



HSRA Reform: Where are We Going

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Georgia Hazardous Site Response Act (1992)

O.C.G.A. § 12-8-91. Declaration of policy and legislative intent

(a) It is declared to be the public policy of the State of Georgia, in furtherance of its responsibility to protect the public health, safety, and well-being of its citizens and to protect and enhance the quality of its environment, to **require corrective action for releases of hazardous wastes, hazardous constituents, and hazardous substances, without regard to when such releases may have occurred**, into the environment that may pose a threat to human health or the environment and to provide incentives for the reduction of the amount of hazardous wastes generated or managed in the state.

Impact to Norfolk Southern:

- 10 active accrual sites on the HSI.
- 6 active accrual sites utilizing HSRA guidance.
- Numerous closed sites through contractual agreements or conditional NFA.
- HSRA based guidance utilized during spill response outside of HSRA program.
- Georgia represents ~12% of NS' sites and ~25% of known liabilities.

Perceived Intent of Update:

- Update cleanup standards to reflect current EPA toxicology standards.
- Update notification concentrations and site scoring criteria.
- Allow greater flexibility for calculated residential and non-residential cleanup standards with agency oversight and approval.

Additional Stakeholder Processes and Further Policy Refinements:

- Development and publication of guidance documents:
 - NAPL Management (391-3-19-.07(4)(a) and (10)(d)4.)
 - Risk Based Corrective Action
 - Vapor Intrusion Assessment and Corrective Action
 - Ground Water-Surface Water Interface
 - Development of Urban Fill Policy
 - Area Averaging and Incremental Sampling
 - Rails to Trails Guidance

Biggest Questions Moving Forward: “Grandfather Clause”

- EPD does not intend to apply these amendments retroactively for delisted sites or for sites that have an approved corrective action plan. The Program has not previously reopened or revisited delistings or approved corrective action plans when inputs such as toxicity factors have changed, and will take that approach when implementing these amendments.

Biggest Questions Moving Forward: Type 5 Hurdle

- Although a Type 5 cleanup is protective, it does not provide for future use options that are equivalent to the Type 1 through 4 RRS, therefore EPD is not revising the RRS to remove the requirement that Types 1 through 4 be determined as inappropriate before use of a Type 5. EPD is considering further efforts to improve the State's Rules for Hazardous Site Response and is committed to further dialogue in future stakeholder group meetings on this topic.

Biggest Questions Moving Forward: Economic Impact

- Because the default cleanup standards for certain constituents will be more restrictive and others will be less restrictive, the cleanup cost for the regulated community may go up on some sites, go down on other sites and for some will remain unchanged.

Pathway Forward for Norfolk Southern
