



**Department of Energy & Environmental Protection  
Remediation Division  
Roundtable  
Q&A Newsletter  
Vol. 19 ~September 8, 2015**

Presented below are the Department's responses to verbal comments made at the Remediation Roundtable held on June 9, 2015. The comments and responses may have been edited for clarification purposes.

**SELECTED VERBAL COMMENTS FROM THE JUNE 9, 2015 ROUNDTABLE:**

**Risk Based Decision-Making Recommendations Report and the Transformation Roadmap**

**Comment:** Under the uniform program elements of transformation, has the CDM Smith report changed the DEEP thinking about early exits?

**Response:** *DEEP continues to evaluate ways to create options in order to get to endpoints, so yes, Early Exits are still in the plan for development.*

**Additional Polluting Substances and Alternative Criteria**

**Comment:** There is confusion as to what the definition of Alternative Criteria is compared to Additional Polluting Substances. I thought that alternative criteria was only meant for site-specific alternative to criteria in RSRs, not for substances without criteria.

**Response:** *"Additional Polluting Substances" are those substances in addition to the 88 substances identified in the RSRs. "Alternative Criteria" are any derived numbers that are considered an alternative to Background or an alternative to the promulgated RSR criteria based on site-specific exposure assumptions.*

**Comment:** What will be the procedure if you are currently developing an APS for a substance without RSR criteria?

**Response:** *A request can be submitted and will be reviewed following the current procedures prior to the date a new list of numeric values is published.*

**Comment:** How can people withdraw a previous approval in order to use lower Alternative Criteria?

**Response:** *A new request would have to be submitted if you would like to use any new APS/Alternative Criteria that are being developed. You would need to use ALL 2015 numbers in lieu of the prior approved values. If a party seeks approval of some but not all of the substances for which APS/Alternative Criteria was previously approved, the party will need to submit technical documentation on how the overall site risks remain protective in light of the request to use some but not all of the relevant 2015 values. Such a request would not be part of the fast-track process. More information will be available on the new webpage when it is posted.*

**Comment:** Will there be Surface Water Protection Criteria for volatiles that did not have previously published criteria in 1996/2013?

**Response:** *Yes, some numeric values will be available as Alternative Criteria.*

**Comment:** Will the soon-to-be-posted numeric values for APS/Alternative Criteria change phenanthrene back to 0.077 ug/L instead of 23 ug/L?

**Response:** *No. DEEP has been approving 23 ppb as an Alternative Criterion for SWPC. Though, as with any APS or Alternative Criteria, due to potential changes in toxicity and other information, there is no guarantee that numeric values approved in the past will be approved in the future, whether or not they have been posted on our webpage.*

**Comment:** Will there continue to be the opportunity to calculate numbers ourselves for these values?

**Response:** *Yes, however this can take more time to be approved.*

### **Analytical Methods for Petroleum Hydrocarbons**

*Questions and Answers provided at the Roundtable will be included in the response to comments on the Petroleum Hydrocarbon Guidance document.*

### **Significant Environmental Hazard**

**Comment:** When discussing the water supply hazard trigger for free product in a well – is that a supply well?

**Response:** *The presence of free product only triggers a significant hazard notification when it is present in a supply well, not in a nearby monitoring well. Note, however, that free product in a monitoring well that is near to and/or contributing to a surface water body*

*may separately be identified as a significant environmental hazard condition for surface water.*

**Comment:** In this case, what is the definition of a supply well? What if there is already carbon treatment in place?

**Response:** *The Department of Public Health defines a “water supply well” as an artificial excavation, constructed by any method, for the purposes of getting water for drinking or any other domestic purpose. The presence of carbon filtration on a well does not preclude identification of a significant environmental hazard based on raw water quality, requiring notification; however, it may be sufficient for DEEP to consider the hazard mitigated, provided a maintenance and monitoring program is proposed as the recommended further action in the statute-required report.*

**Comment:** Do the statutory changes apply to data collected going forward or to previous data?

**Response:** *DEEP recommends the following approach to evaluation of data associated with current investigations:*

- *If the sample result is incorporated in a report that was finalized and delivered to the owner before July 1, 2015, the determination of a hazard should have been based on the threshold levels in effect when the owner became aware.*
- *If the sample result is incorporated in a report that was delivered to the owner after July 1, 2015, the property owner’s evaluation of the data in the report and their subsequent actions must be based on the law in effect when they “became aware” of conditions, in accordance with the statutory language, thus the amended thresholds would apply.*

**Comment:** Do APS apply?

**Response:** *No, with one exception. Any substance that is associated with a release on the site that is detected at any concentration in a water supply well is subject to notification requirements.*

**Comment:** If site is on the list, but is actually resolved, should we just wait for it to come off the list or should we contact DEEP?

**Response:** *Please wait until an updated list is published. After that time, if the information is not accurate, you can contact the DEEP project manager to update the information.*

**Comment:** How will we know when it’s updated?

**Response:** *The Department will send an e-alert when the revised list is published.*