Using Professional Judgment - Reliance on Historic Data

a.k.a. "Don’t Know Much About History”*

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*with apologies to Sam Cooke
Pitfalls in Historic Data

- Standards and methods changed
- Work performed was adequate, but poorly documented or undocumented
- Substandard work performed*
- Site conditions have changed
- Questionable conclusions

*I’m being kind here
Changed Standards and Methods

- TPH vs. EPH
  - Changed contingency analyses
- SCC vs. SRS, IGWSCC vs. IGWSSL
- New Chemicals of Concern
  - TCL and TAL lists vs. PP lists
  - “Emerging” concerns
- Vapor Intrusion
I’m Going Back In Time
It Don’t Come Easy

- Property transaction in Passaic County
- DEP records show 1,000-gallon gasoline UST, 2,000-gallon diesel UST and 550-gallon waste oil UST as “in use”
- UST Closure Report has different information:

The following observations were recorded during the tank removal:

1. The following UST descriptions were noted during the closure activities:

<table>
<thead>
<tr>
<th>Tank</th>
<th>Dimensions</th>
<th>Size</th>
<th>Construction</th>
<th>Contents</th>
</tr>
</thead>
<tbody>
<tr>
<td>T-1</td>
<td>5’4” dia. x 6’ len.</td>
<td>1K gals.</td>
<td>s/w carbon steel</td>
<td>gasoline</td>
</tr>
<tr>
<td>T-2</td>
<td>5’4” dia. x 6’ len.</td>
<td>1K gals.</td>
<td>s/w carbon steel</td>
<td>diesel</td>
</tr>
<tr>
<td>T-3</td>
<td>4’ dia. x 5’8” len.</td>
<td>550 gals.</td>
<td>s/w carbon steel</td>
<td>waste oil</td>
</tr>
</tbody>
</table>
Can’t Find My Way Home
Pursuant to the authority vested in the Commissioner of the New Jersey Department of Environmental Protection (NJDEP) by the Industrial Site Recovery Act, (JSRA) N.J.S.A. 13:1K-6 et seq. and duly delegated to the Bureau Chief of the Bureau of Field Operations pursuant to N.J.S.A. 13:1B-4, the proposal for no further action at the above referenced Industrial Establishment is hereby approved. This approval is based upon information provided to the NJDEP.
2/18/96 DOH Inspection Report: “...he noticed about 20 drums which were stored outside the building. He said that some of the drums were in poor condition and that he saw solvent labels on the drums.”
It’s a Gas, Gas, Gas
I Foresee Terrible Trouble

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Location</th>
<th>Action Date</th>
<th>Leak Rate</th>
<th>NFA Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>7-Transformers</td>
<td>3 Dry Type located in Basement on Concrete Floor, The other 4-located on the First Floor, no stains (oil ori ginal)</td>
<td>Inside</td>
<td>NFA</td>
<td></td>
<td>8/13</td>
</tr>
<tr>
<td>IX 15.00: Gallons</td>
<td>Tested Tight by means of Petro-Tite Test (to remain on site)</td>
<td>Inside</td>
<td>10/10/95</td>
<td>0.019 ± 0.0037</td>
<td>8/13</td>
</tr>
<tr>
<td>Fuel oil tank</td>
<td></td>
<td>Outside</td>
<td>NFA</td>
<td></td>
<td>8/13</td>
</tr>
<tr>
<td>2 Portable Air Compressors</td>
<td>on concrete floor (inside)</td>
<td>Inside</td>
<td>NFA</td>
<td></td>
<td>8/13</td>
</tr>
</tbody>
</table>

Source: 1991 NJDEP internal document
Oooh, That Smell

Trichloroethylene was used very rarely in a 5 gallon degreaser; this would also evaporate and be replenished.

Source: 1990 SES Submission
And In The End...

- Your RAO is based on all former work done at the Site
- Look behind the NFA letter – the older the letter, the more important this is
- Don’t be afraid to revisit AOCs and get your own data
- True “professional judgment” should be defensible