

Standard Operating Procedure ¹

FOR IMPLEMENTATION OF THE UNIFORM ENVIRONMENTAL COVENANTS ACT

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

September 2026

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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References

UECA --The Uniform Environmental Covenants Act, Act 68 of 2007, codified at 27 Pa. C.S. §§ 6501-6517.

Act 2 -- The Land Recycling and Environmental Remediation Standards Act, Act 2 of 1995, codified at 35 P.S. §§ 6026.101-6026.908.

The Storage Tank Act -- The Storage Tank and Spill Prevention Act, Act 32 of 1989, codified at 35 P.S. §§ 6021.101-6021.2104.

The Storage Tank regulations -- 25 Pa. Code Chapter 245, titled “Administration of the Storage Tank and Spill Prevention Program.”

The UECA regulations -- 25 Pa. Code Chapter 253, titled “Administration of the Uniform Environmental Covenants Act.”

Model Environmental Covenant – the department-drafted document with that name on the department’s UECA webpages.

Attachments

- 1. UECA Deficiency Template
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1.0 Purpose

- 1.1 This Standard Operating Procedure (SOP) describes the procedures by which the Department of Environmental Protection (DEP) will accept and review environmental covenants. The Uniform Environmental Covenants Act (UECA) and 25 Pa. Code Chapter 253 regulations provide a standardized framework for creating, documenting, and assuring the enforceability of activity and use limitations (AUL) on remediated sites that have residual contamination. The AUL Module in eFACTS is the data repository for the Pennsylvania Activity and Use Limitation Registry.

2.0 Applicability and Definitions

- 2.1 Pennsylvania enacted UECA in December 2007. Under UECA, an environmental covenant (EC) is required if an activity and use limitation is used to demonstrate the attainment of a remediation standard under Act 2 or the Storage Tank Act. Under UECA, an EC is defined as a “servitude arising under an environmental response project which imposes activity and use limitations.” In everyday terms, an EC is the document used to memorialize activity and use limitations and ensures they are maintained for as long as they are necessary. Under UECA, AULs are defined as the “restrictions or obligations with respect to real property” and include engineering and institutional controls. Because of the possible ambiguity among these various terms, DEP generally refers to AULs, rather than engineering or institutional controls, when addressing ECs. Annually, DEP reviews more than 200 ECs. ECs received by DEP are mostly for sites where DEP has approved a Final Report under the Chapter 250 regulations or a Remedial Action Cleanup Report under the Chapter 245 regulations, and AULs are necessary to preserve and/or maintain the protectiveness of the remedy. In relation to eFACTS, all data should be entered within 10 business days of transmittal or receipt of relevant materials or relevant events.

3.0 Summary of Process

- 3.1 Environmental Covenants (EC) should be submitted to DEP AFTER the associated Final Report/Remedial Action Completion Report (FR/RACR) has been approved. If an EC is received before the approval of a FR/RACR, DEP will ask the remediator to withdraw the EC.
- 3.2 A Post Remediation Care Plan (PRCP) contained in the FR/RACR must describe clearly any AUL that has or will be used as part of the remediation as well as any necessary inspection, maintenance, and/or reporting activities related to the AUL.
- 3.3 FR/RACR approval letters should reiterate the remediator’s obligation to submit an approvable EC within 30 days. DEP cannot condition its approval of a FR/RACR upon the submission of the EC.

