Leaking Heating Oil Tanks Technical Workgroup Meeting #2

Meeting Notes

March 16, 2016, 9 a.m.

Virginia Credit Union Campus

7500 Boulders View Drive, North Chesterfield, Virginia 23225

Meeting Attendees

The following members of the Leaking Heating Oil Technical Workgroup attended the meeting:

David Beahm, Frank "Billy" Willard, John Pollard, Garland "Gary" Moore, Robert Howard, Todd Pitsenberger, Heather Evans, Alex Wardle, and James Barnett

The following non-workgroup members participated in workgroup proceedings as indicated below:

John Giese (DEQ) – moderator, Suzanne Taylor (DEQ) - note taker, Betty Lamp (DEQ) – Office of Spill Response & Remediation, Director

Welcome / Introductions / Housekeeping

John Giese, DEQ Petroleum Remediation and Preparedness Programs Manager, welcomed the technical workgroup to the meeting, discussed general meeting logistics and guidelines.

Mr. Giese reminded the workgroup that its creation constituted a public body and all meetings of the group are considered public meetings; any meeting of three or more members of the group where they will be discussing matters within the scope of the group must be noticed as a public meeting and is bound by the Freedom of Information Act (FOIA). Pursuant to statutory requirement, all public meetings must be announced on the Virginia Regulatory Town Hall website and Commonwealth Calendar. Workgroup members should send any information that group members would like to share to Mr. Giese; he will then send the information out to all workgroup members. The group members should not use the "Reply All" function on emails. To do so would constitute a meeting subject to public notice. Mr. Giese also reviewed the voting procedures for group consensus items.

Review of Last Meeting Consensus and Action Items

Mr. Giese presented an overview of the consensus and action items from the workgroup's last meeting on December 10, 2015, at the Virginia Department of Environmental Quality:

Consensus Item:

1. The workgroup reached consensus on the following: DEQ should share the rationale for case closure with the consultant for all cases.

Action Items:

1. DEQ was to share a copy of the draft Environmental Pollution Report (EPR) form with the workgroup members. Members were to review the draft EPR and be prepared to discuss the appropriate amount of information to capture on the EPR when reporting a heating oil release to DEQ.

2. DEQ was to share the Petroleum Program's initial views on vapor intrusion guidance with workgroup members. DEQ was to provide links to or copies of the following vapor intrusion guidance documents: *Interstate Technology & Regulatory Council's (ITRC) Vapor Intrusion Pathway: A Practical Guideline* and *EPA's Technical Guide for Addressing Petroleum Vapor Intrusion at Leaking Underground Storage Tank Sites.*

3. DEQ was to share example case closure memos with the workgroup.

4. Consultants were to articulate to the workgroup their technical argument regarding risks to groundwater posed by contaminated soils.

Discussion on Case Closure Documentation and Communication

The group members discussed several possible methods for DEQ to share case closure rationale/information with consultants. The workgroup reached consensus on a recommended process for sharing case closure rationales.

Consensus Item:

1. If DEQ has a No Further Action (NFA) case decision for a confirmed release, the agency should document the rationale and share it with the Responsible Party (RP) and consultant.
2. If DEQ concurs with a consultant recommendation to close a Category 1, Category 2 or Category 3 case, no case closure rationale is needed from DEQ.
3. In cases where DEQ disagrees with a consultant recommendation, DEQ should document its rationale and automatically share the rationale with the consultant (electronically).

Discussion on Environmental Pollution Report (EPR) Form Content

The workgroup members reviewed DEQ's current Environmental Pollution Report (EPR) form and made the following recommendations to revise the form:

1. The consultants should use the same form to report a pollution site, whether it is from a regulated tank or a heating oil tank.
2. The form should include the site owner name, address, telephone and email address and RP if known.
3. The form should include the reporting party's name and address.

4. The form should include the description of the incident.
5. The form should include the PREP number, if applicable.
6. The form should include a section to reference form attachments: site sketch, location map (optional), lab certificates (if appropriate to the case) and/or aerial maps if available.
7. The form should include a 911 address of the spill location (if available).
8. The *Discovery of Incident* section should be removed from the form.
9. The *Site Water Supply* section – public or private - should be mentioned once instead of twice on the form.
10. The form should also require the preparer to note the distance of the release source to any well(s) on the property. Off-site wells should also be included if known or apparent.
11. The form should note soil sample results and depths. (The appropriate number of soil samples needed for categorization will be discussed by the group at a later date.)
12. The *Tank Information* section should be modified to allow a tabular listing for multiple tanks. The table should include:
    tank type (AST/UST), tank size, whether or not the tanks are active or closed, whether they contain product or not, and the number of years they have been out of use. DEQ's current online petroleum tank registration form was recommended as a possible template to capture the different data about each tank on the revised EPR form.
13. The receptor impacts section of the form should be simplified.
14. The surface water section of the form should be optional.
15. The potable well impacts section should be optional due to the other section in the form regarding type of water supply.
16. The wells section of the form should include the following well types: on-site wells, additional on-site wells and in-use off-site wells.
17. The form should include a section to note whether there is an odor/vapor in the basement/structure.
18. The *Building Structure Impact* section of the form should be revised by DEQ.
19. The new form should be kept to one page if possible.

