

EXECUTIVE SUMMARY

DEPARTMENT OF ENVIRONMENTAL PROTECTION Proposed Rulemaking 25 Pa. Code Chapter 250 (Administration of the Land Recycling Program)

The proposed rulemaking updates the Statewide health standard Medium-Specific Concentrations (MSCs) based on current science. The amendments are authorized under section 303(a) of the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101-6026.908) (Act 2), which directs the Environmental Quality Board to promulgate Statewide health standards for regulated substances for each environmental medium and also the methods used to calculate the standards (35 P.S. § 6026.303(a)).

The Department is required to review and update the MSC values and the associated toxicological data on a timely basis in order to assure that environmental response actions at contaminated sites are remediated based on the current EPA guidance and current toxicological information. This will assure the protection of the public health and environment from exposures to regulated substances where it has been determined that lower MSCs for regulated substances are necessary. This will also avoid unnecessary expense for remediaters when remediating contaminated property for redevelopment where it has been determined that higher MSCs for regulated substances are protective and meet the standards established by the statute.

These technical amendments to the Land Recycling regulations will affect owners, operators and purchasers of properties and facilities who volunteer or are required to perform remediation of contaminated sites. These changes are not expected to add significant costs to the cleanup of contaminated sites under this program. Some cleanup standard concentration values will be lower and some will be higher. The net cost difference should be negligible.

The proposal was reviewed by the Cleanup Standards Scientific Advisory Board (CSSAB) on May 7, 2013 and October 23, 2013. On October 23, 2013, the CSSAB endorsed moving the amendments to the Environmental Quality Board.

A public comment period of 30 days is recommended for the proposed rulemaking. No public meetings or hearings are deemed necessary for this proposal, unless requested during the public comment period.