



Statement of Policy

Adopted By Erie-Western PA Port Authority Board -2/25/26

The purpose of this Statement of Policy is to set forth the policy of the Authority with respect to the handling of inquiries or proposals it may receive with respect to the use of the former Erie Coke site.

I. Background

When the Authority condemned and took ownership of the former Erie Coke site, it promised to the community that the Authority would conduct an open, transparent process for considering alternative uses of the site. This process would include a reasonable opportunity for public input on any proposed alternatives.

This process has already begun. The Authority has conducted and/or participated in a number of public sessions regarding the former Erie Coke site. Information regarding the site is available at <https://www.ecrda.net/remediation-projects/erie-coke-corporation> .

However, this public process cannot be concluded prior to completion of the Department of Environmental Protection's assessment of the former Erie Coke site and the development of reasonably accurate estimates of both the cost of remediating the site and the time required for remediation. Such information is essential for a thorough and informed discussion of alternative uses for the site.

Since the acquisition of the former Erie Coke site, the Authority has received inquiries from potential developers regarding the use of the site. The question which has arisen is whether and to what extent does the consideration of such inquiries by the Authority affect the Authority's commitment to conduct an open, transparent process with full public input on proposed uses of the former Erie Coke site.

II. Reiteration of Commitment to an Open, Transparent Process

The Authority reiterates its commitment to an open, transparent process in which the public shall have a full opportunity to provide input regarding any proposed use(s) for the former Erie Coke site. Specifically, the Authority shall not enter into any legally binding commitment with respect to any long term or permanent use of the former Erie Coke site prior to the completion of such public process.

The Authority acknowledges that, as a public body, it has a duty to receive and, where appropriate, to respond to inquiries and/or proposals regarding use of the former Erie Coke site. The consideration of inquiries or proposals regarding the site shall be subject to the policy set forth in this Section II, and shall be conducted in conformity with the provisions of Section III, below.

III. Consideration of Inquiries and/or Proposals with Respect to the Former Erie Coke Site

The following procedures shall apply with respect to the handling of inquiries and/or proposals regarding the use of the former Erie Coke site:

1. This Statement of Policy shall be posted on the Authority's website.
2. This Statement of Policy shall be provided to any party making an inquiry and/or proposal which can be construed as evincing an intent to make a proposal for a legally binding commitment with respect to development or use of the former Erie Coke site. This provision shall not apply to: (1) requests for information from the public which do not evince an intent to make a proposal to the Authority for a legally binding commitment with respect to development or use of the former Erie Coke site; (2) inquiries made by public officials; or (3) inquiries made by the media.
3. Subject to the provisions of this Statement of Policy, the Authority may provide, at its discretion, information regarding the former Erie Coke site to persons requesting such information for the purpose of investigating the possibility of making a *bona fide* proposal for a legally binding commitment with respect to the development or use of the former Erie Coke site.
4. Subject to the provisions of this Statement of Policy, the Authority, at its discretion, may permit access to the former Erie Coke site by persons requesting access for the purpose of investigating the possibility of making a *bona fide* proposal for a legally binding commitment with respect to the development or use of the former Erie Coke site.
5. Subject to the provisions of this Statement of Policy, representatives of the Authority may communicate with parties investigating the possibility of making a *bona fide* proposal for a legally binding commitment for the development or use of the former Erie Coke site. Such communications shall be for the purpose of providing information regarding the former Erie Coke site and responding to normal and customary inquiries from potential developers. Such communications shall not imply or otherwise suggest that the Authority will take action on any proposal prior to the completion of the public process described in this Statement of Policy.
6. Written proposals or presentations regarding the former Erie Coke site which are received by the Authority and which evince an intent to seek a legally binding commitment with respect to the development or use of the former Erie Coke site shall be posted on the Authority's website and available at <https://www.ecrda.net/remediation-projects/erie-coke-corporation>. The public shall be permitted to comment on such proposals or presentations.

The foregoing procedures are not intended to be exclusive. They may be added to or modified by the Authority at any time as may be appropriate.

IV. Intention of this Statement of Policy

The intention of this Statement of Policy is threefold.

First, the Authority desires to re-affirm its commitment to the public that it will not make any final decision regarding the development or use of the former Erie Coke site without first conducting an open, transparent process with meaningful opportunity for public comments and the presentation of alternative development concepts.

Second, the Authority desires to make clear to potential developers that any proposals which they may wish to make will be subject to the public process described in this Statement of Policy. In particular, potential developers should be aware of the fact that the Authority does not intend to make any decisions on any proposal with respect to the former Erie Coke site until such process is completed.

Third, the Authority desires to create a clear procedure by which potential developers can interact with the Authority regarding the former Erie Coke site while at the same time honoring the Authority's commitment to the community to provide an open, transparent process for any decisions regarding the development or use of the former Erie Coke site.

The Authority believes this approach will facilitate development proposals for the former Erie Coke site while at the same time adhering to the Authority's promise to conduct an appropriate public process for considering proposals for the development or use of the former Erie Coke site. This Statement of Policy shall be construed and applied with these overall objectives in mind.

V. Other Provisions

Nothing in this statement shall be construed as restricting the obligation of the Authority to comply with the Right to Know Law, 65 P.S. §§ 67.101-67.3104, and the Sunshine Act, 65 Pa. C. S. §§ 701-716. Parties making presentations or proposals to the Authority, or making written communications to the Authority, should be aware that any presentation, proposal, or communication made to the Authority may be subject to disclosure under the Right to Know Law.

This Statement of Policy is adopted solely for the purpose of governing the internal operating procedures of the Authority. Nothing herein shall be construed as creating any legal right in any third party or as conferring standing on any third party to seek judicial relief with respect to any action or inaction of the Authority.