

NEW PENNSYLVANIA ENVIRONMENTAL COVENANTS ACT

Effective in February, 2008, Pennsylvania has adopted the new Uniform Environmental Covenants Act (UECT), which provides for a legally valid and consistent method for creating and recording environmental covenants that impose activity and use limitations on real property, so that institutional or engineering controls to protect people from exposure to contaminants will remain in place despite changes in property ownership. This new law is intended to further encourage the purchase, remediation and development of contaminated sites by providing better protection against liability arising out of noncompliance by a future owner of the property. Significantly, the new law also requires the conversion of all pre-existing agreements and instruments that require ongoing environmental controls, to an environmental covenant within five (5) years.

Please call John R. Howland, Esquire or Thomas M. Guinan, Esquire at Howland, Hess, Guinan, Torpey and Cassidy if you are contemplating the purchase of a contaminated site or if you wish to know more about the requirements of converting your existing instrument into a UECA Covenant.