

Meeting Minutes
Cleanup Standards Scientific Advisory Board
Hybrid Virtual (WebEx) & In-Person Meeting (14th Floor Conference Room of RCSOB)
October 20, 2022

CSSAB Members Present:

Charles (Chuck) Campbell, Chairperson*
Michael Meloy
Joel Bolstein
Annette Guiseppi-Elie
James Connor
Mark Smith
Colleen Costello
Don Wagner

Department of Environmental Protection (DEP) Staff Present:

Darek Jagiela*	John Gross*
Mike Maddigan*	Abbey Cadden
Frank Nemec*	Krishnan Ramamurthy
Brie Sterling*	Megan Specht*
Troy Conrad*	Dana Marshall*

Others Present:

Neil Ketchum	Stephanie Gundling
William Hitchcock	Jeffrey Christopher
Kyle Rosato	Jenny Kachel
Nicholas Pistory	Kay Linnell
Sean Fullmer	

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

Open Meeting

CSSAB Chairperson Chuck Campbell opened the meeting at 0933 with roll call of those attending virtually and confirmed a quorum.

Mr. Mike Maddigan introduced DEP staff attending the meeting in-person.

Mr. Campbell requested approval of the CSSAB meeting minutes from the June 30, 2022 meeting. The meeting minutes were approved unanimously by the Board with no revisions.

Mr. Campbell requested approval of the CSSAB meeting minutes from the August 11, 2022 meeting. The meeting minutes were approved unanimously by the Board with no revisions.

Administrative Issues: Mr. Maddigan inquired if there were any Board administrative issues. Mr. Campbell reported there were technical issues that will be discussed later in the meeting and asked the CSSAB members if there were any administrative issues. No administrative issues were presented by the Board.

Membership: Ms. Brie Sterling reported that the Secretary's appointments...Annette Guiseppi-Elie, Craig Robertson, Michael Meloy, Joel Bolstein and Colleen Costello...have terms that expire on May 31, 2023. The Senate Pro Tem appointee Tina Serafini term expired September 2019, and Donald Wagner is appointed through April 9, 2024. The Senate Minority appointee Mark Urbassik is appointed through April 1, 2026, and there is one vacancy. The House Speaker appointee, Mark Smith, is appointed through April 12, 2023, and James Connor is appointed through October 8, 2024. House Minority appointee Charles Campbell term expired December 2013, and there is one vacancy.

Mr. Campbell discussed the Board vacancies and asked for feedback on filling the vacancies. Mr. Maddigan stated that according to the bylaws there should be members of the local business community on the Board to provide a community-based perspective. Mr. Campbell asked the Board members to think about and consider the people that would be interested in applying for appointment. Mr. Donald Wagner stated it would be helpful to have a Board member from a redevelopment authority. Ms. Annette Guiseppi-Elie stated that a toxicologist would be beneficial.

Land Recycling Program (LRP) Update

Personnel Update: Mr. Maddigan reported that Mr. Dana Marshall, Environmental Chemist 1, has joined the Program's Voluntary Cleanup and Standards Section. Mr. Marshall will be assisting the section with the review of risk assessments. Two, new Environmental Chemist 2's will be joining the Voluntary Cleanup and Standards Section in a few weeks. In addition to risk assessment reviews, these staff members will be working on rulemaking updates, technical guidance document updates, database updates, and assisting the regions with other technical issues. This section should be fully staffed in a few weeks.

Mr. Maddigan reported a Solid Waste Program Specialist has been hired for the Brownfield Redevelopment Section. This position will be responsible for program analysis, long-term stewardship, right to know (RTK) requests, eFACTS, and OnBase. Interviews for another Solid Waste Program Specialist will occur in a few weeks. This position will be responsible for training, program marketing and outreach, and planning for the Pennsylvania Brownfields Conference. Additionally, a Program Analyst position will be posted and will provide assistance to these program efforts. This section should be fully staffed by the end of the year.

