

Summary Notes for the May 8, 2012 NEWMOA Conference Call

Draft: May 11, 2012

Topic: RCRA Corrective Action

NEWMOA States participating: CT, ME, MA, NH, NJ, NY, RI, and VT

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NY had proposed the topic for this, which consisted of three components for discussion:

- 1) Green remediation
- 2) Guidance on sampling large area related to corrective action
- 3) Guidance on turning off treatment systems

Green Remediation

NY has a guidance geared to conducting clean up in a “green way”. This guidance has not been applied to RCRA closure and corrective action sites. NY’s policy has been shared with external stakeholders. NY indicated that industry has been actively working on developing Green Remediation Guidance. NY has noted that consultants are beginning to differentiate themselves in the area of conducting business in a green way. As an example, some consultants have been targeting energy consumption issues at facilities. NY has merged its RCRA corrective action and remediation programs into one. There have been immediate opportunities for greater efficiency, such as optimizing pump and treat systems. NY posed the question as to whether other states were moving in the direction of green remediation and whether other states had any guidance documents on the topic. NY is looking at requiring that green energy be used during remediation. NY will share whether there is any buy-in or resistance from the regulated community as green remediation is moved to the RCRA corrective action side.

CT: The RCRA corrective action and the remediation group have been merged for about eight years in CT. There is an emphasis on green remediation, and the Division supports creative remediation.

ME: There is no emphasis on green remediation. Maine provided an example of a responsible party that was struggling to treat a VOC and arsenic plume through passive options with little success.

MA: The RCRA corrective action and waste site clean-up groups have just been merged. MA has no particular guidance on green remediation and has not seen it done on corrective action sites. However, the waste site clean-up group has had instances where green remediation has been implemented. MA hopes that the recent merger will facilitate green remediation on the corrective action side.

NH: No formal written policy. Green remediation is included as a good business sense practice. NH has integrated the RCRA corrective action and the remediation program.

NJ: NJ has no formal green remediation policy. NJ's LSRP group handles clean-up.

RI: RI has no formal policy. The RCRA corrective action and remediation groups have always been merged.

VT: VT has a new waste site cleanup document, but it does not address green remediation. VT has boilerplate language to have the responsible party think about green remediation.

Ecological Risk Assessments

Following the discussion on green remediation, CT brought up the issue of ecological risk assessments. In the past, CT DEEP used the expertise of its Planning & Standards Division to conduct ecological risk assessments. However, as a result of shrinking resources a backlog has been created. CT asked whether other states had specific programs that addressed ecological risk assessments, whether individual project managers are trained, and if other states had any unique approaches to deal with the assessments.

ME: ME stated the qualified ecological risk person was not on the call.

MA: MA puts in place what is in the states standards. MA is similar to CT in terms of resources. MA has an Office of Research Standards which houses the ecological risk assessment experts.

NH: NH had an ecological risk expert, but the position became vacant and then eventually got cut. Project managers are not trained in ecological risk assessments. However, there are some project managers that have this expertise.

NJ: Clean up is handled by the clean up group. NJ looks at well monitoring and the participants were not sure if there is an issue with ecological risk assessments.

NY: NY is not heavily focused on ecological risk assessments. They have adopted a tiered approach. The project manager works with all the groups involved. There is no bottle neck in NY. NY has sediment guidance and soil cleanup objectives. NY will follow-up and send out links to the relevant documents.

RI: RI has no specific group that reviews ecological risk assessments. Project managers conduct reviews, some are trained more than others and provide support.

VT: VT has a tiered approach. Ecological risk assessments are deferred to the Water Program. There are very rare instances and there is no bottleneck when it comes to a review.

Guidance on sampling

NY began the discussion on whether it is appropriate to sample large areas on RCRA properties that probably are uncontaminated based on the fact that there had been no processes being conducted in those areas. NY indicated that some facilities may want to turn over some of their

property to facilitate residences. NY indicated that some facilities would like to take 1-2 samples but felt that this does not represent the entire area or the company's due diligence efforts. NY currently has a proposal in the works that would require if the property has 1 acre, 8 grab samples for VOC's and 3 composite samples for inorganics would be required. The amount of samples in the proposal increases with the size of the property. NY looks at future use and the type of activities that were conducted at the site. NY provided an example of a facility that was surrounded by approximately 60 acres of uniform wooded land, how much sampling would be appropriate. Based on the current proposal sampling this site would require a large number of samples. NY indicated there are dozens of sites in NY that would fall under a similar circumstance as this example. They asked whether other states had any guidance concerning sampling or any experience with coming up a clear number based on property size.

CT: Has a site characterization guidance document - http://www.ct.gov/dep/cwp/view.asp?a=2715&q=335418&depNav_GID=1626. Developed targeted brownfields remedy guidance - (http://www.ct.gov/dep/cwp/view.asp?a=2715&q=489000&depNav_GID=1626) and have a workgroup for urban soils that is looking to streamlining characterization and engineered controls used for urban soils. CT also allows land owners to portion off a clean section of the property for re-sale /reuse under the property transfer program. http://www.ct.gov/dep/cwp/view.asp?a=2715&q=325004&depNav_GID=1626.

ME: ME has no specific policy on sample numbers versus property size. ME indicated the phase I would cover potential issues.

MA: MA has not reached a conclusion on this issue.

NH: NH looks at past usage and impact on the area. NH indicated that a phase I should pick up any issues. NH looks at representative sampling. NH also takes composite and discrete samples into consideration. NY asked NH if the phase I assessment shows no impact whether they require any sampling. NH answered yes that confirmation samples are taken. NH also looks at the future land use, residential versus industrial.

RI: RI has a less emphasis on grab samples, focuses more on monitoring wells. RI also looks at the mobility of any contaminant.

VT: There is not a big issue with this in VT. If information is presented to the State indicating possible contamination, then it is investigated.

Treatment Systems

NY was specifically interested in sub-slab depressurization systems used to treat vapor intrusion from chlorinated solvent plumes impacting homes and businesses. NY has no guidance on turning off these treatment systems placed in homes, which run on electricity continuously. NY inquired as to any guidance or procedure other states follow when it comes to turning off these treatment systems.

VT: VT takes samples over time. There is guidance on how long to monitor.

CT: Once remedial goals and volatilization criteria are met, the system can be turned off. Goals are in CT's remediation standard regulations.

http://www.ct.gov/dep/cwp/view.asp?a=2715&q=325012&depNav_GID=1626.

MA: MA takes into consideration sub-slab data. If the system has been shut down, MA looks at post shut down data which is periodically monitored. If indoor air goals are reached, the system is shut down.

No other participants in the call had anything to add or comment.

NEWMOA indicated that it holds a workshop on waste site clean up about 2-3 times per year, usually in MA and CT.