

# Iowa Land Recycling Program - Guidance Document # 2

September 2022

## Application of the “Response Action Standards” developed pursuant to Chapter 137

The purpose of this document is to explain the *limited* applicability of the Response Action Standards adopted under the authority of Chapter 137, the “Iowa Land Recycling Program and Response Action Standards”, known also as the Land Recycling Program or **LRP**. These standards were developed within the narrow focus and constraints of the **LRP**, of which they are part.

While the standards developed under Chapter 137 are based on a consideration of risk they are radically different from most other so-called “risk-based” approaches, both within and without Iowa.

Chapter 137 does not contain standards that are established based on the migration of contaminants from one medium to another which then becomes the basis for subsequent exposure. (Examples might include: a soil standard based on the migration of contaminants from soil to groundwater, with subsequent ingestion exposure to the groundwater or a groundwater standard based on migration of a contaminant vapor from groundwater to air in a confined space (basement) with subsequent inhalation exposure to the contaminated air.)

**Note:** this does not mean that the DNR has no concern for these cross-media transfers. DNR chooses to address them through direct measurement of the medium in which the exposure takes place or through the calculation of such cross-media transfer standards *only* when it is determined that such an approach is appropriate in a site-specific context. The intent is to avoid the application of needlessly restrictive standards to situations where they are not a relevant concern. ***Implicit in the application of Chapter 137 standards is the concurrence of the DNR that the standards applied in any given situation address any and all exposure pathways which are deemed to be of concern. This can only take place when the DNR is adequately informed of the particulars of a situation. Without DNR concurrence there should be no presumption that a standard is sufficiently protective or that it will meet the requirements of the LRP.***

Most of the standards which are promulgated under Chapter 137 (or which might be derived as unique site-specific standards) entail very specific exposure assumptions. All site-specific standards assume that institutional controls will be put in place in order to preserve those exposure assumptions, e.g., a prohibition of residential use or well installation. ***Implicit in the use of such standards is the assumption that DNR has evaluated the exposure assumptions, along with necessary institutional controls, and determined that they are appropriate to the situation.***

As a result of the integral role of DNR in determining and approving the appropriate use of Chapter 137 standards they should not be used for purposes outside of Chapter 137, including screening to determine whether a situation is a significant problem or whether it is reportable. (The one exception to this is the Chapter 137 Statewide Standard for groundwater from a protected groundwater source. This standard may be used in lieu of Chapter 133 action levels for purposes associated with the application of Chapter 133 (Rules for Determining Cleanup Actions and Responsible Parties).) This does not prevent DNR from making use of Chapter 137 standards, outside of the LRP, when applicable and appropriate to projects under their supervision.

It should also be noted that the actual standards for Chapter 137 are determined based on the formulae and instructions presented in that chapter. IDNR will maintain, for the convenience of participants, a table of calculated “standards” based on Chapter 137 and will attempt to keep that list of “standards” current. Please note that the *table is not the standard*. Various risk-related inputs, used in the calculation of standards, are periodically updated. As a consequence standards are subject to periodic change. The participant is responsible for determining the current standard. In addition, the tabulated list of “standards” is not exhaustive, the absence of a value for a particular compound does not mean that there is no standard. Such standards are to be calculated, based on the best available information, according to the appropriate portions of the rule.