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VIA ELECTRONIC FILING

April 27, 2022

Jessica Shirley, Director
Department of Environmental Protection Policy Office
Rachel Carson State Office Building
P.O. Box 2063
Harrisburg, PA 17105-2063

RE: Interim Final TGD: Utilizing Published Data in Performing a Background Demonstration and Equivalent Site Evaluation for Naturally Occurring Vanadium (DEP ID: 258-2182-774)

Dear Ms. Shirley,

On behalf of the Pennsylvania Chamber of Business and Industry, the largest, broad-based business advocacy organization in the Commonwealth, thank you for the opportunity to provide comments regarding the interim final technical guidance, "Utilizing Published Data in Performing a Background Demonstration and Equivalent Site Evaluation for Naturally Occurring Vanadium" as published Feb. 26, 2022 in the PA Bulletin.

The PA Chamber sincerely appreciates the efforts and attention Department leadership and staff have given to this issue, and we strongly support immediate adoption of the guidance as published. As the Department is aware, the PA Chamber commented throughout the most recent updates to the Chapter 250 standards (which the Management of Fill policy incorporates as reference levels for the purpose of determining whether materials are a waste) that there needed to be a resolution to the challenges presented by establishing vanadium levels below background in much of the state. Absent the resolution that is contained in this interim final TGD, any number of infrastructure, construction and remediation projects across the state would continue to be hampered.

This interim final TGD provides a commonsense and workable approach to this issue by providing for a pathway for project sponsors to identify representative background concentrations of vanadium in soils. This approach will facilitate the development of much-needed infrastructure projects across the state as the Commonwealth deploys state and federal funds. This approach will also alleviate wasted public and private resources by an array of important stakeholders, including the Pennsylvania Department of Transportation (PennDOT), the Pennsylvania Turnpike Commission, local economic development organizations, municipal and investor-owned utilities, local governmental entities and private developers.

We thank the Department for their attention to this matter and for developing this interim final TGD, which incorporates an approach endorsed by the PA Chamber and the Clean-up Standards Scientific Advisory Board and which resolves this issue for development and protection of the environment.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Sunday". The signature is fluid and cursive, written over a light blue horizontal line.

Kevin Sunday
Director, Government Affairs

