



**Regulatory Outreach Committee
Technical Subcommittee
Meeting Minutes May 29, 2009**

1. MEETING OVERVIEW

Introductions and Agenda were reviewed

Nick mentioned that there has not been recent discussion with Barry Frasco and he assumes that this is because Barry is working on other issues/ regulations and not focused on guidance related topics. Nick will continue to follow up to reach Barry.

2. TECHNICAL REGULATIONS - INTERIM REVISIONS

Nick reviewed the expected types of revisions that will be in interim revised version of the technical Requirements for Site Remediation which are anticipated to be published by November 3, 2009. The Interim Regulations will reportedly include new subchapters on Receptor Evaluation and Immediate Environmental Concerns as well as more flexibility for variances. We were also told by Barry Frasco that there will be more ground water investigation requirements.

The following items came out of discussion of the Interim Revisions for the Technical Requirements for Site Remediation:

Immediate Environmental Concern - Mark Fisher

Mark described the information that came out of his task groups meeting on Mandatory Time Frames on May 18, 2009. (See Mark's meeting notes for more details.) The following types of conditions have been identified as potential IEC's.

- Vapor Intrusion
- Threatened/ Impacted Potable Wells
- Acute Exposure
- Other Uncontrolled Risk
- Product Spills
- The occurrence of Free Product was also mentioned as a possible IEC

Follow-Up:

- Review MCP to understand how IEC's are addressed (Lisa Voyce.)
- Call Ed Putnam , M. Fisher Note: subsequent to the May 29th meeting, Mark has set up a meeting with Ed Putnam and Mark Pederson for June 23rd at 1PM to review the IEC Approach in more detail.
 - Query ITRC for Acute Hot Spot Criteria (Brian Sogorka)
- Need to Understand Relationship with Emergency Responder (To be discussed with NJDEP)

Receptor Evaluation

Discussion regarding the anticipated new subchapter on Receptor Evaluation centered around wanting to ensure that the Receptor Evaluation approach adopted by NJDEP would be consistent with the concepts represented by developing and applying a Conceptual Site Model (CSM). In order to further this discussion the following follow up tasks were identified:

- Example Report using EPA Guidance would be circulated (S. Posten)
- Good CSM Guidance would be identified and circulated (Steve P., Brian S.)
- NJDEP's Current Check List and Definition would be reviewed and circulated (M. Fisher)
- Need to Identify who is working on NJDEP Guidance for IEC / Receptor Evaluation - (Mark F. will contact Ed Putnam, Nick D. will contact Barry Frasco)

3. COMPLETE REVISIONS TO TECHNICAL REQUIREMENTS FOR SITE REMEDIATION

Given that the complete revisions to Tech. Regs. will not be proposed by NJDEP until some time in 2010, it was agreed that discussion on this item would be held for the time being.

4. COMPENDIUM OF ANALYTICAL METHODS

Nick introduced this topic based on recent conversations with Dr. Nancy Rothman who provides analytical data validations services in Massachusetts and is based in New Jersey. The following items were touched on in the discussion.

- LSRP Responsibilities?
 - Data Validation
Potable Wells / IEC
 - Data Usability
- QC Review - NJDEP Role?
- Labs Role / Responsibilities

Follow-up:

- Nancy R. will give a briefing to LSRPA

5. GUIDANCE TOPICS

Nick handed out a copy of the text from the Site Remediation and Reform Act for Sections 14 c. 3 and 4 which under Section 3 establishes that the Department shall develop technical guidelines with the participation of interested parties. Section 14 c. 4 establishes the hierarchy whereby the Technical Regulations are the presumed requirements to be followed by the LSRP, however, the LSRP may use professional judgment to provide a technical basis for an alternative approach using additional cited guidance.

Therefore, in response to Barry Frasco's request for the LSRPA to develop a list of the top three technical topics where the LSRPA felt new or revised guidance is required, a list of potential topics was developed and voting conducted to identify the topics of greatest interest.

The following lists the topics in order of the informal poll results. Of course we came up with a list of our top 4! We have identified a lead for each of these 4 topics.

- CSM (Jim Mack) – 13
- Natural Remediation (Brian S.) - 11
- Historic Fill (Kathi S.) – 9
- Compliance Average / Exposure Area Evaluation for direct Contact Pathway – (S. Posten) 7
- Eco Evaluation / Risk Assessment - 2
- Vapor Intrusion
- IEC
- Receptor Evaluation
- Data Usability
- Soil Reuse
- Background
- Building Interiors Char.
- Day Care Center

6. SOIL STANDARDS

General discussion that the area that we are most concerned about has to do with the Impact to Ground Water pathway and the related ARS Options. In particular, we would like to develop more

training materials to go hand in hand with the NJDEP Guidance. Nick will follow-up with Joe Hochreiter for his input on developing examples.

There was also discussion about the need for a 'compliance averaging' type approach for the direct contact pathway which accounts more realistically for potential exposure in assessing soil quality data. This was discussed as a priority area for new guidance and Steve Posten presented an example approach to this using a statistical methodology. Steve also included a handout (attached) which summarized selected sections from NJDEP's Guidance Document for Development of Alternative Remediation Standards for the Ingestion – Dermal Standards Compliance (June 2, 2008).

7. ADDITIONAL TOPICS

Kathi Stetser raised the concern that the initial LSRP submissions will likely be coming from residential heating oil tanks and therefore we need to ensure that these submissions are consistent with the requirements of the SRRA for LSRPs. The group agrees that this issue deserves further discussion and a plan to support those LSRPs who may be involved with these cases.

There was also discussion regarding the recently proposed Department of Health (DOH) Maximum Content Levels for building interiors. (Lisa V. will follow up on reviewing these to understand the role of the LSRP and reporting back to the group.)