

ANNEX A

TITLE 25. ENVIRONMENTAL PROTECTION
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION
SUBPART D. ENVIRONMENTAL HEALTH AND SAFETY
ARTICLE VI. GENERAL HEALTH AND SAFETY
CHAPTER 250. ADMINISTRATION OF LAND RECYCLING PROGRAM

Subchapter C. STATEWIDE HEALTH STANDARDS

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§ 250.304. MSCs for groundwater.

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(c) The MSCs for regulated substances contained in groundwater in aquifers used or currently planned to be used for drinking water or for agricultural purposes are the MCLs as established by the Department or the EPA in § 109.202 (relating to State MCLs, MRDLs and treatment technique requirements). For regulated substances where no MCL has been established, the MSCs are the Lifetime Health Advisory Levels (HALs) set forth in Drinking Water Standards and Health Advisories (DWSHA), EPA Office of Water Publication No. EPA 822-F-18-001 March 2018 or as revised), except for substances designated in the DWSHA with cancer descriptor (L) "Likely to be carcinogenic to humans" or (L/N) "Likely to be carcinogenic above a specific dose but not likely to be carcinogenic below that dose because a key event in tumor formation does not occur below that dose." MSCs for regulated substances with HALs designated in the DWSHA with L or L/N cancer descriptors will be calculated by the Department and become effective upon publication in the Pennsylvania Bulletin. All other new [New] or revised MCLs or HALs [promulgated by the Department or] published in the Federal Register by the EPA or in the Pennsylvania Bulletin by the Environmental Quality Board shall become effective immediately [for any demonstration of attainment completed after the date the new or revised MCLs or HALs become effective.] and shall supersede any MSCs previously promulgated for those regulated substances. MCLs and HALs for purposes of this subsection refer exclusively to final versions of promulgated MCLs and published versions of final HALs.

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(g) The references referred to in subsection (f) are:

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(25) Kim, Minhee, Loretta Y. Li, John R. Grace, and Chaoyang Yue. "Selecting reliable physicochemical properties of perfluoroalkyl and polyfluoroalkyl substances (PFASs) based on molecular descriptors." *Environmental Pollution* 196 (2015): 462-472.

§ 250.305. MSCs for soil.

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(b) The MSCs for regulated substances in soil are presented in Appendix A, Tables 3 and 4. The methodology for calculating MSCs in soil is detailed in subsections (c)—(e) and the MSCs are further limited to not exceed the physical capacity of the soil to contain a regulated substance. This physical limitation is based on an assumed porosity of 0.35, an assumed dry bulk density of soil of 1.8 kilograms per liter and an assumed density of a regulated substance of 1.0 kilograms per liter. This is calculated according to the equation in paragraph (1). For regulated substances which are organics and liquids at standard temperature and pressure (STP) as identified in Appendix A, Table 5 (Chemical Properties), the physical limitation is further limited based on residual saturation with the additional assumption of a residual saturation ratio of substance volume to soil volume of 0.051, as calculated in Equation (2).

$$(1) \left[C_{PL} = \frac{\rho_{RS} \cdot n}{\rho_B} \right] C_{PL} = \frac{\rho_{RS} \times n}{\rho_B}$$

$$(2) [MSC = Sr * \frac{\rho_{RS} \cdot n}{\rho_B} * 1,000,000 \text{ mg/kg} = 10,000 \text{ mg/kg}]$$

$$MSC = Sr \times \frac{\rho_{RS} \times n}{\rho_B} \times 1,000,000 \text{ mg/kg} = 10,000 \text{ mg/kg}$$

where:

C_{PL} = physical capacity of the soil

ρ_{RS} = density of the regulated substance = 1.0 kg/L

[n] $\underline{n}$ = porosity of the soil = 0.35

ρ_B = dry bulk density of the soil = 1.8 kg/L

[Sr] $\underline{Sr}$ = residual saturation ratio (substance vol./soil vol.) = 0.051

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§ 250.306. Ingestion numeric values.

