

Evaluation of the Effectiveness of the
Land Recycling and Environmental Remediation Standards Act
Act 2 of 1995

Prepared for the General Assembly

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Commonwealth of Pennsylvania
Department of Environmental Protection
Land Recycling Program

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Basis for Evaluation Report to the General Assembly

The Department has prepared this evaluation report for the General Assembly pursuant to Section 907 of the Land Recycling and Environmental Remediation Standards Act (Act 2 of 1995).

Section 907 of the act requires that every two years the Department shall "conduct and submit to the General Assembly an evaluation of the effectiveness of this act in recycling industrial and commercial sites. The evaluation shall include any recommendations for additional incentives or changes, if needed, to improve the effectiveness of this act in recycling such sites."

Effectiveness of the Land Recycling Act

The Land Recycling and Environmental Remediation Standards Act was enacted in 1995. From the inception of the program in 1995 the Land Recycling Program has been a national leader in state environmental remediation programs. The Land Recycling Program has been recognized with a number of awards including the Ford Foundation's Innovations in American Government Award administered by Harvard University's Kennedy School of Government in partnership with the Council for Excellence in Government. The Land Recycling Program has continued to be very effective in facilitating voluntary remediations and recycling industrial and commercial sites.

The response actions completed under the Land Recycling Act are primarily voluntary response actions conducted by site owners to remediate, redevelop, and facilitate the future sale of their property. The number of response actions completed annually under the Land Recycling Act varies from year to year based on the number of voluntary remediations initiated. The following table shows the number of response actions completed each fiscal year.

<u>Fiscal Year</u>	<u>Response Actions Completed</u>
FY 1996-1997	69
FY 1997-1998	157
FY 1998-1999	169
FY 1999-2000	203
FY 2000-2001	204
FY 2001-2002	239
FY 2002-2003	259
FY 2003-2004	315
FY 2004-2005	289
FY 2005-2006	297
FY 2006-2007	380
FY 2007-2008	288
FY 2008-2009	307

Over the history of the Land Recycling Program more than 3,100 environmental remediation actions have been completed at contaminated industrial and commercial sites. A list of these completed remedial actions is available on the DEP web site (www.depweb.state.pa) under "Land Recycling Program" -- "Program Results." The remediation of these properties has served to revitalize our communities.

This long list of completed voluntary remediations does not include remedial actions completed at regulated petroleum storage tank sites. Petroleum tank remediations are legally required by the Storage Tank Act. These actions are not voluntary and they do not follow the same administrative procedures used for the voluntary Land Recycling remediations, but the remediation standards promulgated in the Land Recycling Program regulations are also used for these petroleum tank remediations. Over 8,300 remedial actions have been completed at these petroleum tank sites. The vast majority of these tank cases are former gas station sites that have been remediated and made available for redevelopment and reuse.

Land Recycling Program Funding

It is projected that the number of voluntary remediations will continue to be in the range of 250 - 350 response actions per year for the next several years. The program staff positions utilized by the Department to implement the Land Recycling Act are mostly funded out of the Hazardous Sites Cleanup Fund (HSCF). The primary source of funding for the HSCF is the Capital Stocks and Franchise Tax, which is scheduled to be phased-out over the next few years. The continued success of the Land Recycling Program is dependent upon a reliable source of funding.

Recommendations to the General Assembly

The Land Recycling Act established modest fees that remediators must pay to the Department when they submit remediation reports under the program. These fees cover only a small fraction of the total cost of implementing the Land Recycling Program. These review fees could be increased, but an increase in the fees would create a disincentive to participate in the voluntary program. This could discourage the redevelopment of contaminated properties, which would be counterproductive. The Department does not recommend an increase in the fees as established in the act.

The Land Recycling Act continues to be a very effective statute as enacted, and the Department is not recommending any amendments to the act at this time.