

Good afternoon DEEP and Working Group,

I would like to provide the following brief comments in reference to the Subcommittee 10 Concept Paper: Roles and Qualification of Non-LEP Environmental Professionals:

Upon review of the Concept Paper, although it reports there were varying degrees of consensus amongst the members on specific topics, there appear to be several references to the potential for Non-LEP Environmental Professionals, referred to in the Paper as a Technical Environmental Professionals (TEP), to be able to Certify releases to soil as long as specific timeframe and volume limitations are met and that groundwater impacts have been determined not to have occurred. The Paper also provides a template "Immediate Action Field Assessment" form as an example of a possible mechanism for use to confirm actions are conducted in a manner consistent with cleanup objectives and to provide for consistency across the State for these types of submittals. The template asks, "...were samples collected" and "...was a copy of the analytical results attached...". The report additionally mentions that most of the committee members agreed that TEPs would need to be subject to some level of training, however the extent of that training was not contemplated or fully agreed upon. However, the Concept Paper does not appear to provide any details or correlations to existing regulations/guidance regarding soil sampling requirements and training requirements associated therewith. In order to ensure the reliability of the certification from the TEP, the requirements for sampling need to be clearly defined regarding the following:

- Appropriate sampling locations based on site conditions;
- Quantity of samples based on release size and soil excavation extents;
- Acceptable sample collection methods;
- Analytical methodologies; and
- TEPs ability/training to complete a valid Data Quality Assessment and Data Usability Evaluation (DQA/DUE)

I fully agree and support the creation of regulations to allow for TEPs to provide Certification of specific types of releases based on site conditions, response actions, and timeframes, however, in order to do so, well defined conditions and requirements must be put in place to ensure the consistency and reliability of the submissions.

Regards,

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