

Standard Operating Procedure¹
FOR HANDLING AND REVIEWING
NOTICE OF INTENT TO REMEDIATE AND REPORT SUBMISSIONS

PA DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF ENVIRONMENTAL CLEANUP AND BROWNFIELDS
LAND RECYCLING PROGRAM

March 26, 2013

¹ **DISCLAIMER:** The process and procedures outlined in this Standard Operating Procedure (SOP) are intended to supplement existing requirements. Nothing in the SOP should affect regulatory requirements. The process, procedures, and interpretations herein are not an adjudication or a regulation. There is no intent on the part of DEP to give rules in this SOP that weight or deference. This document establishes the framework within which DEP will exercise its administrative discretion in the future. DEP reserves the discretion to deviate from this policy statement if circumstances warrant.

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1.0 Purpose and Applicability

This Standard Operating Procedure (SOP) documents the procedures for handling the submission of Notices of Intent to Remediate (NIRs), Remedial Investigation Reports (RIs), Risk Assessment Reports (RAs), Cleanup Plans (CPs), Final Reports (FRs), and Special Industrial Area (SIA) Background Environmental Reports (BERs) pursuant to the provisions of the Land Recycling Act. This includes procedures for publication of certain notices in the PA Bulletin and entry of certain information into the eFACTS data system. This SOP is intended to establish procedures for DEP staff and supplement related information in the Land Recycling Program Technical Guidance Manual, Section I.D.9, Notice Requirements and Procedures.

2.0 Receipt of NIR

When an NIR is received the assigned staff will implement the following steps:

- 2.1 Verify that all applicable information is entered on the NIR form. Verify that the submission includes proof that the appropriate municipal and newspaper notices associated with the NIR were sent and published.
- 2.2 If the NIR submission is not complete or proof of notices are not included: send an e-mail or letter (Attachment 1: Incomplete Notice of Intent to Remediate template) to the remediator advising them that the NIR submission is not complete, the Department will not acknowledge the partial NIR submission, and the remediator needs to resubmit a complete NIR including the proof of notices.
- 2.3 If the NIR submission is complete.
 - 2.3.1 Enter date NIR submitted into eFACTS.
 - 2.3.2 Send applicable letter to acknowledge receipt of NIR (Attachment 2: Receipt of Notice of Intent to Remediate for Background/Statewide Health Standard template and Attachment 3: Receipt of Notice of Intent to Remediate for Site-Specific Standard/Combination of Standards/Special Industrial Area template).
 - 2.3.3 Enter date DEP acknowledged receipt of NIR into eFACTS.
 - 2.3.4 Publish receipt of NIR in PA Bulletin (Attachment 4: NIR Submittals to PA Bulletin template).
 - 2.3.5 Enter date NIR published in the PA Bulletin into eFACTS.
 - 2.3.6 Enter NIR milestones relating to municipal and public notices into eFACTS.

3.0 Receipt of Report - Administrative Completeness Review

- 3.1 When any report is submitted.
 - 3.1.1 Enter date report submitted into eFACTS.
 - 3.1.2 For Final Reports, publish receipt of report in PA Bulletin (Attachment 6: Report Submittals to PA Bulletin template).

- 3.2 Assigned staff should conduct an administrative completeness check as soon as possible.
 - 3.2.1 Verify receipt of appropriate review fees.
 - 3.2.2 For remediations using the site-specific standard or the special industrial area, verify that the appropriate municipal and newspaper notices associated with the NIR were sent and published at least 30 days before the date the report was submitted.
 - 3.2.3 Verify receipt of the proof of municipal and newspaper notices associated with the submission of the report.
 - 3.2.4 The notices are not required for reports submitted within 90 days of the release pursuant to sections 302(e)(4) or 303(h)(4) of the Land Recycling Act. If the remediator is asserting this exception the assigned project manager must determine if the facts of the case meet the conditions of the sections 302(e)(4) or 303(h)(4).
 - 3.2.5 The fees and notices are not required for SIA BER reports.
- 3.3 If the submission is not administratively complete.
 - 3.3.1 Send Completeness Review letter (Attachment 5: Completeness Review template) to notify remediator of the administrative deficiency.
 - 3.3.2 Enter Disapproval date into eFACTS.
 - 3.3.3 Publish date of report action in the PA Bulletin (Attachment 7: Actions Taken on Report Submittals to PA Bulletin template).
 - 3.3.4 Enter applicable milestones into eFACTS.
- 3.4 If the submission is administratively complete or if all administrative deficiencies are corrected within 14 days.
 - 3.4.1 Send letter to acknowledge receipt of report (Attachment 8: Receipt of Final Report for Background/Statewide Health Standard template, Attachment 9: Receipt of Final Report Within 90 Days of Release, and Attachment 10: Receipt of Submission for Site-Specific Standard/Special Industrial Area Report template).
 - 3.4.2 If a Completeness Review letter was sent and the administrative deficiencies were corrected within 14 days enter report submitted date for the new submission into eFACTS using the following eFACTS entry procedure: highlight the milestone field by clicking in it, click the green plus create record button at the top, and add a second report submitted milestone for the resubmitted report. The due date field will auto populate based on the date of the resubmission. If the deficiencies are not corrected within 14 days, the report will need to be resubmitted along with the appropriate fees and proofs of municipal and public notices.
 - 3.4.3 Enter applicable milestones into eFACTS.
 - 3.4.4 Initiate review of report.

