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DEPARTMENT OF ENVIRONMENTAL PROTECTION



Bureau of Environmental Cleanup & Brownfields

# Overview of Pennsylvania's Land Recycling Program



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PROTECTION

## Mission Statement

The Department of Environmental Protection's mission is to protect Pennsylvania's air, land and water from pollution and to provide for the health and safety of its citizens through a cleaner environment. We will work as partners with individuals, organizations, governments and businesses to prevent pollution and restore our natural resources.

# What is a Brownfield?

- A brownfield is a property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.
- Cleaning up and reinvesting in these properties increases local tax bases, facilitates job growth, utilizes existing infrastructure, takes development pressures off of undeveloped, open land, and both improves and protects the environment.

(From U.S. EPA website)

# Pennsylvania's Approach

## Land Recycling Program (Act 2 of 1995)

- Regulatory law and culture changes
- Practical, predictable cleanup standards
- Liability protection
- Financial incentives

# Program Goals

- To make contaminated, vacant, and underutilized properties safe
- To return these sites to productive use, create jobs and stimulate economic growth
- Maximize use of existing infrastructure—preserving farmland and open space

# Voluntary Nature of Act 2

- Encourage private-sector remediators to perform voluntary cleanups
- Remediator may select areas of contamination within the property without having to characterize the entire property
- Act 2 liability protection applies to areas addressed in final report

# Four Cornerstones

- Uniform cleanup standards
- Standardized reviews with time limits
- Liability protection
- Financial assistance

# General Procedures

- File a Notice of Intent to Remediate (NIR)
- Public and municipal notifications
- Site characterization
  - Identify contaminants
  - Delineate extent of contamination
  - Evaluate fate and transport
- Select cleanup standard



# General Procedures

- Public involvement plans for some sites
- Remediate contamination (if necessary)
- Demonstrate attainment of a remediation standard(s)
- Submit final report for DEP review
- Liability relief with approval of final report
- Post-remedial care, if applicable

# Statewide Health Standard

- Risk-based standards established by Act 2
- Medium Specific Concentrations (MSCs)
- Generic Standards presented in a tabular format
  - Soil
  - Groundwater use (or non-use aquifer)
  - Residential and non-residential exposures
- For example, benzene in groundwater, 5 parts per billion

# Site-Specific Standard

- Provides more flexibility
- Two approaches:
  - Perform risk assessment
  - Eliminate exposure pathways
- Requires additional reports, plans and approvals
- Allows for public participation when requested by municipality

# Site-Specific Standard

- A risk-based approach based on...
  - Site Characterization
  - Exposure Assessment
  - Toxicity Assessment
  - Risk Characterization
- Pathway elimination, such as...
  - Prohibit groundwater use
  - Construct a surface cap to prevent exposure

# 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

# Environmental Covenants

- Uniform Environmental Covenants Act
- Standardized process for creating, documenting, and assuring integrity of activity-and-use limitations
- Engineering or institutional controls used to attain cleanup standard
  - Elimination of exposure pathways
- Covenant is recorded on property deed

# Buyer–Seller Agreements

- Seller locks in the sale & funds for cleanup
- Aids the selection of the remediation alternative and understanding of costs
- Provides seller and buyer with certainty prior to completion of the remediation
- Legally binding agreement with DEP ensures completion of the remediation

# Special Industrial Area Process

- No financially viable party or property located in an enterprise zone
- Remediator must be someone who did not cause or contribute to the contamination
- Property was used for industrial activity
- Person has limited cleanup obligations
  - Baseline environmental study
  - Abate immediate, direct, and imminent threats



# Department Assistance

- Project team meetings
  - Contact the regional office
  - Assistant regional director
  - Local government liaison
  - ECB program manager
- Permit coordination
  - Permit Application Consultation Tool (PACT)
  - Pre-application conferences
  - Permits may be eligible for priority review

# Department Assistance

- Outreach/Information
  - DEP's Land Recycling website
  - Mailing List, Newsletter
    - Email to: [landrecycling@pa.gov](mailto: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

# Program Results

- ✓ To date, over 7000 projects have been approved
- ✓ Over 1585 Land Recycling projects underway
- ✓ Over \$670 million dedicated to redevelopment projects since 1995

# Success Stories

## Philadelphia Wholesale Produce Market

- Former junk and scrap yards, landfill
- Local, state, private partnership
- Innovative financing
- 63 acres
- Act 2 site-specific cleanup standard
- Opened 2011



