

BROWNFIELD DEVELOPMENT GUIDE



Pennsylvania
**Department of
Environmental Protection**



Brownfield Development Guide

For more than two decades, other states have looked to the Pennsylvania Department of Environmental Protection's (DEP) award-winning Land Recycling Program as a national model for the successful cleanup of underutilized and often abandoned industrial properties. Revitalizing these sites not only improves the health and quality of life of our citizens, but injects much-needed revenue into our local communities by returning once lifeless properties to the tax rolls.

This Brownfield Development Guide draws on DEP's experience in cleaning up more than 6,000 sites since 1995. The guide outlines the full spectrum of services and resources available for the often complex steps involved in redeveloping brownfield properties. It seeks to assist a broad audience of private industry, state and local agencies, economic development agencies and redevelopment authorities, local officials, communities, property owners, developers and other stakeholders. DEP fosters and helps to build public-private partnerships, which have proven critical for the timely completion of successful projects.



Pennsylvania Brownfields

What are Brownfields?

Brownfields are underutilized properties where the presence or potential presence of hazardous substances, pollutants or contaminants complicates expansion, redevelopment or reuse of the properties. Challenges in cleaning up and redeveloping brownfields include liability concerns for developers and future property owners, technical concerns over cleanup measures and land use objectives, time and financial concerns over cleanup activities required at the site, and planning considerations with the community.

Pennsylvania's approach to brownfield redevelopment has proven to be a national model for transforming abandoned, idle properties into safer places that contribute to greater economic opportunity and revitalize communities. Under the Land Recycling and Environmental Remediation Standards Act (Act 2) of 1995, thousands of brownfield sites in Pennsylvania have been returned to productive use, providing jobs and tax revenues, and benefiting local communities. Existing infrastructure, historic buildings and close

proximity to transportation are among the many cost-effective benefits for reuse of brownfields. DEP has the experience and ability to work with local governments, communities, developers and remediators to meet the challenges of brownfield redevelopment and reuse.



Providing Assistance to Communities, Owners and Local Governments

Brownfield properties vary widely, from a single abandoned gas station located on a rural road to large operating factory complexes covering many acres in an urban setting. The amount and need for DEP assistance depends on the property ownership (privately or publicly owned) and the stage of the cleanup or development.

And, because each project is unique, it is not a one-size-fits-all approach.

DEP recognizes it has a role as a partner throughout the many facets of brownfield redevelopment, beyond its role as regulator of the cleanup and site development process.

Developing Inventories and Assessing Properties

Identifying Sources of Financial Assistance

Engaging Communities, Planning and Outreach

Meeting Cleanup Challenges

Permitting Site Development Activities



Developing Inventories and Assessing Properties

DEP strongly encourages local governments to identify and market brownfield sites within its boundaries through its statewide Brownfields Inventory. Developed in partnership with Team Pennsylvania Foundation and the Pennsylvania Department of Community and Economic Development (DCED), this valuable marketing tool is available free of charge to users as part of Pennsylvania's premier "PA Site Search" database of land and buildings with GIS features. It is used by professionals seeking properties for redevelopment opportunities, and the PA Site Search data feeds into the national database "Zoomprospector."

To search properties on the Brownfields Inventory, visit pasitesearch.com

The Governor's Action Team, a group of experienced economic development professionals that serve as a single point of contact for companies looking to establish or expand new business operations in Pennsylvania, uses the database to respond to inquiries from national and international company officials looking for potential properties.

Environmental site assessments (ESA) are typically conducted in phases and are used to determine whether a site is contaminated. A Phase I ESA is a review of property records, including past and current land uses.

The DEP files are available at DEP's six regional offices to assist consultants in performing initial property assessments that help local governments and economic development agencies prepare market analyses and zoning approvals and assist purchasers in performing due diligence. If there is a potential for contamination, the assessment proceeds to the next phase. A Phase II ESA involves sampling to help determine the extent, types and sources of soil and/or groundwater contamination and the level of risk to humans and the environment.

