

Cleanup Standards Scientific Advisory Board (CSSAB)

June 30, 2010

The Honorable John Hanger, Secretary
Pennsylvania Department of Environmental Protection
Rachel Carson State Office Building
400 Market Street
Harrisburg, PA 17101

RE: The Department's proposed Regulations to Implement UECA: Chapter 253, Administration of the Uniform Environmental Covenants Act (UECA)

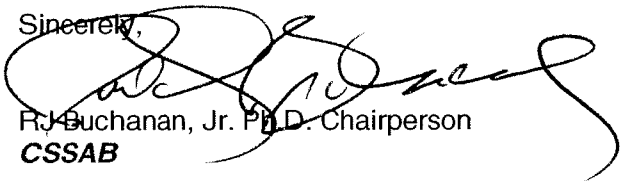
Dear Secretary Hanger:

On June 28, 2010, a quorum of the CSSAB met with the Department's Land Recycling staff via conference call, which was arranged during the CSSAB meeting on June 15, 2010. After extensive discussion and evaluation, the CSSAB members present unanimously adopted a resolution (7 yea, 0 nay) to support the Department moving forward with proposed regulations to implement the Uniform Environmental Covenants Act (UECA) regulations, subject to amending Section 253.2(a)(8) of the proposed regulations to read as follows:

A clause that the covenant may be amended or terminated as to any portion of the real property subject to the covenant that is acquired for use as highway right of way by the Commonwealth, providing that (i) the Department waives the requirements for an environmental covenant and for conversion pursuant to 27 Pa. C.S. § 6517 to the same extent that the environmental covenant is amended or terminated, (ii) the Department determines that termination or modification of the environmental covenant will not adversely affect human health or the environment; and (iii) 30-days advance written notice is provided to the current property owner, each holder, and, as practicable, each person that originally signed the environmental covenant or successors in interest to such persons.

The CSSAB believes that the authority of one governmental agency to amend or extinguish an Environmental Covenant at the request of another governmental agency (particularly one acquiring the property by eminent domain) that could have adverse consequences for private property owners and remediators who are relying on the Environmental Covenant bears close scrutiny and should be further conditioned as noted above.

Sincerely,


R.J. Buchanan, Jr. Ph.D. Chairperson
CSSAB

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