- 3.4 The first submission of an EC may be signed or unsigned. A \$500 fee is due upon submittal of a signed EC which is paid using the “Public Upload with Electronic Payment” on the DEP webpage.
- 3.5 Upon Department receipt of a signed or unsigned draft EC, the regional office will input all appropriate data into eFACTS, including the Date Received. The eFACTS data entry must include information that fully completes any remaining data fields within the Land Recycling Activities screen and the AUL Module.
- 3.6 Remediators should use the standard language in DEP’s Model EC to the maximum extent possible. There is a separate PA Model EC for Resource Conservation and Recovery Act (RCRA) Sites that should be used for sites in the One Cleanup Program. Significant changes from the Model EC or the approved FR/RACR will complicate DEP’s review and may lengthen review time. Remediators should also use language from the approved FR/RACR in the EC. The AULs described in the EC should match the AUL descriptions in the FR/RACR.
- 3.7 The Project Officer or Section Chief will review the EC. The Program Manager or Program Counsel should review an EC only when it includes significant changes from the Model EC.
- 3.8 DEP should encourage good communication with the remediators. Informal communication and exchanges of information by meetings, calls, or e-mails are generally encouraged because they can improve understanding and resolve issues in a timely manner. In some cases, informal communication can be used to correct minor deficiencies or resolve issues within the review time limit. These informal communications, by themselves, are not a mechanism to extend the deemed approval review deadline in UECA or the time frames in this SOP. For example, if, as authorized by the chapter 253 regulations, the DEP and the remediator agree on an extension of the 90-day review period, the extension should be confirmed, in writing or by email, by both parties. If all issues have not been resolved before the deemed approval deadline, then DEP will issue a Disapproval Letter.
- 3.9 DEP will complete its review of the EC within 30 days of its receipt. If the EC is acceptable except for being unsigned, DEP will notify the person submitting the EC by phone or by e-mail that they may sign and resubmit the EC to DEP. This signed EC is submitted via mail and is signed and notarized by DEP. At the same time, the associated fee should be submitted through Public Upload using one of the “Environmental Covenant Fee Submission” forms.
- 3.10 When the signed EC is submitted, DEP will sign it and will return the signed EC to the person who submitted it (Attachment 3). DEP’s signature will be the final signature on the EC. The date of DEP signature will be recorded in eFACTS. (Note: The Deficiency Date in the AUL module of eFACTS is not a mandatory field. If the EC is submitted and approved without changes, the Deficiency Date field may be left blank.)
- 3.11 Within 90 days of the date the EC has been approved and signed by DEP, the person submitting the EC is required to provide DEP with a copy of the proof of recordation

- from the county recorder of deeds via email or public upload. The proof of recordation date will be recorded in eFACTS.
- 3.12 If proof of recordation is not received within 90 days of the approval of the EC, Regional Office will contact the remediator in writing to inquire as to the status of the proof of recordation and will copy Central Office in that communication. If the remediator is unresponsive to this inquiry, the Regional Office will notify the Brownfields Redevelopment Group in Central Office, which will take action to follow up with the overdue party.
 - 3.13 If an EC is deficient, DEP will communicate its concerns in writing by issuing a Deficiency Letter (Attachment 1) or issuing a Disapproval Letter (Attachment 2). If the EC contains significant errors or problems, DEP may issue a Disapproval Letter without having issued a Deficiency Letter. DEP will input the Deficiency Date or Disapproval Date in eFACTS. The Deficiency Letter will notify the remediator that DEP intends to disapprove the EC if the remediator does not correct the deficiencies by a specified date. If the remediator does not respond to the Deficiency Letter, DEP will issue a Disapproval Letter.
 - 3.14 DEP will respond to a resubmitted EC within 30 days of its receipt. After reviewing a resubmitted EC, DEP will approve the EC or will issue a Disapproval Letter.
 - 3.15 If an EC has not been received within 30 days of the approval of a FR/RACR, the following procedure will apply:
 - 3.15.1 DEP Regional Office will contact the remediator in writing and inquire as to its status through an Overdue Letter (Attachment 4 or 6). The Overdue Letter in Attachment 6 should be used for corrective action sites only since the enforcement language in Attachment 6 does not apply to voluntary Act 2 sites. DEP regional staff will provide an electronic copy of the letter to the Land Recycling Program at Central Office via ra-eplandrecycling@pa.gov.
 - 3.15.2 When the resulting EC is submitted, follow the procedure beginning in Section 3.9 above to process the EC, and inform Central Office that the EC was received via email at ra-eplandrecycling@pa.gov. If the remediator remains unresponsive, the Regional Office will notify the Brownfields Redevelopment Group in Central Office, which will take action to follow up with the overdue party.
 - 3.16 If an EC is approved by an agency of the federal government and submitted to DEP, DEP should input all required eFACTS data required to complete the entry and have the data posted to the PA AUL Registry.
 - 3.17 If DEP has been informed that a judicial proceeding has been or will be filed seeking the modification or termination of an EC at a RCRA Corrective Action facility, DEP will inform EPA within 14 days after DEP's receipt of the information.
 - 3.18 For the following circumstances, the request(s) should be forwarded to the Central Office Land Recycling Program Manager via email for consultation, evaluation, or decision.

