

# Texas Natural Resource Conservation Commission

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## INTEROFFICE MEMORANDUM

**To:** Remediation Division Project Managers  
**Date:** July 18, 2000

**Thru:** Jacqueline S. Hardee, P.E., Director (*initialed JSH*)  
Remediation Division

**From:** Chet Clarke, Manager (*initialed WDC*)  
Technical Support Section

**Subject:** Transition to Texas Risk Reduction Program of projects with portions closed under the 30 TAC 335 Risk Reduction rule.

The provisions of §350.2(m) establish specific options for existing projects to transition into the TRRP rule or to remain under prior rules (“grandfathered”) if certain milestones are met. The intent is for persons to conduct and staff to evaluate a complete response action according to a single set of rules. Due to past agency practices, however, it is possible to have some projects straddling two sets of rules, such that response for one medium has been completed and a report has been submitted for approval under one set of rules but response to releases in other media were not completed by the TRRP rule effective date. This situation is of significance to projects that will transition into the TRRP rule and are referred to herein as “split media” projects. For example, at a release site with multiple affected media, soil contamination could have been approved for Standard 2 closure while a response for groundwater contamination has not been completed or is in the process of being addressed with a Standard 3 approach, but now the person wants to make use of the TRRP rule instead. In this case, the soils will be considered “closed” under the Chapter 335 Risk Reduction rule and only the response action for the groundwater release will transition into the TRRP rule.

In order to encourage the transition of existing projects into the TRRP rule that could otherwise retain grandfathered status, the TNRCC will honor “split-media” closures or remediations for which proof of attainment of a Chapter 335 Risk Reduction rule standard has been submitted prior to May 1, 2000, and will not evaluate those previously completed or approved actions for compliance with the TRRP rule. Additionally, if the TNRCC issued a written directive or written approval as of the date of this memorandum to take a split-media approach, then the TNRCC will honor that commitment and not evaluate the media closed under the Chapter 335 Risk Reduction rule for compliance with the TRRP rule, provided the grandfathering provisions of §350.2(m) are met and review under Chapter 335 is allowable. However, the TRRP response objectives for the portion brought into TRRP must be able to be attained, or it may be necessary to re-evaluate previous actions. For the scenario described above, the soils that attained Standard 2 should be sufficiently protective of the underlying groundwater. However, if the groundwater response objectives of the TRRP rule can not be attained due to continued sourcing of chemicals of concern from the soil, the cross-media impacts would open up the soils closure to full evaluation under the TRRP rule, according to §350.2(m).

The TNRCC will not apply this split-media policy to reports received for review after May 1, 2000, if it was not authorized or committed to by the TNRCC as of the date of this memorandum. From May 1, 2000 onward, consistent with §350.2(m) of the TRRP rule, the person either retains grandfathered status for all media or must transition the entire response action, not just portions of it, and must address all media with only one TRRP remedy standard (Remedy Standard A or B). The forthcoming guidance document, *Use of Data Collected for 30 TAC 335 under TRRP* (RG-366/ TRRP-5), will help in determining what data gathered under previous rules can be used in the transition to the TRRP rule.

If you have any questions, contact Paul S. Lewis of the Technical Support Section.

JSH/WDC/psl