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DEPARTMENT OF ENVIRONMENTAL PROTECTION

Bureau of Environmental Cleanup & Brownfields



Final-Form Rulemaking: Chapter 250 – Administration of the Land Recycling Program

Environmental Quality Board Meeting

June 15, 2021

Tom Wolf, Governor

Patrick McDonnell, Secretary

Proposed Rule

- The proposed amendments to Chapter 250 were presented to the Board on November 19, 2019.
- The proposed rulemaking was published in the *Pennsylvania Bulletin* on February 15, 2020.

What is Being Changed?

Amending Existing Regulations

- Update Medium-Specific Concentrations (MSC) under Statewide Health Standard
- 400 chemicals have MSCs
 - Revised about 70% of the soil MSCs
 - Revised about 45% of the groundwater MSCs

What is Being Changed?

MSCs under Statewide Health Standard

- Added soil and groundwater numeric values for per- and polyfluoroalkyl substances (PFAS) chemicals
 - perfluorooctane sulfonate (PFOS)
 - perfluorooctanoic acid (PFOA)
 - perfluorobutane sulfonate (PFBS)
- Added soil numeric values for total polychlorinated biphenyls (PCBs)

What is Being Changed?

Technical Revisions

- Updated Definitions
- Updated Practical Quantitation Limits (PQLs)
- Added references
- Revised how to address secondary contaminants
- Clarified requirements for reports

What is Being Changed?

Technical Revisions (continued)

- Land use changes at Special Industrial Area sites
- Addition of toxicity value sources
- Vapor intrusion evaluation requirements for small petroleum spill sites
- Added cross-references throughout Chapter 250
- Corrected typos and references

What is Being Changed?

Administrative Revisions

- Public Involvement Plans

Why are Amendments Needed?

- To protect human health and environment
- To reflect most recent scientific information
- To provide long-term predictability of cleanups to remediators
- To fulfill the three-year review of MSCs required under Section 250.11

Affected Parties

- Individuals remediating soil and groundwater contamination pursuant to the standards established by the Land Recycling Act and the Chapter 250 regulations.
- Individuals potentially exposed to soil and groundwater contamination.
- No significant financial impact is expected

Federal Requirements

No provisions in this rulemaking are more stringent than federal cleanup requirements.

The amendments will not affect Pennsylvania's ability to compete with other states.

Public Comments

Proposed rulemaking published in *Pennsylvania Bulletin* on February 15, 2020, with 75-day public comment period.

Environmental Quality Board received 140 comment documents from 124 commentators.

The Independent Regulatory Review Commission (IRRC) submitted five comments.

Public Comments

Majority of comments expressed concern over proposed updates to models used to calculate soil lead MSCs.

The original model changes resulted in an increase in the non-residential direct contact MSC.

Public Comments

- Additional MSC-related issues
- Publication of values for Per- and Poly-Fluoroalkyl Substances (PFAS) compounds
- Vanadium soil values
- Other various issues with Act 2 and the Land Recycling Program

Changes for Final Rulemaking

- Removed proposed changes to lead models and associated revisions to lead soil MSCs which will be addressed in a subsequent rulemaking.
- Updated toxicity value for PFBS based on new EPA Toxicity Assessment. This resulted in changes to the PFBS MSC values.
- Corrected errors noted in public comments.

Advisory Group Review

Final-Form Rulemaking reviewed by:

- Cleanup Standards Scientific Advisory Board (CSSAB) during the July 30, 2020, and December 16, 2020, meetings

Recommendation

DEP respectfully requests the Board to adopt this final-form rulemaking for publication in the *Pennsylvania Bulletin*.



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