CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Regulatory Updates

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Topics to be discussed

- Toxicity Criteria Regulations
- HHRA note on PCBs
- Updates on Vapor Intrusion Guidance
- SCAQMD Rule 1466 and it's implications for site cleanup

Toxicity Criteria Regulation

- DTSC proposed the Toxicity Criteria Regulation in response to challenges to toxicity values used by DTSC at Federal Facilities.

- Regulation codifies already existing practice for selecting toxicity values for conducting Human Health Risk Assessments, screening sites and establishing remediation goals (DTSC's HHRA note 3).

- New provisions to California Code of Regulations, Title 22, Division 4.5, Chapters 50 (68400.5) and 51 (sections 69020-69022). Applies to all Hazardous waste and cleanup sites in California.

Toxicity Criteria Regulation (cont'd)

- Example – Responsible Party argued for use of toxicity criteria for tetrachloroethylene (PCE) adopted by USEPA, as opposed to California OEHHA

PCE Indoor Air Screening Level (ug/m^3)		
	Residential	Commercial/Industrial
OEHHA Toxicity Criteria	0.46	2
IRIS Toxicity Criteria	11	47

Potential Impact: More stringent levels for screening and cleanup of PCE contaminated sites

Toxicity Criteria Regulation (cont'd)

- Public comment period (August 4-September 20, 2017)
- Two public workshops
- Public Hearing (September 20, 2017)

Next Steps:

- Respond to Public and Stakeholder comments
- California Office of Administrative Law Review
- Adoption of Final Rule

HHRA Note on PCBs

Goal: Provide guidance on sampling, analysis and evaluation of soils, air and surfaces contaminated with PCBs

Currently, there aren't any comprehensive, guidance documents from DTSC on how to deal with the following issues related to PCB contaminated sites.

- Regulatory authority (TSCA vs. State)
- Sampling and analysis
- Data evaluation and risk assessment
- Cleanup of contaminated media

Updates to DTSC's Vapor Intrusion Guidance

- Current Guidance was finalized in 2011

- Revisions under consideration:
  - Attenuation factors
  - Preferential pathways (e.g., sewer pipes)
  - Assessment of spatial and temporal variability
  - Reliance on modeling for VI evaluation
  - Risk management decisions

SCAQMD Rule 1466

- In August 2017, SCAQMD adopted Rule 1466 to minimize fugitive dust emissions from soils with certain Toxic Air Contaminants (TAC)
- Supplement existing Rules 402 (nuisance), 403 (fugitive dust), 1166 (VOCs).
- Currently listed TACs: arsenic, asbestos, cadmium, hexavalent chromium, lead, mercury, nickel and PCBs
  - PAHs, pesticides, dioxins to be added in Amended Rule

SCAQMD Rule 1466 (cont'd)

- Rule applies to sites with earth moving activities (excavation, grading, treating, stockpiling etc)
  - Lead agencies: EPA, State, and Local (in Amended Rule)
  - SCAQMD designated sites
- Monitoring requirement: PM_{10} (upwind and downwind)
- Other Requirements (notification, signage)
- If $PM_{10} > 25$ ug/m^3 (averaged over 2 hrs):
  - ✧Apply dust suppressants
  - ✧Cease earth moving activities
  - ✧Other dust control measures
- Rule 1466 is more stringent that Rule 403, which applies to Fugitive dust in general with a trigger level of 50 ug/m^3.

Topics discussed

- Toxicity Criteria Regulations (codifies existing practice)
- HHRA note on PCBs (comprehensive guide)
- DTSC's Vapor Intrusion Guidance (being updated)
- SCAQMD Rule 1466 (lower trigger level)

HERO Quarterly Updates: http://www.dtsc.ca.gov/AssessingRisk/index.cfm

Questions?