

Final-Form Rulemaking: Administration of the Land Recycling Program

Environmental Quality Board
July 14, 2026



Purpose

- Review current scientific information supporting Act 2 cleanup standards.
- Update Medium Specific Concentrations (MSC) under Statewide Health Standards.
- Clarify Chapter 250 administrative processes and requirements.

Key Regulatory Changes

- MSC value updates.
- Per- and polyfluoroalkyl substances (PFAS) additions and updates.
- Lead models and attainment approach updates.
- Carcinogenic polycyclic aromatic hydrocarbon (PAH) and other toxicity methodology updates.

MSC Updates

- MSCs are cleanup values used to protect public health.
- Chapter 250 includes approximately 400 regulated substances.
- This rulemaking updates a limited portion of those values:
 - Soil: 11% substances updated.
 - Groundwater: 8% substances updated.
- Updates reflect current toxicity information and scientific guidance.



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PFAS Updates

- Add seven PFAS compounds to Chapter 250 standards.
- Update PFOA, PFOS, and PFBS standards.
- Incorporate Federal PFAS drinking water requirements.
- Clarify Hazard Index applicability for groundwater standards.



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PAH and Toxicity Value Sources

- Update methodology for carcinogenic polycyclic aromatic hydrocarbon (PAH) toxicity values:
 - Cleanup Standards Scientific Advisory Board (CSSAB) workgroup white paper.
- Update other toxicity value sources based on current EPA guidance.
- Improve consistency in toxicity evaluation methods.



Lead Updates

- Update exposure models and default exposure assumptions to align with current EPA Superfund lead models:
 - Residential values: Integrated Exposure Uptake Biokinetic (IEUBK) Model for Lead in Children.
 - Non-residential values: Adult Lead Methodology (ALM).
- Add new statistical averaging test option for lead.
- Clarified cross references.



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Advisory Committee Review

- Proposed regulation
 - Cleanup Standards Scientific Advisory Board (CSSAB) – five meetings during 2022 and 2023.
 - Workgroups on lead and PAH.
- Draft final regulation
 - CSSAB – three meetings in 2025 and 2026.



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Public Comment Period

- The proposed rule was published in the *Pennsylvania Bulletin* on July 13, 2024 (54 Pa.B. 3937).
- Three public hearings were held on August 19, August 27, and September 4, 2024.
- The public comment period closed September 11, 2024.
- The Board received comments from 18 individuals and organizations.
- IRRC submitted comments on October 11, 2024.

Comments on the Proposed Rulemaking

- DEP's groundwater MSCs should align with new Federal PFAS Maximum Contaminant Levels (MCLs) for five PFAS.
 - Response: The final regulation incorporates the Federal PFAS MCLs.
- How will the Federal PFAS MCL hazard index calculation apply to the Management of Fill Policy?
 - Response: The Hazard Index calculation applies to the groundwater MSCs and does not apply to soil MSCs or fill determinations under the Management of Fill Policy.



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Comments on the Proposed Rulemaking

- Carcinogenic PAH values should be lowered to address cumulative risk.
 - Response: Act 2's requirements for setting Statewide health standards do not include consideration of cumulative risk. However, the values were calculated to protect the public by setting the target risk threshold to account for the probability of having more than one carcinogenic compound at a site.

Comments on the Proposed Rulemaking

- The Centers for Disease Control and Prevention's (CDC) blood lead reference value should be used as the total blood lead level for modeling.
 - Response: The CDC's value is used as a screening value for policy implementation purposes and is not intended to be used as an enforceable health-based protection standard. The appropriate value to use is the EPA Superfund Program's total blood lead level, which is protective of human health and safety.



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Changes to the Proposed Rulemaking

- Federal PFAS MCLs were added to the final-form regulation.
 - Soil and groundwater MSCs were added to or updated in tables.
 - PFOA and PFOS MSCs were revised from Pennsylvania MCLs to Federal MCLs.
 - Hazard Index explanation and equation were added.



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Recommendation

DEP recommends the Board adopt this final-form regulation.

Questions?

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