Information on ESAs can be found on ASTM's website at www.astm.org

Phase I and II ESAs need to meet requirements established by U.S. Environmental Protection Agency (EPA) for All Appropriate Inquiry investigations to qualify for liability protection under the federal Comprehensive Environmental Response, Compensation and Liability Act or Superfund.

Identifying Sources of Financial Assistance

Financial incentives are available for brownfield projects from public sources, such as DCED, EPA, local municipal governments and economic development agencies. Private sources of funding are available for some projects. Tax incentives are offered at federal and state levels. DEP assists local governments, property owners and developers in locating potential sources of public financing. A list of financial assistance programs is included in Appendix A.

DCED offers many state assistance and incentive programs for brownfields projects. These programs can be easily accessed through a Funding and Program Finder through a single application on the website (see Appendix B). The Industrial Sites Reuse Program,

a widely used program for local governments and Economic Development Agencies, offers grants and loans for assessment and cleanup of industrial sites. DEP personnel participate in the review of submittals for certain state programs offered through DCED.

EPA offers a number of federal brownfields grants on a periodic basis using a competitive rating process to assist communities with revitalization. DEP can provide letters of support and eligibility determinations as required by specific grant program conditions (see contacts in Appendix C). The Brownfields Assessment Grant provides funding for property characterization, assessments, inventories and community involvement plans. EPA also provides revolving loan funds.

Philadelphia Wholesale Food Produce Market: Modern industrial land occupied by new food warehouse

Philadelphia was known at the turn of the 20th Century as the Workshop of the World due to its large and innovative manufacturing base. Philadelphia's current industrial attributes feature a transportation infrastructure including a sophisticated highway network, passenger and freight rail, an international airport and the largest freshwater port in the world. Philadelphia's location at the center of the Northeastern region; its companies, buoyed by the people that live, work and attend school there; and the continued investments by both the public and private sectors make Philadelphia an ideal choice for modern industry. Today the city's industrial base includes traditional manufacturing, ranging from food to fashion to helicopters; advanced manufacturing such as pharmaceuticals; and transportation and logistics to support global enterprises. Underutilized properties can be transformed into modern industrial land, occupied by laboratories, flex space, warehouses and distribution centers, or purpose-built manufacturing buildings.



More information is found on EPA's brownfields website at <https://www.epa.gov/brownfields>

Other federal sources include the U.S. Department of Housing and Urban Development (HUD), U.S. Department of Agriculture (USDA), and the U.S. Department of Commerce. HUD provides block grants and competitive awards for revitalizing entitlement communities, offers federally guaranteed loans for large economic development projects, and provides grants for HUD Empowerment Zone or Enterprise communities (targeted to low-income or distressed areas).

More information is found on HUD's website at www.hud.gov/program_offices/comm_planning

USDA provides loans and grants through the Rural Development division that can assist rural communities. U.S. Department of Commerce provides programs through its Economic Development Administration and Small Business Administration.

Hamilton Health Center: Once-vacant properties now provide medical services and jobs

In September 2012, Hamilton Health Center opened its new 117 South 17th Street facility in the city of Harrisburg.

Funding for this \$17 million project was provided by DEP and DCED as well as the Dauphin County Gaming Commission and the Harrisburg Redevelopment Authority. New market tax credits, bank financing and other commitments provided the majority of the funding. Hamilton Health Center is launching a capital campaign to complete the project with additional improvements to its building space.

When investigative work began in 2004 at the former Allison Hill Automotive property, the brownfield site consisted of abandoned buildings in various states of disrepair, as well as vacant land overgrown with vegetation. The site has undergone environmental remediation through the Land Recycling Program (Act 2) as a part of the development of the health center, including excavation activity, removal of soils and capping with an asphalt surface.

The center is located in an environmental justice area, providing essential services to a poor and underserved community.



