

SUBCHAPTER E: REPORTS

§§350.90 - 350.96

Effective March 19, 2009

§350.90. Spatial and Electronic Information.

(a) When required, the person shall provide accurate spatial coordinates and associated data attributes that are reported in a format approved or required by the executive director.

(b) Reports required by this subchapter shall be submitted in a format, including an electronic format, and according to a schedule established by the executive director.

Adopted February 21, 2007

Effective March 19, 2007

§350.91. Affected Property Assessment Report.

(a) The person shall include the contact and identifications as described in paragraphs (1) - (3) of this subsection in an affected property assessment report (APAR):

(1) the name, mailing address, and telephone number of the contact person or office for the on-site affected property;

(2) the program and identification numbers for the project, if any (e.g., Solid Waste Registration number, Voluntary Cleanup Program number, etc.); and

(3) the physical address or location of the affected property, including accurate latitude and longitude and associated spatial data attributes in a format approved or required by the executive director.

(b) An APAR shall document descriptions of procedures and conclusions of the assessment and shall include all information required to meet the requirements of §350.51 of this title (relating to Affected Property Assessment), §350.52 of this title (relating to Groundwater Resource Classification) and §350.53 of this title (relating to Land Use Classification). This includes, but is not limited to:

(1) the classification of the groundwater(s) at an affected property including all supporting data and results;

(2) the classification of the land use(s) of the affected property;

(3) the identification and characterization of all source areas (e.g., NAPLs);

(4) a characterization of the local geology and hydrogeology;

(5) the direction and rate of movement, composition, and representative concentrations of COCs in environmental media (including the potential for migration to other media);

(6) an identification of all complete or reasonably anticipated to be completed exposure pathways, and an identification of other exposure pathways evaluated in accordance with §350.71(c)(8) of

this title (relating to General Requirements) and an explanation of why those pathways were not considered to be complete or reasonably anticipated to be completed;

(7) as required, a completed Tier 1 Exclusion Criteria Checklist and, if appropriate, a reasoned justification and/or an expedited stream evaluation for terminating the ecological risk assessment, or as required a Tier 2 screening-level ecological risk assessment, and/or a Tier 3 site-specific ecological risk assessment as specified in §350.77 of this title (relating to Ecological Risk Assessment and Development of Ecological Protective Concentration Levels);

(8) summaries of sampling methodology;

(9) all analytical data in accordance with §350.54 of this title (relating to Data Acquisition and Reporting Requirements);

(10) documentation that the data necessary to support the development of PCLs and remedy selection have been adequately and appropriately collected;

(11) documentation of the derivation of all RBELs and PCLs and the determination of the critical PCLs for environmental media including all associated assumptions and calculations;

(12) a tabular comparison between concentrations of COCs and the critical PCLs. If statistical or geostatistical methods are used to develop representative concentrations of COCs, then the person shall include the following:

(A) a discussion of the data collection effort from an environmental medium to support this determination (e.g., judgmental samples, random sampling design, etc.);

(B) the statistical or geostatistical methodology applied; and

(C) the assumptions of the statistical or geostatistical method and how those assumptions are met.

(13) graphical representations (e.g., maps and cross-sections) of the soil and/or groundwater PCLE zone(s), location of other environmental media which exceeds the respective critical PCLs, and the plume management zone if applicable;

(14) a description of any exposure conditions which require notice under §350.55(e) of this title (relating to Notification Requirements) and any certification required under §350.55(d) and (e) of this title;

(15) accurate spatial coordinates and associated data attributes, in a format approved or required by the executive director, for all locations where samples of environmental media were collected or where other testing was conducted (e.g., water wells and monitor wells which were sampled or which were used for aquifer testing, soil sampling locations, surface water and sediment sampling locations, and air sampling locations); and

(16) any other reasonable information required by the executive director.

Adopted February 25, 2009

Effective March 19, 2009

§350.92. Self-Implementation Notice.

The person shall include the following information in a self-implementation notice (SIN):

(1) the person shall include the following contact and identifications:

(A) the name, mailing address, and telephone number of the contact person or office for the on-site affected property;

(B) the program and identification numbers for the project, if any (e.g., Solid Waste Registration number, Voluntary Cleanup Program number, etc.); and

(C) the physical address or location of the affected property;

(2) a list of the COCs which require a response action;

(3) a description of the qualitative and quantitative response action objectives to be achieved by the response action;

(4) a description of any exposure conditions which require notice under §350.55(e) of this title (relating to Notification Requirements) and any certification required under §350.55(d) and (e) of this title;

(5) a description of the response action chosen to achieve Remedy Standard A;

(6) acknowledgment that any permits needed to implement the remedy will be obtained prior to implementation;

(7) a schedule for implementation and completion of the response action;

(8) if applicable, a copy of the proposed institutional control for §350.31(h)(1) of this title (relating to General Requirements for Remedy Standards); and

(9) any other reasonable information required by the executive director.