4.0 Review of Report

- 4.1 The report should be reviewed as soon as possible in advance of the review deadline established by the Land Recycling Act.
 - 4.1.1 The Technical Review Memo (Attachment 11: Technical Review Memo template) should be prepared.
- 4.2 If the report has deficiencies.
 - 4.2.1 Send Technical Deficiency letter (see Section 5) or Disapproval letter (Attachment 12: General Disapproval template). If a Disapproval letter is sent the remediator will be required to address all administrative requirements (fees and notices) for any resubmission of the report.
 - 4.2.2 Enter Technical Deficiency or Disapproval date into eFACTS.
 - 4.2.3 Publish date of report action in the PA Bulletin (Attachment 7: Actions Taken on Report Submittals to PA Bulletin template).
 - 4.2.4 Enter applicable milestones into eFACTS.
- 4.3 If the report does not have deficiencies.
 - 4.3.1 Send Approval letter (Attachment 13: General Report/Plan/Request Approval template, Attachment 14: Special Industrial Area Submittal Approval template and Attachment 15: Final Report Approval template).
 - 4.3.2 Publish date of report action in the PA Bulletin (Attachment 7: Actions Taken on Report Submittals to PA Bulletin template).
 - 4.3.3 Enter applicable milestones into eFACTS.

5.0 Technical Deficiency Letters

- 5.1 Reports with minor technical deficiencies that can be corrected within 60 days should be addressed by sending a Technical Deficiency letter (Attachment 16: Technical Deficiency template).
- 5.2 If the technical deficiency is corrected within 60 days.
 - 5.2.1 Enter report submission date for the new submission into eFACTS. Highlight the milestone field by clicking in it, click the green plus create record button at the top, and add a second report submitted milestone for the resubmitted report. The due date field will auto populate based on the date of the resubmission.
 - 5.2.2 Enter applicable milestones into eFACTS.
 - 5.2.3 Initiate review of corrected report. Follow steps under Section 4, but a second Technical Deficiency letter is not an option. If the attempted correction of the technical deficiency is not approvable, a General Disapproval letter should be sent.
- 5.3 If the technical deficiency is not corrected within 60 days, no further action is required. If the remediator does not correct the report within 60 days, the remediator will be required

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Notice of Intent to Remediate and Report Submissions

to address all administrative requirements (fees and notices) for any resubmission of the report. Only one Technical Deficiency letter will be issued for each report. The Technical Deficiency Letter is a type of disapproval and should be entered into eFACTS as a Disapproval.

6.0 Other Communications between DEP and the Remediator

DEP should encourage good communications with the remediators. Informal communications and exchanges of information by meetings, calls, or e-mails are generally encouraged when they can improve understanding and resolve issues. In some cases informal communications can be used to correct minor deficiencies or resolve issues within the review time limit. These informal communications cannot be used to “stop the clock” for the deemed approval report review deadlines established by the statute. If all issues have not been resolved before the deemed approval deadline, then the Department will issue a Deficiency or Disapproval letter.

7.0 Shared Folder on Network Server.

The templates for model response letters and review memos are available on the designated central office network server.

A copy of all final response letters and review memos should be saved to the appropriate shared folder on the designated central office network server.

Attachments

1. Incomplete Notice of Intent to Remediate template
2. Receipt of Notice of Intent to Remediate for Background/Statewide Health Standard template
3. Receipt of Notice of Intent to Remediate for Site-Specific Standard/Special Industrial Area template
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17. Standard Attachment

ATTACHMENT 1

ENVIRONMENTAL CLEANUP AND BROWNFIELDS PROGRAM

(DATE)

(NAME & ADDRESS of remediator/property owner)

Re: Incomplete Notice of Intent to Remediate
(SITE NAME)
(SITE ADDRESS, CITY)
(MUNICIPALITY), (CHOOSE) County

Dear (NAME):

The Department of Environmental Protection (department) has received and reviewed the Notice of Intent to Remediate (NIR), prepared by (NAME OF CONSULTANT). The NIR was received on (DATE OF NIR RECEIPT) for the property referenced above.

Upon review, the department finds the NIR incomplete. The following item(s) is/are needed to complete your NIR submission:

- _____ NIR Form submitted to department not properly completed
- _____ Proof of municipal notification not submitted
- _____ Proof of public notification (legal notice in newspaper) not submitted
- _____ Other information as indicated below:

ANYTHING ELSE TO ADD?

The department does not acknowledge submission of a partial NIR submission. In order for the department to acknowledge your notification to conduct remediation, your submission is considered complete only if it includes municipal and public notifications along with department notification. Therefore, please resubmit a complete NIR including the item(s) indicated above.

We look forward to assisting you in the remediation of this property and encourage you to contact us. If you have any questions or need further information regarding this matter, please call the undersigned at (PHONE NUMBER).

Sincerely,

(SIGNER)

(TITLE)

Environmental Cleanup and Brownfields Program

cc: Consultant
(REGIONAL FILE)

bcc:

typist's initials

ATTACHMENT 2

ENVIRONMENTAL CLEANUP AND BROWNFIELDS PROGRAM

(DATE)

(NAME & ADDRESS of remediator/property owner)

Re: Receipt of Notice of Intent to Remediate
(CHOOSE: BACKGROUND/STATEWIDE HEALTH) standard
(SITE NAME)
eFACTS PF#(xxxxxxx)
eFACTS Activity #(xxxx)
(SITE ADDRESS, CITY)
(MUNICIPALITY), (CHOOSE) County

Dear (NAME):

This letter acknowledges receipt of your Notice of Intent to Remediate (NIR) on (DATE), pertaining to the subject property and submitted in accordance with the Land Recycling and Environmental Remediation Standards Act (Act 2). The procedures set forth in Act 2 must be followed in order for this site to qualify for the liability protection provided by the Act. If in the future you choose to select either the site-specific standard or choose to use the special industrial area provisions in Subchapter E of the Chapter 250 regulations, you will need to resubmit the NIR and follow the requirements relating to public involvement plan coordination with the local municipality. Please contact this office if you need advice on these requirements.

A final report, accompanied by the required fee, should be submitted to the Department of Environmental Protection (DEP or department) upon completion of remediation. Include documentation verifying compliance with the public notification requirements.

