

Meeting Minutes
Cleanup Standards Scientific Advisory Board
Hybrid Virtual (Microsoft Teams) & In-Person Meeting (Room 105 of RCSOB)
January 23, 2023

CSSAB Members Present:

Charles Campbell, Chairperson*
Michael Meloy
Annette Guiseppi-Elie
James Connor
Mark Smith
Colleen Costello
Donald Wagner
Mark Urbassik
Neil Ketchum (Alternate)
Stephanie Gundling (Alternate)

Department of Environmental Protection (DEP) Staff Present:

Michael Maddigan*	John Gross*
Brie Sterling*	Dana Marshall*
Deb Miller*	Frank Nemec*
Megan Specht*	Tim Barrick*
James Young*	Brett Shamory*
Nicholas Pistory*	Nikolina Smith
Thomas Buchan	Laura Griffin
Valerie Shaffer	Abbey Cadden

Members of the public Present:

Simon Mullen	Jacob Browell
William Hitchcock	Jeffrey Christopher
Jennifer Kachel	Kay Linnell
William Vincett	J. Martin
Richard Lake	Kyle Rosato

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

Open Meeting

Following a delay due to technical issues, CSSAB Chairman Charles Campbell opened the meeting at 0946.

Approval of Minutes

Mr. Campbell asked for comment on minutes for the 10/20/2022 meeting. Mr. Neil Ketchum indicated he attended the 10/20/2022 meeting as the alternate for Mr. Craig Robertson. Ms. Stephanie Gundling indicated she attended the 10/20/2022 as the alternate for Mr. Mark Urbassik. Mr. Campbell indicated the changes to the minutes will be made and approved if there were no objections. There was no objection and minutes were approved pending the requested changes.

Administrative Issues

Mr. Michael Maddigan reported that there are no administrative issues to address at this time. Mr. Michael Meloy inquired as to whether the Question & Answer (Q & A) document has been rolled out. Mr. Maddigan indicated that the Q & A document is in process and will be discussed later in this meeting.

Membership

Mr. Maddigan indicated that terms of a few board members will be expiring at the end of the year. Mr. Maddigan stated that if a board member's term is coming to an end and the board member was appointed by the Secretary the board member should forward their information to Ms. Brie Sterling. Mr. Campbell indicated a list of board members and expiring terms can be found in the previous meeting minutes.

Land Recycling Program (LRP) Update

Personnel Update: Mr. Maddigan reported that the Remediation Standards Section is now fully staffed with four Environmental Chemists. Once staff are fully trained, the risk assessment review workload will be spread out amongst more staff members. The Remediation Standards section's current duties, including rulemakings, guidance document, database updates and providing support to regional staff, will not change.

Mr. Maddigan reported the Brownfields Redevelopment Section, which handles the non-technical aspects (training, training promotion, program analytics, long-term stewardship, and report tracking) of the LRP, has added 2 Solid Waste Program Specialists and a Program Analyst.

Mr. Maddigan reported that Deputy Secretary Krishnan Ramamurthy retired January 13, 2023.

Mr. Meloy inquired as to whether there are any major staffing changes in the regions. Mr. Maddigan reported there were a number of retirements in the Northeast Region this past year. No other changes in the regions were reported.

Other Program Updates: Mr. Maddigan reported the vanadium final rulemaking documents have been finalized by the program, are under review at the bureau level, and will be presented to the Environmental Quality Board as soon as possible.

Mr. Maddigan indicated the program continues to evaluate metrics for report submissions and review trends. These analyses will provide insight into where more oversight and training is needed.

Q & A Workgroup: Mr. Maddigan reported that the program continues to make progress on the Q & A database document. The Q & A's are being vetted by regional program staff. Mr. Maddigan proposed the formation of a Q & A database workgroup, which would allow for input from external stakeholders as well. The workgroup would be comprised of DEP technical staff, CSSAB members and other external stakeholders. The workgroup would operate on a different schedule than the CSSAB. Ms. Colleen Costello and Mr. Meloy voiced their support for the proposed workgroup. Mr. Maddigan indicated anyone interested in being a part of the workgroup can reach out to him. Mr. Campbell inquired if there will be regularly scheduled meetings. Mr. Maddigan stated that the schedule would depend on the Q & A's being addressed and would be on an as needed basis. The workgroup would likely provide a report to the board to provide better transparency and accountability. Mr. Campbell asked for comment from any other board members. Mr. Urbassik inquired as to whether the report issued by the workgroup would need to be approved by the board. Mr. Maddigan indicated the purpose of the report would be to inform the board of the workgroup activities and would not require its approval. The following board members volunteered to serve on the workgroup: Ms. Colleen Costello, Mr. Neil Ketchum, Mr. Don Wagner, Ms. Stephanie Gundling, Mr. William Hitchcock, Ms. Kay Linnell, Ms. Jenny Kachel, and Mr. James Connor.