Engaging Communities, Planning and Outreach

DEP promotes the redevelopment of brownfields by supporting site and community planning efforts and providing information and education through outreach and training. Efforts include the following:

- DEP participates on local brownfields planning teams.
- Environmental advocate coordination is available for environmental justice communities to engage these communities before, during and after the permitting process.
- Pennsylvania's Brownfields Conference is the largest gathering of brownfields consultants, planners, redevelopment authorities, local officials, and technical and legal professionals in Pennsylvania. The conference includes dozens of educational sessions and networking opportunities with industry professionals, state regulators and regional leaders.
- Videos and fact sheets about successful brownfields projects are available for viewing on DEP's YouTube channel at www.youtube.com/user/pennsylvaniaDEP and DCED's website. A collection of videos features interviews with public and private partners who describe the vision, planning and re-use of a brownfield site and how challenges were met and overcome. Contact the Bureau of Environmental Cleanup and Brownfields in Harrisburg to share a brownfield success story.
- Technical training and program outreach events are offered to all stakeholders. DEP can partner with professional associations like the Pennsylvania Council of Professional Geologists and Engineers' Society of Western Pennsylvania to provide quality sessions to interested individuals. Webinars, regional sessions and workshops focused on brownfield topics are being developed to assist communities.

Meeting Cleanup Challenges

Act 2 establishes a cleanup process and remediation standards that are proven to work for brownfield redevelopment. Act 2 provides:

- Uniform cleanup standards based on end use of the property that are protective of public health and the environment.
- Protection from environmental liability for sites attaining an Act 2 cleanup standard.
- Established report review deadlines that provide dependable timeframes for remediators, developers and financial partners.
- Buyer/Seller Agreements allow for the re-use of a property while remediation activities are being completed. A Buyer/Seller Agreement provides details of the proposed sale, remediation plan for the property and obligations of all parties with respect to implementing the remediation plan. (See model legal agreement on the Land Recycling webpage).
- Special Industrial Area Consent Order and Agreements can be used to address immediate, direct or imminent threats on properties located in designated enterprise zones or where there is no financially viable responsible person to clean up the contamination.

In addition, through its extensive experience, DEP has developed many tools that are specifically designed to achieve results, including:

- One Cleanup Program provides concurrent relief of environmental liability from DEP and approval from EPA on federal corrective action obligations. The program reviews site characterization work

plans, remediation work plans, data evaluation, risk assessments, fate and transport modeling, post remediation care plans and environmental covenants.

For more detailed information visit
www.dep.pa.gov,
search "Land Recycling".

Permitting Site Development Activities

Brownfield site cleanup and development can restore the environment and provide significant economic benefit to Pennsylvania. As such, brownfield sites are eligible for prioritization of permit reviews under DEP's policy for implementing its Permit Review Process and Permit Decision Guarantee (see form 021-2100-001).

To view the complete policy and learn more about DEP's revised permitting process, visit www.dep.pa.gov, search "Permits".

A key component of the Permit Review Process establishes the Permit Review Hierarchy, which prioritizes review of permits as a workload management tool. The first tier for review is "applications necessary for protection of public health, safety or the environment from imminent threats or that are necessary to support restoration of the environment or that support broader environmental improvement goals." The second tier for review is "applications necessary for economic development projects that create and/or retain jobs in Pennsylvania, leverage private investment in Pennsylvania, and/or provide significant economic benefit to Pennsylvania communities."

Pre-application conferences with DEP staff are highly recommended for brownfield projects. The purpose of pre-application conferences is to discuss site development and interplay with remediation activities, which are important for high-quality, complete permit applications. During conferences, permit review priority information can be presented and evaluated by DEP staff.

Permit applicants are advised to provide the following information during pre-application conferences:

- Are there any imminent threats to public health, safety or the environment at the site?
- Is the project enrolled in DEP's Act 2 program?
- Is DCED Governor's Action Team coordinating site development?
- Is the brownfield site located within an enterprise zone, as designated by DCED?
- Is the project located in an environmental justice and/or high unemployment area?
- What economic benefits are expected, including number of jobs created and retained and added tax revenues?
- What private investment dollars are anticipated?
- Has the project been approved for state funding assistance?