Additional technical and program information can be found at www.depweb.state.pa.us under the DEP Program "Land Recycling." Also, please refer to the Land Recycling Program checklists which are helpful in assuring reports are complete before submittal. The department uses the checklists to perform administrative and technical completeness reviews when plans and/or reports are submitted. It is strongly encouraged to include the appropriate completed checklist with your final report submission. Land Recycling checklists can be found at the website under the DEP Program "Land Recycling", "Forms & Lists" link.

Please refer to the enclosed Standard Attachment for considerations of other programs which may be applicable to this property.

(NAME) is the project manager assigned to your project and will be working with you towards the remediation of this property. Frequent contact is encouraged between your representatives

and our staff. If you have any questions or need further clarifications of our procedures, please call (NAME) at (PHONE EXTENSION).

Sincerely,

(SIGNER)

(TITLE)

Environmental Cleanup and Brownfields Program

Enclosure: Standard Attachment

cc: (CONSULTANT)
(CHOOSE) County Conservation District
(MUNICIPALITY)
(REGIONAL FILE)

bcc: (EC&B PROJECT MANAGER)

typist's initials

ATTACHMENT 3

ENVIRONMENTAL CLEANUP AND BROWNFIELDS PROGRAM

(DATE)

(NAME & ADDRESS of remediator/property owner)

Re: Receipt of Notice of Intent to Remediate
(CHOOSE: SITE-SPECIFIC STANDARD/COMBINATION OF STATEWIDE
HEALTH and SITE SPECIFIC STANDARDS/SPECIAL INDUSTRIAL AREA)
(SITE NAME)
eFACTS PF#(xxxxxx)
eFACTS Activity #(xxxx)
(SITE ADDRESS, CITY)
(MUNICIPALITY), (CHOOSE) County

Dear (NAME):

This letter acknowledges receipt of your Notice of Intent to Remediate (NIR) on (DATE), pertaining to the subject property and submitted in accordance with the Land Recycling and Environmental Remediation Standards Act (Act 2). The procedures set forth in Act 2 must be followed in order for this site to qualify for the liability protection provided by the Act. The Department of Environmental Protection (DEP or department) will not accept plans and reports until after the 30-day comment period following submission of the NIR ends.

(FOR SITE SPECIFIC STANDARD/COMBINATION OF STANDARDS): The 30-day comment period following submission of the NIR allows the municipality the opportunity to request to be involved in the development of remediation and reuse plans for the property. If the municipality requests a public involvement plan, any comments and responses must be included in any subsequent reports. Remedial investigation reports, risk assessment reports, cleanup plans, and final reports submitted to the department under the site-specific standard need to be accompanied by the required fees and documentation verifying compliance with the public notification requirements. (FOR SPECIAL INDUSTRIAL AREA): The 30-day comment period following submission of the NIR allows the municipality the opportunity to request to be involved in the development of remediation and reuse plans for the property. If the municipality requests a public involvement plan, any comments and responses must be included in the submission of the baseline environmental report. There is no fee required for submittal of the baseline environmental report.

Additional technical and program information can be found at www.depweb.state.pa.us under the DEP Program "Land Recycling." Also, please refer to the Land Recycling Program checklists which are helpful in assuring reports are complete before submittal. The department uses the checklists to perform administrative and technical completeness reviews when plans and/or reports are submitted. It is strongly encouraged to include the appropriate completed

checklist with your final report submission. Land Recycling checklists can be found at the website under the DEP Program “Land Recycling”, “Forms & Lists” link.

Please refer to the enclosed Standard Attachment for considerations of other programs which may be applicable to this property.

(NAME) is the project manager assigned to your project and will be working with you towards the remediation of this property. Frequent contact is encouraged between your representatives and our staff. If you have any questions or need further clarifications of our procedures, please call (NAME) at (PHONE EXTENSION).

Sincerely,

(SIGNER)

(TITLE)

Environmental Cleanup and Brownfields Program

Enclosure: Standard Attachment

cc: (CONSULTANT)
(CHOOSE) County Conservation District
(MUNICIPALITY)
(REGIONAL FILE)

bcc: (EC&B PROJECT MANAGER)

typist's initials

ATTACHMENT 4

[List below, Regional Office; delete regional text not related to your region.]

Southeast Region: Environmental Cleanup & Brownfields Program Manager, 2 East Main Street, Norristown, PA 19401

Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes Barre, PA 18711-0790

Southcentral Region: Environmental Cleanup & Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110

Northcentral Region: Environmental Cleanup & Brownfields Program Manager, 208 West Third Street, Williamsport, PA 17701

Southwest Region: Environmental Cleanup & Brownfields Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

Site Name, location address (not a PO box), **Municipality**, (**Select County**) **County**. **Consultant Company Name**, **Consultant Company Address**, on behalf of **Name & Address of remediator**, submitted a Notice of Intent to Remediate. Provide or paraphrase the text provided in the **NIR general description, concerning the contamination and future use of the property**. The Notice of Intent to Remediate was published in **indicate the publication name and publication date of the NIR newspaper publication**.

EXAMPLE:

Drake Well Museum, 202 Museum Lane,Cherrytree Township, **Venango County**. Letterle & Associates, LLC., 191 Howard Street, Franklin, PA 16232 on behalf of Drake Well Museum, 202 Museum Lane, Titusville, PA 16354 and PA Department of General Services – Bureau of Real Estate, 503 North Office Building, Harrisburg, PA 17125 has submitted a Notice of Intent to Remediate. A release of cylinder (lubricating) oil was discovered during remodeling activities on the museum grounds. The release was discovered when the holding tank was excavated. The proposed future use of the property will be non-residential. The proposed cleanup standard for the site is Statewide Health. The Notice of Intent to Remediate was published in The Titusville Herald on August 24, 2012.

