

## **Summary of Companion Legislation to Act 2 of 1995, the Land Recycling and Environmental Remediation Standards Act (Act 3, Act 4 and Act 6)**

### ***Act 3 - Economic Development Agency, Fiduciary and Lender Environmental Liability Protection Act (Amended 2009 by Act 26)***

#### **Declaration of Policy**

Economic development agencies acquire title to industrial properties to promote economic activity. They may acquire title to the property for financing purposes only, or may acquire possession of the property if the industrial occupant defaults on its obligations. Economic development agencies do not have a profit motive and do not occupy the property for their own industrial operations. The agencies are reluctant to acquire title or other interests in a property unless they are protected from liability for environmental contamination on the sites they are attempting to develop.

To stimulate business and promote the recycling of industrial land, it is essential to ensure the availability of various means of financing and the availability of fiduciary services. Fiduciaries are those who act as trustees, executors, or administrators for the benefit of other persons. Lenders and fiduciaries may be reluctant to provide services to persons with environmental problems because of the risk of catastrophic environmental liability and remediation costs for conditions that were not caused by the lenders or fiduciaries.

To stimulate economic growth and the reuse of industrial sites, it is necessary to provide protection to lenders, fiduciaries, and economic development agencies from environmental liability and from remediation costs for releases and contamination caused by others.

#### **Limitation of economic development agency environmental liability**

An economic development agency, and any nonprofit corporation created and controlled by a redevelopment authority, that owns or holds legal interest in a property for the purpose of financing shall not be liable under the environmental acts to the Pennsylvania Department of Environmental Protection (DEP) or to any other person unless they caused or exacerbated the contamination on the property.

#### **Limitation of lender environmental liability**

A lender involved in the routine practices of commercial lending shall not be liable for contamination of a site under the environmental acts to DEP or any other person unless the lender caused or exacerbated the contamination on the property.

#### **Limitation of fiduciary environmental liability**

Anyone who acts as a fiduciary shall generally not be liable under the environmental acts to DEP or any other person.

### ***Act 4 - Industrial Sites Environmental Assessment Act***

#### **Industrial Sites Environmental Assessment Fund**

The Pennsylvania Department of Community and Economic Development (DCED) may make grants to municipalities, municipal or local authorities, nonprofit economic development agencies, and similar agencies. The grants are to conduct environmental assessments of industrial sites located in municipalities that have been designated as distressed communities by DCED.

### ***Act 6 - Industrial Sites Environmental Assessment Act***

This act modifies and adds to Act 4 of 1995. Act 6 became effective in May 2000 and provides grants for conducting assessments of industrial sites, providing funding, and imposing duties on DCED. The act expands the definition of municipality eligibility. Grants are available to municipalities, authorities and economic development agencies to conduct environmental assessments, and to certain class cities and boroughs to conduct environmental assessment and remediation. Act 6 also provides for performance-based loans.

Performance-based loans are available for projects related to remediation of brownfield sites and non-hazardous waste or debris, including tire recycling. Loans awarded may be forgiven to the extent the performance measures are accomplished in accordance with an agreement with DCED. Loans shall be restricted to persons who did not cause or contribute to the contamination on the property and who propose to undertake a voluntary cleanup of the property.

**Contact Information**

For information concerning this initiative and the Pennsylvania Land Recycling Program, call 717-783-1566. Questions and comments should be sent to [landrecycling@pa.gov](mailto:landrecycling@pa.gov).

You may also visit [www.dep.pa.gov](http://www.dep.pa.gov), under Businesses > Land > Land Recycling.

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

For more information on the grant programs available under the Land Recycling Program, contact:

The Office for Business Financing  
 Department of Community and Economic Development  
 Commonwealth Keystone Building  
 400 North St., 4th Floor  
 Harrisburg, PA 17120  
 800-280-3801