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RT Environmental Services, Inc. Announcement

PENNSYLVANIA DEP PROPOSES TO TIGHTEN STANDARD FOR ARSENIC AND BENZO(A)PYRENE; INCREASES IN REDEVELOPMENT COSTS EXPECTED

The Pennsylvania Department of Environmental Protection has proposed to change the lowest applicable standard for benzo(a)pyrene, from 2.5 to 0.57 mg/kg, as the direct contact standard for residential properties. Milligrams per kilogram are the same as parts per million. There is also a proposed change in the soil to groundwater standard for arsenic.

The published announcement of revisions to these proposed revised standards in the *Pennsylvania Bulletin*, does not contain a proper assessment of the potential costs of these Statewide Health Standards revisions. The *Pennsylvania Bulletin* evaluation indicates that because some of the Statewide Health Standards are going up while others are going down, there is not believed to be a significant change in costs for cleaning up properties.

Those with substantial experience in evaluating and remediating Pennsylvania sites, know that Pennsylvania has a long history of coal consumption, and associated atmospheric emissions. The construction industry objected in 2002 to the tight arsenic standard 12 mg/kg for arsenic, and RT provided testimony before the Science Advisory Board due to the use of the Statewide Health Standard in the Management of Fill Policy. Ultimately, under the leadership of then - DEP Secretary Katie McGinty, a reasonable compromise was worked out. However, DEP should know that lead, arsenic, and benzo-a-pyrene, are contaminants commonly found on the land surfaces at Pennsylvania sites in urban areas.

At a time when the economy is tight, it would not seem to make sense to reduce incentives that increase costs for redevelopment of urban areas. Unfortunately, that is what DEP has proposed at this time. This negative incentive on redeveloping urban sites, will undoubtedly cause more "greenfields" development and sprawl. Developers will need to take an additional hundreds or thousands of sites through the Act 2 process, and potentially will have to cap sites to address historic atmospheric emissions. This will weigh against continued urban redevelopment, particularly for residential properties.

There should be no question that lowering the standard for arsenic and benzo(a)pyrene, will cost Pennsylvanians tens of millions or hundreds of millions of dollars per year. Leading contractors associations, at the time of promulgation of the Management of Fill Policy in 2004, and at the time of submittal of comments to the Governor's Independent

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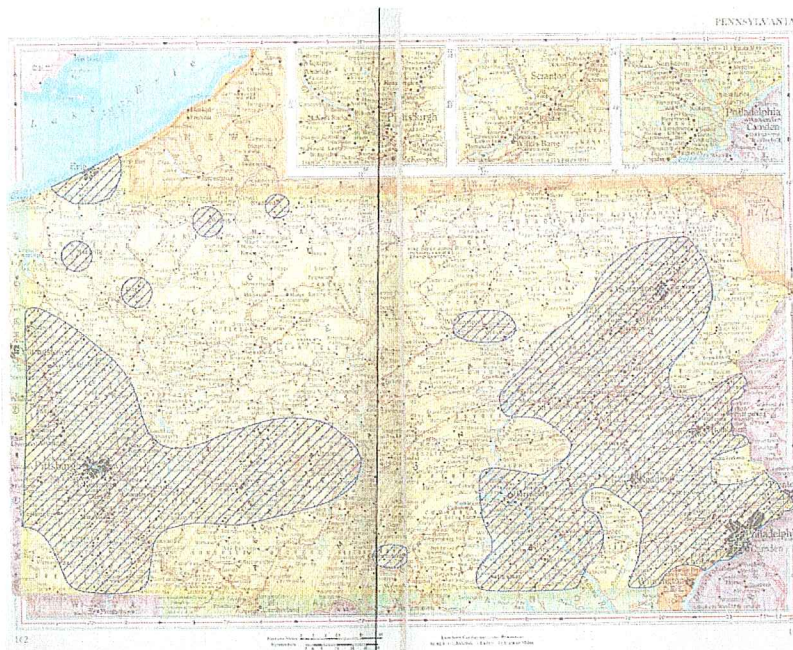
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Regulatory Review Commission in 2002, provided technical and cost analysis to DEP, which is still valid and appropriate. In 2002, the State Agency which produces the largest volume of materials which have to be hauled across property lines during construction, PENNDOT, submitted similar comments to DEP and the Independent Regulatory Review Commission.

We at RT think that if DEP has adequate science to backup the lower standards, they should be straightforward about the impact of lowering the standard for benzo(a)pyrene. The low end standard for arsenic could cause many sites to now require groundwater investigations where there is historic fill. Most commonly, when RT studies redevelopment sites, these are the two out of three constituents that drive redevelopment cleanup costs. Many sites could become no longer cost effective to redevelop, and costs to manage a large volume of materials which are no longer Clean Fill, could also make new construction in many areas of Pennsylvania more costly as well.

A map of the locations in Pennsylvania where soils may be impacted by historic atmospheric emissions from coal burning can be found below. We at RT think the full impacts of these proposed more stringent standards for contaminants which are common in Pennsylvania, should be fully vetted, with a complete evaluation of the costs of more stringent standards before action is taken which will clearly make it more expensive to redevelop many Pennsylvania sites.



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