingestion rate, it was suggested the LRP also use 2.4 L/day to maintain consistency.
- § 250.409(1) Risk assessment report: CSSAB stated that the proposed new language, “A risk assessment report that uses **site characterization information from an approved Remedial Investigation Report to** describe[s] the potential adverse effects, ...” reads as if a remediator can no longer submit a Remedial Investigation Report with a Risk Assessment Report simultaneously. This subsection will be revised further to prevent this misinterpretation.
- § 250.410(d) Cleanup plan: The proposed revision of this section follows: “A cleanup plan is not required and no **new** remedy is required to be proposed or completed if no current or future exposure pathways exist **in the absence of institutional or engineering controls.**” CSSAB noted that a cleanup plan is not necessary for groundwater prohibition ordinances. It was suggested that the phrase “already in-place” be added to the revised subsection.
- § 250.704(d) General attainment requirements for groundwater: the consensus among the CSSAB was no revision to this subsection is warranted.
- Subchapter G. Demonstration of Attainment: It was determined that the terms “Statewide health standard” and “medium-specific concentrations” are inconsistently used throughout this referenced section of Chapter 250. It was suggested that the entire section be reviewed and revised as necessary for consistency.

Discussion and recommendations from the Board

Due to time constraints, the discussion regarding the remaining proposed rulemaking revisions were postponed. It was confirmed by Mr. Conrad that the CSSAB will be able to review the Chapter 250 proposed revisions again prior to being presented to the Environmental Quality Board.

Mr. Meloy presented four topics for additional discussion/consideration prior to meeting adjournment:

- Polychlorinated Biphenyls (PCBs): Mr. Craig Robertson and Mr. Meloy expressed concern with the proposed revision of removing individual aroclor MSCs from the Chapter 250 regulations and replacing them with a Total PCBs MSC. Mr. Meloy stated that each individual aroclor has different specific chemical characteristics. Additionally,

revising this PCB MSC structure will cause conflict with the Bureau of Waste Management's proposed Management of Fill Policy.

- Vanadium: Mr. Meloy stated that the revised residential MSC (0-15 feet) for vanadium in soil (15 mg/kg) is unreasonably conservative and is below what is considered naturally occurring throughout Pennsylvania.
- Polycyclic Aromatic Hydrocarbons (PAHs): Mr. Meloy stated that some of the revised MSCs for PAHs are based on California toxicity values rather than EPA's Provisional Peer-Reviewed Toxicity Values (PPRTV). The California toxicity values are much more stringent than EPA's PPRTV. Additionally, some PAH MSCs have been revised based on their solubility limits as opposed to their risk-based values. The solubility limits values result in a more conservative MSC than the risk-based values would create.
- Chlorides: Mr. Meloy stated that methodology to generate an MSC for chlorides in soil is available. He emphasized that having an MSC would be extremely beneficial to the Agency and the regulated community.

Mr. Conrad stated that the Agency is willing to work with the CSSAB further on these issues.

Other Business/Closing Issues

Mr. Campbell confirmed that the next CSSAB meeting (scheduled for June 12, 2019) will begin at 9:30 AM. Mr. Campbell also confirmed that there are no PA Sunshine notification requirements for any workgroups that will be formed by the CSSAB as a result of today's proceedings. Lastly, the CSSAB will compile a summary of outstanding issues regarding the proposed Chapter 250 MSC revisions and present it to the DEP.

Meeting Adjourned at 1542.