

Previous TCEQ guidelines specifying the use of the APAR form for any investigation were issued under the assumption the investigation was initiated in response to TRRP, even when the investigation led to a conclusion that the concentration of the Chemicals of Concern (COCs) at the affected property did not exceed the assessment levels. This memo supercedes those guidelines and establishes the APAR form is only required when investigation results indicate the concentrations of COCs equal to or greater than Tier 1 (Class 1 groundwater) residential assessment levels are present at the affected property.

Where analytical results for COCs are greater than method quantitation limit (MQL)/Background and less than Tier 1 (Class 1 for groundwater) assessment level applicable for residential land use, a report is required to be submitted to the TCEQ, although no report format is designated. A Ecological Tier 1 Exclusion Criteria checklist is required to be included with the report. If Remediation Division staff concur, and no other rule, permit or order requirements apply, the Remediation Division staff could approve the report with no further action required. If, however, the Remediation Division staff do not concur with the report's conclusions, the person may be directed to complete the project under the TRRP rule, which necessitates submittal of an APAR.

When no release of COCs are identified or suspected, and/or analytical results for COCs in the environmental media (e.g., soil, groundwater, etc) are less than or equal to MQL/Background, no report is required to be submitted to the TCEQ.

Table 1 - Investigation Report Requirements

TRRP APAR Submittal Required ^{1,5}	Report Submittal Required (No Designated Format) ^{1,3,4,5}	No Investigation Report Submittal Required ^{1,2,3,5}
<ul style="list-style-type: none"> Analytical results for Chemicals of Concern (COCs) in environmental media (e.g., soil, groundwater, etc.) are equal to or greater than Tier 1 (Class 1 groundwater) assessment level applicable for residential land use. 	<ul style="list-style-type: none"> Analytical results for COCs in environmental media (e.g., soil, groundwater, etc.) are greater than MQL/Background and less than Tier 1 (Class 1 groundwater) assessment level applicable for residential land use (Ecological Tier 1 Exclusion Criteria checklist is required). If response actions are required to achieve these values, or if Ecological Tier 1 Exclusion Criteria are not met, then TRRP is triggered. Analytical results for COCs in environmental media (e.g., soil, groundwater, etc) are less than or equal to MQL/Background <u>for</u> Closure or Change in Status of a waste management unit (see TRRP-3). COCs are present in groundwater that affect the aesthetic qualities relating to public acceptance, such as contaminants exceeding Secondary Maximum Contaminant Level (SMCL) as defined in 40 CFR Part 143. 	<ul style="list-style-type: none"> No release of COCs in environmental media (e.g., soil, groundwater, etc.) identified or suspected (e.g., Phase I). Analytical results for COCs in environmental media (e.g., soil, groundwater, etc) are less than or equal to MQL/Background documenting no release of COCs has occurred. A spill of less than reportable quantity (see 30 TAC §327, regarding new spills) released and remediated to pre-release or background conditions. Specific situations at facilities and sites where materials and/or products are used as intended. ⁶

NOTES:

¹ If the closure/remediation is subject to other rules, permits, or enforcement orders, then the more stringent requirements will apply. This memo does not apply to those sites seeking a Certificate of Completion in the Voluntary Cleanup Program (VCP).

² Owner/Operator must maintain documentation in the facility operating record.

³ Program area has the discretion to trigger TRRP if circumstances warrant.

⁴ If analytical results for COCs are reported to the TCEQ by the Responsible Party (RP) for the property the RP does not own, the RP must provide notice of availability of analytical results to property owner.

⁵ MQLs (as defined in 30 TAC §350.4(a)) must be below the assessment level of the COC using the most applicable analytical method. Samples must be collected from known and suspected source areas. For background, refer to §350.51(l) and applicable TCEQ guidance.

⁶ Examples include: 1) Petroleum hydrocarbon constituents associated with paved parking lots and roads; 2) Semi-volatile constituents associated with treated utility poles and railroad ties.