Overview of Pennsylvania’s Land Recycling Program

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The Land Recycling Program was established by a series of legislation enacted in 1995:

**ACT 2** - Land Recycling and Environmental Remediation Standards Act

**ACT 3** - The Economic Development Agency, Fiduciary and Lender Environmental Liability Protection Act

**ACT 4** - The Industrial Sites Environmental Assessment Act
Act 3 Liability Protections

- Redevelopment Authorities
- Industrial Development Authorities
- Any other Commonwealth or Municipal Authority acquiring title or interest in property
- Municipal development departments organized by ordinance
- Conservancies engaged in reclamation of industrial sites
- Economic Development Agencies engaging in routine commercial lending practices are entitled to lender liability protections
Program Goals

• To make contaminated sites safe

• To return these sites to productive use, create jobs and stimulate economic growth

• To preserve farmland and open space
Four Cornerstones

- Uniform cleanup standards
- Standardized reviews with time limits
- Relief from liability
- Financial assistance
Encourage remediators to perform voluntary cleanups

Remediator may select areas of contamination within the property without having to characterize the entire property

Act 2 Liability Relief applies to area addressed
Remediation may involve one or a combination of cleanup standards:
- Background Standard
- Statewide Health Standard
- Site Specific Standard

Special Industrial Area Provision

The remediator makes the choice of standard.......not the DEP
Cleanup Standards

- Background Standard
  Concentration of contaminant present but not related to release on site

- Statewide Health Standard
  Medium Specific Concentrations (soil and water)

- Site-Specific Standard
  Risk based approach tailored to individual sites
General Procedures

- Publish Notice of Intent to Remediate
- Characterization, identify contaminants
- Select standard
- Establish points of compliance
- Remediate contamination, if needed
General Procedures

- Demonstrate attainment of a remediation standard(s)
- Submit report to the DEP (final report)
- Liability relief with approval of final report
- Property may need Environmental Covenant
- Post remediation care and monitoring may also be required
Liability Protection

- Persons demonstrating compliance with a standard shall be relieved of further remediation of contamination identified in submissions to DEP

- Includes protection from citizen suits and contribution actions under PA law

- Reopeners may apply in specific circumstances
Liability protection applies to:

- Current owner
- Future owners
- Any person who participated in the cleanup
- Developer
- Occupiers
- Successors or assigns
- Public utilities performing work on the property
Tools for Cleanup Challenges

- Buyer/Seller Agreements
- Special Industrial Area Agreements
- One Cleanup Program
Brownfield Project Teams
- Regional teams to assist on redevelopment projects
  - Assistant Regional Director – Staci Gustafson
  - Local Government Liaison – Erin Wells
  - ECB Program Manager – Anita Stainbrook

Permitting
- Permit Application Consultation Tool (PACT)
- Pre-Application Conferences
- Permit may be eligible for priority review
Outreach/Information

– PADEP Land Recycling website

– Mailing List, Newsletter
  • Email to: landrecycling@pa.gov w/ ADD TO LIST in the subject line. Include name, title, organization, mailing address and phone number

– Brownfield Development Guide

– Training

– PA Brownfields Conference
2018 Pennsylvania Brownfields Conference
October 1-3, 2018
Sands Bethlehem, Bethlehem, PA

Registration is now open.
Visit https://eswp.com/brownfields/overview/

Conference is planned in collaboration between the PA DEP and Engineers’ Society of Western Pennsylvania (ESWP)
To date, over 6600 projects have been approved

Over 1400 Land Recycling projects underway

Over $670 M dedicated to redevelopment projects since 1995
Thank You

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Department of Environmental Protection
Land Recycling Program
www.dep.pa.gov
(Search “Land Recycling”
or “Brownfields”)