

RAYMOND BUNT, JR.
MAJORITY DEPUTY WHIP

105 MEMORIAL DRIVE AND ROUTE 28
SCHWENKSVILLE, PA 19473
PHONE: (610) 287-4181
FAX: (610) 287-4182

HOUSE POST OFFICE BOX 202020
145 MAIN CAPITOL BUILDING
HARRISBURG, PA 17120-2020
PHONE: (717) 787-8937
FAX: (717) 772-8652

E-mail: rbunt@pshousegop.com

ORIGINAL: 2267



House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

June 10, 2002

Mr. John Tacelosky
PA Department of Agriculture
Land Recycling and Environmental Remediation
Standards Program
2301 North Cameron St.
Harrisburg, PA 17110-9408

Subject: Proposed Rulemaking
7 PA Code Ch. 130d
Application of Soil and Groundwater Contaminated with Agricultural
Chemicals to Agricultural Lands

Dear Mr. Tacelosky:

As chairman of the PA House of Representatives Agriculture and Rural Affairs committee I appreciate the opportunity to offer comment on the Proposed Rulemaking regarding application of soil and groundwater contaminated with agricultural chemicals to agricultural lands. I am pleased that the department is finally moving forward with regulations intended to implement this important provision of legislation originally enacted by the General Assembly as Act 2 of 1995.

I am, however, concerned that the proposal unduly complicates a provision that, when enacted, was looked upon as a very straightforward and scientifically defensible solution to a potential environmental problem. Agricultural chemicals are highly regulated and proven safe when used according to label requirements. As presented to the legislature seven years ago, it seems that remediation of contaminated soil and groundwater should be a matter of determining the level of contamination and then applying the contaminated material to the land at the same concentrations as the label limits. I do not believe that the additional and extensive testing for other chemicals, or the review of the entire history of the site for other potential contaminants as suggested by the proposal was ever envisioned when this legislation was passed. Rather, it was viewed as relatively simple, logical and environmentally sound approach to remediation of a specific accidental incident.

- COMMITTEES
- AGRICULTURE AND RURAL AFFAIRS, MAJORITY CHAIRMAN
- JUDICIARY POLICY
- LAND USE MANAGEMENT SUB-COMMITTEE
- BOARDS AND COMMISSIONS
- ANIMAL HEALTH & DIAGNOSTIC COMMISSION
- STATE AGRICULTURAL LAND PRESERVATION BOARD
- AGRICULTURE RESEARCH COMMITTEE
- ASSIGNMENTS
- ALED-ENERGY, ENVIRONMENT, NATURAL RESOURCES & AGRICULTURE
- PA AGRICULTURAL LAW RESOURCE & REFERENCE CENTER, BOARD MEMBER
- DELAWARE RIVER BASIN CAUCUS
- LOCAL TAX REFORM CAUCUS
- RURAL HEALTH CARE CAUCUS
- PA LEGISLATIVE SPORTSMEN'S CAUCUS
- NATIONAL CONFERENCE OF STATE LEGISLATORS, AGRICULTURAL & INTERNATIONAL TRADE COMMITTEE MEMBER
- COUNCIL OF STATE GOVERNMENTS, FEDERAL FUNDS TASK FORCE COMMITTEE MEMBER
- COUNCIL OF STATE GOVERNMENTS, AGRICULTURAL POLICY TASK FORCE
- PENNSYLVANIA HISTORICAL PRESERVATION CAUCUS

RECEIVED
JUN 11 11 22 AM '02
LEGISLATIVE COMMISSION

Mr. John Tacelosky
June 10, 2002
Page No. 2

A more specific concern is with respect to the definition of "agricultural chemical facility" contained in the proposal. I believe that it was the intent of the legislature that this program include individual farm operations and it is important that this definition be interpreted in that manner. It is my suggestion that for the sake of clarity it would be helpful to specifically address this in the regulations. This would help ensure that the program has the greatest possible opportunity to successfully address accidental spill remediation in an environmentally safe manner.

I also call your attention to and want to incorporate by reference the more detailed comments attached from Ab Basu, Crop Life America; David Flakne, Syngenta Crop Protection; and Robert Fugitt, DuPont Crop Protection. These are all responsible industry resources that will be directly involved in carrying out the provisions of the regulatory proposal and, significantly, have first hand experience with successful similar programs in other states. It is my recommendation that their observations and comments be given serious consideration.

The goal of all parties is to establish a process whereby land application is a safe and viable alternative for the remediation of soil and water contaminated by agricultural chemicals. I look forward to working with the department and the private sector in establishing final regulations that accomplish this goal with the least possible extraneous complications.

Sincerely,



Raymond Bunt, Jr., Majority Chairman
Agriculture and Rural Affairs Committee

RB/ab

Attachments