Department of Energy and Environmental Protection
Remediation Division
Roundtable
Q&A Newsletter

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Presented below are the Department's responses to verbal comments presented at the Remediation Roundtable held on May 8, 2012 and selected written comments received by the Remediation Roundtable Committee in May 2012. The comments and responses may have been edited for clarification purposes.

SELECTED VERBAL COMMENTS FROM THE MAY 8, 2012 ROUNDTABLE:

Verification: Processing, Metrics and Improved Forms

Comment: When does DEEP anticipate requiring the new updated Verification form?

Response: *The new Verification Form and instructions for Form III filings were posted on June 1, 2012. At that time, the former Form III Verification Forms were replaced. Consequently, the new Form III Verification Forms should now be used. Updated Verification Forms for other types of filings will be posted as soon as they are completed. Remediation e-alert subscribers will be notified through the listserv.*

Comment: In reference to the Certifying Party Certification page on the new Verification Form, have you had verifications filed where the certifying party did not know about it?

Response: *The law requires that the Certifying Party (CP) submits the Verification in accordance with Connecticut General Statutes Section 22a-134a(g), so we want to make sure it is clear that the CP is aware that the Verification Form is being submitted. Also, there may be multiple certifying parties for one site which can create a situation where not all parties are aware of the verification. DEEP wants to ensure that everyone is aware the verification has been submitted and to which filing the verification applies.*

Comment: For sites with more than one CP, which CP needs to sign the Form? We know the Department's view that all CPs are responsible, but which signs the Form?

Response: *This is one reason for having the REM number on the Verification Form – every property transfer filing has its own REM number, and the LEP is verifying pursuant to that CP's requirements. It may or may not satisfy the requirements of all CPs. It depends on the timeframe the verification applies to. In general, the CP that contracted the LEP is the CP who should be signing the form.*

Comment: Is the new verification form the only thing that you will need to submit for the verification?

Response: *No, you still need to submit the verification report. The goal of the revisions to the form is to expedite the process by having information provided up front for administrative screening purposes and by minimizing the need for a full screening or audit. If a full screening is required, the full report will be essential in our evaluation. Another goal of the form is to have a snapshot of the remediation available for the public.*

Comment: Do you have any idea of the additional cost a consultant might charge for filling out the new form? What additional cost will this have for the client?

Response: *We have not heard any estimates of what LEPs will be charging to complete the new Form. DEEP is hopeful that it would not elevate the costs since the Form is in part a compilation of information from other forms (i.e., ECAF, Completion of Investigation, Remedial Action Plan) that have been previously submitted in many cases.*

Spill Reporting and Case Closure

Comment: Could you discuss the 'risk status' and 'further action' sections on the Incident Report?

Response: *That information is in the Field Report written by the Spills Responder assigned to the case, not the Incident Report. When a responder is assigned to the site for follow up he or she will write a field report based upon his or her findings. The Risk Status and further action fields on the reports are evaluated by the spill responder based upon the nature of the release and its proximity to potential receptors. The site is evaluated for any hazardous conditions such as potential fire or explosive hazards or possible direct exposure issues. Further action would be necessary if any of these conditions existed on site. However, the spill responder may also require further action after an emergency is diverted based upon whether the release would be subject to a significant environmental hazard filing. When the Field Report is completed, it is attached to the Incident Report in the file room records.*

Comment: What is the status of the proposed spill regulations?

Response: *They were up for review, but with the new Commissioner and impending Remediation Transformation, they have been put on hold.*

Comment: Do you think some cleanups done by spill contractors could use oversight by an LEP to provide knowledge beyond the physical aspects of cleanups?

Response: *That is a good idea when warranted. Many times DEEP will recommend hiring an environmental consultant and/or an LEP for more complicated situations or to have a third party oversee the work.*

Comment: In terms of closure, when you get to a point in the database where the triage is no longer needed, is the record updated and sent to the file room? How do we know the current status of spills?

Response: *Yes, all Incident Reports are printed out and sent to the file room along with any Field Reports that may have been generated. We are in the process of scanning the files so they will be electronically accessible.*

Comment: How does the Oil and Chemical Spills Department handle suspected releases? Do they still need to be reported?

Response: *Suspected releases for underground storage tanks are supposed to be reported, so you should call the dispatch center.*

Comment: How does the Oil and Chemical Spills Division record a suspected release on the form?

Response: *The forms can be updated with additional information as it becomes available. Therefore, we suggest the Responsible Party follow up with the Department with such additional information.*

Urban Fill Workgroup Report Out

Comment: What is the workgroup's expected timeframe for making its recommendations?

Response: *The workgroup is hoping to release recommendations for a guidance document for public comment within the next 3 or 4 months; it may not have all the details for surety, maintenance plans, etc. This document would be from the workgroup and would not yet be something that is being issued as a guidance document reflecting DEEP policy.*

Comment: What if you have comingled releases or a potential area of concern in an urban soil area? How would that be dealt with?

Response: *The effects of the release should be dealt with first through investigation and remediation. Once the site is at or below RSR criteria for the release's contaminants of concern, then one may be able to apply the urban soil guidelines for areas unaffected by any release, similar in concept to background.*

Comment: In the workgroup's list of COCs, PCBs or asbestos is not mentioned. Would those both be construction debris or materials, as described in the working definition for urban soils?

