

Cleanup Standards Scientific Advisory Board

To the Pennsylvania Department of Environmental Protection/CSSAB

23 November 2009

Mr. David Crowover
Chief, Voluntary Cleanup and Standards Section
Land Recycling Program,
PA Department of Environmental Protection
Rachel Carson State Office Building
400 Market Street
Harrisburg, PA 17110

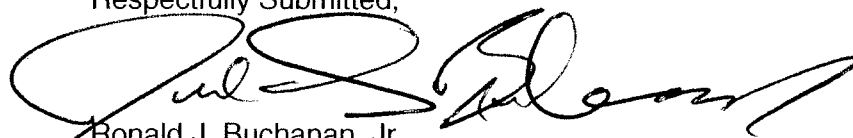
Dear David:

Per the teleconference meeting of the Cleanup Standards Scientific Advisory Board on 19 November 2009, and the Board's determinations during that meeting, I am transmitting to you the Board's recommendations regarding proposed revisions to 25 Pa. Code Chapter 250.

The Cleanup Standards Scientific Advisory Board generally supports the proposed amendments to 25 Pa. Code Chapter 250 developed by the Department of Environmental Protection, particularly the updated tables of medium specific concentrations (MSCs) contained in the proposed amendments insofar as the MSCs reflect the procedures and requirements specified under the Pennsylvania Land Recycling and Environmental Remediation Standards Act (Act 2) for establishing MSCs. The Board unanimously opposes the MSCs for methyl tert-butyl ether (MTBE) contained in the proposed amendments to 25 Pa. Code Chapter 250 because those MSCs do not reflect specific health-based criteria as required in Act 2 and the regulations there under, but instead are based on aesthetic considerations not authorized by Act 2, thereby treating MTBE differently than other regulated substances in contravention of the mandates of Act 2 to establish cleanup standards based on sound science.

Please do not hesitate to contact me if you should have any questions regarding the foregoing.

Respectfully Submitted;



Ronald J. Buchanan, Jr.
Chair/CSSAB

Manager, Remediation Projects
Freeport-McMoRan Copper & Gold Inc.

CC:
CSSAB members
Troy Conrad, PADEP