

**Statement of Craig G. Robertson
for the Chamber of Business and Industry
Before the House Environmental Resources and Energy Committee**

March 16, 1995

Good morning, Chairpersons Reber and George, members of the committee and staff, thank you for inviting the Chamber to testify before you on Senate Bill 1. My name is Craig Robertson. I am President of Groundwater Sciences Corporation, an environmental consulting firm, and I serve as the Chair of the Chamber's Remediation Advisory Council. As a groundwater consultant in Pennsylvania for the past 22 years, I have been involved in dozens of remediation projects in Pennsylvania and 21 other states in eight EPA regions and Canada.

To begin, I believe that Senate Bill 1, Printer's Number 676, is an extremely important piece of legislation. Adoption of S.B. 1, P.N. 676, will encourage voluntary cleanups and reduce delays in implementing remediation activities. S.B. 1, P.N. 676, will promote the revitalization of existing industrial sites as well as increase the attractiveness of Pennsylvania's business climate while safeguarding the health and safety of the Commonwealth's citizens.

The Chamber supports legislation which would protect human health and the environment and establish appropriate remedies for the remediation of land based upon the use of the site.

Why is S.B. 1, P.N. 676 needed? To answer that questions we must first examine the current problem. Simply stated, the current problem is as follows:

- The Department of Environmental Resources has historically used the Groundwater Quality Protection Strategy as a remediation standard.
- The current standard, i.e., the clean up to background/pristine is not feasible in every case. In fact, there is not a single case in Pennsylvania that I am aware of where substantial contamination has been present and this standard has been met.

This infeasibility has recently been documented nationwide in a study performed by the National Research Council.

- Under the present policy, the goal of restoring groundwater to background also affects the cleanup requirements for soil. In this regard, where chemicals in the soil could conceivably affect the quality of groundwater, the present requirement to clean groundwater to background leads to overly stringent soil cleanup standards.
- A responsible party in Pennsylvania is unsure of what will be required of it in a remediation project, which delays the clean-up, and allows existing industrial sites to sit unused.

S.B. 1, P.N. 676, is the answer to the above-referenced problem for the following reasons:

- It provides a reasonable approach to dealing with contamination, which can occur during legitimate business activities.
- It provides a clear and concise blueprint for remediation projects.
- It uses a risk-based approach to deal with sites that applies stricter standards to residential property.
- It develops generic standards for soil and water which allow a company to know in advance the level to which they will be held accountable. Unlike the current policy, these standards are not limited solely to conditions that pre-dates all human activity.
- It will provide a benefit to the community by returning properties to a productive use thereby improving the tax base of those communities.

Rather than spending my entire time explaining the substance of S.B. 1, P.N. 676, I thought I would try to dispel some of the criticisms you may have heard regarding S.B. 1, P.N. 676. It is important to remember that Pennsylvania, with the implementation of S.B. 1, would be using what USEPA and numerous other states have used for many years. What the bill really does is let an individual or business know, up front, what will be required of them.

We believe that the focus of any remediation effort should be to achieve a standard that is protective of human health and the environment. This is why we do not support efforts to differentiate where this standard should be used. There are some who believe that a standard different than that used in S.B. 1 should be used in so-called "greenfield" sites. The obvious question becomes then what alternative standard do we use for greenfield sites? Do we continue to force a cleanup to background as infeasible as that may be?

We do not believe that placing such a stringent standard on new businesses will drive industry back to existing industrial sites. Furthermore, existing law provides extremely tough penalties for those parties which have a release. Utilizing overly stringent remediation standards as an enforcement tool is neither appropriate nor productive. Nor should remediation standards be used in land use planning. It is important to remember as well that technical standards promulgated at the state and federal level make a release far less likely now than in the past.

As I have previously said, I strongly believe the focus of any remediation effort ought to be protecting human health and the environment. Any dollars expended in cleaning up a site beyond a safe level are dollars which cannot be used for hiring of new employees, enhancing wages and benefits or other productive measures.

Once again, I would like to thank the committee for the opportunity to appear here today. I would be happy to answer any questions you may have.