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**Associated Petroleum
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A Division of API

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June 16, 2014

Honorable E. Christopher Abruzzo
Chairperson
Environmental Quality Board
P.O. Box 8477
Harrisburg, PA 17105-8477

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Re: Proposed Rulemaking Administration of the Land Recycling Program

Dear Chairman Abruzzo:

Associated Petroleum Industries of Pennsylvania (API-PA) submits the following comments in response to the Pennsylvania Environmental Quality Board (EQB) Notice dated May 17, 2014, requesting comment on proposed amendments to Title 25 PA Code Chapter 250, Administration of the Land Recycling Program.

The Associated Petroleum Industries of Pennsylvania (API-PA) is a division of the American Petroleum Institute (API), a national trade organization that represents more than 600 companies involved in all aspects of the oil and natural gas industry including exploration and production, transportation, marketing and refining. API represents the leaders of a technology-driven industry that supplies most of America's energy, supports 9.8 million U.S. jobs and 8 percent of the U.S. economy, and delivers more than \$85 million a day in revenues to our government.

Both the Cleanup Standards Scientific Advisory Board (CSSAB) and the Underground Storage Tank Advisory Committee (STAC) endorsed the proposed rulemaking with one exception. On October 25, 2013, the Scientific Advisory Board outlined its exception, noting that it did not support the groundwater and soil-to-groundwater medium specific concentrations (MSCs) for MTBE. On December 6, 2013, STAC wrote to the EQB also citing its exception to the MTBE value in Table 1, Appendix A.

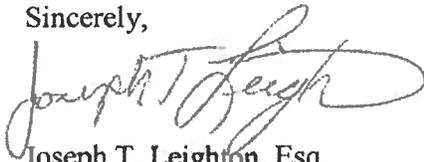
In their letter, STAC wrote that it did not "support using DEP's interpretation for the MTBE drinking water advisory for odor, versus a more quantitative calculation in conjunction with EPA's methodology." Both CSSAB and STAC pointed out the standard in the proposed rulemaking as one based on aesthetics considerations. API-PA concurs with CSSAB's and STAC's assessment that the proposed MTBE calculations do not use specific health-based standards. API-PA supports the recommendations submitted by the two DEP advisory committees and recommends that the proposed rulemaking be altered to reflect science based calculations in this one regard.

DEP should also be aware that in 2012 EPA concurred with an analysis by the National Toxicology Program that the Italian MTBE health study that was a key reference for the 1997 EPA MTBE Drinking Water Advisory would not be used in future assessments because of data quality and interpretation issues.

For your convenience, we have enclosed the CSSAB and STAC letters for your review. Thank you for the opportunity to offer comments on the proposed rulemaking regarding the administration of the Land Recycling Program.

If you have any questions or if additional information is needed regarding our comments, please let me know.

Sincerely,



Joseph T. Leighton, Esq.
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Attachments: CSSAB letter
STAC letter

Cc: Patrick Henderson
Sen. Yaw
Sen. Yudichak
Rep. Miller
Rep. Vitali



Philadelphia Refinery

**Philadelphia Energy Solutions
Refining and Marketing LLC
3144 Passyunk Avenue
Philadelphia, PA 19145-5299
215-339-2000**

December 6, 2013

**Environmental Quality Board
PA Department of Environmental Protection
P.O. Box 8477
Harrisburg PA 17105-8477**

Dear Environmental Quality Board:

As Vice Chairperson of the Storage Tank Advisory Committee (STAC), I am writing to communicate the STAC's position with regard to the proposed Land Recycling Program (Chapter 250) rulemaking.

A quorum was present at the December 3, 2013 STAC meeting, and following review and discussion of the proposed Chapter 250 regulations, STAC voted to unanimously approve the rulemaking as written for presentation to the EQB as proposed rulemaking, with the exception of the proposed MTBE value in Table 1, Appendix A. The sense of the STAC was that it did not support using DEP's interpretation of the MTBE drinking water advisory for odor, versus a more quantitative calculation in conjunction with EPA's methodology.

DEP staff did an excellent job in this very large, complicated, and complex process.

Please let me know if you have any questions or need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Judy S. Brackin".

Judy S. Brackin
STAC Vice Chairperson

Cleanup Standards Scientific Advisory Board

Department of Environmental Protection (PADEP)

25Oct2013

Mr. David Crownover
Environmental Group Manager
Pennsylvania Department of Environmental Protection
Bureau of Environmental Cleanup and Brownfields
Rachel Carson State Office Building
400 Market Street
Harrisburg, PA 17110

Dear David:

Per the meeting of the Cleanup Standards Scientific Advisory Board (Board) on 23Oct2013, and the Board's deliberations during that meeting, I am transmitting to you the Board's recommendations regarding proposed amendments to 25 Pa. Code Chapter 250.

The Board supports the proposed amendments to 25 Pa. Code Chapter 250, developed by the Pennsylvania Department of Environmental Protection (PADEP or Department) for public comment, particularly the updated tables of medium specific concentrations (MSCs) including those based on Health Advisory Levels (HALs) contained in the proposed amendments insofar as these reflect the procedures and requirements specified under the Pennsylvania Land Recycling and Environmental Remediation Standards Act (Act 2) for establishing MSCs with the following exception and comment:

Exception: The Board does not support the groundwater and soil-to-groundwater MSCs for methyl tert-butyl ether (MTBE) included by the PADEP in proposed Tables 1 and 3a of Appendix A to 25 Pa. Code Chapter 250 because those MSCs are not calculated using specific health-based criteria available from authorized sources as required in Act 2 and the regulations promulgated thereunder. They are instead based on aesthetic considerations not authorized by Act 2, thereby treating MTBE differently than other regulated substances in contravention of the mandate of Act 2 to establish health-based cleanup standards through the application of sound science.

Comment: Based on discussions with representatives of the Department during the meeting, the Board is satisfied with the Department's response to the Board's concerns and recommendations regarding the provisions of 25 Pa. Code Chapter 250, § 250.5. *Public notice by applicant* to the effect that, at the time a notice of intent to remediate (NIR), a plan or a report is submitted to the Department, this provision will require proof that the Remediator sent municipal notices rather than proof of receipt of such notices and proof of submission of such notices for publication in a newspaper rather than proof of publication. Furthermore, it is understood that the review period for each NIR, plan or report will commence immediately upon the Department's receipt of an NIR, plan or report accompanied by such levels of proof. The Department may, however, declare the submission to be administratively incomplete if the proofs of receipt and publication are not received within a reasonable period of time.

Please do not hesitate to contact me if you should have any questions regarding the foregoing.