

Cleanups Using the Background Standard

Explanation

Anyone who is proposing or is required to clean up a site under the Land Recycling and Environmental Remediation Standards Act of 1995 (Act 2) must select one or a combination of three environmental remediation standards: background, statewide health, and site-specific. A site may also be remediated to special industrial area requirements.

Background is defined as the concentration of a contaminant which may or may not be related to any release of contamination at the site. For example, the contaminant could be present because it is a natural component of soil or because it has been released from an off-site facility and migrated onto the property.

Anyone choosing to use the background standard must meet the standard for each contaminant in each environmental medium (such as soil and groundwater) for which they want to demonstrate attainment. The standard may be met through the use of treatment and removal technologies.

Final certification that a site meets the background standard must be documented as follows:

- Attainment of the background standard must be demonstrated by collection and analysis of representative samples from environmental media of concern, including soils and groundwater.
- A final report that documents the attainment of the background standard must be submitted to the Department of Environmental Protection (DEP).
- Institutional controls such as fencing and land use restrictions may not be used to attain the background standard. An environmental covenant is not necessary when a site is cleaned up to background.

Procedures

When remediating to background, the following procedures must be followed to notify DEP and the public about the cleanup:

- A **notice of intent to remediate** must be sent to DEP. DEP will publish an acknowledgment of receipt in the *Pennsylvania Bulletin*.
- A copy of the **notice of intent to remediate** must be sent to the municipality where the site is located. A summary of the notice must be published in a local newspaper.
- **Notice of submission of the final report** demonstrating attainment of the background standards must be sent to the municipality, published in a local newspaper, and published in the *Pennsylvania Bulletin*.
- DEP will review the final report within 60 days. If DEP does not approve the report or respond with a notice of deficiency within 60 days, the final report shall be deemed approved.

Contact Information

For information concerning this initiative and the Pennsylvania Land Recycling Program, call 717-783-1566 or visit www.dep.pa.gov, under Businesses > Land > Land Recycling. Questions and comments should be sent to landrecycling@pa.gov.

Environmental Cleanup Programs

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