



Environmental Quality Board

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December 23, 2003

Mr. Robert E. Nyce, Executive Director
Independent Regulatory Review Commission
14th Floor, Harrisstown #2
333 Market Street
Harrisburg, PA 17120

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2003 DEC 30 AM 8:47
INDEPENDENT REGULATORY
REVIEW COMMISSION

RE: Withdrawal of Proposed Rulemaking –
Provisions for the Management of Safe Fill (#7-372)

Dear Mr. Nyce:

At the request of the Department, the Environmental Quality Board (EQB) withdrew the proposed safe fill regulations on December 16, 2003.

In short, comments received during the public comment periods for both the proposed rulemaking and the Advance Notice of Final Rulemaking (ANFR) expressed the sentiment that the proposed regulations, as they had evolved over the past several years, were too complicated and would be difficult to implement. In response, the Department chose to simplify the standards for the management of fill by revising its existing clean fill policy as opposed to pursuing a final rulemaking. The Department provided notice of the EQB's withdrawal to all commentators on the proposed rulemaking and the ANFR. A copy of the notification letter is enclosed.

The revised clean fill policy references the availability of a general permit that will provide for the beneficial use of contaminated material, which the Department refers to as "regulated fill." Notices of the draft policy and general permit were published in the *Pennsylvania Bulletin* on November 8, 2003. The Department is accepting comments until January 9, 2004.

Based on these developments, the EQB withdrew the proposed rulemaking from further consideration. Please call me if you have any questions concerning this withdrawal.

Sincerely,

S. F. Trostle

Sharon F. Trostle
Regulatory Coordinator

Enclosure

