

Groundwater Coordinating Committee Meeting (GWCC)

9.17.2015

Winooski Room, Department of Environmental Conservation

1-4pm

Attendees:

Gail Center (VDH); Jeff Comstock (Dept. of Agriculture); George Desch (DEC, Deputy Commissioner); Marjorie Gale (DEC, Geology); Kim Greenwood (VNRC); Eric Hanson (Sugarbush); Joe Hayes (ECS); Craig Heindel (WHEM); Kristi Herzer (DEC, WMPD); Razelle Hoffman-Contois (VDH); Kasey Kathan (DEC, WMPD); Jon Kim (DEC, Geology); Harry Locker (Endyne); Don Maynard (JCO); Matt Moran (DEC, WMPD); Ellen Parr-Doering (DEC, DWGWP); Meddie Perry (VHB); Liz Royer (VRWA); Michael Smith (DEC, WMPD); Scott Stewart (DEC, DWGWP); Miles Waite (WHEM) and , by phone: Kira Jacobs (EPA, Drinking Water Quality and Protection Unit)

Part I: Presentation: Tectonic Evolution of a Paleozoic Thrust Fault: Influences on the Hydrogeology of a Fractured Rock Aquifer, Northeastern Appalachian Foreland

Jon Kim presented a recent work on the relationship of bedrock geology and elevated groundwater radioactivity levels within the hanging wall of the Hinesburg thrust. Of particular relevance to the group gathered was work evaluating the influence of well depth on groundwater quality. Wells drilled through the fault into the higher transmissivity foot wall also resulted in elevated radioactivity in the groundwater supplies, indicating that fracture of the contact zone and groundwater flow paths can still result in the hanging wall bedrock geology influencing the water quality.

Questions and discussion by the group following the presentation focused on potential influence in the eastern Green Mountains, potential need for better public notification on this specific issue, and the potential to get this information available on the ANR atlas.

Part II: Description of the July 2015 DEC LEAN event and proposed changes to the Class IV groundwater reclassification process

Michael Smith summarized the recent DEC LEAN event. The LEAN event goal was to streamline the process for reclassification of Class III groundwater to Class IV in anticipation of having to reclassify hundreds of sites in coming years under the revised Groundwater Protection Rule and Strategy (GWPRS). By using groundwater reclassification as one of several institutional controls options, it will be possible to plan for reclassification early in the process of evaluating a contaminated site and to package the work needed for reclassification into the site investigation work and the development of a corrective action plan. The public notice process and comment period of reclassification will still occur and the GWCC would be involved in Class IV reclassifications through this process, through there would be no dedicated meeting of the committee for each reclassification.

Comments/Discussion:

There was some concern from the group that the new process predominately puts the oversight of reclassification onto individual project managers. It was noted, however, that the GWCC still will be notified during the public comment period and invited to provide feedback, so the opportunity for influencing the consideration of a particular reclassification is still available.

Comment that similar energy should be put into reconsidering and supporting reclassification to Class I and Class II groundwater designations. There needs to be some focus on preservation of our groundwater resources rather than just the degradation of our resources.

Suggestion that perhaps the five-year timeframe of contamination as being a factor in requiring classification (i.e. if contamination is persistent for 5-years, reclassification should be considered), perhaps extend another 5-years after the CAP is approved and implemented.

Request for clarification that this new LEAN process was not included in the draft GWPRS which the group had been asked to review. This was confirmed.

Part III: Discussion of draft GWPRS released for public comment issued August 21, 2015 with comments due September 25, 2015

There was agreement by the group that given the concern with major conceptual issues within the draft GWPRS that discussion would focus on these conceptual issues and not more detailed aspects of the rule.

The first, and primary, concern discussed was that of the enforcement standards presented in the draft. Razelle Hoffman-Contois described the health department's work in developing the numbers and the foundations for the changes from the earlier recommendations and consideration of laboratory detection limitations. Follow-up conversation by the group primarily centered on whether the utilization of drinking water standards for all groundwater is justified and that there needs to be better consideration, not only of the impact on the environment and human health, but also on land-use activities and property valuation. The existing GWPRS utilizes different standards for the carcinogenic chemicals if there is a drinking water supply in the area, but that was not carried into this draft and there needs to be some discussion regarding this approach before adoption. There needs to be some further consideration of what/whom determines and manages risk and reconsideration of the health department's health risk assessments being utilized as a standard.

Throughout the conversation there was also concern with the general negative tone of the draft rule, concern with the implications of the rule on currently closed sites and potential property sale of contaminated sites, the implications of this draft GWPRS on the forthcoming sites management rules and the general limited inclusion of stormwater considerations within the groundwater public trust documents. Other discussion items included: the use of secondary standards within the current GWPRS and their removal within this draft, and the intent to grandfather or cease existing activities that may impact groundwater quality in each of the reclassification groundwater types.

The group agreed on the following action items:

- A) A statement from the committee should be composed to management addressing these items:
- a. If the committee is to be an advisory role, they need to be included in processes such as the draft rule revision
 - b. The broad significance of this rule and its implications on other rules and programs management of groundwater within the state needs to be better considered and this cannot be done within the time allotted for this public comment period. There should be an extension.
 - c. The group is willing to form a smaller subcommittee willing to tackle the draft GWPRS and provide advice and feedback to assist in moving the rule revisions forward. However, there should also be some consideration given at this point to

what the role of the GWCC is and whom should be included on the committee.

- B) A sub-committee willing to commit a significant amount of time to detailed policy and technical review of the draft should be formed within a short timeframe. Meetings should be frequent.
- C) The group as a whole should revisit membership and charge of the GWCC discussed. As the statute states, the function of the committee can be quite broad and from the conversation there are evidently a wide-range of issues that this committee could address.
- D) Anyone with detailed comments on the draft rule should provide them to Christine for inclusion in this current comment period (prior to the 25th)

Next steps:

- 1) Draft letter will be sent to this group for review and ultimately to management
- 2) The whole GWCC will reconvene in two weeks, afternoon of Oct. 2nd (location TBA)
- 3) The group email list will be polled prior to this meeting to determine more accurately who the current membership is
- 4) The group email will be polled for recommendations for membership of the subcommittee for reviewing this rule and once determined the subcommittee should begin meeting, at least weekly if not more frequently.