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DEPARTMENT OF ENVIRONMENTAL PROTECTION



Bureau of Environmental Cleanup & Brownfields

Proposed Rulemaking: Administration of the Land Recycling Program (25 Pa. Code Chapter 250)

Environmental Quality Board

November 19, 2019

Tom Wolf, Governor

Patrick McDonnell, Secretary

Purpose

The proposed amendments to Chapter 250 will:

- Comply with the Department of Environmental Protection's (DEP) obligation under 25 Pa. Code § 250.11 to review new scientific information that relates to the basis of Act 2 Medium-Specific Concentrations (MSCs) and propose appropriate changes to EQB at least 36 months following previous promulgation, and
- Clarify Chapter 250 administrative processes and requirements for regulated entities.

Proposed Changes to Chapter 250

MCSs are the concentrations of contaminants in soil and groundwater that are determined to be protective of public health.

- Currently, 400 contaminants are listed with MSCs in Chapter 250, Appendix A.
 - About 70% of the soil MSCs have proposed revisions
 - About 45% of the groundwater MSCs have proposed revisions
- The proposed changes are a response to the availability of updated toxicity values and an increase in water consumption rates.

Proposed Changes to Chapter 250

The proposed revisions will:

- Add soil and groundwater numeric values for three per- and polyfluoroalkyl substances (PFAS)
 - perfluorooctane sulfonate (PFOS)
 - perfluorooctanoic acid (PFOA)
 - perfluorobutane sulfonate (PFBS)
- Add soil numeric values for total polychlorinated biphenyls (PCBs)

Proposed Changes to Chapter 250

The proposed technical revisions will:

- Add a definition for “Method Detection Limit”
- Update the definition of “a volatile” to be consistent with the Land Recycling Program’s Technical Guidance Manual (TGM) and the EPA’s definition.
- Update the Limits related to Practical Quantitation Limits (PQLs)
- Update the Groundwater Monitoring Guidance to reference Appendix A of the of the TGM
- Add six additional sources for aqueous solubility information

Proposed Changes to Chapter 250

The proposed revisions will:

- Clarify how to address compounds that have a secondary contaminant level and a secondary maximum contaminant level or health advisory level
- Update blood lead level calculation models based on recently updated scientific data
- Clarify when various reports must be submitted

Proposed Changes to Chapter 250

The proposed technical revisions will:

- Address land use changes at Special Industrial Area sites
- Add toxicity value sources
- Clarify vapor intrusion evaluation requirements for small petroleum spill sites

Proposed Changes to Chapter 250

The proposed technical revisions will:

- Add cross-references resulting from changes elsewhere in Chapter 250
- Correcting minor errors from previous rulemaking
- Clarify confusing language

▶ Proposed Changes to Chapter 250

The proposed administrative revisions will:

- Clarify Public Involvement Plan processes

▶ Why the Amendments are Necessary

The amendments to Chapter 250 are necessary because they:

- Are protective of human health
- Provide long-term predictability and improved efficiency for remediators
- Comply with the three-year review requirement as listed in Section 250.11

Stakeholder Impact

This proposed rule will impact:

- Persons or businesses who remediate soil and groundwater contamination pursuant to the standards established by the Land Recycling Act and the Chapter 250 regulations.
- The health of individuals who may be exposed to contaminated soil and groundwater.

Economic Impact

- Generally, any cost related to a given site remediation depends in large part on which regulated substances are being remediated and what the specific soil and groundwater conditions are at the site.
- The proposed changes are not expected to add any significant costs, overall, to the cleanup of contaminated sites under this rulemaking.

Stakeholder Engagement

The proposed revisions were discussed with the Cleanup Standards Scientific Advisory Board on August 1, 2018, February 13, 2019, June 12, 2019, and October 29, 2019.

If adopted, these proposed revisions will be published and open for a 60-day public comment period this winter.

Recommendation

The Department recommends that the Board adopt this proposed rulemaking. A 60-day public comment period is recommended with 2 public hearings.



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