



Fact Sheet

COMMONWEALTH OF PENNSYLVANIA • DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF LAND RECYCLING & WASTE MANAGEMENT • LAND RECYCLING PROGRAM FACT SHEET 2

Summary of Act 2 of 1995: Land Recycling and Environmental Remediation Standards Act

The primary goal of Act 2 is to encourage the voluntary cleanup and reuse of contaminated commercial and industrial sites. This strategy of encouraging the redevelopment of sites with existing roads, sewers, water lines and utilities is often more cost-efficient than providing this infrastructure at pristine sites. The strategy also helps to preserve prime farmland, forests and open areas from development. The Land Recycling Program was developed to administer Act 2.

General Provisions

Act 2 provides incentives to promote the voluntary development and implementation of site remediation. Act 2 is composed of four cornerstones that break down redevelopment obstacles: uniform cleanup standards, liability relief, standardized reviews and time limits, and financial assistance. Clear, uniform cleanup standards and standardized review procedures promote the voluntary elimination of public health and environmental hazards. Remediation of a site according to the standards and procedures provides owners and developers with relief of liability for further remediation of the contamination. Financial assistance encourages assessment and remediation of environmental contamination.

Other general provisions:

- Cleanup is based on the actual risk that contamination on a site poses to public health and the environment.
- Act 2 established the Cleanup Standards Scientific Advisory Board to help the Department of Environmental Protection's (DEP's) Environmental Quality Board develop Statewide health standards and provide advice on other technical and scientific matters.
- The environmental remediation standards established under Act 2 are used when any site is remediated either voluntarily or remediation is required under the Clean Streams Law, the Air Pollution Control Act, the Solid Waste Management Act, the Infectious and Chemotherapeutic Waste Law, the Hazardous Sites Cleanup Act and the Storage Tank and Spill Prevention Act.

Remediation Standards and Review Procedures

Anyone who voluntarily wants to or is required to clean up a site and wants to take advantage of the liability protection provided in Act 2 must select and attain compliance with one or any combination of the following three environmental standards, or remediate their site as a special industrial area.

- Background standard
- Statewide health standard
- Site-specific standard

Background Standard

A person choosing to clean up a site to the background standard must document that the concentration of any contaminants remaining are not related to any release of regulated substances at the site. This often applies to a site where contamination has come onto the site from a nearby property.

Statewide Health Standard

Regulations have been developed that establish Statewide health standards for contaminants for each environmental medium. These standards are derived from medium-specific chemical concentrations based upon acceptable cancer and systemic health risks. The standards account for use and non-use groundwater, as well as residential and nonresidential exposure factors at a site.

Site-Specific Health Standard

This standard allows the remediator to consider exposure and risk factors to establish cleanup levels appropriate for the intended use of a particular site. This approach is a more detailed process that involves developing a risk assessment based on the conditions and human exposures at the site.

Special Industrial Areas

This approach allows for limited remediation based in part upon the proposed reuse of the property. To qualify for this status, a site must either not have an associated financially viable responsible person or be in an Enterprise Zone, which includes all Keystone Opportunity Zones. The party conducting the cleanup must not have caused or contributed to the site contamination and must perform a remedial investigation. Cleanup actions must address all immediate, direct or imminent threats, and other environmental contamination based on the intended use of the site. A baseline environmental report is developed which becomes the basis for a consent order and agreement between the remediator and DEP.

Public Involvement

For background and Statewide health standard cleanups, notices must be submitted to DEP and the municipality (where the site is located) and published in a local newspaper when the responsible person intends to clean up a site and when they believe the cleanup is complete. For site-specific standard and special industrial area cleanups, in addition to the previous notices, a detailed public involvement plan must be developed if requested by the municipality. People doing cleanups are encouraged to develop a proactive approach to working with the municipality in developing and implementing remediation and reuse plans.

Cleanup Liability Protection

Any person demonstrating compliance with one or a combination of the cleanup standards is relieved of further liability for the remediation of contamination identified in reports submitted to and approved by DEP. The cleanup liability protection provided applies to:

- Current and future owners of the property.
- Any other person who participated in the remediation of the site.
- A person who develops or otherwise occupies the site.
- A successor or assign of any person to whom the liability protection applies.
- A public utility to the extent the utility performed activities on the site.

The owner or developer of a special industrial area has limited liability and is only responsible for remediation of immediate, direct or imminent threats, and any other remediation specified in the special industrial area agreement between them and DEP.

Industrial Land Recycling Fund

One of the cornerstones of the Land Recycling Program is providing financial assistance to encourage voluntary investigation and remediation activities at industrial sites. This financial assistance is performed under the Industrial Sites Reuse Program. This program provides grant or loan money for assessment and remediation for up to 75 percent of the cost of the activity to persons who did not cause or contribute to contamination on the site. The Department of Community and Economic Development administers the Industrial Sites Reuse Program.

Miscellaneous Provisions

- State or local permits are not required for remediation activities undertaken under the requirements of this act although the Federal government could require permits in Federally-funded state programs.
- Changing land use from nonresidential may require further cleanup and DEP concurrence that the site has been rendered safe for residential use.

Contact Information

For information on this initiative or general information on the Land Recycling Program call (717) 783-7816, or the Information Request Line at (717) 787-6264 to request written material or to place a message on voice mail. You may also visit our web site at www.state.pa.us (PA Keyword: "Land Recycling"). Questions and comments may be directed to Tom Fidler, Program Manager, at tfidler@state.pa.us.

This fact sheet and related environmental information are available electronically via Internet. For more information, visit us through the PA PowerPort at <http://www.state.pa.us> PA Keyword "Land Recycling".



www.GreenWorks.tv - A web space dedicated to helping you learn how to protect and improve the environment. The site features the largest collection of environmental videos available on the Internet and is produced by the nonprofit Environmental Fund for Pennsylvania, with financial support from the Pennsylvania Department of Environmental Protection, 877-PA-GREEN.