

Meeting Notes  
Waste Site Remediation Task Force  
April 26, 2001

The March meeting notes were reviewed and there were no comments suggested at the meeting. People were requested to contact Tom Getz with any revisions.

The “Simple Sites” Strawman (Attachment 1) was discussed. Leo Hellested summarized the proposal and indicated that this idea was discussed at the Regulatory and Administrative Working Group. Based on this discussion, staff of the Office of Waste Management developed the strawman.

The group then began to discuss the process to review submissions. Comments included:

- The submission should include a Site Investigation Report (SIR) and possible a draft Remedial Action Work Plan (RAWP) if the applicant wishes to provide this information.
- The submission should undergo an administrative review prior to the commencement of the technical analysis.
- After the administrative review is completed the submission could then be reviewed for technical accuracy.
- After the technical review of the SI, the Department will notify the person doing the work to complete Public Notice.
- Once the Public Notice is completed and the RAWP reviewed, a Remedial Approval Letter will be issued.

Turnaround time was discussed and Leo Hellested mentioned the reviews could be conducted in approximately three weeks if he could dedicate a person to work on these sites. This timeline could be accomplished if the draft submission checklist is followed and the application’s quality is good. The three-week turnaround would be an incentive to improve submission quality. If the quality of submissions is poor, it will be returned and the timeline will be dropped.

Other comments on the Strawman include:

- In order to take advantage of this proposal, the site investigation work needs to be complete with respect to the Remediation regulations
- One advantage of the proposal is the requirement that only one remedy needs to be investigated and not three.
- The development of the checklist will help DEM staff to evaluate the submission. If the submission takes more than three weeks to review, the site probably does not meet the definition of a simple site.
- “Simple Sites” should be limited to GB areas. Sites that are within a GA/GAA area may have remediation problems that need additional review time and would not be good candidates for the expedited process. There seemed to be consensus that a majority of sites would fall in GB areas and this limitation was workable.

It was mentioned however, that some GA/GAA areas, especially in heavily developed corridors, do not use water for drinking purposes. These corridors, although situated in a GA/GAA area, may exhibit zoning patterns of an urban site.

- The question was raised whether contaminated site that had USTs and /or UICs would be eligible for the “Simple Site” designation. This could be a case-by-case analysis but in any event DEM should look at ways to streamline the inter-program review process.
- “Simple Site” characterization should be linked to earthmoving issues. Removal of contaminated material may be a positive component; moving a lot of material around on a site may just spread the contaminants over a wider area and would be a negative factor.
- There was a general discussion about sites that had public concern and the language “little or no public concern” should be changed to whether the applicant is aware of any public concern. A relevant public concern issue under DEM’s jurisdiction is whether the remedy is protective in relation to the end use of the property. Neighbors who object to the project based on zoning type issues should not be able to kick it out of the “Simple Sites” program, although an applicant should be advised it might delay the time frame.
- It was mentioned that public comments often drive the process, even if the concerns were not focussed on environmental matters and can often have a major impact on timelines. DEM will need to deal with these concerns, but in these instances, can not be held accountable for slippage of the timelines.
- There was a discussion on whether a site that has offsite soil and groundwater contamination impacts could be determined to be a “Simple Site”. Urban properties can be adjacent to sites that may be responsible for groundwater contamination. How fair would it to be to require these sites to attempt to solve the problems of adjacent sites? The policy needs to address this issue.

The group quickly reviewed the checklist developed for Site Investigation Reports. There were no significant comments on the checklist. Participants were then encouraged to review and propose comments to both the “Simple Site” Strawman and the SIR Checklist and to send comments to Tom Getz by May 3.

/ Sue Courtemouche reviewed the Oil Pollution Control (OPC) Regulations to determine if they needed to be updated. She mentioned that some regulations were outdated and/or conflicted with other programs; that there were incorrect references; and that certain administrative issues needed updating (phone numbers, definitions). At the end of her presentation, the group discussed the merits of revising the regulations that deal with petroleum products and possibly combining them into one regulation.

It was mentioned that the OPC regulations addresses three main areas, i.e., aboveground storage tanks, leak and spill response actions and off loading and transport of oil. The CRMC and the Coast Guard primarily regulate jurisdiction of the latter item. These regulations have a different regulatory framework than the LUST regulations, which are focused primarily on actions needed to address a release from an underground tank.

Lastly, the group discussed the differences between the LUST program and the Site Remediation Program, centering on the fact that LUST addresses a specific tank “release” vs. the “discovery” of a release anywhere on-site. The following items were noted:

- Notification requirements are different
- UST focuses on emergency response and clean-up, the Site Remediation regulations are more concerned with the long term solution to a spill,
- Site Remediation regulations require more contaminants to be sampled
- The Site remediation program is a longer-term program, has more steps and may increase the cost of LUST clean-ups for little additional benefit.
- Analytical testing is more field-oriented for the tanks program versus Site Remediation requirements.
- Both programs are working to meet groundwater standards, however there are differences in the soil clean-up standards.
- No Further Action letters in the Tank and the Site Remediation Programs only addresses the release from the tank or a specific location on a site. The Letter of Compliance in the Site Remediation Program makes a statement about the whole site.

Members of the Task Force will study the issue of revising the OPC regulations. John Hartley, Dave Hazebrouck, and Sue Courtemouche volunteered to work with DEM on this issue. Terry Gray mentioned that the purpose of this exercise is to determine if there are any streamlining opportunities to be gained by this review. He was clear that he did not want to have any backsliding occur by the potential combination of the regulations.

Meeting Attendees:

R. Hittinger, J. Hartley, C. Lizotte, S. Dundon, S. Cadarette, B. Catterall, L. Hellested, L. Archembault, T. Gray, J. Reitsma, J. Boyle, D. Hazebrouck, T. Wright, S. Courtemouche, A. Rubine, K. Beaver, E. Panciera, K. Owens, G. Waldeck D. Elston E. Panciera and T. Getz