

## **EXECUTIVE SUMMARY**

### **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

#### **Final Rulemaking**

#### **25 Pa. Code Chapter 250**

#### **(Administration of Land Recycling Program)**

#### **Summary of the Final Rulemaking**

The final rulemaking is being made under the authority of sections 104(a) and 303(a) of the Land Recycling and Environmental Remediation Standards Act (Land Recycling Act, or Act 2) (35 P.S. §§ 6026.104(a) and -6026.303(a)), which directs the Environmental Quality Board (EQB) to promulgate Statewide health standards for regulated substances for each environmental medium as well as the methods used to calculate the standards, and section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20). These amendments update the Statewide health standard medium-specific concentrations (MSCs) based on current science.

#### **Purpose of the Final Rulemaking**

The Department is required to review and update the MSC values and the associated toxicological data every 3 years in order to assure that environmental response actions at contaminated sites are remediated based on current EPA guidance and toxicological information. This will assure the protection of the public health and environment from exposures to regulated substances where it has been determined that lower concentrations of a regulated substance are necessary. This will also avoid unnecessary expense for remediators when remediating contaminated property for redevelopment where it has been determined that higher concentrations of regulated substances are protective and meet the standards established by the statute.

#### **Affected Parties**

These amendments to the Land Recycling regulations will affect owners, operators and purchasers of properties and facilities who volunteer or are required to perform remediation of contaminated sites. These changes are not expected to add any significant costs, overall, to the cleanup of contaminated sites under this program. Approximately 10% of the cleanup standard concentration values will be lower and approximately 90% will be higher. The net cost difference should be negligible.

#### **Advisory Groups**

The final rulemaking was reviewed by the Cleanup Standards Scientific Advisory Board (CSSAB) on December 17, 2014 and by the Storage Tank Advisory Committee (STAC) on March 3, 2015. CSSAB and STAC approved the proposal with the exception of the groundwater MSCs for methyl tert-butyl ether (MTBE) because they are based on aesthetic considerations and not health-based criteria.

## **Public Comments**

The proposed rulemaking was approved by the EQB on February 18, 2014, and published in the *Pennsylvania Bulletin* on May 17, 2014 with a 30-day public comment period. No public meetings or hearings were held. The EQB received comments from two commentators during the public comment period, plus the Independent Regulatory Review Commission. These comments were considered and are addressed in the comment and response document that accompanies this final-form rulemaking.