# Success Stories

## Christian Street, Philadelphia

- Former gas station, vacant for 19 years
- DEP site investigation enabled redevelopment
- Apartment building with kindergarten (2019)

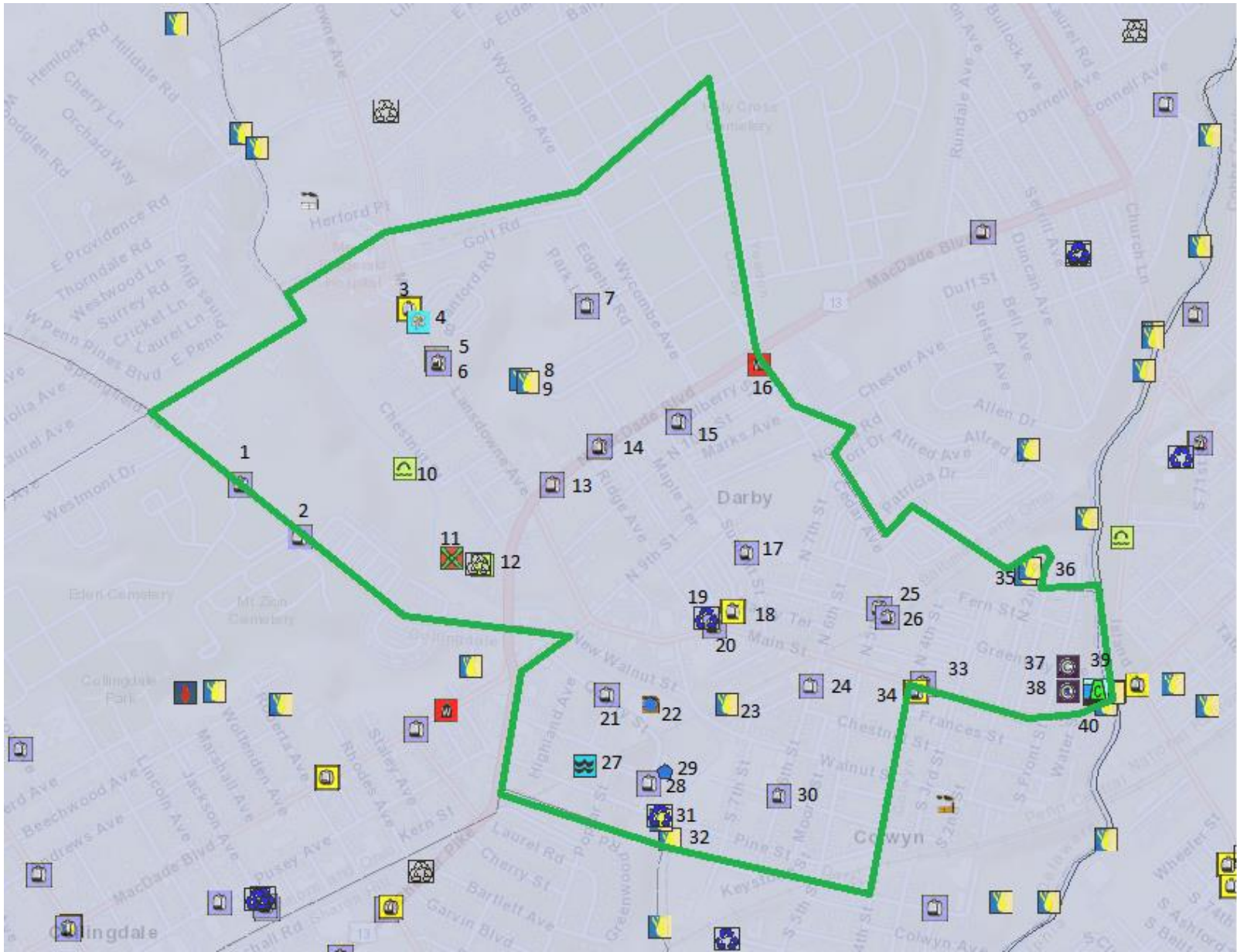
**BEFORE**



**AFTER**



# Darby Borough Sites



# Darby Borough Sites

## Sites in DEP's records

- Include release notifications and some cleanup sites
- Not all are brownfields
- Tanks and heating oil sites: 14
- Land Recycling Program (Act 2) sites: 3
- Other sites: 11



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# Thank you

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