

EXECUTIVE SUMMARY

Administration of the Land Recycling Program – Chromium (VI) 25 Pa. Code Chapter 250

The Department of Environmental Protection (DEP) recommends final-form amendment to its regulations for the administration of the land recycling program to update the toxicity value and the corresponding Statewide health standard medium-specific concentrations (MSCs) for chromium (VI) (Cr(VI)). This rulemaking was proposed under 25 Pa. Code § 250.11, which requires the Department to periodically review new scientific information that the Statewide health standard MSCs are based on and to propose to the Environmental Quality Board (Board) any changes to the MSCs as necessary.

Purpose of the Final Rulemaking

DEP's Land Recycling Program implements standards for the cleanup of soil and groundwater contamination from releases of various toxic and carcinogenic chemicals. The purpose of this change to the Land Recycling Program regulations is to update the Statewide health standard MSCs for Cr(VI) by updating the Cr(VI) toxicity value and by correcting an error in the calculation of the Cr(VI) MSCs in the previous rulemaking, finalized on November 20, 2021.

DEP routinely reviews the MSC values and toxicity values to ensure the MSCs represent the most current and accurate science. During this routine review, DEP identified recently updated science on Cr(VI) and found an error in the calculation of the Cr(VI) MSCs in the previous rulemaking finalized in 2021. On August 1, 2024, the U.S. Environmental Protection Agency (EPA) established new science in its Integrated Risk Information System (IRIS) regarding the toxicity of Cr(VI) that could be used to update the Cr(VI) soil MSCs. The Department also discovered the mutagenic factors were inadvertently omitted from the calculation of the Cr(VI) MSCs in the rulemaking finalized in 2021. These two factors occurring at relatively the same time led DEP to consider updating the Cr(VI) MSCs.

Potential contamination of soil and groundwater from accidental releases and unlawful disposal of Cr(VI) may impact residents of Pennsylvania. Releases of contaminants not only pose a threat to the environment, but also could affect the health of the general public if inhaled or ingested. Cr(VI) has toxic effects on human health because it acts as both a carcinogen (causes cancer) and a systemic toxicant (non-carcinogen). Additionally, Cr(VI) is a mutagen which means it harms an organism's cells by permanently changing genetic material, thus causing mutations and potentially increasing the frequency of diseases such as cancer. As new research on Cr(VI) is developed, it provides the basis to protect residents of Pennsylvania through site cleanup requirements. Recognizing the toxic nature of Cr(VI) and the discovery that a more scientifically accurate standard is possible, the Board is proceeding with a stand-alone rulemaking to quickly update the toxicity values and corresponding MSCs for Cr(VI).

The Board is currently in the process of updating the standards for a wide variety of chemicals in the Land Recycling Program regulations. However, the changes in this final-form rulemaking for Cr(VI) cannot be added to the broader rulemaking that is nearly finished with the rulemaking process. The public comment period for the rulemaking already in progress ended on September

11, 2024, and entirely new amendments may not be proposed in the final rulemaking. The public needs the opportunity to review and provide comment on the new Cr(VI) values and the science they are based on prior to finalization of the changes. Therefore, to ensure the most up-to-date and accurate science is applied to environmental cleanups in Pennsylvania in the most efficient and transparent means possible, the Board is updating the Cr(VI) cleanup standards in the Land Recycling Program regulations as a stand-alone rulemaking.

Summary of the Final Rulemaking

This rulemaking updates the toxicity values for Cr(VI) in Appendix A, Table 5B, using updated toxicological information for Cr(VI) identified in the EPA's IRIS database, and the associated residential and nonresidential MSC direct contact soil numeric values in Appendix A, Table 4A. The updated numeric values in Table 4A correct the calculation error in the previous rulemaking and use updated toxicological information for Cr(VI) identified in the EPA's IRIS database.

Affected Parties

These amendments to the Land Recycling Program regulations will affect owners, operators and purchasers of properties and facilities who volunteer or are required to perform remediation of sites with Cr(VI). These amendments will result in a decrease in the residential direct contact MSC value and an increase in the non-residential direct contact soil MSC values. These values are protective of human health and meet the standards established by the statute. These changes are not expected to add any significant costs, overall, to the cleanup of contaminated sites under this program.

This final-form rulemaking will benefit all Pennsylvanians. The amendments to the Statewide health MSCs reflect the latest toxicological data on human health effects that can occur when humans are exposed to hazardous and toxic chemicals. Updating the MSCs based on the latest toxicological data helps to assure potentially affected residents of Pennsylvania and persons, including businesses, small businesses and other organizations, interested in buying and redeveloping contaminated sites, that the MSCs are protective of human health.

Outreach (Advisory Committee/Stakeholder Consultation)

The draft proposed rule was presented to and reviewed by the Cleanup Standards Scientific Advisory Board (CSSAB) at its October 30, 2024, meeting. The CSSAB voted to concur with DEP's recommendation to move the proposed regulation forward to the Board for consideration. DEP discussed comments on the proposed rulemaking and the draft final regulation with the CSSAB on October 22, 2025. CSSAB members had no comments or recommendations on the final regulation.

Public Comments

The EQB adopted the proposed regulation on April 8, 2025, which was published in the *Pennsylvania Bulletin* on June 28, 2025. The 30-day public comment period closed on July 28, 2025.

During the public comment period, the Board received five comments from five individuals and no comments from the Independent Regulatory Review Commission (IRRC). All comments were supportive of the rulemaking and expressed no major concerns. These comments are addressed in the Comment and Response Document that accompanies this final-form rulemaking.

Recommendation

DEP recommends adoption of this final-form regulation.