ATTACHMENT 5

ENVIRONMENTAL CLEANUP AND BROWNFIELDS PROGRAM

(DATE)

CERTIFIED MAIL NO. (XXXXXX)

(NAME & ADDRESS of remediator/property owner)

Re: Completeness Review
(SITE NAME)
eFACTS PF #(XXXXXX)
eFACTS Activity #(XXXX)
(SITE ADDRESS, CITY)
(MUNICIPALITY), (CHOOSE) County

Dear (NAME):

The Department of Environmental Protection (department) has received and reviewed the (DATE OF REPORT) document titled “(NAME OF REPORT)” (report), received on (DATE OF REPORT RECEIPT), for the property referenced above. The report was prepared by (NAME OF CONSULTANT) and submitted to the department in accordance with the Land Recycling and Environmental Remediation Standards Act (Act 2).

The procedures and regulations set forth in Act 2 must be followed in order for your site to qualify for the liability protection provided by the Act. Upon initial review, the department finds the submission administratively deficient and the following items are needed to complete your submission:

(DESCRIBE DEFICIENCIES).

The review of your report will not begin until all administrative requirements have been satisfied. If the deficiencies noted above are corrected within 14 days from the date of this letter, it will not be necessary to resubmit report review fees, resend the municipal notice, and republish the newspaper notice. If the deficiencies are not corrected within 14 days, the report will need to be resubmitted along with the appropriate fees and proofs of municipal and public notices.

We look forward to assisting you in the remediation of this property and encourage you to contact us throughout this process. If you have any questions or need further information regarding this matter, please call (EC&B PROJECT MANAGER) at (PHONE NUMBER).

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section §7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office

Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717.787.3483. TDD users may contact the Board through the Pennsylvania Relay Service, 800.654.5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at 717.787.3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If you want to challenge this action, your appeal must reach the Board within 30 days. You do not need a lawyer to file an appeal with the Board.

Important legal rights are at stake, however, so you should show this document to a lawyer at once. If you cannot afford a lawyer, you may qualify for free pro bono representation. Call the Secretary to the Board (717.787.3483) for more information.

Sincerely,

(SIGNER)

Environmental Program Manager
Environmental Cleanup and Brownfields Program

cc: **Consultant**
(REGIONAL FILE)

bcc: **(EC&B PROJECT MANAGER)**

typist's initials

ATTACHMENT 6

[List below, Regional Office; delete regional text not related to your region.]

Southeast Region: Environmental Cleanup & Brownfields Program Manager, 2 East Main Street, Norristown, PA 19401

Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes Barre, PA 18711-0790

Southcentral Region: Environmental Cleanup & Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110

Northcentral Region: Environmental Cleanup & Brownfields Program Manager, 208 West Third Street, Williamsport, PA 17701

Southwest Region: Environmental Cleanup & Brownfields Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

SITE NAME Site Name, location address (not a PO box), Municipality, (Select County) County. Consultant Company Name, Consultant Company Address, on behalf of Name & Address of remediator, submitted a Type of Report or Plan concerning remediation of site (choose media) contaminated with (choose contaminants). The report is intended to document remediation of the site to meet the (choose standard) Standard.

EXAMPLE:

Smith Residence, 230 Main Street, Summit Township, **Butler County**. Moody & Associates, Inc., 11548 Cotton Road, Meadville, PA 16335 on behalf of John Smith, 230 Main Street, Butler, PA 16001 has submitted a Final Report concerning remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Methyl tert-butyl Ether, Xylenes (total), Isopropylbenzene (Cumene), Naphthalene, n-Propylbenzene, 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene, n-Butylbenzene and groundwater contaminated with Methyl tert-butyl Ether, 1,2,4-Trimethylbenzene, Chloroform, Benzene, Toluene, Ethylbenzene, Xylenes (total), Isopropylbenzene (Cumene), Naphthalene, n-Propylbenzene, 1,3,5-Trimethylbenzene, 4-Isopropyltoluene, sec-Butylbenzene, n-Butylbenzene, 1,2,4-Trichlorobenzene, 1,2,4-Trimethylbenzene, Acetone, 2-Hexanone, 2-Butanone (MEK). The report is intended to document remediation of the site to meet the Statewide Health Standard.

ATTACHMENT 7

[List below, Regional Office; delete regional text not related to your region.]

Southeast Region: Environmental Cleanup & Brownfields Program Manager, 2 East Main Street, Norristown, PA 19401

Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes Barre, PA 18711-0790

Southcentral Region: Environmental Cleanup & Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110

Northcentral Region: Environmental Cleanup & Brownfields Program Manager, 208 West Third Street, Williamsport, PA 17701

Southwest Region: Environmental Cleanup & Brownfields Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

Site Name, location address (not a PO box), Municipality, **(Select County)County**. **Consultant Company Name**, **Consulting Company Address**, on behalf of **Name & Address of remediator**, submitted a **Type of Report** concerning the remediation of site **(choose media)** contaminated with **(choose contaminants)**. **CHOOSE THE APPROPRIATE SENTENCE FROM THE END OF THIS DOCUMENT.**

Choose one of these statements as appropriate.

The Final Report demonstrated attainment of the **(choose standard)** standard, and was approved by the Department on **DATE**.

The Final Report did not demonstrate attainment of the **(choose standard)** standard, and was disapproved by the Department on **DATE**.

The Plan was approved by the Department on **DATE**.

The Report was approved by the Department on **DATE**.

The Plan was disapproved by the Department on **DATE**.

The Report was disapproved by the Department on **DATE**.

EXAMPLE:

Miners Plaza, 2880 Pottsville Minersville Highway, Branch Township, **Schuylkill County**, Jones Environmental Services, Inc., 150 Elm Street, Scranton, PA, have submitted a Final Report on behalf of

their client, James Allen, ABC Development LP, PO Box 472, 950 Main Street, Schuylkill Haven, PA 17972, concerning the remediation of soils and groundwater from No. 2 fuel oil as a result of a leaking underground storage tank. The report demonstrated attainment of the Non-Residential Statewide Health Standard for soils and groundwater and was approved by the Department on November 26, 2012.

