



Bureau of Environmental Cleanup & Brownfields

Overview of Pennsylvania's Land Recycling Program

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PADEP Environmental Cleanup & Brownfields**



The Land Recycling Program

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

Voluntary Nature of Act 2

- 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

Act 2 - Remediation Options

- 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

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

Department Assistance

- 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

Department Assistance

- 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

Pennsylvania 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)



Program Results

- ✓ To date, over 6600 projects have been approved
- ✓ Over 1400 Land Recycling projects underway
- ✓ Over \$670 M dedicated to redevelopment projects since 1995



pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Bureau of Environmental Cleanup & Brownfields

Thank You

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Department of Environmental Protection
Land Recycling Program

www.dep.pa.gov

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