



# ACRE Updates

**Tiffani Kavalec, Manager**  
**CP Annual Training**  
**October 7, 2013**



# Personnel

## ❖ New ACRE Supervisor

❖ Kelly Kaletsky

## ❖ New risk assessors

❖ Dawn Busalacchi

❖ Erin LeGalley



## Training Survey Results

<b>Risk Assessment Training</b> – this is a broad topic. Please list the area you would like training in.	<b>2.6</b>
<b>VI risk assessment training</b> – includes evaluation of data, use of models to evaluate data, etc.	<b>2.8</b>
<b>Evaluation of Saturated Zone/Aquifer Yield &amp; Hydraulic Conductivity</b> – includes yield testing for VAP GW classification and hydraulic conductivity testing (slug tests and falling head permeability tests).	<b>3.4</b>
<b>Hands-on Ground Water Sample Training</b> – low-flow sampling with a pump; bailer sampling; proper sampling technique; proper sample storage, etc.	<b>3.9</b>
<b>Hands-on Soil, Surface Water &amp; Sediment Sample Training</b> – includes various sampling tools, considerations when using different tools and consideration based on parameters sampling for; includes Method 5035.	<b>4.9</b>
<b>Laboratory Training</b> – discuss various analytical methods, what the results mean, potential room for error, data validation, etc.	<b>5.2</b>
<b>Subsurface Data Presentation &amp; Evaluation</b> – focus on evaluation various subsurface data (boring log data, ground water day, field monitoring data) and how to present this information.	<b>6.25</b>
<b>Field Monitoring Training</b> - use of common field monitoring instruments (PIDs, FIDs, 4-gas meters, LEL/O2 meters, immunoassay, etc) and use of field lab equipment such as a portable GC and portable XRF.	<b>6.4</b>
<b>Geoprobe Training</b> - includes description & applications of direct push technology; advantages and limitations; health and safety; equipment and installation requirements for soil borings, discreet ground water sampling and well installation; use of direct push for vapor intrusion/soil gas studies; etc.	<b>6.6</b>

# 5 Year Rule Review Schedule

Task	2013					2014						
	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	July
Workgroup Meetings												
Develop DRAFT proposals												
Rule Workgroup Review of all proposed changes			Through Oct. 11 <sup>th</sup>									
Internal Meeting & Feedback				Nov. 5 <sup>th</sup> or 6 <sup>th</sup>								
Internal Review, continued												
Stakeholder Meetings (Late Nov. through early Dec.)				Late Nov.	through early Dec.	Continue meetings, at request						
Interested Party Review/Business Impact Analysis (BIA)					Dec. 23 <sup>rd</sup>	Through Jan 31 <sup>st</sup>						
Review & Compile Comments												
Original File DRAFT Rules												
JCARR Jurisdiction/Hearing												
Final Filing											End of June	Early July

Remaining Workgroup Functions

Rule Schedule/Non-Workgroup Functions

\* Many calls & meetings throughout 2012 with the Ohio chapter of the National Association for Industrial & Office Parks (NAIOP) to discuss desired rule changes.

\* Early stakeholder outreach sent 3/21/13. Comments accepted through 4/30/13 (only one comment letter received).

# VAP 5 Year – Stakeholder dates

(tentative dates and locations TBD)

- Nov 20<sup>th</sup> – Columbus (1:00-4:00)
- Nov 21<sup>st</sup> – Toledo Area (1:00-4:00)
  
- Dec 5<sup>th</sup> – Athens (1:00-4:00)
- Dec 10<sup>th</sup> – Cleveland Area (1:00-4:00)
- Dec 12<sup>th</sup> – Cinci / Dayton (1:00-4:00)



# VAP 5 Year - Rule 3 - Proposals

## ■ Fees

- No proposals for CP Initial & Annual fees
  - Unable to work out a 3 year certification process at this time – *VERY SORRY*
  - New time codes for staff to square away ACTUAL costs in order to help justify specific reductions in the future
- Annual fee for Labs reduced from \$3K to \$500.00
  - Time code data shows these are closer to actual costs
- Lab certifications costs \$500.00 for each method
  - Time code data shows this is where we spend most of our time



# VAP 5 Year - Rule 3 - Proposals

## Fees, cont.

- NFA without Environmental Covenant = **\$15,700**
  - 100 hours at \$100.00/hour = **\$10,000** (new process)
- Fees cover:
  - Review of NFA Letter, including O&M, EC, notice of deficiency letters, preparing CNS documents
  - Tier I
    - 100 hours at \$100/hour = \$10K x 13 per year = \$130,780 / 36 = @ **\$3,600**
  - Tier II
    - 100 hours at \$100/hour x 3 = \$10K + \$15K field work = \$75,180 / 36 = @ **\$2,100**



