

58.01.24 Rulemaking

Risk Based Corrective Action Rules

Meeting 2



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

Agenda

- Review public comments
- Go over rule changes from meeting 1



Comment 1

The petroleum industry will be subject to the hazardous materials rules if they are moved into this rule from the Water Quality Standards.

Response 1

The hazardous material rules already apply to the petroleum industry as petroleum is defined as a hazardous material. The petroleum industry is still subject to these rules so putting them in the Waste rules is more convenient. The hazardous material rules do not go above and beyond what is already required in the petroleum rules, they are similar.

Response 1 Continued

800 through 852 do not fit within the scope of the Water Quality Standards and it would be easier for the public if the rules were separate.

Beth Spelsberg

Senior Water Quality Standards Scientist

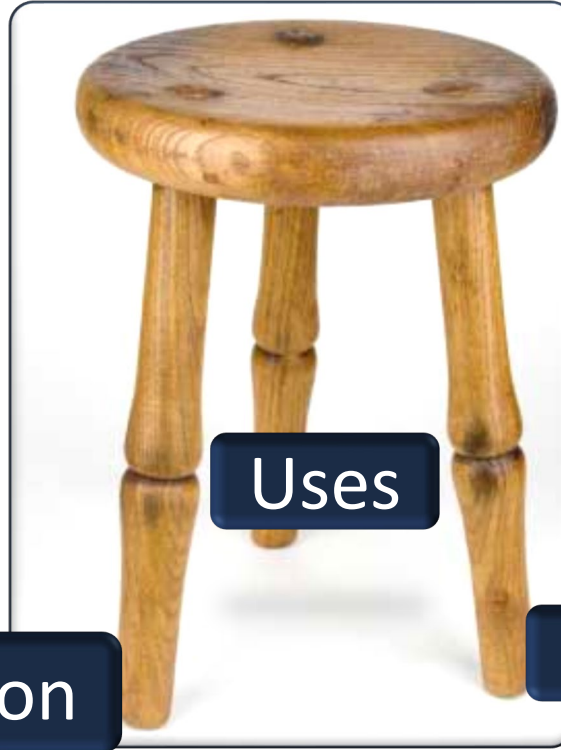
IDAPA 58.01.02

Water quality standards are authorized by the federal Clean Water Act and designate beneficial uses of a water body and the quality of the water necessary to support those uses.

Under the authority of the CWA, EPA reviews and either approves or disapproves a State's water quality standards.

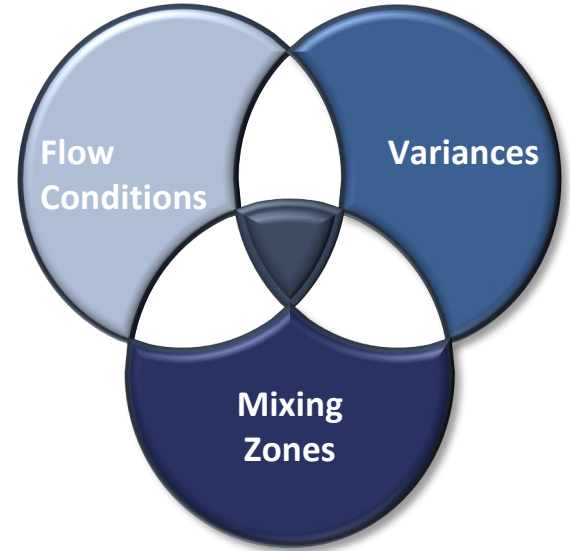


Water Quality Standards



Antidegradation

Criteria



Sections 800 through 852



These sections do not establish any beneficial uses, criteria, or antidegradation. In addition, they do not speak to variances from water quality standards, mixing zones, compliance schedules, or low flow conditions.

Complications

- Triennial reviews
- Training
- Coordination



Comment 2

There is reference to $\frac{1}{4}$ mile radius survey as well as a $\frac{1}{2}$ mile radius.

Response 2

Corrected. The radius was changed to $\frac{1}{2}$ -mile because that is the radius in the Risk Evaluation Manual and was accepted during the 2018 rulemaking. The reference to a $\frac{1}{4}$ -mile radius is from the early 1990's. $\frac{1}{2}$ -mile is the lowest radius DEQ could find when comparing to EPA and other states. EPA uses 4 miles, Oregon 2 miles, Alaska 1 mile, Kansas 1 mile, and most nearby states default to EPA.

Comment 3

The term “schedule and criteria” can be confusing.

Response 3

DEQ understands and has made changes to the rule.

Note: any type of enforcement mechanism (consent order, schedule & criteria, etc.) can reference a corrective action plan and vice versa

Comment 4

EPA's RSL table should be the sole source for exposure factor information.

Response 4

EPA's RSL Tables do not list exposure factors. DEQ would like to continue to provide flexibility in allowing various sources of exposure factor data. However, if the rulemaking participants would rather limit the number of sources, then DEQ could change this part of the rule to only reference EPA's data.

Comment 5

The deleted language about the development of the Risk Evaluation Manual should remain as the deletion reduces PSTF's role.

Response 5

The guidance manual has been developed, that action is complete and is no longer relevant. Per ZBR protocols it should be deleted. PSTF was involved in the development. Going forward, only revisions are necessary and PSTF and all members of the regulated community will have an opportunity to participate.

Comment 6

Table 800 should be expanded to show that for diesel fuel, fuel oils, and jet fuel, the chemicals of interest (COI) for vapor intrusion is a reduced set of COIs.

Response 6

The proposed changes are inconsistent with the VISL calculator as acenaphthene, anthracene, EDB, EDC, and pyrene are the only chemicals of interest that do not have inhalation toxicity data. If some of the chemicals do not meet method detection limits or practical quantitation limits, section 500 and Appendix K of the Risk Evaluation Manual address this.

Rulemaking Schedule

Comment Deadline

April 19

Meeting 3

May 9

Final Comments

May 17

Comments To:

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