- A request to modify or terminate an EC associated with a PennDOT highway construction project.
 - A request by DEP that an owner of a prior interest subordinate its interest to the environmental covenant.
- 3.19 DEP will not waive the requirement to use an EC except in very limited circumstances. These circumstances are outlined on the Land Recycling Program webpage in the UECA Frequently Asked Questions and in §253.10(c). All waiver requests must be made in writing. Any approval or denial of a waiver request by DEP will be issued in writing in a Waiver Request Letter (Attachment 5).

ATTACHMENT 1

UECA Deficiency Template



Pennsylvania
**Department of
Environmental Protection**

ENVIRONMENTAL CLEANUP AND BROWNFIELDS PROGRAM

DATE

(NAME & ADDRESS of remediator/property owner)

Re: Letter of Environmental Covenant Deficiency

(SITE NAME)

eFACTS PF # **(xxxxxx)**

Remediation or Activity ID# **(xxxxxx)**

(SITE ADDRESS, CITY)

(MUNICIPALITY), (COUNTY) County

Dear **(NAME)**:

The Department of Environmental Protection (DEP) has reviewed the **(DATE)** Environmental Covenant (EC). **(OPTIONAL: one sentence describing release details)** The EC was prepared by **(NAME OF PREPARER, USUALLY THE CONSULTANT'S COMPANY NAME)** and submitted to the DEP in accordance with Title 25, Chapter 253 of the PA Code, Administration of the Uniform Environmental Covenants Act (UECA).

The DEP notes the following deficiencies:

(DESCRIBE DEFICIENCIES AND NOTE REGULATORY CITATIONS).

Please address the above summarized deficiencies within 21 days. If the deficiencies are not corrected within 21 days, the DEP expects to disapprove the EC in accordance with 25 Pa. Code §253.2(c)(3).

If you wish to discuss these deficiencies, please contact **(EC&B PROJECT MANAGER)** at **(PHONE NUMBER)**.

Sincerely,

(SIGNER)

Environmental Program Manager

Environmental Cleanup and Brownfields Program

cc: **(CONSULTANT)**

(Property Owner)

(MUNICIPALITY)

(REGIONAL FILE)

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

typist's initials

ATTACHMENT 2
UECA Disapproval Template



Pennsylvania
**Department of
Environmental Protection**

ENVIRONMENTAL CLEANUP AND BROWNFIELDS PROGRAM

DATE

(NAME & ADDRESS of remediator/property owner)

Re: Disapproval of Environmental Covenant

(SITE NAME)

eFACTS PF # **(xxxxxx)**

Remediation or Activity ID# **(xxxxxx)**

(SITE ADDRESS, CITY)

(MUNICIPALITY), (COUNTY) County

Dear **(NAME)**:

The Department of Environmental Protection (DEP) has reviewed the **(DATE)** Environmental Covenant (EC). **(OPTIONAL: one sentence describing release details)** The EC was prepared by **(NAME OF PREPARER, USUALLY THE CONSULTANT'S COMPANY NAME)** and submitted to the DEP in accordance with Title 25, Chapter 253 of the PA Code, Administration of the Uniform Environmental Covenants Act (UECA).

The DEP notes the following deficiencies and disapproves it in accordance with 25 Pa. Code §253.2(c)(3):

(INCLUDE ANY SPECIFIC INFORMATION NECESSARY ABOUT THE EC DISAPPROVAL).

Any person aggrieved by this action may appeal the action to the Environmental Hearing Board (Board), pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A. The Board's address is:

Environmental Hearing Board
Rachel Carson State Office Building, Second Floor
400 Market Street
P.O. Box 8457
Harrisburg, PA 17105-8457

TDD users may contact the Environmental Hearing Board through the Pennsylvania Relay Service, 800-654-5984.

Appeals must be filed with the Board within 30 days of receipt of notice of this action unless the appropriate statute provides a different time. This paragraph does not, in and of itself, create

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

A Notice of Appeal form and the Board's rules of practice and procedure may be obtained online at <https://ehb.pa.gov> or by contacting the Secretary to the Board at 717-787-3483. The Notice of Appeal form and the Board's rules are also available in braille and on audiotape from the Secretary to the Board.

IMPORTANT LEGAL RIGHTS ARE AT STAKE. 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 AT 717-787-3483 FOR MORE INFORMATION. YOU DO NOT NEED A LAWYER TO FILE A NOTICE OF APPEAL WITH THE BOARD.

IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST BE FILED WITH AND RECEIVED BY THE BOARD WITHIN 30 DAYS OF RECEIPT OF NOTICE OF THIS ACTION.

Sincerely,

(SIGNER)

Environmental Program Manager
Environmental Cleanup and Brownfields Program

cc: **(CONSULTANT)**

(Property Owner)

(MUNICIPALITY)

(REGIONAL FILE)

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

typist's initials

ATTACHMENT 3
UECA Approval Template



Pennsylvania
**Department of
Environmental Protection**

ENVIRONMENTAL CLEANUP AND BROWNFIELDS PROGRAM

DATE

(NAME & ADDRESS of remediator/property owner)

Re: Approval of Environmental Covenant

(SITE NAME)

eFACTS PF # **(xxxxxx)**

Remediation or Activity ID# **(xxxxxx)**

(SITE ADDRESS, CITY)

(MUNICIPALITY), (COUNTY) County

Dear **(NAME)**:

The Department of Environmental Protection (DEP) has reviewed the **(DATE)** Environmental Covenant (EC). **(OPTIONAL: one sentence describing release details)** The EC was prepared by **(NAME OF PREPARER, USUALLY THE CONSULTANT'S COMPANY NAME)** and submitted to the DEP in accordance with Title 25, Chapter 253 of the PA Code, Administration of the Uniform Environmental Covenants Act (UECA). 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 DEP has approved the EC. The signed EC is enclosed. As stated in paragraph 9 of the EC, the EC is to be recorded and notifications of recordation are to be sent to the DEP and the other entities named in paragraph 9 within 90 days of this Letter.

If you have questions regarding this correspondence, please contact **(EC&B PROJECT MANAGER)** at **(PHONE NUMBER)**.

Any person aggrieved by this action may appeal the action to the Environmental Hearing Board (Board) pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A. The Board's address is:

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IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST BE FILED WITH AND RECEIVED BY THE BOARD WITHIN 30 DAYS OF RECEIPT OF NOTICE OF THIS ACTION.

Sincerely,

(SIGNER)

Environmental Program Manager
Environmental Cleanup and Brownfields Program

cc: (CONSULTANT)

(Property Owner)

(MUNICIPALITY)

(REGIONAL FILE)

bcc: (EC&B PROJECT MANAGER)

typist's initials

ATTACHMENT 4
UECA Overdue Template



Pennsylvania
**Department of
Environmental Protection**

ENVIRONMENTAL CLEANUP AND BROWNFIELDS PROGRAM

DATE

(NAME & ADDRESS of remediator/property owner)

Re: Environmental Covenant Overdue

(SITE NAME)

eFACTS PF # **(xxxxxxx)**

Remediation or Activity ID# **(xxxxxxx)**

(SITE ADDRESS, CITY)

(MUNICIPALITY), (COUNTY) County

Dear **(NAME)**:

The Department of Environmental Protection (DEP) recently approved a Final Report/Remedial Action Completion Report (FR/RACR). Based on the remediation standard that you selected, and as indicated in your FR/RACR, an Environmental Covenant (25 Pa. Code §253.5; Administration of the Uniform Environmental Covenants Act) is required to maintain the integrity of the approved remedy. This Environmental Covenant was due to the DEP for review 30 days after approval of the FR/RACR, on **(DATE)**. To date, that Environmental Covenant (EC) has not been received. We request that you notify us in writing no later than **(DATE)** as to the status of the EC.

Your EC may be submitted as a signed or unsigned document. A nonrefundable fee of \$500 must be submitted to the DEP with each environmental covenant appropriately signed by all parties other than the DEP. Further information about the Uniform Environmental Covenants Act may be found on the DEP web site at www.dep.pa.gov, under Programs and Services > Land> Land Recycling, select related information under 'Uniform Environmental Covenants'.

We appreciate your cooperation in this matter. If you have any questions concerning this Letter, please feel free to contact **(EC&B PROJECT MANAGER)** at **(PHONE)**.