ATTACHMENT 8

ENVIRONMENTAL CLEANUP AND BROWNFIELDS PROGRAM

(DATE)

(NAME & ADDRESS of remediator/property owner)

Re: Receipt of (OPTIONAL: Notice of Intent to Remediate and) Final Report
(SITE NAME)
eFACTS PF #(xxxxxx)
eFACTS Activity #(xxxx)
(SITE ADDRESS, CITY)
(MUNICIPALITY), (CHOOSE) County

Dear (NAME):

This letter acknowledges receipt of your (OPTIONAL: Notice of Intent to Remediate (NIR) and) final report on (DATE) pertaining to the subject property and submitted in accordance with the Land Recycling and Environmental Remediation Standards Act (Act 2). (OPTIONAL: one sentence describing release details) (CHOOSE: This NIR/The Notice of Intent to Remediate submitted previously) and this final report indicate that you sought to remediate this site to meet the (CHOOSE: BACKGROUND/STATEWIDE HEALTH) standard.

Act 2 requires the Department of Environmental Protection (department) to review and respond to your final report within 60 days of the receipt date. You will receive a letter advising you of the department's action on your final report submission. If you have any questions or need further clarification of our procedures, please call (NAME) at (PHONE NUMBER).

Sincerely,

(SIGNER)

(TITLE)

Environmental Cleanup and Brownfields Program

cc: (CONSULTANT)
(CHOOSE) County Conservation District
(MUNICIPALITY)
(REGIONAL FILE)

bcc: (EC&B PROJECT MANAGER)

typist's initials

ATTACHMENT 9

ENVIRONMENTAL CLEANUP AND BROWNFIELDS PROGRAM

(DATE)

(NAME & ADDRESS of remediator/property owner)

Re: Receipt of Final Report

(SITE NAME)

eFACTS PF #(xxxxxxx)

eFACTS Activity #(xxxx)

(SITE ADDRESS, CITY)

(MUNICIPALITY), (CHOOSE) County

Dear (NAME):

This letter acknowledges receipt of your final report on **Date** pertaining to the subject site and submitted in accordance with the Land Recycling and Environmental Remediation Standards Act (Act 2). **(OPTIONAL: one sentence describing release details)** You indicate that this final report has been submitted within 90 days of a release, and you sought to remediate this site to meet the Statewide Health standard.

Act 2 requires the Department of Environmental Protection (department) to review and respond to your final report within 60 days of receipt date. You will receive a letter advising you of the department's action of your final report submission. If you have any questions or need further clarification of our procedures, please call **(NAME)**, at **(PHONE NUMBER)**.

Sincerely,

(SIGNER)

(TITLE)

Environmental Cleanup and Brownfields Program

cc: **(CONSULTANT)**
(CHOOSE) County Conservation District
(MUNICIPALITY)
(REGIONAL FILE)

typist's initials

bcc: (EC&B PROJECT MANAGER)

ATTACHMENT 10

ENVIRONMENTAL CLEANUP AND BROWNFIELDS PROGRAM

(DATE)

(NAME & ADDRESS of remediator/property owner)

Re: Receipt of (REPORT/PLAN)
(SITE NAME)
eFACTS PF #(xxxxxx)
eFACTS Activity #(xxxx)
(SITE ADDRESS, CITY)
(MUNICIPALITY), (CHOOSE) County

Dear (NAME):

This letter acknowledges receipt of your (REPORT/PLAN) on (DATE), pertaining to the subject property and submitted in accordance with the Land Recycling and Environmental Remediation Standards Act (Act 2). (OPTIONAL: one sentence describing release details) (FOR FINAL REPORT): The Notice of Intent to Remediate submitted previously and this final report indicate that you sought to remediate this site to meet the (CHOOSE: site-specific standard/special industrial area designation).

The Department of Environmental Protection (department) has 90 days from receipt of a submission to review the (REPORT/PLAN). You will receive a letter advising you of the department's action. If you have any questions or need further clarification of our procedures, please call (NAME) at (PHONE NUMBER).

Sincerely,

(SIGNER)

(TITLE)

Environmental Cleanup and Brownfields Program

cc: (CONSULTANT)
(CHOOSE) County Conservation District
(MUNICIPALITY)
(REGIONAL FILE)

bcc: (EC&B PROJECT MANAGER)

typist's initials

ATTACHMENT 11



MEMO

TO Environmental Program Manager
Licensed Professional Geologist Manager
or Environmental Group Manager

FROM DEP Project Manager

DATE [date]

RE ECP – Land Recycling Program
Act 2 Technical Memo Summary
eFACTS PF #**(xxxxxxx)**
[site name]
[municipality, county]

Property Owner Name and Site Address: [Basic site and location information.]

Act 2 Standard(s) Sought: [List standard or standards obtained.]

Property Size: [acres]

Project Site History: [Explain site history. Past uses, past owners, past practices. etc.]

Site Findings: [Summarize site findings. Nature and extent of contamination.]

Site Cleanup History: [Summarize history of actions, NIR, site characterization report, final report, etc.]

Discussion of Cleanup Involved and Demonstration of Attainment: [Explain remediation and demonstration of attainment. Explain post remediation care and environmental covenants if applicable.]

DEP Final Action Approval/Disapproval Letter: [Explain approval or disapproval letter and date drafted for EPM signature.]

