



Chapter 250

Administration of Land Recycling Program (Act 2)

Denise Brinley
Deputy Secretary
Office of Community Revitalization & Local Gov't Support



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Final Rulemaking

Administration of the Land Recycling Program 25 Pa. Code, Chapter 250

Staff:

Denise Brinley, Deputy Secretary

Troy Conrad, Director, Land Recycling Program

Kurt Klapkowski, Assistant Counsel

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Background

Land Recycling and Environmental Remediation Standards Act

Act 2 -1995

- Pennsylvania's One Cleanup Program
- Over 15,000 cleanups approved
- Over 4,000 in process



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Statutory Authority

- 303(a) of the Land Recycling Act
 - Directs EQB to promulgate Statewide health standards and the methods used to calculate the standards
- 104(a) of the Land Recycling Act (Act 2)
 - Explicitly recognizes that such standards would need to be updated over time as better science became available



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Primary Purpose of Amendments

- Update current EPA Risk Assessment Guidance for Superfund – January 2009
- Revise numeric values for Statewide health standards
 - First promulgated in 1997
 - Most recent revision in 2001



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Major Provisions

- Establish 3 year review cycle
- Automatically adopt EPA's Maximum Contaminant Levels (MCLs) and Health Advisory Levels (HALs)
- Promulgate certain requirements already in program guidance (vapor Intrusion)
- Correct errors and omissions



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Rulemaking Impact

- Regulations would impact owners, operators, and purchasers of properties and facilities who volunteer or are required to perform remediation activities
- Ensure that PA's cleanup program is current



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Proposed Revisions to Numeric Values

	Higher	Lower
Groundwater MSC	84	54
Soil – Direct Contact	48	55
Soil – Soil to Groundwater	83	61
	215	170

26 new substances have been added



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Comments on Proposed Rulemaking

- Six commentators
 - Five individuals
 - IRRC
- Two primary comments
 - Vapor Intrusion
 - MTBE



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Statutory Authority for Vapor Intrusion

- Section 303(c) of the Land Recycling Act requires that when establishing an MSC for groundwater and soils, the calculation must address the ingestion and inhalation of volatiles and particulates
- Final rulemaking does not include a reference to DEP's vapor intrusion technical guidance document (2004), but it is the accepted manner in which remediators address vapor intrusion



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MTBE in Groundwater

- Background on regulated substance
 - Previously used to replace lead in gasoline
 - No longer used as a fuel additive but is a common contaminant at older gasoline tank releases



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Development of Statewide Health Standards

- Section 303 defines the process to determine groundwater MSCs for Statewide health standards
 - MCL
 - HAL
 - Calculated using equations in Act 2 regulations



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MTBE in Groundwater

- Original Chapter 250 regulations (1997), the Statewide health standard for MTBE was 20 ug/l based on a draft HAL published by EPA
- Draft HAL deleted from EPA drinking water standards
- MTBE is now listed on the most recent publication of EPA Drinking Water Standards in a separate table titled Drinking Water Advisories with an advisory level of 20 ug/l
- The draft HAL was not finalized by EPA, but the advisory level reflects no change in the degree of protectiveness



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Advisory Committee Review

- Cleanup Standards Scientific Advisory Board
- Storage Tank Advisory Committee



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Recommendations

The Department recommends approval of the
final Chapter 250 rulemaking