

Cleanup Standards Scientific Advisory Board

To the Pennsylvania Department of Environmental Protection/CSSAB

25Oct2013

Mr. David Crownover
Environmental Group Manager
Pennsylvania Department of Environmental Protection
Bureau of Environmental Cleanup and Brownfields
Rachel Carson State Office Building
400 Market Street
Harrisburg, PA 17110

Dear David:

Per the meeting of the Cleanup Standards Scientific Advisory Board (Board) on 23Oct2013, and the Board's deliberations during that meeting, I am transmitting to you the Board's recommendations regarding proposed amendments to 25 Pa. Code Chapter 250.

The Board supports the proposed amendments to 25 Pa. Code Chapter 250, developed by the Pennsylvania Department of Environmental Protection (PADEP or Department) for public comment, particularly the updated tables of medium specific concentrations (MSCs) including those based on Health Advisory Levels (HALs) contained in the proposed amendments insofar as these reflect the procedures and requirements specified under the Pennsylvania Land Recycling and Environmental Remediation Standards Act (Act 2) for establishing MSCs with the following exception and comment:

Exception: The Board does not support the groundwater and soil-to-groundwater MSCs for methyl tert-butyl ether (MTBE) included by the PADEP in proposed Tables 1 and 3a of Appendix A to 25 Pa. Code Chapter 250 because those MSCs are not calculated using specific health-based criteria available from authorized sources as required in Act 2 and the regulations promulgated thereunder. They are instead based on aesthetic considerations not authorized by Act 2, thereby treating MTBE differently than other regulated substances in contravention of the mandate of Act 2 to establish health-based cleanup standards through the application of sound science.

Comment: Based on discussions with representatives of the Department during the meeting, the Board is satisfied with the Department's response to the Board's concerns and recommendations regarding the provisions of 25 Pa. Code Chapter 250, § 250.5. *Public notice by applicant* to the effect that, at the time a notice of intent to remediate (NIR), a plan or a report is submitted to the Department, this provision will require proof that the Remediator sent municipal notices rather than proof of receipt of such notices and proof of submission of such notices for publication in a newspaper rather than proof of publication. Furthermore, it is understood that the review period for each NIR, plan or report will commence immediately upon the Department's receipt of an NIR, plan or report accompanied by such levels of proof. The Department may, however, declare the submission to be administratively incomplete if the proofs of receipt and publication are not received within a reasonable period of time.

Please do not hesitate to contact me if you should have any questions regarding the foregoing.

Respectfully Submitted;

A handwritten signature in black ink, appearing to read 'Ronald J. Buchanan, Jr.', written in a cursive style.

Ronald J. Buchanan, Jr. Ph.D.
Chair/CSSAB

Manager, Remediation Projects
Freeport-McMoRan Corp.

CC:
CSSAB members
Troy Conrad, PADEP