

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE RESOLUTION

No. 132 Session of
2015

INTRODUCED BY YAW, MAY 13, 2015

INTRODUCED AND ADOPTED, MAY 13, 2015

A RESOLUTION

1 Commemorating the 20th anniversary of the passage and signing
2 into law of Acts 2, 3 and 4 of 1995, creating Pennsylvania's
3 Land Recycling "Brownfields" Program on May 19, 1995.

4 WHEREAS, Pennsylvania had thousands of abandoned, neglected
5 and unwanted industrial, manufacturing and commercial properties
6 across this Commonwealth with real and unknown environmental and
7 public health hazards that were not being cleaned up and made
8 safe; and

9 WHEREAS, Private individuals, local governments, economic
10 development agencies and commercial landowners faced with the
11 challenge of using these sites for valuable economic purposes,
12 eliminating these hazards and promoting the productive reuse of
13 these properties found that existing State laws and regulations
14 did not set consistent, uniform environmental cleanup standards,
15 and did not offer a clear process for reviewing and approving
16 cleanup plans; and

17 WHEREAS, Banks, other financial institutions and economic
18 development agencies were reluctant and often did not even
19 consider providing funding for the voluntary environmental

1 cleanup and reuse of industrial and manufacturing sites because
2 of the lack of clear standards and environmental liability
3 concerns; and

4 WHEREAS, The lack of a voluntary cleanup and reuse program
5 resulted in an eroding tax base and a loss of jobs and economic
6 opportunity in cities and communities across this Commonwealth;
7 and

8 WHEREAS, Farmland and open space was lost as development
9 pushed into greenfield areas, rather than having growing
10 businesses reuse existing commercial properties in already
11 developed areas with the infrastructure needed to support
12 commercial reuse; and

13 WHEREAS, The Senate Environmental Resources and Energy
14 Committee saw action was needed to attract private investment to
15 voluntarily clean up these environmental hazards and initiated a
16 consensus building process on May 22, 1992, with the
17 introduction of Senate Bill 1734, with eight sponsors; and

18 WHEREAS, In the next session on April 22, 1993, an improved
19 draft, Senate Bill 972, was introduced with 46 sponsors, and the
20 consensus building continued utilizing both the Senate
21 Environmental Resources and Energy and the Community and
22 Economic Development Committees during a tumultuous period of
23 time when the majority of the Senate moved from one party to the
24 other and the committee responsibilities moved from one set of
25 chairmen to another; and

26 WHEREAS, Despite the political changes in the Senate, the two
27 committees worked in a bipartisan way, holding eight public
28 hearings, taking testimony from 84 witnesses and soliciting
29 input by sending copies of five separate proposals to more than
30 2,000 interested residents; and

1 WHEREAS, Senate Bill 972 was passed by a vote of 44 to 2 and
2 sent to the House of Representatives where it was considered in
3 the House Conservation Committee and reported out of committee
4 on October 5, 1994, but went no further; and

5 WHEREAS, Senate Bills 1, 11 and 12 were introduced in the
6 next session on January 17, 1995, and were passed by the Senate
7 on March 1, 1995, by a vote of 46 to 0, and passed by the House
8 of Representatives, after amendment, on May 2, 1995, by a vote
9 of 163 to 35. The House amendments were concurred in by the
10 Senate on May 3, 1995, by a vote of 50 to 0, after which the
11 bills were presented to the newly elected Governor, Tom Ridge,
12 who signed them on May 19, 1995; and

13 WHEREAS, Act 2 of 1995, the Land Recycling and Environmental
14 Remediation Act, Senate Bill 1, established uniform cleanup
15 standards, standardized review procedures for cleanup plans, and
16 released property owners from further cleanup liability once
17 strict environmental standards were met; and

18 WHEREAS, Act 3 of 1995, the Economic Development Agency,
19 Fiduciary and Lender Environmental Liability Protection Act,
20 Senate Bill 11, provided protection from cleanup liability for
21 banks, economic development and other agencies involved in
22 promoting the reuse of industrial and commercial properties
23 through financing; and

24 WHEREAS, Act 4 of 1995, the Industrial Sites Environmental
25 Assessment Act, Senate Bill 12, provided funding to
26 municipalities, economic development agencies and similar groups
27 for environmental site assessments and provided performance-
28 based remediation loans and grants for cleaning up environmental
29 and public health hazards; and

30 WHEREAS, Acts 2, 3 and 4 of 1995 created a model for

1 promoting voluntary environmental cleanups used by the Federal
2 Government, more than 40 other states and other countries and
3 created a whole new "Brownfields Reuse" industry; and

4 WHEREAS, Setting a clear process and standards for reviewing
5 and approving cleanup plans and releasing agencies and property
6 owners of further liability when the cleanup standards are met
7 prompted hundreds of millions of dollars in private investments
8 to remediate environmental hazards and put these sites back into
9 productive use; and

10 WHEREAS, Since enactment of Pennsylvania's Land Recycling
11 Program, 5,466 commercial and industrial sites in every county
12 in this Commonwealth have been cleaned up and made safe for
13 reuse, with another 1,251 sites now moving through the program;
14 and

15 WHEREAS, Sites reused under the program have resulted in the
16 creation or retention of tens of thousands of jobs that
17 otherwise would have been lost or created somewhere else; and

18 WHEREAS, Pennsylvania's Land Recycling Program has been
19 recognized for its innovation and accomplishment by its peers in
20 the Federal Government, the State government, environmental
21 professionals and academic institutions, including the Ford
22 Foundation and Harvard University with the Innovations in
23 Government and the Best Innovations in American Government Award
24 Over the Past 15 Years; the Council of State Governments
25 Innovations Award; the National Governor's Association Center
26 for Best Practices; the National Association of Environmental
27 Professionals National Environmental Excellence Award for
28 Environmental Management; the American Legislative Exchange
29 Council Model Legislation Program; and by President George W.
30 Bush, who signed the national Brownfields legislation into law

1 in Pennsylvania; therefore be it

2 RESOLVED, That the Senate recognize the contribution
3 Pennsylvania's Land Recycling Program has made over the past 20
4 years protecting the environment, eliminating health hazards and
5 building Pennsylvania's economy by creating economic opportunity
6 where there was none before; and be it further

7 RESOLVED, That the Senate extend its congratulations to the
8 members of the Senate and the House of Representatives for their
9 leadership in passing Acts 2, 3 and 4 of 1995, to Governor Tom
10 Ridge for signing the bills into law and to the leadership and
11 employees of the Department of Environmental Protection for
12 making the program work; and be it further

13 RESOLVED, That a copy of this resolution be provided to the
14 sponsors and cosponsors of Senate Bills 1, 11 and 12 of 1995, to
15 Governor Tom Ridge and to the Department of Environmental
16 Protection.