Program Initiatives: Mr. Maddigan stated once the Land Recycling Program (LRP) is fully staffed more effort can be focused on key program metrics including Act 2 report approval/disapproval rates. This data is being compiled and reviewed to better understand program trends and needs. The program is considering using a portion of its EPA 128(a) award to accelerate the delivery of critical programmatic training for its staff and environmental consultants. The ideal training program would include on-demand training modules that could be accessed anytime. Mr. Mike Meloy offered the Board members' assistance to the Department with development and implementation of Act 2 training. Mr. Meloy suggested in-person training sessions that are videotaped and available on the Department's website.

Mr. Maddigan reported that the program is focusing on communication between central office, regional office staff, and the regulated community. A Question & Answer (Q & A) document was used in the past and was incorporated in the Technical Guidance Manual. Central office will be developing a new Q & A document. The Program will solicit the Board's input on the Q & A's as needed. Mr. Maddigan reported that he is currently traveling to each region to discuss program priorities and reinforce the purpose of the Act 2 program.

Mr. Campbell inquired about the topics of the Q & A document. Mr. Maddigan reported there will be a Q & A regarding the change from PENTOX to the Toxics Management Spreadsheet. There will be Q & A to clarify determining the extent of contamination during site characterization. Mr. Maddigan had a meeting with the regional Section Chiefs to discuss delineation to the RSL under the site-specific standard issue. Mr. Meloy inquired about the outcome of the meeting. Mr. Maddigan responded that a Q & A is being developed and it's premature to discuss at this meeting. After Q & A's are completed, they will be shared with the Board for feedback.

Mr. Campbell inquired about the Hazardous Sites Cleanup Fund (HSCF) or Land Recycling Program's operational budget. Mr. Maddigan reported that the LRP will be receiving a \$2 million EPA 128a grant. Approximately \$300,000 of the grant monies will be used for brownfield inventories in environmental justice and disadvantaged communities. Two communities from each region will be selected. A portion of the funding will also be used to support the program's operational needs to ease the burden on the HSCF.

Land Recycling Program Chapter 250 Proposed Rulemaking Overview

Ms. Sterling presented the Chapter 250 Proposed Rulemaking overview. Ms. Sterling discussed changes to the text in the Statewide Health Standard Subchapter C and the Site-Specific Standard Subchapter D. The 1993 relative potency factors (RPF) guidance for polycyclic aromatic hydrocarbons was added to Chapter 250.605. The use of averaging attainment data for direct contact in lead was added to Chapter 250.707(b)(1), and additional information from the lead workgroup will be added. Mr. Craig Robertson emailed the additional lead information to Ms.

Sterling and Mr. Maddigan. The proposed residential lead in soil value will change to 200 mg/Kg from 450 mg/Kg. Non-residential will remain the same value, 450 mg/Kg.

Mr. Wagner inquired whether the Department would be revising the groundwater MSCs for MtBE. Mr. Conrad responded that the Department will not be changing the groundwater MSCs for MtBE.

Mr. Meloy asked for clarification on the proposed language in 250.304(c). It isn't clear whether a final HAL becomes a MSC effective upon publication in the federal register or what the intent is of the proposed language. Another clarification point is the "publication in the PA Bulletin by the Department." It should state the "Environmental Quality Board" since that is the applicable rulemaking body. Another suggestion is not to capitalize "final" in the proposed language. Capitalizing "final" suggests that it is a defined term and it is not. In Chapter 250.605, relative potency factors and polycyclic should be lowercase. Mr. Meloy and or the Board will provide the Department with suggested language for the sentence in 250.304(c). Mr. Conrad requested the Board propose any changes to the Annex in writing.

Mr. Neil Ketchum inquired about the toxicity value changes in table 5 relating to the 2021 EPA memo. There were two changes to Table 5 that were not in the EPA memo. The IUR for 1,2-dichloropropane is being changed from a Provisional Peer Reviewed Toxicity Values (PPRTV) value to a California EPA value and the oral reference dose for vinyl chloride is being changed from an Integrated Risk Information System (IRIS) value to a PPRTV value. Mr. Will Hitchcock reported there is still a PPRTV value for 1,2-dichloropropane. Ms. Sterling responded that the Department will look into the changes and make the necessary corrections if needed. Mr. Campbell inquired about the status of Health Effects Assessment Summary Table (HEAST) since there are a few toxicity values that cite HEAST as a source. The HEAST website has a disclaimer about being outdated. Ms. Annette Guiseppi-Elie responded that she would look into the status of HEAST and follow-up. The website is typically the correct place to find the most recent guidance and to rely on the information posted on the website.

