



pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Bureau of Environmental Cleanup & Brownfields

Land Recycling Program Chapter 250 Proposed Rulemaking Revisions

**Cleanup Standards Scientific Advisory Board Meeting
June 12, 2019**

**presented by
Michael Maddigan
PADEP**

Tom Wolf, Governor

Patrick McDonnell, Secretary

Concepts Overview

Today's Discussion

- Overview of recommendations from Cleanup Standards Scientific Advisory Board (CSSAB) and subsequent revisions to proposed rulemaking text and medium-specific concentration (MSC) tables.
- Next steps in rulemaking process.

Subchapter A – GENERAL PROVISIONS

- 250.6(c) and (d) – Public Involvement Plans (PIPs)
 - Recommendation: Add DEP to notification requirement.
 - Revisions:
 - Changed “opportunities” to “measures” in (c).
 - Clarified in (d) that remediator is responsible for notifying DEP of PIP and submitting plan to municipality and DEP prior to implementation.
 - Changes to (d) made (1) and (2) unnecessary so they were removed.

Subchapter C. STATEWIDE HEALTH STANDARD

- 250.306(d) – Ingestion Numeric Values
 - Recommendation: Change groundwater ingestion rate (IngR) from 2 L/day to 2.4 L/day.
 - Revisions:
 - Res and non-res IngR for groundwater (GW) changed to 2.4 L/day and 1.2 L/day, respectively.
 - Res and non-res GW ingestion factors (IFadj) changed to 1.12 L-yr/kg day and 0.38 L-yr/kg day, respectively.
 - Res combined age-depended adjustment factor and ingestion factor (AIFadj) changed to 3.45 L-yr/kg day.
 - IngR values in references 4 and 5 updated.

Subchapter D. SITE-SPECIFIC STANDARD

- 250.409(1) – Risk Assessment Reports
 - Recommendation: Make sure revised language requiring the use of site characterization data from an approved Remedial Investigation Report (RIR) allows for combined report submittals.
 - Revisions:
 - Revised language in (1) to exclude combined submittals.
 - Addition of § 250.412 which clarifies that prior approval of RIRs are not necessary for combined submittals.

Subchapter D. SITE-SPECIFIC STANDARD

- 250.410(d) – Cleanup Plans
 - Recommendation: Revise confusing language regarding when a cleanup plan is not required.
 - Revisions:
 - Revised language to explain when a cleanup plan is required.
 - New language states that a cleanup plan is required when any institutional or engineering control is used as a remedy to address current and future exposure pathways or exposure pathways that existed prior to submitting an NIR.

Subchapter F. EXPOSURE AND RISK DETERMINATIONS

- 250.605 – Sources of Toxicity Information
 - Recommendation: Add Provisional Peer-Reviewed Toxicity Values (PPRTV) Appendix to the toxicity value source hierarchy.
 - Revision: Added PPRTV Appendix to § 250.605(a)(3) as a “tier 3” toxicity value source.

Subchapter G. DEMONSTRATION OF ATTAINMENT

- 250.704(d) – General Attainment Requirements for Groundwater
 - Recommendation: Remove proposed change to reference to § 250.707 instead of § 250.707(b)(2)(i).
 - Revision: Agreed. Reference to § 250.707(b)(2)(i) will remain unchanged. This section removed from proposed rulemaking.
- 250.707(b)(1)(ii) – No recommendation but replaced “Medium-Specific Concentration” with “MSC” since term was previously defined in regulation.

Numeric Value Revisions

- GW ingestion rate change from 2.5 L/day to 2.4 L/day resulted in very minor changes to some numeric values.
- Perfluorobutane sulfonate (PFBS) GW numeric value of 57,000,000 $\mu\text{g/L}$ was recalculated.
 - Res Used Aquifer value corrected to 690 $\mu\text{g/L}$
 - Non-Res Used Aquifer value corrected to 1,900 $\mu\text{g/L}$

Original Proposed Changes to Total PCBs & Aroclors

- Table 1 – Renamed “POLYCHLORINATED BIPHENYLS (PCBS)” to “PCBs, TOTAL (POLYCHLORINATED BIPHENYLS)” for uniformity.
- Removed individual Aroclor PCB values from Tables 1, 3A, 3B, and 5A.
- Calculated total PCB numeric values for soil (Tables 3A and 3B).

Proposed New Revisions for Total PCBs & Aroclors

- Non-cancer toxicity values available for Aroclors 1016 and 1254 so will retain these in tables.
- Eliminating all other Aroclors because their toxicity is based solely on the use of the total PCBs toxicity values as surrogates. This introduces unnecessary uncertainty.
- Recalculate total PCBs soil-to-GW numeric values using K_{OC} .

Proposed New Revisions for PCBs & Aroclors

Table 5A currently has no K_{OC} value listed for total PCBs resulting in the following soil numeric values:

	Residential	Non-Residential
Direct Contact	9.3	46
Soil to GW TDS <2500	0.05	0.05

Adding the K_{OC} value of 78,100 (using EPA's EPI Suite calculator) total PCBs numeric values in soil change to:

	Residential	Non-Residential
Direct Contact	9.3	46
Soil to GW TDS <2500	9.8	9.8

Technical Issues Outside the Scope of Rulemaking

- Soil MSC for vanadium
- Toxicity value hierarchy
- Solubility limits
- Phthalic anhydride
- Soil MSC for chlorides.

Next Steps for Rulemaking

- Final proposed annex to undergo DEP internal review (legal, policy office, etc.).
- Environmental Quality Board consideration of proposed rulemaking in late 2019.



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Questions?
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