

Significant Proposed Amendments to BUSTR's Corrective Action Rule

Change	Justification
An applicability clause gives a phase-in date of 6 months to complete investigations using prior versions of the corrective action rule. After June 30, 2005 this rule governs all BUSTR sites.	Sites in the 1992 rule should be through the process by now. The 1999 rule is structurally similar to this new rule.
The presence of free product in a secondary containment system has been added to the definition of "physical discovery." Suspected release investigation requirements have been restructured to include this situation.	Current rules are silent on how to classify this scenario.
Organization of suspected release investigation, immediate corrective actions, and free product recovery requirements has been changed.	This was done to make the rule easier to follow. The only real change is that site check borings now have the same sampling requirements as Tier 1 borings.
There are now 5 analytical groups (rather than 3).	Used oil has been separated from virgin heavy oils. VOC and PAH analysis is not required for virgin product. The "unknown/other" category is now Group 5.
Tier 1 has been divided into a Source Investigation and a Delineation of ground water (GW) contamination. The classification of GW vs. drinking water during Tier 1 has been changed. GW delineation standards for the nondrinking water scenario have been established.	The current ground water classification standard is ambiguous for some scenarios. Nondrinking water scenarios currently allow the owner or operator to close a site without any assessment of the behavior of the contaminant plume. This rule contains a more precise ground water classification system, with additional assessment work for the nondrinking water case.
TPH analytical values are now required to establish soil saturation conditions for all analytical groups.	Current rules require a determination of soil saturation but do not define it. TPH is currently required through guidance.
1,2,4-Trimethyl Benzene has been added as a COC for light distillates.	Toxicology data indicate 1,2,4 TMB is a significant contributor to the Soil to Indoor Air exposure pathway.
Approval is now required for the Tier 1 Investigation report.	This approval step was added to eliminate performing IRA/RAP prior to delineation of the contaminated area.
Points of exposure for the ground water ingestion pathway have been altered in the Tier 2 Evaluation.	This was modified to gain a better understanding of the potential for off-site contamination - also for clarity.
The 95% UCL calculation is no longer an option for determining Tier 2 Site Specific Target Levels.	The data quality requirements for this calculation make it more appropriate for a Tier 3 analysis.
A Tier 3 Evaluation proposal now requires an evaluation of other remedial action technologies for cost effectiveness.	Cost control. The Tier 3 analysis option must be compared to RAP proposal options prior to approval.