The Permit Application Consultation Tool (PACT) can help applicants who are considering expanding or siting a new project. This tool can quickly and easily determine which types of environmental permits, authorizations or notifications may be required for their projects. PACT is a useful foundation for a pre-application conference with DEP to discuss and verify tool results and permit coordination. Please be advised that, because of the complexity of potential projects and the diverse nature of state and federal environmental regulations, no tool can substitute for a detailed analysis of individual project plans.

Regional Office Project Teams

DEP is available to form project teams within each regional office to bring knowledge and skills from different programs according to the needs of the brownfields project. Members of the team will include:

Assistant Regional Director (ARD): The role of ARD will include actively reviewing the permit review hierarchy; serving as the point of contact (POC) during all permitting functions; and assuring permitting is coordinated and consistent with cleanup. This is most critical in the land development stage.

Local Government Liaison (LGL): The role of LGL will include serving as POC for municipal sponsors of projects; providing information about inventory availability; assisting local governments that own abandoned properties with identification of funding assistance for assessment grants; coordinating assistance with Environmental Cleanup and Brownfields

(ECB) staff on cleanup and assessment strategies; and coordinating DEP support for broader community planning efforts.

ECB Program Manager: The role of Regional ECB Program Manager will include providing assistance to local governments for site assessment work; managing the successful completion of Act 2 and other cleanup program efforts; assisting regional permitting programs on contamination issues during land development; reviewing scopes of work for DCED Industrial Sites Reuse Program applications; assisting project sponsors in identifying public funding assistance; and communicating project successes and opportunities for improvements.

Specific regional office contacts and telephone numbers are listed in Appendix C.

Bureau of Environmental Cleanup and Brownfields

Assistance on brownfields, financial incentives, program support and development of success stories can be sought from DEP central office in Harrisburg. General questions can be submitted by email to:

ra-eplandrecycling@pa.gov

400 Market St.
Rachel Carson State Office Building
Harrisburg, PA 17105-8471
Telephone: 717-783-1566



APPENDIX A

Brownfields Financial Assistance Programs

The availability of funding from programs listed below is subject to change. Contact the program directly for current information on funding and eligibility.

STATE AGENCIES	PROGRAMS
PA Department of Community and Economic Development: Grant and loan programs listed below are offered through DCED. For more information, visit www.dced.pa.gov/program	<ul style="list-style-type: none"> • Industrial Sites Reuse Program • Business in Our Sites Grants/Loans • High-Performance Building Program • Alternative and Clean Energy Program
PA Department of Community and Economic Development: Tax credit programs are offered through DCED, including:	<ul style="list-style-type: none"> • Keystone Opportunity Zones/Keystone Innovation Zones • Job Creation Tax Credits • Keystone Special Development Zones
Pennsylvania Infrastructure Investment Authority (PENNVEST): A low-interest loan program is offered through PENNVEST. For more information, visit www.pennvest.pa.gov	<ul style="list-style-type: none"> • Brownfield Redevelopment Loans

FEDERAL AGENCIES	PROGRAMS
Federal Financial Assistance and Incentive Program	<p>Programs listed below offered through U.S. EPA are described at https://dced.pa.gov/</p> <ul style="list-style-type: none"> • Brownfields Assessment Grants • Brownfields Cleanup Grants • Brownfields Revolving Loan Fund Grants • Brownfield Area-Wide Planning Grants • Environmental Workforce and Job Development Training Grants
Other Federal Programs	<ul style="list-style-type: none"> • U.S. Department of Agriculture (USDA) Business and Industry Guaranteed Loans • USDA Intermediary Relending Program • USDA Rural Business Development Grants • U.S. Housing and Urban Development Community Development Block Grants • U.S. Economic Development Administration (EDA) Public Works and Economic Development Facilities Program • EDA Economic Adjustment Assistance Program • U.S. Small Business Administration (SBA) Certified Development Company/504 Loan Program; visit www.govloans.gov • SBA Section 7(a) Loan Program