DEP Contact: DEP Contact

Phone: Phone Number

Site Contact: Site Contact

Phone: Phone Number

Site Consultant: Site Consultant

Phone: Phone Number

bcc: bcc copies

reference initials

ATTACHMENT 12

ENVIRONMENTAL CLEANUP AND BROWNFIELDS PROGRAM

(DATE)

CERTIFIED MAIL NO. (xxxxxx)

(NAME & ADDRESS of remediator/property owner)

Re: Disapproval of (REPORT/PLAN/REQUEST)
(SITE NAME)
eFACTS PF #(xxxxxxx)
eFACTS Activity #(xxxx)
(SITE ADDRESS, CITY)
(MUNICIPALITY), (CHOOSE) County

Dear (NAME):

The Department of Environmental Protection (department) has reviewed the (DATE) document titled "(TITLE OF PLAN, REPORT, or REQUEST)" for the property referenced above. (OPTIONAL: one sentence describing release details) The (PLAN/REPORT/REQUEST) was prepared by (NAME OF PREPARER, USUALLY THE CONSULTANT'S COMPANY NAME) and submitted to the department in accordance with the Land Recycling and Environmental Remediation Standards Act (Act 2) and constitutes a (TYPE OF PLAN OR REPORT/REQUEST) as defined in Chapter 3.

The department notes the following deficiencies in (TYPE OF PLAN, REPORT, or REQUEST) and disapproves it in accordance with the provisions of Act 2:

(INCLUDE ANY SPECIFIC INFORMATION NECESSARY ABOUT THE PLAN/REPORT/REQUEST DISAPPROVAL).

Please feel free to contact (EC&B PROJECT MANAGER) at (PHONE NUMBER) if you have any questions regarding this correspondence.

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section §7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717.787.3483. TDD users may contact the Board through the Pennsylvania Relay Service, 800.654.5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at 717.787.3483. This paragraph does not, in and of

itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If you want to challenge this action, your appeal must reach the Board within 30 days. You do not need a lawyer to file an appeal with the Board.

Important legal rights are at stake, however, so you should show this document to a lawyer at once. If you cannot afford a lawyer, you may qualify for free pro bono representation. Call the Secretary to the Board (717.787.3483) for more information.

Sincerely,

(SIGNER)

Environmental Program Manager
Environmental Cleanup and Brownfields Program

cc: **(CONSULTANT)**
(CHOOSE) County Conservation District
(MUNICIPALITY)

(REGIONAL FILE)

bcc: **(EC&B PROJECT MANAGER)**

typist's initials

ATTACHMENT 13

ENVIRONMENTAL CLEANUP AND BROWNFIELDS PROGRAM

(DATE)

(NAME & ADDRESS of remediator/property owner)

Re: Approval of (REPORT/PLAN/REQUEST)
(SITE NAME)
eFACTS PF #(xxxxxxx)
eFACTS Activity #(xxxx)
(SITE ADDRESS, CITY)
(MUNICIPALITY), (CHOOSE) County

Dear (NAME):

The Department of Environmental Protection (department) has reviewed the (DATE) document titled "(TITLE OF PLAN, REPORT, or REQUEST)" for the property referenced above. (OPTIONAL: one sentence describing release details) The (PLAN/REPORT/REQUEST) was prepared by (NAME OF PREPARER, USUALLY THE CONSULTANT'S COMPANY NAME) and submitted to the department in accordance with the Land Recycling and Environmental Remediation Standards Act (Act 2) and constitutes a (TYPE OF PLAN OR REPORT/REQUEST) as defined in Chapter 3.

The department hereby approves the (REPORT/PLAN/REQUEST) in accordance with the provisions of Act 2.

Please feel free to contact (EC&B PROJECT MANAGER) at (PHONE NUMBER) with any questions or if further clarification is needed regarding this matter.

Sincerely,

(SIGNER)

Environmental Program Manager
Environmental Cleanup and Brownfields Program

cc: (CONSULTANT)
(CHOOSE) County Conservation District
(MUNICIPALITY)
(REGIONAL FILE)

typist's initials

bcc: (EC&B PROJECT MANAGER)

ATTACHMENT 14

ENVIRONMENTAL CLEANUP AND BROWNFIELDS PROGRAM

(DATE)

(NAME & ADDRESS of remediator/property owner)

Re: Approval of (REPORT/PLAN) – Special Industrial Area
(SITE NAME)
eFACTS PF #(xxxxxxx)
eFACTS Activity #(xxxx)
(SITE ADDRESS, CITY)
(MUNICIPALITY), (CHOOSE) County

Dear (NAME):

The Department of Environmental Protection (department) has reviewed the (DATE) document titled “(TITLE OF PLAN or REPORT)” for the property referenced above. (OPTIONAL: one sentence describing release details) The (PLAN/REPORT) was prepared by (NAME OF PREPARER, USUALLY THE CONSULTANT'S COMPANY NAME) and submitted to the department in accordance with the Land Recycling and Environmental Remediation Standards Act (Act 2).

IF SIA WORK PLAN APPROVAL

The site was (DESCRIPTION OF SITE AND PREVIOUS USES). The proposed use of the site will be (DESCRIPTION OF FUTURE USE OF THE SITE). Based upon the information provided, the department has determined that the property meets the requirements of a special industrial area. The baseline remedial investigation work plan describes investigative tasks necessary to characterize the site in accordance with the special industrial area provisions of Act 2. Based on the information provided in the report, the baseline remedial investigation work plan is approved. Performances of a baseline remedial investigation shall be documented in a baseline environmental report.

IF SIA BER APPROVAL

The department hereby approves the baseline environmental report in accordance with the provisions of Act 2.

Act 2 requires that the department and the person undertaking the reuse of a special industrial area enter into a Consent Order and Agreement based on the baseline environmental report which outlines the cleanup responsibility for the property. Your submittal of a draft proposed Consent Order and Agreement will expeditiously address this requirement.

Please feel free to contact (EC&B PROJECT MANAGER) at (PHONE NUMBER) with any questions or if further clarification is needed regarding this matter.

