

Meeting Minutes  
Cleanup Standards Scientific Advisory Board  
Hybrid Virtual (Microsoft Teams) & In-Person Meeting (Room 104 of RCSOB)  
May 31, 2023

Cleanup Standards Scientific Advisory Board (CSSAB) Members Present

Charles Campbell\*, Chairperson  
Michael Meloy\*  
Joel Bolstein  
Annette Guiseppi-Elie  
Mark Urbassik  
Mark Smith\*  
Colleen Costello\*  
Donald Wagner  
Craig Robertson  
Neil Ketchum (Alternate)  
Stephanie Gundling (Alternate)

Department of Environmental Protection (DEP) Staff Present

Ali Tarquino-Morris  
Michael Maddigan\*  
John Gross\*  
Brie Sterling\*  
Deb Miller\*  
Megan Specht\*  
Dana Marshall\*  
Brett Shamory\*  
Abbey Cadden  
William Vincett  
Jacob Browell  
Frank Nemec  
Nic Pistory\*  
High Garst\*  
Erin Shaver  
Valerie Shaffer

Members of Public Present

William Hitchcock – Manko, Gold, Katcher & Fox, LLP  
Judd Herr – Langan Engineering & Environmental Services, Inc  
Jeffrey Christopher – EPA, RCRA Corrective Action  
Sean Fullmer – Tetra Tech  
J. Martin – Management for Sustainability, LLC  
Jenny Kachel - Stantec

\* Attended meeting in person. If no asterisk, then attendance was virtual.

## **Open Meeting**

CSSAB Chairman, Charles Campbell, opened meeting at 0930.

## **Approval of Minutes**

Mr. Campbell asked for comment on the minutes for the 03/15/2023 meeting. There were no comments. The CSSAB unanimously voted to approve the 03/15/2023 meeting minutes.

## **Administrative Issues**

None

## **Board Membership Status**

Michael Maddigan informed the CSSAB that 5 current appointments expire 05/31/2023, and Mr. Meloy will not be seeking reappointment. Reappointment letters have been generated and will be submitted for approval along with a Curriculum vitae (CV) and letter of interest for each of the CSSAB members under the Secretary's jurisdiction that wish to be reappointed. CSSAB member, Michael Meloy, has indicated he is retiring and is not seeking reappointment to the Board. The Department will be evaluating candidates and sending the recommendation to the Secretary upon completion. There is also one vacancy to be appointed by the Senate Minority and one vacancy to be appointed by the House Minority. The Department plans to send letters to the legislature as a reminder of the legislature's CSSAB appointment authority. Mr. Maddigan recommended any person interested in the CSSAB Legislative appointment vacancies to reach out to the legislature directly.

## **Program Personnel Update**

Mr. Maddigan informed the CSSAB that the Remediation Standards Section is fully staffed (3 Environmental Chemist 2, 1 Environmental Chemist 1). As of 06/05/2023, the Brownfields Redevelopment Section will also be fully staffed. Ali Tarquino-Morris has been named Acting Deputy Secretary following Krishnan Ramamurthy's retirement. High Garst is the new Executive Policy Specialist to assist with rulemaking guidance and other policy issues. Joel Bolstein inquired whether the Department was tracking the actions taken by the regional offices, reviewing reports, technical deficiency letters, and approval/disapproval letters and if that tracking information can be shared on a regular basis. Mr. Maddigan responded the data is trackable and can be provided to the Board. The Department is in process of determining how the data can be presented to CSSAB to give an accurate representation of what has occurred. Stephanie Gundling indicated that the tracked data can be useful for the Q & A Workgroup as well. Colleen Costello indicated that her work with RCRA First program has shown mapping the whole report process could be helpful in tracking data and determining weaknesses in the process. Mr. Campbell asked the CSSAB members what issues are encountered with the report process. Mr. Meloy indicated a number of report reviewers are imposing their own opinions of the requirements of the process. Mr. Bolstein indicated the issues are more technical than administrative. Mr. Bolstein agreed with Mr. Meloy, adding that often the basis for deficiency letters appears to be a change to how the Department is interpreting a particular section of the regulation or the Technical Guidance Manual. Mr. Bolstein believes there is unwillingness to reconsider rejection of a report based on a small technical issue that has no impact on human health or the environment and that there is a lack of understanding of the impact of report rejections. Mr. Bolstein stated it may be beneficial for practitioners to advise report reviewers on the practical issues for reviewing/approving reports. Mr. Maddigan indicated he understands the problems that increased unpredictability of the report review process can cause but the Department is committed to trying to maintain a balance between report review consistency and using professional judgment. Mr. Bolstein indicated that the problem may be