APPENDIX B

Website Resources

1. DEP Environmental Cleanup and Brownfields: <https://www.pa.gov/agencies/dep.html>
2. DCED website for grants and loans: <https://dced.pa.gov/programs-funding/>
3. PENNVEST: <https://www.pa.gov/agencies/pennvest.html>
4. Federal agencies and departments: www.usa.gov
5. U.S. EPA Publication "Brownfields Road Map to Understanding Options for Site Investigation and Cleanup, Sixth Edition" website: www.brownfieldstsc.org/roadmap
6. U.S. EPA Brownfields program: www.epa.gov/brownfields
7. U.S. Department of Agriculture: www.usda.gov
8. U.S. Department of Housing and Urban Development: www.hud.gov
9. U.S. Economic Development Administration: www.eda.gov
10. U.S. Small Business Administration: www.sba.gov

APPENDIX C

Pennsylvania Department of Environmental Protection's Regional Offices

Northwest (Meadville) Regional Office

230 Chestnut St. Meadville, PA
16335-3481

Telephone: 814-332-6945

Northcentral (Williamsport) Regional Office

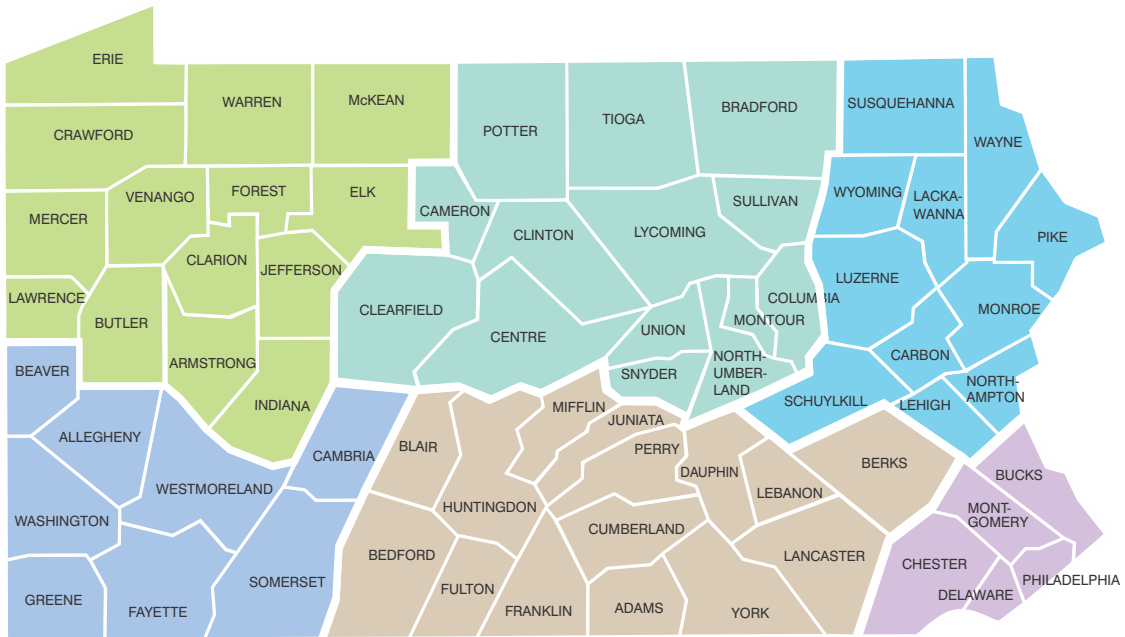
208 W. 3rd St., Suite 101
Williamsport, PA 17701-6448

Telephone: 570-327-3636

Northeast (Wilkes-Barre) Regional Office

2 Public Square
Wilkes-Barre, PA 18701-1915

Telephone: 570-826-2511



Southwest (Pittsburgh) Regional Office

400 Waterfront Dr.
Pittsburgh, PA 15222-4745

Telephone: 412-442-4000

Southcentral (Harrisburg) Regional Office

909 Elmerton Ave.
Harrisburg, PA 17110-8200

Telephone: 717-705-4700

Southeast (Norristown) Regional Office

2 East Main St. Norristown, PA 19401

Telephone: 484-250-5900