Sincerely,

(SIGNER)

Environmental Program Manager
Environmental Cleanup and Brownfields Program

cc: (CONSULTANT)
(CHOOSE) County Conservation District
(MUNICIPALITY)
(REGIONAL FILE)

typist's initials

bcc: (EC&B PROJECT MANAGER)

ATTACHMENT 15

ENVIRONMENTAL CLEANUP AND BROWNFIELDS PROGRAM

(DATE)

(NAME & ADDRESS of remediator/property owner)

Re: (CHOOSE STANDARD) Final Report Approval
(SITE NAME)
eFACTS PF# (xxxxxx)
eFACTS Activity #(xxxx)
(SITE ADDRESS, CITY)
(MUNICIPALITY), (CHOOSE) County

Dear (NAME):

The Department of Environmental Protection (department) reviewed the document titled “(REPORT NAME),” (report) for the property referenced above. (OPTIONAL: one sentence describing release details) The report was prepared by (CONSULTANT) and submitted to the Department in accordance with the Land Recycling and Environmental Remediation Standards Act (Act 2) and constitutes a final report as defined in Chapter 3 of Act 2.

The department hereby approves this final report for the substances identified and remediated to an Act 2 standard within the site(s) specified. Chapter 5, Section 501 of Act 2, provides the liability protection where attainment of Act 2 cleanup standards is demonstrated. The cleanup liability protection provided by this chapter applies to the current and future owner or any other person who participated in the remediation; a person who develops or occupies the property; successor or assign of any person to whom liability protection applies; and a public utility to the extent the public utility performs activities on the identified property(ies).

This project attained a (residential/non-residential) standard for (CHOOSE MEDIUM/MEDIA).

(IF THE ATTAINMENT DOES NOT REQUIRE A COVENANT OR PRC PLAN, DELETE THE FOLLOWING THREE PARAGRAPHS, OTHERWISE CHOOSE THE CORRESPONDING PARAGRAPH THAT SUITS YOUR SITUATION)

IF EC NEEDED

The Uniform Environmental Covenants Act (Act 68 of 2007), Title 27, Pa. C.S. Chapter 65 (UECA) and accompanying regulations provide a standardized process for creating, documenting and assuring the enforceability of activity and use limitations on contaminated properties involving most engineering and institutional controls used to achieve Act 2 standards. Since the report utilizes activity and use limitations or will have post remedial care obligations to meet and/or attain the (CHOOSE STANDARD), an environmental covenant is required to be submitted within 30 days of the date of this approval letter.

IF EC ENCLOSED

The Uniform Environmental Covenants Act (Act 68 of 2007), Title 27, Pa. C.S. Chapter 65 (UECA) and accompanying regulations provide a standardized process for creating, documenting and assuring the enforceability of activity and use limitations on contaminated properties involving most engineering and institutional controls used to achieve Act 2 standards. Enclosed is the signed environmental covenant that memorializes the activity and use restrictions described within the report. The signed environmental covenant is enclosed. The Grantor shall record the covenant within 30 days of receipt and notifications of recordation shall be sent to the department within 90 days of recordation according to Section 253.5(c) of the regulations.

EC BEING REVIEWED

The Uniform Environmental Covenants Act (Act 68 of 2007), Title 27, Pa. C.S. Chapter 65 (UECA) and accompanying regulations provide a standardized process for creating, documenting and assuring the enforceability of activity and use limitations on contaminated properties involving most engineering and institutional controls used to achieve Act 2 standards. The department is in the process of reviewing the submitted environmental covenant for this site and has 90 days from **(DATE RECEIVED)** to execute the document or respond in writing noting any deficiencies.

Please refer to the enclosed Standard Attachment for other department program requirements for considerations which may be applicable to the referenced site.

Thank you for your cooperation in working with the department in the remediation of this site. If you have any questions or need further information regarding this matter, please contact the **(EC&B PROJECT MANAGER)** at **(PHONE NUMBER)**.

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section §7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717.787.3483. TDD users may contact the Board through the Pennsylvania Relay Service, 800.654.5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at 717.787.3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If you want to challenge this action, your appeal must reach the Board within 30 days. You do not need a lawyer to file an appeal with the Board.

Important legal rights are at stake, however, so you should show this document to a lawyer at once. If you cannot afford a lawyer, you may qualify for free pro bono representation. Call the Secretary to the Board (717.787.3483) for more information.

Sincerely,

(NAME)

Environmental Program Manager
Environmental Cleanup and Brownfields Program

Enclosure: Standard Attachment

cc: ()
(REGIONAL FILE)

bcc: ()

typist's initials

ATTACHMENT 16

ENVIRONMENTAL CLEANUP AND BROWNFIELDS PROGRAM

(DATE)

CERTIFIED MAIL NO. (XXXXXX)

(NAME & ADDRESS of remediator/property owner)

Re: Letter of Technical Deficiency
(SITE NAME)
eFACTS PF #(XXXXXX)
eFACTS Activity #(XXXX)
(SITE ADDRESS, CITY)
(MUNICIPALITY), (CHOOSE) County

Dear (NAME):

The Department of Environmental Protection (department) has received and reviewed the (DATE OF REPORT) document titled “(NAME OF REPORT)” (report), for the property referenced above. The report was prepared by (NAME OF CONSULTANT) and submitted to the department in accordance with the Land Recycling and Environmental Remediation Standards Act (Act 2).

The procedures and regulations set forth in Act 2 must be followed in order for your site to qualify for the liability protection provided by the Act. Upon initial review, the department finds the submission is technically deficient and the following items are needed to complete your submission:

(DESCRIBE DEFICIENCIES AND NOTE REGULATORY CITATIONS).

Please address the above summarized technical deficiencies within 60 days. If the deficiencies noted above are corrected within 60 days, it will not be necessary to resubmit report review fees, resend the municipal notice, or republish the public notice. Please include a copy of this correspondence with any submitted correction to confirm to department staff that an administrative completeness check is not necessary. If the report is not corrected within 60 days from the date of this letter any report submission will require the appropriate fees and proofs of municipal and public notices.