Adopted February 25, 2009

Adopted March 19, 2009

§350.93. Response Action Effectiveness Report.

The person shall include the following information in a response action effectiveness report (RAER):

(1) a summary of the response actions taken since the last reporting period;

(2) for each environmental medium, a comparison among the critical PCL; the initial concentration of COCs; and the current (i.e., at the time of RAER submittal) concentrations of COCs;

- (3) an estimate of the percentage of the response action which has been completed;
- (4) an estimate in years of the additional time necessary to complete the response actions;
- (5) a determination whether sufficient progress is being made to achieve the selected remedy standard within a reasonable time frame given the particular circumstances of an affected property;
- (6) if applicable, a copy of the proposed institutional control for §350.31(h) of this title (relating to General Requirements for Remedy Standards); and
- (7) any other reasonable information required by the executive director.

Adopted February 21, 2007

Effective March 19, 2007

§350.94. Response Action Plan.

- (a) The person shall address all environmental media containing COCs in excess of the critical PCLs in a response action plan (RAP).
- (b) The RAP must clearly state property-specific response objectives which are consistent with the response objectives specified in §350.33 of this title (relating to Remedy Standard B), or §350.32 of this title (relating to Remedy Standard A) if a person chooses to await executive director approval of a RAP under Remedy Standard A.
- (c) The person must demonstrate that the proposed property-specific response actions are capable of achieving the response action objectives within a reasonable time frame as specified in §350.33 of this title (relating to Remedy Standard B), or §350.32 of this title (relating to Remedy Standard A) if a person chooses to await executive director approval of a RAP under Remedy Standard A.
- (d) If monitoring of environmental media is proposed during the response action, the RAP shall address the proposed monitoring frequencies, parameters, locations, analytical methods, and all associated quality control procedures.
- (e) The RAP shall describe any soil and/or groundwater treatment systems proposed as a part of the response actions for the affected property.
 - (1) The person shall list necessary inspection, operation and maintenance tasks, as well as characterize optimum operating conditions for any treatment system.
 - (2) The person shall discuss potential problems that can reasonably be expected to occur and indicate how they propose to respond to those potential problems.
 - (3) The person shall identify any permits needed to construct and/or implement the remedy.

(f) The person shall include a discussion of any sampling to be conducted to demonstrate conformance with the response objectives and to meet all requirements of §350.79 of this title (relating to Comparison of Chemical of Concern Concentrations to Protective Concentration Levels). This sampling discussion shall include:

(1) the data collection effort from an environmental medium to support this determination (e.g., judgmental samples, random sampling design, etc.);

(2) the statistical or geostatistical methodology which will be applied, if any; and

(3) the assumptions of the statistical or geostatistical method and how those assumptions are met.

(g) The RAP shall specify the type, location, duration, and implementation schedule for the various removal actions, decontamination measures, and any physical and/or institutional controls to be implemented as the response action for the affected property.

(h) The person shall include a schedule for submission of RAERs to the executive director.

(i) The person shall include a copy of the institutional control they plan to use to meet the requirements of §§350.31(g) and (h); 350.74(b)(1); 350.74(j)(2)(L); or 350.51(1)(3) and (4) of this title (relating to General Requirements for Remedy Standards; Development of Risk-Based Exposure Limits; and Affected Property Assessment, respectively).

(j) Cost information for the recommended response action and comparative cost analyses for a number of response actions may be required by specific program areas.

(k) For Remedy Standard B, the person shall include the following information regarding post-response action care in a RAP:

(1) a description of the monitoring program for the post-response action care period including, but not limited to, the following where applicable:

(A) the type of monitoring to be performed (e.g., groundwater, soil, and soil gas);

(B) plot plan(s) indicating monitoring locations (including attenuation monitoring points);

(C) well construction details;

(D) environmental media monitoring frequency;

(E) COCs to be analyzed;

(F) sampling procedures, chain of custody protocols, and laboratory methods;
and

(G) quality assurance/quality control procedures in accordance with §350.54 of this title (relating to Data Acquisition and Reporting Requirements);

(2) a description of and schedule for the inspection, operation, and maintenance of any physical controls for the post-response action care period;

(3) a description of the proposed post-response action land use and a demonstration that the proposed use:

(A) will not compromise the integrity of the physical controls;

(B) will not interfere with the function of the monitoring systems;

(C) will not pose a threat to human health or the environment; and

(D) will be in accordance with any institutional controls.

