

GEORGIA INDUSTRY ENVIRONMENTAL COALITION

January 25, 1994

Mr. Joe D. Tanner, Commissioner
Georgia Dept of Natural Resources
205 Butler Street, Ste 1154
Atlanta, GA 30334

**Subject: Postpone Adoption of Release Notification and Reporting Rule
Chapter 391-3-19: Hazardous Site Response Act**

Dear Mr. Tanner:

The Georgia Industry Environmental Coalition (GIEC) respectfully requests that the Board of Natural Resources consider postponing the adoption of Georgia EPD's Release Notification and Reporting Rule of the Hazardous Site Response Act (HSRA) that we understand may be presented to the Board on January 26, 1994. GIEC is a non-profit, technically-based industry coalition with the basic purpose of addressing environmental issues and regulatory proposals of interest to Georgia industry. Membership in GIEC is open to those industrial companies that are responsible for their own environmental compliance in Georgia. GIEC and its member companies believe these new HSRA regulations in their present form will have far reaching impact on existing business in Georgia, and on new businesses that may consider relocating to Georgia.

GIEC believes that the proposed rule goes 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. GIEC has provided scientifically-based comments with alternate suggestions for various aspects of the proposed rule. Attached for your consideration is GIEC's most recent comments to the December 15, 1993 Proposed Release Notification and Release Reporting Rule and supplemental documents issued by EPD for public comment. GIEC feels that at a minimum,

the following key issues need to be reconsidered by EPD before final rule adoption by the Board:

1. Allow a sequence of scoring/notification/reporting rather than notification/scoring/reporting to allow owners the option of first scoring their own notifiable releases using the Reportable Quantity Screening Method (RQSM) and associated EPD guidance document. Notification prior to scoring of residual soil and groundwater concentrations which do not have the potential to pose a danger to human health and the environment is inconsistent with the intent of the Act, and will create a needless stigma for many perfectly safe properties that require notification, and an administrative burden for EPD and property owners throughout the state.
2. Background-based groundwater notification is not within the scope of HSRA. Groundwater notification concentrations should be no more stringent than drinking water Maximum Contaminant Levels (MCLs) developed by U.S. EPA. In addition, EPD should expand the groundwater notification criteria beyond MCLs to include EPA Health Advisory concentrations and similarly-computed advisory values for constituents which do not have an MCL to reduce the skewed weighting currently inherent in the overall groundwater pathway score of the RQSM for non-MCL substances. The groundwater pathway also makes the highly conservative assumption that all groundwater in Georgia will be a direct drinking water source.
3. The soil notification concentrations are not based on sound scientific principles. The current soil/groundwater equilibrium approach significantly overstates the potential for groundwater contamination. EPD should apply the application of a Dilution Attenuation Factor (DAF) of at least 100. In instances where MCLs do not exist for use as a groundwater reference value, EPD should use EPA Health Advisories or similarly-computed values. These values would be significantly better than EPD's currently proposed default

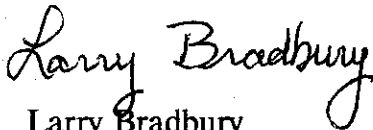
values. In addition, EPD should consider developing two sets of soil notification concentrations to address both the direct contact/ingestion scenario applicable to surficial soils, and the potential leaching and groundwater impact scenario applicable to subsurface soils.

4. The regulated community needs the entire HSRA regulatory package (reporting, cleanup, and delisting) developed as a coherent set rather than the present piece-meal approach. The rulemaking process should also incorporate a detailed HSRA process flow chart to provide guidance and direction to the regulated community.

GIEC encourages the Board to take into consideration these very important technical and scientifically-based issues before final adoption the Proposed Release Notification and Reporting Rule . GIEC is willing to assist EPD in developing a more reasonable and scientifically sound rule based on scientific principles and practical considerations.

Sincerely,

GEORGIA INDUSTRY ENVIRONMENTAL COALITION



Larry Bradbury
GIEC Chairman

Enclosure: GIEC's Comments to EPD's December 15, 1993
Release Notification and Reporting Rule

cc: Joe Tanner - Commissioner Ga. DNR
Harold Reheis - Director of EPD
Denny Dobbs - Ga House of Representatives
Dan Ebersole - Executive Assistant to Governor