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(d) The default exposure assumptions used to calculate the ingestion numeric values are as follows:

Term		Residential		Nonresidential (Onsite Worker)
		Systemic ¹	Carcinogens ^{2,6}	
THQ	Target Hazard Quotient	1	N/A	1
RfD _o	Oral Reference Dose (mg/kg-day)	Chemical-specific	N/A	Chemical-specific
BW	Body Weight (kg)		N/A	
	Soil Groundwater	15 80		80 80
AT _{nc}	Averaging Time for systemic toxicants (yr)			
	Soil Groundwater	6 30	N/A N/A	25 25
Abs	Absorption (unitless) ³	1	1	1
EF	Exposure Frequency (d/yr)			
	Soil Groundwater	250 350	250 350	180 250
ED	Exposure Duration (yr)			
	Soil Groundwater	6 30	N/A N/A	25 25
IngR	Ingestion Rate			
	Soil (mg/day) GW (L/day)	100 2.4	N/A N/A	50 1.2

<i>Term</i>		<i>Residential</i>		<i>Nonresidential (Onsite Worker)</i>
		<i>Systemic</i> ¹	<i>Carcinogens</i> ^{2,6}	
CF	Conversion Factor Soil (kg/mg) GW (unitless)	1×10^{-6} 1	1×10^{-6} 1	1×10^{-6} 1
TR	Target Risk	N/A	1×10^{-5}	1×10^{-5}
CSF _o	Oral Cancer Slope Factor (mg/kg-day) ⁻¹	N/A	Chemical-specific	Chemical-specific
AT _c	Averaging Time for carcinogens (yr)	N/A	70	70
IFadj ⁴	Ingestion Factor Soil (mg-yr/kg-day) GW (L-yr/kg day)	N/A	55 [1.2] <u>1.1</u>	15.6 0.38
AIFadj ⁵	Combined Age-Dependent Adjustment Factor and Ingestion Factor Soil (mg-yr/kg-day) GW (L-yr/kg-day)	N/A	241 3.45	N/A
CSF _{ok}	TCE oral cancer slope factor for kidney cancer (mg/kg/day) ⁻¹		9.3×10^{-3}	
CSF _{ol}	TCE oral cancer slope factor for non-Hodgkin lymphoma and liver cancer (mg/kg/day) ⁻¹		3.7×10^{-2}	

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(e) The residential ingestion numeric value for lead in soil was developed using the **[Uptake Biokinetic (UBK) Model for Lead (version 0.4)] Integrated Exposure Uptake Biokinetic Model for Lead in Children, Windows® version (IEUBKwin v1.1 build 11) 32-bit version** developed by the EPA (U.S. Environmental Protection Agency. ([1990] February 2010)) **[Uptake Biokinetic (UBK) Model for Lead (version 0.4). U.S. EPA/ECAO. August 1990,]** in lieu of the algorithms presented in subsections (a) and (b). Default input values are identified in Appendix A, Table 7. Because the **IEUBK** model is applicable only to children, the nonresidential ingestion numeric value was calculated **using EPA's Adult Lead Methodology (ALM) in accordance with the guidance, exposure factors, equations, and spreadsheets provided in EPA's Recommendations of the Technical Review Workgroup for Lead for an Approach to Assessing Risks Associated with Adult Exposures to Lead in Soil (EPA-540-R-03-001, OSWER Dir #9285.7-54, January 2003), OLEM Directive 9285.6-56 "Update to the Adult Lead Methodology's Default Baseline Blood Lead Concentration and Geometric Standard Deviation Parameters" (May 2017) and the associated June 14, 2017 version of the Calculations of Preliminary Remediation Goals (PRGs) for Soil in Nonresidential Areas U.S. EPA Technical Review Workgroup for Lead, Adult Lead Committee spreadsheets.** [according to the method developed by the Society for Environmental Geochemistry and Health (Wixson, B. G. (1991)). The Society for Environmental Geochemistry and Health (SEGH) Task Force Approach to the Assessment of Lead in Soil. *Trace Substances in Environmental Health*. (11-20), using the following equations:

$$S = \frac{1000 \left[\left(\frac{T}{G^n} \right) - B \right]}{\delta}$$

Table 7 identifies each of the variables **[in this equation] used to calculate the nonresidential ingestion numeric value for lead.**

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Subchapter D. SITE-SPECIFIC STANDARD

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§ 250.404. Pathway identification and elimination.

- (a) The person shall use Department or Department-approved EPA or ASTM guidance to identify any potential current and future exposure pathways for both human receptors and **[environmental] ecological** receptors identified in § 250.402 (relating to human health and environmental protection goals).

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Subchapter F. EXPOSURE AND RISK DETERMINATIONS

Commented [GS1]: FWIW, the PA Manual Style Guide says to use "instead of" instead of "in lieu of"

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§ 250.605. Sources of toxicity information.

(a) For site-specific standards, the person shall use appropriate reference doses, reference concentrations, cancer slope factors and unit risk factors identified in Subchapter C (relating to Statewide health standards), unless the person can demonstrate that published data, available from one of the following sources, provides more current reference doses, reference concentrations, cancer slope factors or unit risk factors:

(1) Integrated Risk Information System (IRIS).

