

Meeting Summary
Proposed Model Remedies – Petroleum Contaminated Soil
December 11th 1:30 – 3:30, Room 2E-15
Department of Ecology, 300 Desmond Drive SE

Introduction

The main purpose of the meeting was to get feedback on the draft petroleum contaminated soil model remedies guidance document. Information on the history of developing model remedies along with a summary of past cleanup decisions was presented prior to discussing the draft guidance. This summary does not represent a complete record of the meeting, but rather is intended to capture the key discussion points and the items requiring follow-up.

Major Discussion Items

1. *Effectiveness of environmental covenants* – A question was raised on how effective environmental covenants are in ensuring sites with contamination remaining after cleanup are still protective. Ecology indicated that follow-up audits have documented the necessary controls are still present. It was pointed out that the use of environmental covenants is fairly recent, so information is not available over the long-term on how well this approach will work. There are also an increasing number of sites requiring 5-year reviews which makes it more difficult to complete all of the necessary audits.

The other issue that was discussed was whether the availability of environmental covenant information is being shared with local governments. In particular, whether property restrictions could be displayed on a GIS mapping systems so local governments have ready access to the information as they evaluate building permit applications and other construction work. Ecology indicated that while this is certainly an important issue, it should be broadly addressed for all sites with environmental covenants and not just those utilizing a model remedy. The other complicating factor is that the resources and mapping capabilities of the counties can vary significantly.

2. *Defining what is meant by the phrase “remove soil to the greatest degree practicable”* – It was noted that the guidance indicates a Disproportionate Cost Analysis (DCA) is not required when documentation is provided that soil removal was implemented to the greatest degree practicable. Several workgroup members indicated different approaches are being used to determine if removal or further remediation of contaminated soil is practicable, especially when contamination is present under the pump island or around buried utilities.

After some discussion it was agreed that members would provide examples of DCA's that were prepared to address the issue of practicability. Ecology indicated this information would be useful in evaluating options for addressing this issue more consistently.

3. *Use of empirical demonstrations* – A workgroup member mentioned that additional direction from Ecology would be helpful in determining how to complete empirical demonstrations. Ecology indicated this issue has been recently raised by others and efforts are underway to clarify the numerous questions that have been identified.

4. *Development of a direct contact value for TPHg* – During a discussion on the allowable methods for determining soil cleanup levels, several workgroup members indicated that EPH/VPH testing at sites with low level impacts often does not provide meaningful data. The discussion then turned to development of a “lower bound” number for TPHg as many members felt this would save time and money addressing the direct contact pathway. Ecology indicated a willingness to consider the merits of this approach and requested workgroup members submit sampling results in order to help with this assessment. Several members indicated they would provide site specific data. Ecology pointed out that if a lower bound level was established, it would only address direct contact and other pathways, such as vapor intrusion, would need to be evaluated separately.
5. *Interpretation of nonpotable groundwater* – One workgroup member stated that it would be helpful if Ecology provided some clarification on how nonpotable assessments should be prepared. They pointed out that a nonpotability determination could result in significant increases in the applicable soil cleanup standards for the site.

Editors Note: Although Ecology mentioned that nonpotability determinations do not apply to soil only sites, the reason was not specified. Ecology would like to clarify that the applicability criteria indicate only sites where petroleum is not detected in groundwater above the PQL’s are eligible to use soil only model remedies. Ecology intends to evaluate the issue of nonpotability as part of developing model remedy guidance for sites with limited petroleum impacts to see if further clarification can be provided.

6. *Upper TPH value when using Method C* – A question was raised on why a 10,000 mg/kg limit was included for total TPH when Method C is used to establish soil cleanup levels for the site. Ecology explained that Method C can often result in a significant amount of contamination being left behind, so an upper limit was included to help encourage additional cleanup when these model remedy options are selected. It was also pointed out that the standard Method C cleanup levels can still be used outside the model remedy process.

Follow-up Items

1. *Comment due date* – It was agreed that workgroup members would provide comments on the draft guidance document by January 9th.
2. *EPH/VPH testing results* – Several workgroup members agreed to provide EPH/VPH test results including the actual data as well as copies of the completed spreadsheets. This information will be submitted as soon as it can be compiled.
3. *Examples of practicability determinations* – One member expressed a willingness to provide examples of disproportionate cost analysis where structural impediments prevented all of the contaminated soil from being removed. This information will be submitted as soon as it can be extracted and compiled.
4. *Next meeting* – Ecology indicated the next meeting would be held sometime during the first quarter of 2015. If further discussions are necessary following submittal of the comments and supplemental information, the meeting would likely be held in January or early February.