that if an issue with a report arises after the Department issues an approval, the Department becomes stricter on that topic with all future sites when it may not be warranted. Mr. Maddigan agreed and indicated that point is reinforced with regional staff. Ms. Costello indicated that having meetings between the Department and the remediator/consultant prior to submission of the report in order to clearly communicate the Department's expectations would be helpful. Mark Smith stated that tracking communication with the Department after the issuance of deficiency letter may be useful.

### **Q & A Workgroup Activities**

The Q & A Workgroup met on 05/12/2023. The meeting provided an opportunity to get input from external stakeholders and regional staff. The language of the Q & A is complete, and the Department is in process of formatting the document for presentation. Mr. Maddigan indicated the next topic for the Q & A Workgroup will be the impacts of soil contamination on groundwater for a soils only Act 2 voluntary cleanups.

### **Other Program Updates**

Mr. Maddigan reported the Vanadium final rulemaking has been pushed to the 07/11/2023 Environmental Quality Board (EQB) meeting with a projected publication in 11/2023. Mr. Maddigan reported the proposed full rulemaking is currently on track for EQB review in 09/2023. Mr. Meloy requested an update on the suggested edits to the environmental covenants form that were submitted to the Department. Nic Pistory stated that the comments have been reviewed by the legal roundtable and are currently being reviewed by regional office staff. Mr. Bolstein indicated he recently had a buyer/seller agreement in which the Department inserted stipulated penalties. Mr. Bolstein indicated such penalties could be a disincentive for entering into Act 2 and inquired as to the reason for the stipulated penalties. Mr. Meloy added that schedules are generally set in buyer/seller agreements. When those schedules are violated a consent order agreement is violated and the Department has enforcement authority to assess penalties. Inserting stipulated penalties in buy/seller agreements sends the wrong message to those considering entering the Act 2 program. Mr. Maddigan indicated that although Act 2 is a voluntary program there is overlap of Act 2 with other programs that are not voluntary.

### **Changes to the Draft Chapter 250 Regulations**

Ms. Sterling reported the following changes made to the draft Chapter 250 Rulemaking:

- Added "and side walls" to 250.703(b) to ensure attainment demonstration applies to the base and side walls.
- Added toxicity values for Perfluorohexanoic acid (PFHxA).
- Removed HEAST toxicity values that were to be invalid in subsequent IRIS/PPRTV toxicological assessments. A public inquiry was received by the Land Recycling Program (LRP) regarding the rescission of toxicity values published in HEAST if subsequent review determined there was insufficient data for determining the published toxicity values. LRP reached out to EPA to confirm that toxicity values published in HEAST are rescinded if a subsequent toxicological review of the compounds indicates insufficient data for derivation of the toxicity values of the compounds published in HEAST.

Ms. Costello inquired about updating tables posted to the LRP website to include updated PFAS values. Mr. Maddigan indicated that since these values are effective immediately upon publication by EPA but are not immediately republished in Chapter 250, changing the tables on the website would result in inconsistencies between what is on the LRP website and what is on the PA Code's website. Mr. Maddigan will consult with the Policy Office and the Office of Regulatory Counsel to determine an appropriate solution.