Mr. Meloy suggested there is some migration away from the toxicity hierarchy that the Department has traditionally used, and this should be explained in the preamble. It is important for the regulated community to understand the deviation from Chapter 250.605 hierarchy. Mr. Hitchcock suggested a footnote can be added to the table and reference the memo. Ms. Colleen Costello, Mr. Ketchum, and Mr. Meloy agreed that a footnote would be the most appropriate place to reference the memo. Mr. Maddigan responded that the Department will discuss the changes in the preamble and add a footnote to the table referencing the EPA memo.

Mr. Campbell asked if the Department needs additional information from the Board. Mr. Maddigan responded that the Department needs revised language for Chapter 250.304(c) and a vote on the proposed rulemaking pending changes discussed during the meeting.

Mr. Meloy inquired about sampling issues that occur with Acrolein and if the Department would remove acrolein from the list of volatiles that need to be considered at a site. The EPA has identified sampling issues that cause false positives in the TO-15 analysis. Acrolein is currently on the list of volatiles and have a low threshold that causes it to require a risk assessment. Ms. Sterling responded that it is a good suggestion and can be discussed in the TGM, but we will leave acrolein listed as a VOC in the Chapter 250 tables. Mr. Meloy will provide the pertinent EPA documents to the Department for review.

Mr. Campbell asked the Board if they would like to see the changes before voting. There was a yes received from the Board. Mr. Campbell indicated that since one yes was received, the Board will need to see the changes before voting. Mr. Conrad responded that once we receive the suggested language for Chapter 250.304(c) from Board it will be discussed internally and determine the next steps for voting.

Mr. Campbell inquired about updates on the PFAS ITRC workgroup. Ms. Sterling responded that the ITRC workgroup is updating the PFAS document. Mr. Maddigan responded that Ms. Sterling's ITRC workgroup will be meeting next week to finalize the current document revision. It is an ongoing process as new research and developments are established. Ms. Sterling informed the Board that the new document should be available during summer 2023. The biosolid fact sheet and updated regulatory program table should be available in the next couple of months.

Mr. Conrad discussed the Programs interpretation of the EPA interim HALs for PFOA and PFOS and how that may affect the demonstration of attainment for an Act 2 submission. Based on recommendations from our counsel, the Departments perspective is that these interim HALs do not influence the MSCs since they are not final HALs. Seventy (70) ppt will be the groundwater MSC for PFOA and PFOS for the foreseeable future.

Ms. Costello asked about the schedule of the rulemakings. Mr. Maddigan responded that the public comment period for the vanadium rulemaking ended at the end of August, and IRRC's (Independent Regulatory Review Commission) comment period ended at the end of September. There was one public comment received and the Department is working on a response to the comment. Currently, the Department is planning to finalize the vanadium rulemaking in the second quarter next year. Ms. Sterling stated that the proposed rulemaking discussed today can be delivered to the EQB once the Board's revisions are received by the Department, all revisions are finalized and approved internally. It may be the second quarter of next year when the proposed rulemaking is provided to the EQB. Mr. Maddigan stated that a final rulemaking for the lead and PAH rulemaking is currently projected for early to mid-2024.

Ms. Costello would like to discuss background levels for PFAS compounds during the next CSAAB meeting or a future meeting. Mr. Maddigan requested an email describing the concern so the Department can discuss internally to prepare for the meeting.

Public Comment

No public comments.

Next CSSAB Meeting

The next CSSAB meeting is scheduled for December 14, 2022 at 930 – 1530. The meeting will be in-person and virtual.

Meeting adjourned at 1142.