PROPOSED PART 201 CRITERIA

Background Information
Background for Proposed Rules

- Part 201 Rules promulgated in 2002; 9 years old!
- Program Redesign
- 2010 Part 201 Amendments
  - require criteria to be revised by December 2012
- In anticipation of an updated rules package, RD has focused on the following:
  - Identify relevant risk assessment/criteria guidance
  - Identify criteria/screening levels in Region V
  - Update toxicity values and other chemical-specific data
  - Develop a database to automate criteria calculations
  - Prepare for stakeholder process
Current Part 7 Rules

- Criteria-specific rules currently include:
  - “Cleanup criteria requirements for remedial actions and interim response activity designed to meet criteria”
  - How the criteria are calculated including the equations and methodology for generating the tox endpoints
  - How the criteria are implemented
  - Tables of cleanup criteria, footnotes, and chemical-specific data
Major Proposed Changes - GOALS

1. Harmonization with current EPA risk assessment guidance and practices
2. Emphasis on protection of children
3. More accurate representation of environmental exposures
4. Elimination of outdated or unnecessary criteria pathways – some combined
5. Proposal to not include numerical criteria in the rules
6. Modifications for clarification & consistency with the December 2010 amendments
Major Proposed Changes

1. Harmonization with current EPA guidance and practices
   - 2002 Draft Vapor Intrusion Guidance
   - 2005 Guidelines for Carcinogen Risk Assessment
   - 2008 Child-specific Exposure Factors Handbook
   - 2009 Draft Exposure Factors Handbook
   - 2011 EPA Regional Screening Levels for Superfund Sites
Major Proposed Changes (cont’d)

2. Emphasis on protecting children in residential land uses
   - Child receptor for noncarcinogens only
   - Incorporation of factors to address early life susceptibility to mutagenic carcinogens
3. Proposal reflects more accurate representation of environmental exposures

- Exposure pathways combined by environmental medium
  - Soil = ingestion + dermal + inhalation
  - Tapwater = ingestion + inhalation

- Propose soil gas sampling to characterize vapor intrusion risk when feasible; when not feasible, GW sampling is the alternative
Major Proposed Changes (cont’d)

4. Propose to rescind outdated or unnecessary pathways – some combined
   ✓ 4 residential soil pathways (4 ambient air)
   ✓ 6 nonresidential soil pathways (4 ambient air & 2 direct contact)
   ✓ GVIIC (groundwater to indoor air)
   ✓ SVIIC (soil to indoor air)
   ✓ Groundwater contact
Major Proposed Changes (cont’d)

5. Proposal to rescind numerical criteria tables from the rules
   ✓ Methodology/equations retained
   ✓ Current criteria no longer represent best available information
   ✓ Greater opportunity to represent the state of the science
   ✓ Consistent with other regulatory programs
   ✓ Schedule for updates and a public review and comment period will be identified
Major Proposed Changes (cont’d)

6. Other changes

- Clarification of language for maintained rules
- Modification of language for consistency with the 2010 Amendments
Major Proposed Changes (cont’d)

7. Not more stringent than Federal standards directive
   - No Federal cleanup standards for direct comparison
   - EPA Regional Screening Levels (RSLs) for Superfund sites are most relevant
   - In general, proposed rules follow EPA guidance
   - Consistent with the direction of other Region 5 states
   - Vapor intrusion is unique because Part 201 requires a generic approach – most other states use a site-specific framework