

## **EXECUTIVE SUMMARY**

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

The final rulemaking is being made under the authority of section 303(a) of the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101-6026.908) (Land Recycling Act), which directs the Environmental Quality Board (EQB) 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)). These amendments are intended to address the objectives of updating the Statewide health standards based on current science, correcting errors and omissions, and stating certain established policies in the regulations.

The primary purpose of this final rulemaking is to update the standards related to cleanup of contaminated sites under the Land Recycling Act. The Land Recycling Act requires the EQB to establish by regulation uniform Statewide health-based standards so that any substantial present or probable future risk to human health and the environment is eliminated. The original standards were promulgated in 1997 and codified in Chapter 250. Section 104(a) of the Land Recycling Act explicitly recognizes that such standards would need to be updated over time as better science became available and as the need for clarification or enhancement of the program became apparent. Updating the standards serves the public as the Department is able to use the most up-to-date health and scientific information to establish the cleanup standards. In addition, the changes in standards serve both the public and the regulated community as they provide clear information on what is or will be done at contaminated sites. This gives the public notice and provides remediators with a clear endpoint to the remediation process. Several amendments are currently part of guidance, but are being added to Chapter 250 to give the requirements the legal status of a binding norm, which should lead to greater consistency and clarity across the Commonwealth.

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 any 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 should be negligible.

The final rulemaking was discussed with the Cleanup Standards Scientific Advisory Board (CSSAB) on June 15, 2010. The CSSAB was supportive of the overall rulemaking, but opposed retaining the standards for MTBE because they do not reflect specific health-based criteria from Act 2.

Comments were received from five persons during the 30-day comment period for the proposed amendment. All comments were considered and minor revisions were made, but there have been no substantive changes made to the amendment as a result of the comments received.