►**Action Item:**

DEQ to revise the EPR form based on the group's suggested changes and send it out to the group for comment and review before the next workgroup meeting.

Presentation by DEQ on Petroleum Vapor Intrusion

James Barnett, DEQ's Remediation Program Coordinator, presented information and PowerPoint slides regarding petroleum vapor intrusion. The presentation contained the following:

- DEQ acknowledgement of a need for petroleum vapor intrusion guidance in program guidance.
- A review of nationally recognized vapor intrusion guidance documents:
    - *EPA OSWER Technical Guide for Assessing and Mitigating the Vapor Intrusion pathway from Subsurface Vapor Sources to Indoor Air,*
    - *EPA Technical Guide for Addressing Petroleum Vapor Intrusion at Leaking Underground Storage Tank Sites,*
    - *Interstate Technology and Regulatory Council's (ITRC) Petroleum Vapor Intrusion*
- A discussion of vapor intrusion guidance from other states,
- A presentation of petroleum vapor modeling performed by DEQ using API's Biovapor model.

Following Mr. Barnett's presentation, the group discussed the data in the studies and modeling programs. It was recognized that the research focused more on benzene whereas naphthalene is more critical in heating oil releases.

DEQ clarified policy differences between the agency's Voluntary Remediation Program (VRP) and its Petroleum Program when looking into similar compounds like naphthalene. Screening numbers in the VRP and the Petroleum Program are different for these compounds because the program outcomes are not the same. A VRP closure letter releases a property owner from all future liability whereas a Petroleum Program closure letter does not.

The group noted differences between EPA's research and what DEQ has seen over the years, including how the agency's program now handles heating oil releases today versus over 20 years ago.

The group discussed the various methods of assessing structures for vapor intrusion and for colleting vapor samples for the assessment of vapor intrusion risk

The group invited Randy Chapman of DEQ to address the workgroup. Mr. Chapman served on the ITRC workgroup that developed the ITRC PVI guidance document. Mr. Chapman provided some background on the development of the ITRC guidance.

The group discussed the possibility of using the ITRC guidance as a template to create Virginia-specific guidance on how to collect soil samples, the different types of samples and how to analyze them. The collected data could then be analyzed to see if DEQ is being too liberal or conservative in its approach to the residential heating oil clean-ups.

Consensus Item:

The group reached consensus on the following recommendation: DEQ should develop a Virginia-specific petroleum vapor intrusion risk evaluation framework and guidelines for residential heating oil sites.

►Action item:

DEQ to share Randy Chapman's straw-man concept for evaluating PVI at residential heating oil sites.

Discussion on Groundwater Protection

The group's groundwater discussion from the last meeting was reviewed. Mr. David Beahm and Mr. Gary Moore both prepared memos to the workgroup in response to the action item for consultants to articulate the technical need to protect groundwater.

Mr. Beahm provided a summary of his memo to his workgroup in which Mr. Beahm summarized several tools and approaches that could be used to assess when soil contamination would present a risk to groundwater.

Mr. Moore provided a discussion of his memo and reiterated the need for the Petroleum Program to protect groundwater.

The workgroup then had discussion on regulatory requirements for recovery of free product. The DEQ pointed out that the requirement to recovery free product applies to releases from regulated tanks but that free product recovery is being performed at some heating oil cases. The DEQ highlighted the changing position of the petroleum industry on the need to recover free product, i.e. that some amounts of free product can be left in place where there is no risk posed by the free product. The DEQ referenced program guidance that addresses the closure of sites with free product. There was general discussion regarding heating oil cases with free product.

At the conclusion of workgroup discussion on groundwater protection, Mr. Giese checked with the workgroup on whether there was any specific part of the discussion that required workgroup consensus. There was none.

Public Comment

Mr. Giese checked the meeting sign-in sheet to see who had indicated that they wanted to address the workgroup. No one had indicated they wanted to speak. Mr. Giese also asked the group on two occasions if anyone wanted an opportunity to speak. No parties were interested in addressing the workgroup.

Items to Discuss at Next Meeting in April 2016

Mr. Giese summarized the following action items to be discussed at the next meeting:

- Finalize recommendations for a revised Environmental Pollution Report form.
- Discuss the appropriate number of soil samples needed to categorize a heating oil case.

Next Technical Workgroup Meeting

The next and final meeting of the Leaking Heating Oil Technical Workgroup is scheduled for Wednesday, April 20, 2016, at 9 a.m. at the Virginia Credit Union at 7500 Boulders View Drive, Richmond, Virginia 23225. The meeting announcement is posted on the Virginia Town Hall website.

Meeting Adjourned

The meeting was adjourned at 3:38 p.m.