# VAP 5 Year - Rule 3 - Proposals

## ■ Fees, cont.

- NFA with Environmental Covenant = **\$18,200**
  - 100 hours at \$100.00/hour = **\$10,000** (new process)
  - Tier I & II audits - **\$5,700**
- Fees cover:
  - Review of NFA Letter, including O&M, EC, notice of deficiency letters, preparing CNS documents
  - Tier I and Tier II audits
  - **Institutional control 5 year Inspections**
    - 25 hours at \$100/hour = **\$2,500**



# VAP 5 Year - Rule 3 - Proposals

## ■ Fees, cont.

- Current PAYGO projects would be converted to straight VAP TA if NFA was not submitted prior to final rule
- Current review process will remain in effect until final rule
  - NFA PAYGO billing could range from \$6,243.91 - \$57,507.90
    - **Average \$16,308.33**
- Removal of Consumer Price Index increase



# VAP 5 Year - Rule 7 - Proposals

## ■ Phase II

### General

- Conceptual site model included in DQOs
- Removed elevation survey requirement from this rule
- Developed definition of soil in Rule 1



# VAP 5 Year - Rule 7 - Proposals

## ■ Phase II, cont.

### Assessment/Investigation

- Removed term “*source*” globally
- Source area = location of a known/suspected release
- Release = when contaminants migrate to the environment



# VAP 5 Year - Rule 7 - Proposals

- Phase II, cont.

## GW Issues

- Added contaminant pass-through provisions for all non-potable pathways
  - Removed from Rule 10



# VAP 5 Year - Rule 7 - Proposals

- Phase II, cont.

## Remedy Issues

- Clarified the Unrestricted Residential Land Use term to better clarify when a Restricted Land Use would apply.



# VAP 5 Year - Rule 8 - Proposals

## ■ Generic Standards

- New construct of generating standards:
  - Removal of probabilistic method & adoption of deterministic method
  - Exposure point values to now follow Regional Screening Levels (RSLs), except for a couple state specific values (e.g., construction worker)
  - Added generic standards for Indoor Air
  - Updated toxicity values based on RSLs



# VAP 5 Year - Rule 8 - Proposals

## ■ Generic Standards, cont.

- Divided Residential Land Use category into:
  - 1) Unrestricted Residential (10 ft POC)
  - 2) Restricted Residential (modified POC)
    - Exposure assumptions are the same, but the POC would be different
- Use of Exposure Unit concept is limited to PSRA
- Expanded to around 300 standards and went from four to 11 pages = Appendix



# VAP 5 Year - Rule 9 - Proposals

- Property Specific Risk Assessment
- PSRA - if toxicity changes (up or down), follow the current toxicity hierarchy in this rule, or be able to use the toxicity that was inputted to generate the existing generic standards
- Demonstration of meeting applicable standards may incorporate method detection limits – still working on this concept



# VAP 5 Year - Rule 10 - Proposals

- Groundwater
- Response requirements will only address potable pathway, all non-potable & eco receptors addressed only through Phase II rule
- Some USD rule proposals presented at 9:15



# VAP 5 Year - Rule 10 - Proposals

## Situation

- Property adjacent to transportation corridor

- GW discharging to surface water in close proximity (not necessarily adjacent) and GW not likely to be used for potable purposes

## Potable Use POC

- Down-gradient edge of transportation corridor

- Surface water boundary, and surface water standards apply



# VAP 5 Year - Rule 10 - Proposals

## Situation

- Adjacent, down-gradient property has an Environmental Covenant

## Potable Use POC

- Down-gradient edge of adjacent property
- Down-gradient edge of the lateral extent of the waste in the landfill

- Property boundary bisects a landfill



# VAP 5 Year - Rule 10 - Proposals

- Groundwater, cont.
- Pass-through provision can apply if volunteer owns but did not cause or contribute to the up-gradient plume migrating onto the property seeking the NFA letter
  - The pass-through provisions for non-potable pathways and other media (e.g., vapor intrusion) are now in Rule 7



# VAP 5 Year - Rule 11 - Proposals

- Remediation
- Must implement a remedy for all complete pathways which fail applicable standards, unless the volunteer can demonstrate that a pathway to an off property receptor (from contamination that has emanated from the property) could not be remedied by the volunteers “best efforts”



# VAP 5 Year - Rule 11 - Proposals

- **Remediation**
- Evaluating the need & usefulness of an elevation survey in this rule
- Post CNS remedy changes:
  - **REMEDY CHANGE NOTICE**
    - Template package of information to submit
    - Acknowledgement (audit pool) or Approval (no audit but TA req)



# VAP 5 Year - Rule 12 - Proposals

- Variance
- Approval prior to NFA Letter issuance
- Example:
  - Ground water response requirement is UPUS at property boundary
  - Still exceeds UPUS after extensive remedy
  - Demonstration of technical infeasibility, protection of human health & environment, and economic benefit
  - Standard (5 mg/L TCE) = New Standard (10 mg/L TCE)
    - Assuming no complete pathway
    - Demonstration under VAP TA



