

Part 201: Update

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Amendments to be Implemented with the Development of New Criteria

- Process for Development of New Criteria
- Max of 10 hour exposure for generic nonresidential inhalation exposure
- Hierarchy for phys/chem properties values
- All algorithms, variables, criteria must be Promulgated as Rules
- New Generic Criteria not Enforceable until Promulgated as Rules
- New Target Detection Limits not Enforceable until Promulgated as Rules
- New Generic Criteria for Dioxins, Furans must be based on TEFs as adopted by the WHO

Part 201 Amendments, December 2018

- Amendments Implemented
- Amendments to be Implemented with the Development/Promulgation of Criteria

Generic and Site Specific Criteria

- Current **Generic Criteria** and Target Detection Levels remain effective *20120a (17)*
- Site Specific Criteria must continue to be based on values that “in comparison to generic criteria, better reflect best available information”
- **Site Specific Criteria** remain valid *20120b(4)*

Volatilization to Indoor Air Pathway

- Generic soil and groundwater criteria for Volatilization to Indoor Air Pathway are still valid.
- *20120f* provides alternate methods other than generic criteria to evaluate, address, and manage the Volatilization to indoor Air Pathway, if appropriate, as site specific evaluations
 - MIOSHA Provision
 - ITRC Petroleum Vapor Intrusion Guidance Document

Volatilization to Indoor Air Pathway

- One or more of the following:

- OSWER Technical Guidance
- ITRC Vapor Intrusion Guidance Document
- EPA Johnson & Ettinger Model

- Indoor Air Sampling:

- If generic criteria are not available, then use EPA Regional Screening Levels
- Indoor Air Inhalation Generic Cleanup Criteria promulgated by EGLE
- Site Specific Criteria approved by the Department

Volatilization to Indoor Air Pathway

- Alternate Method or Model using Site Specific variables approved by the department
- A Method or Model approved in a Promulgated Rule
- The VIAP is not reasonable and relevant if there is no current or planned occupied building.
 - Extent of subsurface contamination must be defined
 - Separation distances must be met
 - Restrictions will be necessary to assure the existing conditions remain

Volatilization to Indoor Air Pathway

- Section 20120f only applies to Part 201, not Part 213
- However the ITRC Petroleum Vapor Intrusion Guidance may be used, as appropriate, for a Part 213 site

No Further Action Reports

- Amendments included limited edits to Section 20114d
- No change was made to definition (20101(1)(hh):
 - Remedial actions addressed in a No Further Action Report must be complete upon submittal
 - Operation, monitoring, maintenance and other post-closure activities may remain on-going to assure the effectiveness and integrity of the remedial action
- A Response Activity Plan may be submitted for department review
 - The criteria in effect at the time of submittal would also be relied on for future NFA submitted *20120a(17)(b)*

Response Activity Review Panel

- Section 20114e
- “Dispute” definition broadened to include administrative issues and notifications of ‘insufficient information’
- Does not apply to Part 213
 - Separate and distinct provisions in Part 213 that apply to the RARP
 - 21323n(3) limits items that may be appealed to scientific or technical disputes

Dioxins, Furans, Dioxin-like PCBs

- Toxicity Equivalent Factor calculations must use values adopted by WHO and the sum compared to criteria for 2,3,7,8-TCDD
20120a(20)(a)
- Releases by multiple parties where TEF exceeds criteria, Harm is divisible and each party is subject to apportionment of liability *20120a(20)(b)*

Reliance upon Prior Generic Criteria as the Basis for a Decision

- Criteria in place at the time of a submittal may be relied on for any future review or approval of a plan or NFA
- Due Care obligations remain based on the current generic criteria or site specific cleanup criteria approved by the department

Amendments Effective with New Criteria

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