We look forward to assisting you in the remediation of this property and encourage you to contact us throughout this process. If you have any questions or need further information regarding this matter, please call (EC&B PROJECT MANAGER) at (PHONE NUMBER).

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section §7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717.787.3483. TDD users may contact the Board through the Pennsylvania Relay Service, 800.654.5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at 717.787.3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If you want to challenge this action, your appeal must reach the Board within 30 days. You do not need a lawyer to file an appeal with the Board.

Important legal rights are at stake, however, so you should show this document to a lawyer at once. If you cannot afford a lawyer, you may qualify for free pro bono representation. Call the Secretary to the Board (717.787.3483) for more information.

Sincerely,

(SIGNER)

Environmental Program Manager
Environmental Cleanup and Brownfields Program

cc: Consultant
(REGIONAL FILE)

bcc: (EC&B PROJECT MANAGER)

typist's initials

ATTACHMENT 17

Thank you for participating in the Pennsylvania Department of Environmental Protection's (DEP) Land Recycling Program. You are receiving this Standard Attachment because you have provided a Notice of Intent to Remediate or a Final Report submission to the department. The following program summaries are provided to you as a guide to other programs that are commonly associated with brownfield remediation projects. These programs are important for the successful completion of site remediation and the grant of liability relief for your site. Please note if several of the following items apply to your site, it may be valuable to request a pre-application coordination meeting with your assigned DEP Project Manager. For remediation projects that involve multiple programs, an initial coordination meeting is beneficial to determine required date of submission(s), program participation consideration(s), and priorities.

This list is not meant to be all inclusive, but does summarize a listing of programs that are commonly affiliated with these types of projects.

Land Recycling Program Considerations

Uniform Environmental Covenants Act (UECA)

Based on the remediation standard that you have selected for your remediation/redevelopment project, you may be required to submit an environmental covenant. The covenant, as defined and governed under the auspices of UECA, provides a tool to ensure that the conditions allowing for a risk-based cleanup will continue in the future. UECA requires that a completed and signed environmental covenant shall be submitted to the appropriate regional DEP office no later than 30 days from receipt of the final cleanup approval letter. A \$500 fee is required to be submitted with the environmental covenant. Once received, the Department has ninety 90 days to review and return the signed covenant for recordation. Notifications of recordation of the covenant are subsequently required to be sent within 90 days to the DEP and to the entities listed in Section 6507 of UECA and in accordance with the terms of the covenant. For more information, please select 'UECA', under 'DEP Programs A-Z' on the DEP's website (www.dep.state.pa.us).

Other Program Requirements

Depending on the specific details of each case, other program requirements may be applicable to your site as cleanup is progressing, and/or upon completion of Act 2 activities. These considerations are summarized in the following:

Land Disturbance

Depending on the remediation approach selected for your site, you must carefully evaluate the remedial activities to minimize erosion and sedimentation in conformance with Chapter 102 of the PA Code, Erosion and Sediment Control. These requirements may be satisfied with the development, implementation, and maintenance, of erosion and sediment control best management practices. Please note that any future earth disturbance or development at your site after cleanup is completed may require either approvals or permits from the appropriate county soil conservation district. Therefore, you should contact the conservation district before engaging in any such activities. For more information regarding this topic, select 'Stormwater Management' under 'DEP Programs A-Z' on the DEP's website.

Stormwater Management

Surface water discharges from sites undergoing Act 2 cleanups may be considered point or nonpoint sources. Point source discharges to surface water include, as examples, leachate discharge from a disposal unit, or, runoff from contaminated site discharges through a storm sewer. Discharges such as these are subject to National Pollutant Discharge Elimination System (NPDES) requirements, and as such may require a permit. Additionally, Act 2 requires that any site undergoing cleanup via the Statewide health or site-specific standard also demonstrate compliance with surface water quality criteria when a nonpoint source discharge, such as contaminated groundwater, discharges into surface water. More information regarding these programs may be found at the DEP's website, in the Bureau of Point and Non-Point Source Management, or through your site's assigned Project Manager.

Sewage Facilities Program

The redevelopment of Act 2 sites after completion of cleanup activities may require you to investigate sewage planning considerations. For example, when site utilization is changed from industrial use to residential use as a result of Act 2 implementation, the sewage facilities planning for the property will require analysis/revision. Act 537, Sewage Facilities Program, contains provisions to enable proper municipal planning and permitting for current and future utilization of sewage facilities. For more information, please visit 'Act 537 Sewage Facilities Program' under 'DEP Programs A-Z' on the DEP's website.

Water Well Abandonment

Abandoned wells must be reported on required forms to the PA Department of Conservation and Natural Resources (DCNR), Bureau of Topographic and Geologic Survey (BTGS). Information is available on the DCNR website, <http://www.dcnr.state.pa.us>, on the Geologic Survey portion of the website, under 'Groundwater' and 'Private Water Wells' section.

If available, the original driller's log should be included along with the details of the well abandonment procedure. A photograph should be taken of the site, and a reference map should be made to locate the abandoned well. **We recommend that you identify the exact location by GPS** (It also may be appropriate to survey the exact location of the well). If a permit was issued for the well installation (e.g. by a local agency or County Health Department), please provide a copy of your BTGS submission to the issuing agency and to this office.

Oil and Gas Well Site Restoration

If the site specified for remediation is considered to be part of a well site as that term is defined by Section 603a(d) of the Oil and Gas Act, you must ensure restoration of the area under Section 206 of the Oil and Gas Act, 58 P.S. § 601.206. The Department considers a well site to be restored under Section 206 when the disturbed or impacted area is returned to its approximate original contours and restored to conditions that support the same potential uses of the land that existed prior to the spill or release, including the vegetation of those areas. The restored area should be capable of supporting the type of vegetation that was present before the release.