

JOHN R. MCGINLEY, JR., ESQ., CHAIRMAN
ALVIN C. BUSH, VICE CHAIRMAN
DANIEL F. CLARK, ESQ.
ARTHUR COCCODRILLI
MURRAY UFBERG, ESQ.
ROBERT E. NYCE, EXECUTIVE DIRECTOR
MARY S. WYATTE, CHIEF COUNSEL



PHONE: (717) 783-5417
FAX: (717) 783-2664
irrc@irrc.state.pa.us
<http://www.irrc.state.pa.us>

INDEPENDENT REGULATORY REVIEW COMMISSION
333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

June 24, 2004

Honorable Dennis C. Wolff, Secretary
Department of Agriculture
211 Agriculture Building
2301 North Cameron Street
Harrisburg, PA 17110

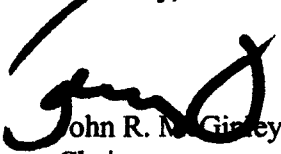
Re: Regulation #2-116 (IRRC #2267)
Department of Agriculture
Application of Soil and Groundwater Contaminated with Agricultural Chemicals to
Agricultural Lands

Dear Secretary Wolff:

The Independent Regulatory Review Commission approved the subject regulation today. Our Order is enclosed and will be available on our website at www.irrc.state.pa.us.

We appreciate the joint effort that went into producing a regulation that meets the criteria and intent of the Regulatory Review Act.

Sincerely,


John R. McGinley, Jr.
Chairman
evp
Enclosure

cc: Honorable Arthur D. Hershey, Majority Chairman, House Agriculture and Rural Affairs
Committee
Honorable Peter J. Daley, II, Democratic Chairman, House Agriculture and Rural Affairs
Committee
Honorable Mike Waugh, Chairman, Senate Agriculture and Rural Affairs Committee
Honorable Michael A. O'Pake, Minority Chairman, Senate Agriculture and Rural Affairs
Committee

**INDEPENDENT REGULATORY REVIEW COMMISSION
APPROVAL ORDER**

Commissioners Voting:

Public Meeting Held June 24, 2004

John R. McGinley, Jr., Esq., Chairman
Alvin C. Bush, Vice Chairman, by Phone
Daniel F. Clark, Esq.
Arthur Coccodrilli
Murray Ufberg, Esq., by Phone

Regulation No. 2-116
Department of Agriculture
Application of Soil and Groundwater
Contaminated with Agricultural Chemicals to
Agricultural Lands

On April 10, 2002, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Agriculture. This rulemaking adds Chapter 130d to 7 Pa. Code. The proposed regulation was published in the April 20, 2002 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on May 17, 2004.

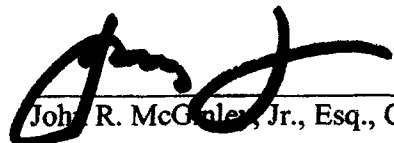
This final-form regulation establishes the procedures to apply soil and groundwater contaminated with agricultural chemicals to agricultural land, as required by Act 2 of 1995 (Act 2). This regulation only applies to contaminated soil and groundwater collected in an approved Act 2 remediation effort at an agricultural chemical facility.

We have determined this regulation is consistent with the statutory authority of the Department of Agriculture (35 P.S. § 6026.904(d)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

BY ORDER OF THE COMMISSION:

This regulation is approved.





John R. McGinley, Jr., Esq., Chairman