

GEORGIA INDUSTRY ENVIRONMENTAL COALITION

April 29, 1994

Mr. Harold Reheis
Georgia Environmental Protection Division
Georgia Department of Natural Resources
205 Butler Street, S.E.
Floyd Towers East, Suite 1152
Atlanta, Georgia 30334

Subject: **Comments to the Proposed Corrective Action Rules
First Public Comment Period
Hazardous Site Response Act**

Dear Mr. Reheis:

The Georgia Industry Environmental Coalition is pleased to submit comments to the Georgia Environmental Protection Division (EPD) regarding the Proposed Corrective Action Rules issued for public comment on April 1, 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. GIEC and its member companies believe these HSRA regulations will have a far reaching impact on existing business in Georgia, and on new businesses that may consider relocating to Georgia.

GIEC has reviewed the proposed Corrective Action Rules and prepared comments (attached) regarding the subject document. The following key points are considered by GIEC of equal importance and highlight some of GIEC's major concerns which are addressed in more detail in the attached document.

- **Section 391-3-19-.05(4) - Expansion of HSI Delisting Criteria**

GIEC strongly recommends that EPD allow additional criteria for removal of a site from the HSI. A Class II site which has prepared a Compliance Status Report may be able to demonstrate through analytical data or additional site-specific information that the site does not exceed notification concentrations or the criteria for determining a reportable quantity. Unless otherwise determined by the Director that the site may pose a danger to human health or the environment, the site therefore, should be removed from the HSI.

- **Section 391-3-19-.06(1) - Applicability of Corrective Action To Solid Waste Management Units and Other Remedial Actions Subject to HSRA and RCRA.**

From the outset of the HSRA rulemaking process, the EPD Director stated that it was his intention to apply HSRA corrective action technical requirements to solid waste management unit

corrective action under RCRA. GIEC requests that this be so stated within the proposed rule to the extent such is not prohibited by Federal law and regulation.

EPD intends to list certain RCRA sites on the HSI. How they will be listed and how they will be removed from the HSI should be addressed. GIEC is requesting that this issue be clarified in the proposed rules.

- **Section 391-3-19-.06(3)(b)(8) - Provide "Option" to Submit Corrective Action Plan with Compliance Status Report**

Under Section 391-3-19-.06(3)(b)(8), if a responsible party is not able to certify compliance with any of the risk reduction standards, then a corrective action plan must be submitted with the Compliance Status Report before the Director has even determined that the site requires corrective action. However, GIEC does find merit in allowing a responsible party the "option" to submit a corrective action plan with the Compliance Status Report in an attempt to expedite the corrective action process. The requirement to prepare a corrective action plan after the Director determines that corrective action is required and is within the intent of the Act.

- **Section 391-3-19-.07 - Risk Reduction Standards**

- **Type 2 Groundwater Criteria** - Section 391-3-19-.07(7)(a) states that the Type 2 standards provide for "... that pose no significant risk on the basis of a site specific risk assessment ...". However, the standard merely defaults to the Type 1 criteria. GIEC takes strong exception to the EPD's position that all groundwater is a potential drinking water source. It is important that the "point of compliance" reflect a plausible "point of exposure". GIEC has outlined three specific examples where it is not appropriate to presume the potential for groundwater as a direct source of drinking water.

- **Type 5 Standards** - The only generic requirement for Type 5 risk reduction standards should be that of the responsible party to be able to demonstrate that the combination of selected measures will indeed result in a site that no longer poses a danger to human health or the environment. How these measures are selected should be dictated largely by site-specific circumstances and the tailored technical approach that the responsible party chooses. The opportunity for cost effective solutions would be greatly constrained or eliminated with the EPD's proposed Type 5 requirements. GIEC has provided alternate language to Section 391-3-19-.07(10)(a) in the attached document.

- **No risk reduction standard should be more stringent than that required by the rules for notification and reporting.** GIEC believes that the most stringent soil cleanup criteria for any regulated substance must always be greater than the notification concentration for the same regulated substance.

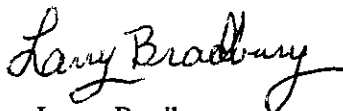
- **Global Directives** that are not related to any type of "danger" to human health or the environment should be eliminated from the rules. Specific examples of this include the following:

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- The 1000 PPM limit for soil vapor is arbitrary. [Section 391-3-19-.07(8)(d)]
- Toxicity characteristic under Type 3 soil criteria [Section 391-3-19-.07(8)(d)1.] Adding the "toxicity" criteria is an unnecessary and redundant requirement in that soil concentrations are already adequately controlled by items (d)(2) and (3) of this same section.
- Isopleth requirement goes beyond corrective action determination [Section 391-3-19-.06(3)(b)] GIEC believes that these minimum requirements goes beyond what is necessary for the Director to make a determination whether a site meets a particular risk reduction standard or not.
- "If more than one regulated organic compound are present in groundwater, their sum in a single sample shall not exceed 10 mg/l...". [Section 391-3-19-.07(6)(b)]
- "Multiplication of the Type 1 groundwater concentration criteria by a factor of 100". [Section 391-3-19-.07(6)(c)]

Considering the significance of these HSRA regulations, it is important that they be well researched, scientifically-founded, and carefully constructed to get the job done in the most effective manner. GIEC hopes that EPD will seriously consider these comments and the attached comments before issuing the proposed rules for a second public notice period or finalizing for adoption by the Board of Natural Resources. GIEC is willing and available at any time to discuss these draft regulations in detail. Should you have any questions, please do not hesitate to contact me.

Sincerely,
GEORGIA INDUSTRY ENVIRONMENTAL COALITION



Larry Bradbury
GIEC Chairman

Enclosures: GIEC Comments Regarding EPD's "Proposed Corrective Action Rule" Relative to the Implementation of the Hazardous Site Response Act (HSRA)

cc: David Word
Jennifer Kaduck
Tim Cash
Steve Woodall