## **Overview of Potential Revisions to the Land Recycling Technical Guidance Manual**

Ms. Sterling reported the following proposed conceptual revisions to the Technical Guidance Manual (TGM):

- Removal of outdated figures and tables.
- Replacement of tables/figure from other programs with reference to website for applicable program.
- Review and update of all section and references to Act 2 and Chapter 250 in the TGM to ensure accuracy of the reference.
- Incorporation of Q & A's that have been finalized.
- Revision of language where needed to provide clarity.
- Addition of language to clarify meaning of misunderstood terms.
- Clarification in Section II of how to define compounds for which remediators seek relief of liability.
- Explanation added in Section II of rounding of sampling data for comparison to MSCs including MCLs and HALs.
- Clarification of language in Section II regarding application of 1/10<sup>th</sup> of the soil MSC for saturated soils.
- Addition of discussion in Section II of surrogates and justification of surrogate choice.
- Expansion of discussion in Section II of Pennsylvania Natural Diversity Inventory (PDNI) to explain boundary and fate and transport needs.
- Update and removal of all references in Section III to PENTOX model and replacement with Toxics Management Spreadsheet (TMS).
- Update to the statistics section in Section III.
- Review and revision of the Light Non-Aqueous Phase Liquids discussion in Section III.
- Update to the guidance in Section IV for inorganic vapor intrusion evaluation to reflect new mercury screening values and provide clearer guidance for screening of all inorganic compounds.
- Clarification of language in Section V regarding the applicability of waiver requests.

Ms. Sterling provided the next steps for the revision of TGM as follows:

- Make updates to the text of the TGM.
- Bring Updates to the regional offices and CSSAB for review.
- Establish a timeline based on suggested edits and level of detail.

Mr. Campbell indicated that there is an issue with the compatibility of the Numbers Please and TMS spreadsheets with newer computers. Ms. Sterling responded that LRP will consult with the Bureau of Clean Water and IT regarding the compatibility issue. Mr. Bolstein inquired as to whether the Department is considering revisiting whether Act 2 can be applied to agricultural land. Mr. Maddigan responded the Department is currently working on Historical Pesticide Guidance Plan, which will provide guidance for historical pesticide sites to enter Act 2. Mr. Bolstein added that issues also arise with the issuance of general permits, but the instructions include language that a new general permit cannot be used where contamination exists with no definition of what contamination is. Mr. Meloy commented the guidance/explanation of the workings and application of the TMS would be helpful for those entering Act 2. Mr. Meloy asked if practical quantitation limit (PQL) tables will be added back to the TGM and if not, a thorough explanation of how to calculate PQLs should be provided in the TGM. Mr. Bolstein requested preliminary clarification of the issues regarding Pennsylvania Natural Diversity Index (PNDI) and waiver requests. Ms. Sterling responded that the issue regarding the PNDI is when there is an overlap between fate and transport and PNDI boundary. If fate and transport analyses indicate that

contaminants will move further than the PNDI boundary there needs to be verification that the receptors which are potentially outside of that boundary are covered. Mr. Maddigan added the language regarding waiver requests is overly broad and needs clarification. Mr. Campbell inquired if the Department had any additional information on the PFAS issues. Ms. Sterling responded Interstate Technology and Regulatory Council (ITRC) updated their guidance with PFHxA added. Mr. Bolstein commented that he is on the board of PENNVEST, which will be receiving funding that may be available for PFAS remediation/connection of homes to public water. If there are any possible sites or questions, contact Mr. Bolstein. John Gross expressed an interest in meeting with Mr. Bolstein regarding the PENNVEST funding. Ms. Costello expressed interest in being included in that discussion. Ms. Costello indicated PFAS background workgroup has been stalled due the changes occurring regarding PFAS. Mr. Maddigan added that a PFAS workgroup has been formed to address the PFAS topics discussed. Mr. Campbell asked Ms. Guiseppi-Elie if there were any updates from EPA. Ms. Guiseppi-Elie indicated there were no updates to report.

### **Public Comments**

None

Mr. Maddigan indicated that this is Mr. Meloy's last CSSAB meeting and thanked Mr. Meloy for his service. Mr. Meloy stated it has been a pleasure and wished everyone the best. Mr. Bolstein thanked Mr. Meloy for his service. Mr. Robertson thanked Mr. Meloy for his service.

Next meeting November 9, 2023

Mr. Campbell asked for a motion to adjourn Mr. Meloy moved to adjourn the meeting. Ms. Costello seconded the motion. Motion approved.

Meeting adjourned 1230.