

Special Industrial Area Redevelopment

Explanation

The Land Recycling and Environmental Remediation Standards Act of 1995 (Act 2) contains special provisions which encourage the redevelopment of industrial areas. These special industrial areas are:

- Property used for industrial activities where there is no financially viable responsible person to clean up contamination on the property; or
- Land located within an Enterprise Zone or Keystone Opportunity Zones designated by the Department of Community and Economic Development (DCED).

In order to take advantage of the special industrial area provisions, the person pursuing the special industrial area designation must have not caused or contributed to contamination on the property.

For more information on Enterprise Zones, contact the Center for Community Building, Office of Community Development, DCED, at 717-720-7409.

Procedures

The first step in the special industrial area process is to conduct a baseline remedial investigation on the property. This report documents the existing contamination for which the applicant will receive liability protection under Act 2. The redeveloper of the site is responsible only for remediating any immediate, direct, or imminent threats to public health or the environment that would prevent the property from being used for the redeveloper's proposed reuse. Cleanups in special industrial areas must meet the following requirements on the property:

- Cleanups may use treatment, storage, containment or control methods, or any combination of these methods.
- Cleanups must address all containerized waste at the property.
- Soil that is available for direct contact must meet the human health protection goals.
- Any uncontainerized waste that is posing an imminent, immediate, or direct threat based on the plans for reuse of the property must be removed.
- If groundwater is to be used at the property, the groundwater must either be remediated in-ground or at the point of use so that it is safe for its intended use.

The redeveloper is not responsible to remediate contamination identified in the baseline environmental report, other than the items listed above and any contamination affecting the proposed reuse of the property. A person reusing the property has no obligation or liability for off-property contamination that they did not contribute to or cause.

Notice

When remediating a special industrial area, the following public notice and review requirements apply:

- A **notice of intent to remediate** a site must be submitted to the Department of Environmental Protection (DEP).
- The notice must also be submitted to the municipality in which the site is located. A summary of the notice must be published in a local newspaper.
- These notices include a 30-day public and municipal comment period. The municipality can request to be involved in the development of the remediation and reuse plans for the site. If requested by the municipality, the redeveloper must develop and implement a public

involvement program plan. Redevelopers are encouraged to use a proactive approach to working with the municipality in developing and implementing remediation and reuse plans.

- A baseline environmental report shall be submitted to DEP to establish a reference point showing existing contamination on the site. The baseline environmental report shall describe the proposed remediation measures.
- Any soil or groundwater remediation required to meet the proposed reuse of the property must be remediated to meet an applicable Act 2 standard.
- DEP and the redeveloper will enter into an agreement based on the baseline environmental report that outlines cleanup liability for the property.
- If applicable, an environmental covenant under the Uniform Environmental Covenants Act will be required.

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	
<p>Southeast Regional Office 2 East Main St. Norristown, PA 19401-4915 Phone: 484-250-5960 Fax: 484-250-5971</p> <p>Counties: Bucks, Chester, Delaware, Montgomery, and Philadelphia</p>	<p>Northeast Regional Office 2 Public Square Wilkes-Barre, PA 18701-1915 Phone: 570-826-2511 Fax: 570-820-4907</p> <p>Counties: Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Susquehanna, Wayne, and Wyoming</p>
<p>South-central Regional Office 909 Elmerton Ave. Harrisburg, PA 17110-8200 Phone: 717-705-4705 Fax: 717-705-4830</p> <p>Counties: Adams, Bedford, Berks, Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Mifflin, Perry, and York</p>	<p>North-central Regional Office 208 West Third St., Suite 101 Williamsport, PA 17701-6448 Phone: 570-321-6525 Fax: 570-327-3420</p> <p>Counties: Bradford, Cameron, Clearfield, Centre, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga, and Union</p>
<p>Southwest Regional Office 400 Waterfront Drive Pittsburgh, PA 15222-4725 Phone: 412-442-4091 Fax: 412-442-4328</p> <p>Counties: Allegheny, Beaver, Cambria, Fayette, Greene, Somerset, Washington, and Westmoreland</p>	<p>Northwest Regional Office 230 Chestnut St. Meadville, PA 16335-3481 Phone: 814-332-6648 Fax: 814-332-6121</p> <p>Counties: Armstrong, Butler, Clarion, Crawford, Elk, Erie, Forest, Indiana, Jefferson, Lawrence, McKean, Mercer, Venango, and Warren</p>