(i) Cancer slope factors and inhalation unit risk factors for carcinogenic polycyclic aromatic hydrocarbons are derived using relative potency factors contained in United States Environmental Protection Agency July 1993 Provisional Guidance for Quantitative Risk Assessment of Polycyclic Aromatic Hydrocarbons (EPA/600/R-93/089).

(2) United States Environmental Protection Agency, National Center for Environmental Assessment (NCEA) Provisional Peer-Reviewed Toxicity Values (PPRTV).

(3) Other sources:

(i) Health Effects Assessment Summary Tables (HEAST).

(ii) Agency for Toxic Substances and Disease Registry (ATSDR) Toxicological Profiles.

(iii) California EPA, California Cancer Potency Factors and Chronic Reference Exposure Levels.

(iv) EPA criteria documents, including drinking water criteria documents, drinking water health advisory summaries, ambient water quality criteria documents and air quality criteria documents.

(v) EPA Human Health Benchmarks for Pesticides (HHBP).

(vi) EPA PPRTV Appendix.

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§ 250.606. Development of site-specific standards.

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(d) The following factors shall be considered in the development of the risk assessment and in the development of site-specific standards:

(1) Groundwater in aquifers.

(i) Natural environmental conditions that affect the fate and transport of contaminants, such as natural attenuation, shall be determined.

(ii) The person shall identify routes of exposure for aquifer groundwater such as human exposure to groundwater by ingestion, human inhalation of regulated substances from volatilization and migration of these substances into buildings or other areas where humans could be exposed, human ingestion of regulated substances in surface water or other site-specific surface water exposure pathways with respect to groundwater discharges or releases to surface water, human inhalation of regulated substances in air, or other site-specific air exposure pathways with respect to release of regulated substances from groundwater to air.

(2) Nonaquifer groundwater. The persons shall consider current and probable future exposure scenarios, such as human exposure as described in paragraph (1)(ii).

(3) The person shall consider current and probable future exposure scenarios, such as:

(i) Human ingestion of soil when direct contact exposure to the soil may reasonably occur.

(ii) Exposure to groundwater by ingestion with respect to leaching of regulated substances from soils to groundwater.

(iii) Human inhalation of regulated substances from volatilization and migration of these substances into **[below grade]** occupied space.

(iv) Human ingestion of regulated substances in surface water or other site-specific surface water exposure pathways with respect to regulated substances migration from soil to surface water.

(v) Human inhalation of regulated substances in air or other site-specific air exposure pathways with respect to the release of regulated substances from soil to air.

Subchapter G. DEMONSTRATION OF ATTAINMENT

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§ 250.703. General attainment requirements for soil.

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(b) The soil to which the attainment criteria are applied shall be determined by circumscribing with an irregular surface those concentrations detected during characterization which exceed the selected standard. Where this soil is to be removed from the site, the attainment demonstration applies to the base and sidewalls of the excavation defined by the limit of excavation.

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(d) For statistical methods under § 250.707(b)(1)(i) and (iv) (relating to statistical tests), the number of sample points required for each distinct area of contamination to demonstrate attainment shall be determined in the following way:

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§ 250.707. Statistical tests.

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(b) The following statistical tests may be accepted by the Department to demonstrate attainment of the Statewide health standard. The statistical test for soil shall apply to each distinct area of contamination. The statistical test for groundwater will apply to each compliance monitoring well. Testing shall be performed individually for each regulated substance identified in the final report site investigation as being present at the site for which a person wants relief from liability under the act. The application of a statistical method must meet the criteria in subsection (d).

(1) For soil attainment determination at each distinct area of contamination, subparagraph (i), (ii), **[or]** (iii), **or** (iv) shall be met in addition to the attainment requirements in § § 250.702 and 250.703 (relating to attainment requirements; and general attainment requirements for soil).

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(iv) For sites with a release of lead or lead compounds that have been remediated to attain an MSC for lead based on an ingestion numeric value calculated in accordance with the requirements of § 250.306(e) and Appendix A, Table 7, the arithmetic average of all attainment samples, which shall be randomly collected in a single event from the site, shall be equal to or less than the applicable MSC.

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(d) Except for the statistical methods identified in subsections (a)(1)(i), **[and]** (b)(1)(i) **and** **(iv)**, and (2)(i), a demonstration of attainment of one or a combination of remediation standards shall comply with the following:

Commented [GS3]: seems like the plural "sites" needs a plural verb "have" here.