

ATTACHMENT II

GIEC Comments Regarding Appendix II "Reportable Quantities Screening Model"

GIEC understands that the intended purpose of the "Reportable Quantities Screening Method" (RQSM) is to minimize reporting and HSI listing of those releases and sites that do not pose a danger to human health or the environment. Of course, it is GIEC's belief that **notification** should only be required in the first place for those releases that have the **realistic potential** to pose a danger to human health or the environment. This belief is well supported by reasonable interpretation of the act which is fundamentally focused on those particular releases that pose a danger to human health and the environment. The Act requires that such dangerous releases be identified, reported to the public and that appropriate corrective actions are taken to address such dangerous sites. The Act does not contemplate background-based or other such ultra-conservative notification requirements as proposed by EPD. Notification, screening and reporting requirements must be centered on those conditions that have the reasonable scientifically-based potential to pose a danger. The EPD reporting and HSI listing rule goes far beyond the mandate of HSRA and, instead, creates a kind of background-based right-to-know law-by-rule that greatly overreaches the intent of HSRA and is broadly excessive on any reasonable scientific basis.

Notwithstanding GIEC's belief that the proposed notification concentrations for groundwater and soil needs to be redeveloped (see GIEC's technical comments and alternative suggestions as previously submitted to EPD), GIEC offers the following preliminary comments regarding the draft version of the EPD staff's proposed RQSM. This version of the draft RQSM was provided to the Hazardous Site Trust Fund Advisory Committee during the meeting of November 16, 1993.

General

EPD has not provided technical guidance as to how RQSM scoring will be done and, in particular, how EPD staff will judge and select the various component scores used in the groundwater and on-site scenarios. Without such guidance being available, it is impossible at this stage to properly review the effectiveness and reasonableness of the proposed RQSM. GIEC is concerned that EPD is rushing to propose a formal technical rule that relies heavily on the RQSM without an adequate development and testing program and appropriate scientific review. This is a very risky technical approach and regulatory policy in that the RQSM needs to be better understood as to its full implications before it is proposed as a rule.

One very important point to remember is that the Act gives the Director the authority and power to place a dangerous site on the HSI, even if EPD is not notified by the property owner. Conversely, the Act does not give the Director the authority or power to exclude an otherwise reportable site from the HSI, even if it is clearly not a site that poses a potential danger. Therefore, the RQSM should be structured to absolutely minimize the "automatic listing" of those sites that do not have the reasonable scientific potential to pose a danger to human health or the environment. Any sites that might not score high enough on the RQSM could then be reviewed

by the Director, and any that were found to pose a reasonable potential danger could then be added to the HSI using the Director's granted authority and power under HSRA.

Groundwater Scenario

GIEC suggests that no site should be listed on the HSI due to groundwater concentrations if the concentrations are within drinking water criteria such as MCLs or EPA Health Advisories under the Safe Drinking Water Act or similarly-computed concentrations. Accordingly, GIEC recommends that the RQSM scoring model and/or cutoff score be adjusted such that no site within drinking water criteria would score high enough for inclusion on the HSI due to groundwater concentrations. The point is, if groundwater at a site meets drinking water requirements, it should definitely not be listed on the HSI, or in GIEC's view, even require notification in the first place.

Soil Concentrations

The Soil Notification Concentrations (NCs) proposed by EPD are far too conservative for most if not all plausible situations. Considering that a fundamental basis for most of the proposed soil NCs is to protect groundwater as a potential or hypothetical drinking water source, GIEC suggests that a reasonable dilution and attenuation factor (DAF) of 100 be applied as a reporting threshold concentration for all soils before the RQSM is applied. If soil concentrations do not exceed 100 x NCs, the site would not be reportable and would not be scored on the RQSM nor listed on the HSI.

GIEC believes that this reasonableness screening threshold between notification and reporting would at least mitigate the unreasonable and excessive notification requirements contemplated under the proposed rule. Notwithstanding, these comments regarding the screening process, GIEC still recommends that the soil concentrations proposed by EPD should be reworked using a more scientific basis such as that suggested in previous GIEC public comment submittals.