Sincerely,

(SIGNER)

(TITLE)

Environmental Cleanup and Brownfields Program

cc: (CONSULTANT)

(Property Owner)

(REGIONAL FILE)

bcc: (EC&B PROJECT MANAGER)

typist's initials

ATTACHMENT 5
EC Waiver Approval Template



Pennsylvania
**Department of
Environmental Protection**

ENVIRONMENTAL CLEANUP AND BROWNFIELDS PROGRAM

(DATE)

(NAME & ADDRESS of remediator/property owner)

Re: Environmental Covenant Waiver Request

(SITE NAME)

eFACTS PF # (xxxxxx)

Remediation or Activity ID#(xxxxxx)

(SITE ADDRESS, CITY)

(MUNICIPALITY), (COUNTY) County

Dear (NAME):

The Department of Environmental Protection (DEP) has reviewed the request to waive the requirement for an Environmental Covenant (EC) submitted on (DATE) for the property located at (LOCATION ADDRESS OR DESCRIPTION). The waiver request and the previously submitted (REPORT(S)) have demonstrated that (STATE FACTS SUPPORTING DECISION). Given the facts of this case, the DEP will grant a waiver of the requirements for an EC pursuant to the provisions contained in the Uniform Environmental Covenants Act.

Any person aggrieved by this action may appeal the action to the Environmental Hearing Board (Board) pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A. The Board's address is:

Environmental Hearing Board
Rachel Carson State Office Building, Second Floor
400 Market Street
P.O. Box 8457
Harrisburg, PA 17105-8457

TDD users may contact the Environmental Hearing Board through the Pennsylvania Relay Service, 800-654-5984.

Appeals must be filed with the Board within 30 days of receipt of notice of this action unless the appropriate statute provides a different time. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

A Notice of Appeal form and the Board's rules of practice and procedure may be obtained online at <https://ehb.pa.gov> or by contacting the Secretary to the Board at 717.787.3483. The Notice of Appeal form and the Board's rules are also available in braille and on audiotape from the Secretary to the Board.

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IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST BE FILED WITH AND RECEIVED BY THE BOARD WITHIN 30 DAYS OF RECEIPT OF NOTICE OF THIS ACTION.

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)

Program Manager
Environmental Cleanup and Brownfields Program

cc: (CONSULTANT)
(Property Owner)
(MUNICIPALITY)
(REGIONAL FILE)

typist's initials

bcc: (EC&B PROJECT MANAGER)

ATTACHMENT 6

EC Overdue for Corrective Action Sites Template



Pennsylvania
**Department of
Environmental Protection**

ENVIRONMENTAL CLEANUP AND BROWNFIELDS PROGRAM

(DATE)

(NAME & ADDRESS of remediator/property owner)

Re: Environmental Covenant Overdue

(SITE NAME)

eFACTS PF # (xxxxxx)

Remediation or Activity ID#(xxxxxx)

(SITE ADDRESS, CITY)

(MUNICIPALITY), (COUNTY) County

Dear (NAME):

On (DATE), the Pennsylvania Department of Environmental Protection (DEP) approved a (Final Report/Remedial Action Completion Report) in accordance with 25 Pa. Code § (250.411/250.312/245.313). The Report documented that a postremediation care plan would be implemented including the recordation of an environmental covenant on your property outlining certain activity and use limitations. In accordance with 25 Pa. Code § 253.4, activity and use limitations used to demonstrate or maintain attainment of a remediation standard under the (Land Recycling Act/Storage Tank Act) must be in the form of an environmental covenant.

It has come to DEP's attention that the required environmental covenant has not been recorded on your property. DEP considers a third party who records an environmental covenant on their property to be a "person who participated in the remediation of the site" under Section 501 of the Land Recycling Act. Therefore, recording the environmental covenant on your property could be to your benefit by providing you with the cleanup liability protection described in Section 501 of the Land Recycling Act. In contrast, failing to record the environmental covenant on your property might preclude you from receiving the liability protections mentioned above, and could subject you to the enforcement provisions outlined in (Section 1302 of the Storage Tank Act and/or Section 316 of the Clean Streams Law) as they apply to landowners and occupiers. Please let DEP know by (DATE) if you intend to record the proposed environmental covenant.

If you have any questions or concerns, please reach out to (Project Officer) at (Phone number) or by e-mail.

Sincerely,

(SIGNER)

(TITLE)

Environmental Cleanup and Brownfields Program

cc: (CONSULTANT)

(Property Owner)

(REGIONAL FILE)

bcc: (EC&B PROJECT MANAGER)

typist's initials