Response: *Those contaminants were discussed. The workgroup is looking to come up with a streamlined approach. We do not want to spend a lot of time characterizing trace levels of contaminants. Our approach was to identify a list of COCs that, if found, do not impose a huge risk to human health and the environment. PCBs and asbestos in particular do impose a larger*

risk, and we want to make sure our guidance is consistent with other programs (e.g., TSCA for PCBs). The workgroup is certainly willing to consider any additional information on these or other contaminants of concern for further evaluation.

Comment: Would this guidance require the Responsible Party to test for all of the COCs on the list?

Response: *The workgroup is not looking to require testing for all the COCs. That would be up to the environmental consultant to determine the appropriate analyses for COCs at their specific site. The workgroup is trying to provide guidelines, not requirements.*

If you have further comments for the Urban Fill Workgroup or data that you would like to share, please submit these to: DEEP.Remediationroundtable@ct.gov .

SELECTED WRITTEN COMMENTS

Comment: A standardized method of accurately identifying materials at a site as Urban Soil will need to be adopted to make the decision reproducible and defensible.

Response: *The workgroup is presently looking into various methods to identify Urban Soils including chemical component thresholds, visual identification and chemical fingerprinting of TPH and PAH components. Suggestions are welcome on methods which can meet the goal of determining whether the compounds detected are consistent with the types of releases identified in the "coal ash exemption" to pollutant mobility criteria found in subsection 22a-133k-2(c)(4)(C) of the Remediation Standard Regulations and the workgroup's working definition of Urban Soils. There is concern that mere visual identification of the presence of these materials would be insufficient to support the assertion that there had not been other releases into these materials which would have the potential to contribute similar constituents in a leachable form.*

Comment (part 1): RSCA sections 22a-133k-2(c)(2)(A) (for GA areas) and 22a-133k-2(c)(2)(D) (for GB areas) explicitly prohibit the use of the Toxicity Characteristics Leaching Procedure, EPA Method 1311 ("TCLP") and Synthetic Precipitation Leaching Procedure, EPA Method 1312 ("SPLP") for determining compliance with the Pollutant Mobility Criteria ("PMC") for Total Petroleum Hydrocarbons ("TPH"). Can the TCLP and SPLP methods be used to determine compliance with the PMC for petroleum hydrocarbons using the Extractable Total Petroleum Hydrocarbons (ETPH), Extractable Petroleum Hydrocarbons (EPH) and Volatile Petroleum Hydrocarbon (VPH) analytical methods?

Response: *The SPLP method may be used in conjunction with the ETPH Method to demonstrate compliance with the PMC (the ETPH Method would be run on the SPLP extract). The forthcoming RCP documents for the EPH/VPH Methods do not discuss the usability of this option.*

Comment (part 2): May environmental professionals analyze TCLP and SPLP extracts by the ETPH, VPH or EPH methods, and use the results to determine compliance with the Pollutant Mobility Criteria, without prior Department approval?

Response: *No. Department approval of site-specific criteria for the ETPH, VPH or EPH methods and associated criteria must be obtained to determine compliance, as described on the DEEP webpage "Requesting the Commissioner's Approval for ETPH, EPH, and VPH as Additional Polluting Substances".*

Comment: When can laboratories start using a reporting level of 250 ug/l for aqueous samples analyzed by ETPH method?

Response: *The Connecticut Department of Energy and Environmental Protection (DEEP) has evaluated the reporting limit for the ETPH Method and anticipates proposing a groundwater protection criterion for the ETPH Method in consultation with the Connecticut Department of Public Health. At this time, DEEP anticipates proposing a groundwater protection criterion of 250 micrograms per liter (ug/L) as determined by the ETPH Method.*

Currently most laboratories use a reporting limit for aqueous samples of 100 ug/L. At this level, the method suffers from "noise" resulting in false positives. DEEP recommends that environmental laboratories performing this method should consider raising their reporting limit for aqueous samples to a concentration above 100 ug/L, but less than 250 ug/L. Laboratories can implement this change when they are ready to do so.

To utilize an ETPH Method reporting limit for aqueous samples at a concentration above 100 ug/L but less than 250 ug/L, environmental professionals must request the use of a groundwater protection criteria of 250 ug/l for the ETPH Method as a site-specific additional polluting substance, as described on the DEEP webpage "Requesting the Commissioner's Approval for ETPH, EPH, and VPH as Additional Polluting Substances".

Comment: Can the Department provide further guidance on PCBs in building materials.

Response: *The Materials Management and Compliance Bureau has produced the following guidance regarding waste management and disposal of contaminated building materials including those contaminated with PCBs. As stated in the web sites listed below, characterization and remediation of building materials contaminated with PCBs should be consistent with the requirements of 40 CFR 761 and EPA guidance.*

- Renovation & Demolition: Environmental, Health & Safety Requirements You Should Know About
- Construction Renovation and Demolition Checklist
- Renovation and Demolition Red Flag List
- Steps to Safe Renovation and Abatement of Buildings That Have PCB-Containing Caulk