

### REGULATORY UPDATE: PA PUBLISHES GUIDANCE ON VANADIUM AFFECTING FILL MANAGEMENT

On February 26, 2022, the Pennsylvania Department of Environmental Protection (PADEP) published a new Interim Final technical guidance document (TGD): [Utilizing Published Data in Performing a Background Demonstration and Equivalent Site Evaluation for Naturally Occurring Vanadium](#).

As Langan reported in this [Regulatory Update](#), broad changes in soil medium-specific concentrations (MSCs) were published in November 2021. These changes affected more than Act 2 cleanups, they also impacted the management of fill material across Pennsylvania. The MSCs are referenced in PADEP’s Management of Fill Policy (Document Number 258-2182-773, January 2021) in the definitions of “clean fill concentration limits” (CFCL) and “regulated fill concentration limits” (RFCL). However, the MSC changes did not include a revision to the vanadium standard despite significant input demonstrating that vanadium is natively occurring and the PA MSCs (at 15 mg/kg) for vanadium are the lowest in the nation, orders of magnitude below other states.

PADEP’s overly restrictive vanadium standard has limited the reuse of fill material around the state since vanadium concentrations commonly exceed the CFCL and RFCL. Methodologies for demonstrating natural background described in the Management of Fill Policy require off-site access and multiple samples; as a result, fill material that could have been beneficially reused has instead been diverted to treatment storage and disposal facilities unnecessarily.

The TGD doesn’t change the MSC for vanadium; rather it establishes a published reference background concentration (RBC) that can be used as part of fill evaluation for the purposes of classifying fill as “clean fill” under the Management of Fill Policy. The updated RBCs are below:

State	RBC for Vanadium (mg/kg)
Pennsylvania	129
New Jersey	136
New York	118

The provisions of the Management of Fill Policy still apply. For example, it is still a requirement to demonstrate that the fill has not been impacted by a release of vanadium. However, these RBCs can be used in lieu of performing a site-specific vanadium Background Demonstration for fill originating in Pennsylvania, New York, or New Jersey. Likewise, the RBC applicable to soil in Pennsylvania may be utilized in lieu of performing a site-specific Equivalent Site Evaluation.

If you have questions about how these updates will affect your site, please contact your Langan Project Manager or one of our Pennsylvania environmental regulatory experts.



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