

EXECUTIVE SUMMARY

Final-Omitted Rulemaking 25 Pa. Code Chapter 250 (Administration of the Land Recycling Program)

Summary of the Rulemaking

This final-omitted rulemaking is being made under the authority of section 303(a) of the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.303(a)), known as “Act 2,” which directs the Environmental Quality Board (EQB) to promulgate Statewide health standards for regulated substances for each environmental medium and the methods used to calculate the standards. These amendments correct transcription and input errors for the toxicity values for Aldrin, beryllium, and cadmium in 25 Pa. Code Chapter 250, Appendix A, published at 46 Pa.B. 5655 (August 27, 2016), which resulted in the calculation of incorrect Statewide health standard Medium Specific Concentrations (MSCs). This final-omitted rulemaking does not change the method by which the calculation is made.

Purpose of the Rulemaking

Section 303(c) of Act 2 (35 P.S. § 6026.303(c)) requires the Department of Environmental Protection (Department) to develop risk-based Statewide health standards using valid scientific methods, reasonable exposure pathways assumptions and exposure factors for residential and nonresidential land use which are no more stringent than the standard default exposure factors established by EPA. The Department discovered errors in MSC values for Aldrin, beryllium, and cadmium after the rulemaking became effective on August 27, 2016, and recommends the Board approve this final-omitted rulemaking to correct those errors.

Affected Parties

These corrections to the Land Recycling Program regulations will affect owners, operators and purchasers of properties and facilities who volunteer or are required to perform remediation of contaminated sites. This rulemaking is not expected to add costs, overall, to the cleanup of contaminated sites under this program. The decrease in the Aldrin MSC will only impact ten sites. Remediators of these sites can use either the background standard or the site-specific standard if the reduction in the Aldrin MSC impacts their project. The beryllium and cadmium corrections result in increases in their respective MSC values and are not anticipated to have an adverse impact on the regulated community.

Advisory Groups

This final-omitted rulemaking was discussed with and received the support of the Cleanup Standards Scientific Advisory Board (CSSAB) at its November 16, 2016, meeting.

Public Comments

Public notice and comment procedures may be omitted under section 204 of the Commonwealth Documents Law (45 P.S. § 1204) when they are unnecessary or contrary to the public interest. The Department has determined that no public comment period is necessary because public comment would not alter the need to correct these errors. In addition, these corrections will ensure that any remediation of Aldrin, beryllium, or cadmium conforms to current science relating to the protection of human health and is consistent with the requirements of Chapter 250, which is in the public interest.