Discussion of proposed Chapter 250 Rulemaking edits

Ms. Brie Sterling presented the following edits:

- § 250.304(c) – Edited text to clarify only final MCLs and HALs will be adopted as MSCs. Edited text to clarify final MCLs and HALs will be adopted as MSCs except for certain carcinogenic HALs. Those carcinogenic HALs will be calculated by the Department and effective upon publication in the Pennsylvania Bulletin.
- § 250.605 – Fixed capitalizations. In Tables 5a and 5b, value for 1,2-dichloropropane was changed in error and has been corrected. Entry for vinyl chloride in word version of Table 5a contained typo due to transcription error (corrected). A footnote was added to Table 5a and 5b to notate the use of the EPA memo for some subchronic toxicity values.
- PFBA – Solubility reference was added to § 250.304(g). Toxicity and physical properties were added to Table 5a. Groundwater (Table 1), soil direct contact (Table 3a), and 100x (Table 3b) values were calculated.

Ms. Sterling discussed the following potential PFAS changes:

- PA Safe Drinking water PFOA/PFOS MCLs were published on January 14, 2023.
- Because the MCLs are now effective, the MCLs and associated toxicity values will be incorporated into the proposed Chapter 250 regulation.

Ms. Sterling reported the next steps are to finalize the proposed language annex and changes to tables and present the proposed rulemaking to the Environmental Quality Board. Mr. Meloy inquired if there is already an MSC in the regulations and an MCL is finalized, will the MCL supersede the MSC immediately with no rulemaking? Ms. Sterling responded yes, the MCL would supersede the MSC.

Mr. Meloy inquired since PFOS has a cancer slope factor would that mean the HAL would not take effect immediately and separate rulemaking would be needed? Ms. Sterling responded that would be the case only if the HAL was based on carcinogenic factor. In the case of PFOS the HAL has not driven by the carcinogenic factor but the systemic risk.

Mr. Meloy inquired as to whether the Department has determined which MCLs will take precedence if there are both a state and federal MCLs for the same contaminant. Ms. Sterling responded that this has not been decided.

Mr. Meloy indicates Section 250.707(b)(1) introductory phrase needs to be modified to state subparagraph 1,2,3 or 4 instead of just 1, 2, or 3. Ms. Sterling acknowledged the change is needed.

Mr. Campbell requested any further comments on the presentation or Annex A information. There were no additional comments. Mr. Campbell inquired if a vote was necessary. Mr. Maddigan responded that is up to the board to vote. Mr. Campbell asked for a motion to have a vote on the Annex A language. Mr. Don Wagner moved to hold on a vote on the Annex A language noting the edits previously indicated by Mr. Meloy (250.707(b)(1)). Ms. Costello seconded the motion. The following voted in favor: Mr. Chuck Campbell, Mr. Michael Meloy, Mr. James Connor, Mr. Don Wagner, Ms. Colleen Costello, Mr. Mark Urbassik, Mr. Mark Smith, and Mr. Neil Ketchum. There were no objections. The vote passes.

Other technical items of interest to the board

Ms. Costello proposed the formation of a workgroup to examine the technical issues associated with the application of the background standard for PFAS. Mr. Campbell asked Ms. Costello to put together and distribute a brief overview of these issues for the CSSAB. Ms. Costello agreed. Mr. Campbell asked for board members with suggestions to forward them to Ms. Costello. Mr. Wagner indicated tracking sites with PFAS detections in groundwater would be helpful. Ms. Costello indicated that some of that information is currently available but not all. Ms. Costello requested any non-board members interested in discussing this issue to reach out to her. Mr. Campbell indicated board member contact information can be found on the DEP website under CSSAB members.

Mr. Campbell inquired as to whether there were any updates on mutagens. Ms. Sterling indicated the EPA list of mutagens matches that of the Department therefore no changes are needed. Mr. Campbell asked if there were any additional comments on mutagens. There were no additional comments.

Mr. Campbell inquired as to whether there have been any recent revisions to the screening process. Mr. Maddigan said there had not been, but the Department will review this process as part of its upcoming revision of the Technical Guidance Manual. Mr. Campbell asked for any additional comments/questions regarding the screening process. Ms. Costello commented Mr. Maddigan's proposed approach for the Q & A to address this will be helpful. Mr. Meloy commented the environmental covenants form needs to be updated.

Mr. Campbell opened the floor to the board for any additional technical issues that need to be discussed. There were no additional issues.

Mr. Campbell opened the floor to the any other attendees for comments. There were no comments.

Mr. Campbell inquired as to the date of the next board meeting. Ms. Gundling responded the next meeting is Wednesday, May 31, 2023.

Mr. Campbell asked for a motion to adjourn. Mr. Meloy put forth a motion to adjourn. Mr. Wagner seconded the motion. Meeting adjourned 11:09.