

DER-10 / Technical Guidance for Site Investigation and Remediation

New York State Department of Environmental Conservation

DEC Program Policy

Issuing Authority: Val Washington

Title: Deputy Commissioner,
Office of Remediation and Materials Management

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I. Summary: This guidance provides an overview of the site investigation and remediation process for the New York State Department of Environmental Conservation (DEC) remedial programs administered by the Division of Environmental Remediation (DER). These include the Inactive Hazardous Waste Disposal Site Remedial Program, known as the State Superfund Program (SSF); Brownfield Cleanup Program (BCP); Environmental Restoration Program (ERP); and Voluntary Cleanup Program (VCP); and certain petroleum releases.

II. Policy: DER administers the SSF, BCP, ERP, VCP and Bulk Storage Programs and provides response to releases of petroleum. This guidance assists the user in developing and implementing investigation and remediation projects involving contaminated sites under these programs administered by DER. It is a separate document of the requirements for a remedial program set forth in statute and regulation, as well as in guidance. It reflects DER's experience and knowledge in developing and managing the various programs for the past 25 years.

III. Purpose and Background: This guidance provides the scope of activities needed to satisfy minimum requirements for the life-cycle of the site-specific remedial program under the SSF, BCP, ERP, and VCP, and for certain petroleum releases. It facilitates consistent, accurate, efficient and timely completion of remedial projects. It also contains the minimum technical activities DEC will generally accept for projects where DER oversight, approval or acceptance is sought or mandated by law.

DER will, however, determine the acceptable minimum technical activities for a particular site upon consideration of all the facts and circumstances of such site under the authority of applicable laws and regulations. No provision of this guidance document should be construed to limit DER's authority to require additional investigation and/or remediation based upon site-specific conditions. Sections 1.1 and 1.2 present the scope and applicability of this guidance document in more detail.

No provisions of this guidance, however, should be construed to alter the requirements of the Navigation Law or Environmental Conservation Law, or any regulation or order or permit having the force of law. This guidance does not replace or supersede protocols established for emergency spill response actions, emergency drum removal actions, and other such events requiring immediate responses and follow-up. In such time-critical situations, existing guidance established pursuant to applicable emergency response laws, regulations and policy, and directives of the on-scene DEC Spill Responder or Project Manager must be followed.

49. **"Qualified environmental professional"** means a person, including a firm headed by such person, who possesses sufficient specific education, training, and experience necessary to exercise professional judgment to develop opinions and conclusions regarding the presence of releases or threatened releases to the surface or subsurface of a site or off-site areas, sufficient to meet the objectives and performance factors for the areas of practice identified by this guidance. Such a person must:

i. hold a current professional engineer's or a professional geologist's license or registration and have the equivalent of three (3) years of full-time relevant experience in site investigation and remediation of the type detailed in this guidance; or

ii. be a site remediation professional licensed or certified by the federal government, a state or a recognized accrediting agency, to perform investigation or remediation tasks identified by this guidance, and have the equivalent of three (3) years of full-time relevant experience. Examples of such license or certificate include the following titles:

- (1) Licensed Site Professional, by the State of Massachusetts;
- (2) Licensed Environmental Professional, by the State of Connecticut;
- (3) Qualified Environmental Professional by the Institute of Professional Environmental Practice; or
- (4) Certified Hazardous Materials Manager, by the Institute of Hazardous Materials Management.

50. **"Qualitative exposure assessment"** means an evaluation to determine the route, intensity, frequency, and duration of actual or potential exposures of humans and/or fish and wildlife to contaminants.

51. **"Quality assurance"** means the total integrated program for assuring the reliability of monitoring and measurement data which includes a system for integrating the planning, assessment and improvement efforts to meet data end use data quality requirements.

52. **"Quality assurance project plan" or "QAPP"** means a document which presents in specific terms the policies, organization, objectives, functional activities and specific quality assurance/quality control activities designed to achieve the data quality goals or objectives of a specific project or operation.

53. **"Quality control"** means the routine application of procedures for attaining prescribed standards of performance in the monitoring and measurement process.

54. **"Receptor"** means any humans or biota which are, or may be expected to be, or have been, exposed to or affected by a contaminant from a site.

55. **"Regulated wetland"** means any tidal or freshwater wetland regulated by New York State under ECL Articles 15, 24 and 25 and as defined in 6 NYCRR 608.5, 661.4(hh) and 663.2(p)

56. **"Release"** means any pumping, pouring, emitting, emptying or leaching, directly or indirectly, of a contaminant so that the contaminant or any related constituent thereof, or any degradation product of such a contaminant or of a related constituent thereof, may enter the environment, or the disposal of any contaminant. [see 6 NYCRR 375-1.2(am)]. This includes discharges from a pipe, except discharges pursuant to and in compliance with the conditions of a valid state or