(4) a written financial assurance cost estimate, when applicable, for performing the post-response action care, which has been prepared in accordance with §350.33(1) of this title (relating to Remedy Standard B);

(5) the affidavit required under §350.33(n)(1) of this title (relating to Remedy Standard B) for the special small business consideration, as applicable;

(6) a reporting schedule for submission of the PRACRs under Remedy Standard B based on annual reporting unless the executive director approves an alternate reporting schedule. Alternate schedules may have a greater or lesser period, or may specify quarterly reporting in the earlier post-response action care period, decreasing to annual, biannual or other appropriate schedule.

(l) Any other reasonable information required by the executive director.

Adopted February 21, 2007

Effective March 19, 2007

§350.95. Response Action Completion Report.

(a) For both Remedy Standard A and B, the person shall include in the response action completion report (RACR):

(1) information specified in §350.111(c) of this title (relating to Use of Institutional Controls) whenever an institutional control will be placed in the real property records of the county for an off-site property or leased lands;

(2) all analytical data prepared and presented in accordance with §350.54 of this title (relating to Data Acquisition and Reporting Requirements);

(3) a description of the volume and final disposal or reuse location, and a copy of any waste manifests or other documentation of disposition for waste or environmental media which were removed from the affected property; and

(4) if statistical or geostatistical methods are used to demonstrate attainment of the response objectives, the person shall include the following:

(A) a discussion of the data collection effort from an environmental medium to support this determination (e.g., judgmental samples, random sampling design, etc.);

(B) the statistical or geostatistical methodology applied; and

(C) the assumptions of the statistical or geostatistical method and how those assumptions are met.

(b) When the person selects Remedy Standard A, the RACR shall include information which documents that the requirements for response actions stated in §350.31 and §350.32 of this title (relating to General Requirements for Remedy Standards and Remedy Standard A, respectively) have been fulfilled. When applicable, the report shall also include a copy of the document that the person proposes to use to fulfill the institutional control requirements of §350.31(g) of this title (relating to General Requirements for Remedy Standards) when the affected property has been restored for commercial/industrial land use, the requirements of §350.51(l)(3) or (4) of this title (relating to Affected Property Assessment) when a non-default exposure area has been used, the requirements of §350.74(b)(1) of this title (related to Development of Risk-Based Exposure Limits) when occupational inhalation criteria have been used as RBELs, or the requirements of §350.74(j)(2) of this title (related to Development of Risk-Based Exposure Limits) when non-default RBEL exposure factors have been used.

(c) When the person selects Remedy Standard B, the RACR shall include information which documents that the response actions described in the approved RAP have been completed. The report shall:

(1) include a demonstration that the requirements of §350.31 and §350.33 of this title (relating to General Requirements for Remedy Standards and Remedy Standard B, respectively) have been fulfilled for the affected property based upon concentration of COCs remaining at the property and the application of physical and institutional controls; and

(2) document that any physical control, or combination of physical controls, (e.g., caps, slurry walls, treatment which does not constitute decontamination, and/or landfills) has been constructed or completed and is functioning as described in the approved RAP.

(d) In situations where soils which contain COCs are relocated for reuse in accordance with §350.36 of this title (relating to Relocation of Soils Containing Chemicals of Concern for Reuse Purposes), the person shall also provide:

(1) documentation of the prior written landowner consent required in §350.36(d) of this title (relating to Relocation of Soils Containing Chemicals of Concern for Reuse Purposes) for soil reuse on property not owned by the person; and

(2) documentation that any asphalt mix or road base mix meets the specifications required by the user when requested by the executive director.

(e) The person shall provide any other reasonable information required by the executive director.

Adopted February 21, 2007

Effective March 19, 2007

§350.96. Post-Response Action Care Reports.

The person shall include the following information in a post-response action care report (PRACR):

(1) the results of any monitoring program with all analytical data prepared and presented in accordance with §350.54 of this title (relating to Data Acquisition and Reporting Requirements);

(2) a summary of activities related to the inspection, operation, and maintenance of physical controls;

(3) a discussion of any corrective actions taken in response to failure of institutional and/or physical controls; and

(4) any other reasonable information required by the executive director.

Adopted February 21, 2007

Effective March 19, 2007