

Risk Based Corrective Action Rules

Scoping Meeting 2 - Risk Software & Rule Changes



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

Agenda

- Background and Summary from July 27th
- Decision
- Example Zero-Based Regulation Changes
- Example Rule Changes
- Example Risk Evaluation Manual Changes
- Schedule



Background

- IDAPA 58.01.24, Standards and Procedures for Application of Risk Based Corrective Action at Petroleum Release Sites, is up for rule review in 2024
- Rulemaking must be initiated in compliance with Executive Order No. 2020-01, Zero-Based Regulation (ZBR), issued by Governor Little on January 16, 2020
- Under EO 2020-01, all agencies are required to perform a critical and comprehensive review of their rule chapters to reduce the overall regulatory burden, streamline various provisions, and increase clarity and ease of use

Summary

- DEQ proposed retiring DEQ's risk evaluation software in favor of EPA's
- One comment in support of the proposal was received.



Decision

- Retire DEQ's risk evaluation software and utilize EPA's screening levels and calculators
 - Regional Screening Level (RSL) Calculator
 - Vapor Intrusion Screening Level (VISL) Calculator
- Retain the same petroleum chemicals of interest



Rulemaking Will Include:

- ZBR – simple clarification changes, (ex. “shall” to “must”)
- Moving sections **800** (Hazardous & Deleterious Material Storage), **849** (Oil-Filled Electric Equipment), **850** (Hazardous Material Spills), **851** (Petroleum Release Reporting, Investigation, & Confirmation), and **852** (Petroleum Release Response & Corrective Action) from the Water Quality Standards (IDAPA 58.01.02) into 58.01.24
- Risk evaluation process changes



Example ZBR Changes

d. In the case of a replacement of an existing ~~petroleum underground storage tank~~ UST or existing piping ~~connected to the petroleum underground storage tank~~, Section 100 ~~shall apply~~ applies only to the specific ~~petroleum underground storage tank~~ UST or piping being replaced, not to other ~~petroleum underground storage tanks~~ USTs and ~~connected pipes comprising such system~~ piping. (4-2-08)

032. Individual Training. The owner or operator of each ~~petroleum underground storage tank~~ UST system regulated under these rules ~~shall~~ **must ensure that the individuals identified in:**

a. ~~ensure that the individual(s) identified in~~ Subsections 300.021.a.i. and ~~300.02.a.ii.~~ participate in the training conducted by the Department or a state of Idaho approved third party; (4-2-08)

ab. ~~The individual(s) identified in~~ Subsections 300.021.a.i. or ~~300.02.a.ii.~~ ~~shall~~ provide training to the persons identified in Subsection 300.021.a.iii.; (4-2-08)

bc. ~~The individual(s) identified in~~ Subsection 300.021.a.iii. ~~must~~ be trained before assuming responsibility for responding to emergencies; (4-2-08)

cd. ~~The individual(s) identified in~~ Subsections 300.021.a.i. and ~~300.02.a.ii.~~ ~~shall~~ repeat the training within thirty (30) days if the ~~petroleum underground storage tank~~ UST system for which they have responsibility is determined to be out of compliance with these rules; and (4-2-08)

de. ~~The individual(s) identified in~~ Subsections 300.021.a.i. and 300.021.a.ii. ~~shall~~ be trained within thirty (30) days of assuming operation and maintenance duties. (3-24-17)

Example Water Quality Rule Changes

[IDAPA 58.01.02](#)

Example Risk Rule Changes

[IDAPA 58.01.24](#)

Example Risk Evaluation Manual Changes

Introduction

In ~~July 2024~~April 2009, the Idaho Legislature approved the Department of Environmental Quality (DEQ) Rules IDAPA 58.01.24, ~~Standards and Procedures for Application of Risk Based Corrective Action at Petroleum Release Sites~~Rules for Hazardous Material Management and Petroleum Corrective Action (the Rule). This rule requires ~~ds~~ that substantive revisions to the manual be done so through public participation~~DEQ prepare a risk evaluation manual for petroleum releases which would be used as guidance for implementation of the Rule.~~ This document represents the final version agreed upon through the public participation process~~at implementation guidance.~~ The Rule may be obtained at: <http://adminrules.idaho.gov/rules/2012/58/0124.pdf>

Organization of This Document

The document begins with a general description of the steps in the risk evaluation (RE) process, which is then followed by detailed implementation information for each step. DEQ follows the Environmental Protection Agency's (EPA) risk evaluation process and software. EPA's Risk Assessment website will provide the user with numerous documents, instructions, manuals, and access to the software (<https://www.epa.gov/risk>). The two documents that will be the most helpful are: ~~has developed software that complements the process described and is provided at no charge.~~

- EPA's Regional Screening Levels (RSLs) User's Guide (<https://www.epa.gov/risk/regional-screening-levels-rsls-users-guide>)
- EPA's Vapor Intrusion Screening Level (VISL) Calculator User's Guide (<https://www.epa.gov/vaporintrusion/visl-users-guide>)

Contact DEQ regarding its availability.

Information in the body of this manual is supported by ~~12XX~~ appendices. Appendices A–~~D~~ address es references to technical documents, Appendix B lists Idaho-specific changes to EPA's default parameter exposure factors, fate and transport parameter values, physical and chemical properties, and toxicity values, Appendix C. Appendix E presents models and equations. Appendix F provides the methodology and calculations for remedial action target levels (RATLs). Appendix G discusses the vapor intrusion pathway, and Appendix H addresses the application of natural attenuation. Appendix I describes the estimation of exposure point concentrations. A sample table of contents from a risk evaluation report is provided in Appendix J. Appendix K addresses practical quantitation limits, and Appendix L contains a quality assurance project plan (QAPP) template.



Rulemaking Schedule

Rulemaking 1

Spring 2024

Rulemaking 2

Spring 2024

Risk Manual

July 2025

Comments regarding this approach are due October 13th

Questions?

Kristi Lowder
UST/LUST Program Manager
kristi.lowder@deq.idaho.gov

Eric Traynor
Brownfields Program Coordinator
eric.traynor@deq.idaho.gov

Keith Dyarmett
LUST Compliance Officer
keith.dyarmett@deq.idaho.gov



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY