

## **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 building new infrastructure. The strategy also helps to preserve undeveloped farmland, forests, and open areas for future generations.

### ***General Provisions***

Act 2 provides incentives to promote the voluntary remediation and development of contaminated properties. Act 2 is composed of four cornerstones that overcome redevelopment obstacles: uniform cleanup standards, standardized reviews and time limits, liability relief, and financial assistance. Clear, uniform cleanup standards, standardized review procedures, and time limits provide the predictability redevelopers need to consider projects. Relief of liability for the contamination after a site meets the standards provides owners and developers with certainty. Financial assistance promotes the assessment and remediation at abandoned sites.

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 voluntarily or when 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, or the Storage Tank and Spill Prevention Act.

### ***Remediation Standards and Review Procedures***

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

- 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 do not exceed background conditions. This applies to a site that is affected by a release or where contamination migrates to the site from a nearby source.

#### ***Statewide Health Standard***

Regulations have established statewide health standards for contaminants in each environmental medium (soil, groundwater, etc.). These medium-specific chemical concentrations are based upon acceptable cancer and systemic health risks. The standards account for used and unused groundwater, as well as residential and nonresidential exposure factors at a site.

#### ***Site-Specific Standard***

This standard allows the remediator to consider the unique conditions of a site to establish cleanup levels appropriate for its intended use. This approach is a more detailed process that may involve 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 have no 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.

### ***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 the site-specific standard and special industrial area cleanups, in addition to the previous notices, a 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 Sites Reuse Program***

One of the cornerstones of the Land Recycling Program is providing financial assistance to encourage voluntary investigation and remediation activities at abandoned 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.
- 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 717-783-1566 or visit [www.dep.pa.gov](http://www.dep.pa.gov), under Businesses > Land > Land Recycling. Questions and comments should be sent to [landrecycling@pa.gov](mailto:landrecycling@pa.gov).