INTRODUCTION

Frank McLaughlin, Manager
NJDEP, Office of Brownfield & Community Revitalization
**AGENDA:**
Brownfields Quarterly Roundtable June 21, 2023
Hybrid (Virtual via GoToWebinar and in-person at 401 East State Street Trenton Public Hearing Room)

<table>
<thead>
<tr>
<th>Time</th>
<th>Session</th>
<th>Presenter(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>9:30am – 9:40am</td>
<td>Introduction</td>
<td>Frank McLaughlin – NJDEP, Office of Brownfield and Community Revitalization, Manager</td>
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<tr>
<td>9:40am – 10:00am</td>
<td>Environmental Justice (EJ) Law Update</td>
<td>Kandice Perry – NJDEP, Office of Environmental Justice, Director</td>
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<tr>
<td>10:00am – 10:20am</td>
<td>LSRPA Discussion</td>
<td>William Call – LSRPA, President</td>
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<tr>
<td>10:20am – 10:25am</td>
<td>HDSRF Update</td>
<td>Rachel Stopper – NJDEP, Office of Brownfield and Community Revitalization, HDSRF Coordinator</td>
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<td>10:25am – 10:45am</td>
<td>NJEDA Update</td>
<td>Michael Deely – NJEDA, Manager</td>
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<td>HDSRF presentation</td>
<td>Barbara Vadnais – NJEDA, Brownfields &amp; Sustainable Systems, P.E.</td>
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<td>Brownfield Redevelopment Incentive Program (BRIP)</td>
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<td>10:45am – 11:00am</td>
<td>BREAK</td>
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<td>11:00am – 11:15am</td>
<td>BCONE Update</td>
<td>Anne Lazo – BCONE, Executive Director</td>
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<tr>
<td>11:15am – 11:20am</td>
<td>Brownfield Development Area (BDA) Update</td>
<td>Frank McLaughlin – NJDEP, Office of Brownfield and Community Revitalization, Manager</td>
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<td>BDA Update and Q&amp;A</td>
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<tr>
<td>11:20am – 11:40am</td>
<td>Brownfield Redevelopment Partner Update</td>
<td>Frank McLaughlin – NJDEP, Office of Brownfield and Community Revitalization, Manager</td>
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<td>National Park Landfill Renewable Energy Solar Project</td>
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<tr>
<td>11:40am – 12:00pm</td>
<td>USEPA Update</td>
<td>Terry Wesley – USEPA, Brownfield Section Chief</td>
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<td>Schenie Mitchell – USEPA, Brownfields Programs Coordinator</td>
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<tr>
<td>12:00pm-12:25pm</td>
<td>Open Discussion – Brownfield and Landfill Redevelopment</td>
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<tr>
<td>12:25pm-12:30pm</td>
<td>Conclusion</td>
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USEPA UPDATE

Terry Wesley, Brownfield Section Chief, USEPA
Schenine Mitchell, Brownfield Program Coordinator, USEPA
Environmental Justice Rule
The Legislature finds and declares...

• All New Jersey residents, regardless of income, race, ethnicity, color, or national origin, have a right to live, work, and recreate in a clean and healthy environment.

• Historically, New Jersey’s low-income communities and communities of color have been subject to a disproportionately high number of environmental and public health stressors, including pollution from numerous industrial, commercial, and governmental facilities located in those communities.

• The legacy of siting sources of pollution in overburdened communities continues to pose a threat to the health, well-being, and economic success of the State’s most vulnerable residents and that it is past time for the State to correct this historical injustice.
The Legislature finds and declares...

• No community should bear a disproportionate share of the adverse environmental and public health consequences that accompany the State’s economic growth.

• The State’s overburdened communities must have a meaningful opportunity to participate in any decision to allow facilities which, by the nature of their activity, have the potential to increase environmental and public health stressors.

• It is in the public interest for the State, where appropriate, to limit the future placement and expansion of such facilities in overburdened communities.
Disproportionate Impact

Goal: Avoid disproportionate impact to overburdened communities

“Disproportionate impact” occurs under two scenarios:

1. Facility creates adverse cumulative stressors in an overburdened community as a result of its contribution; or

2. Facility contributes to an adverse environmental and public health stressor in an overburdened community that is already subject to adverse cumulative stressors.

Where facility cannot avoid: analyze and propose feasible measures to minimize contributions to environmental and public health stressors or provide a net environmental benefit.
Step 1: Applicability Determination

(1) Located in Overburdened Community census block group in which:
  - at least 35 percent of the households qualify as low-income households;
  - at least 40 percent of the residents identify as minority or as members of a State recognized tribal community; or
  - at least 40 percent of the households have limited English proficiency

(2) Facility
  - major sources of air pollution (e.g., power plants, cogeneration facilities);
  - incinerators or resource recovery facilities;
  - large sewage treatment plants (more than 50 million gallons per day);
  - transfer stations or solid waste facilities;
  - recycling facilities that receive at least 100 tons of recyclable material per day;
  - scrap metal facilities;
  - landfills; or
  - medical waste incinerators, except those attendant to hospital and universities.

(3) Permit: solid waste and recycling, land use, water supply and pollution, and air pollution.
  - Applies to individual permits (those permits for more substantial activities requiring deeper review) and excludes authorizations or approvals necessary to perform remediation and minor modification to major source air permits that do not increase emissions
  - Applies to new facilities, expansions and Title V renewals only

Applicants seeking clarification regarding applicability of the rules to a specific activity, expansion, or otherwise, may seek an applicability determination pursuant to N.J.A.C. 7:1C-2.1(g).

Note: If the EJ rules are applicable, all permitting clocks are stopped until the completion of the EJ process.
Definition of “Overburdened Community”

- **Low-Income**: At least 35% of households qualify as low-income households; or

- **Minority**: at least 40% of the residents identify as minority or as members of a state-recognized tribal community; or

- **Limited English Proficiency**: at least 40% of the households have limited English proficiency.
Framing Environmental Justice in NJ

**Community of Concern**
- Inclusive of all overburdened communities identified in the recently signed EJ law.
- **Low-Income**: At least 35% of households qualify as low-income households; or
- **Minority**: At least 40% of the residents identify as minority or as members of a state recognized tribal community; or
- **Limited English proficiency**: At least 40% of the households have limited English proficiency

**Absence of Environmental and Public Health Benefits**
- The lack or absence of net improvements in social welfare that result from changes in the quantity or quality of ecosystem goods and services attributable to policy or environmental decisions. Once EJIC convenes, additional considerations not specified in the recently signed EJ law include, but are not limited to:
  - High quality parks
  - A large quantity of parks
  - Tree canopy resulting in reduced urban heat island effect
  - Safe bicycle and pedestrian corridors in populated communities, and
  - Green infrastructure
  - Access to healthy food
  - Access to quality public housing
  - Access to quality public transportation
  - Access to clean energy alternatives
  - Access to resources to mitigate climate change stressors

**Presence of Communities of Concern**
- Inclusive of all environmental and public health stressors identified in the recently signed EJ law.
- Disproportionate quantity of sources of environmental pollution, including, but not limited to:
  - Concentration of stationary and mobile sources of air pollution
  - Contaminated sites
  - Waste transfer stations or other solid waste facilities
  - Recycling facilities
  - Water quality, water pollution from facilities, or combined sewer overflows; or
  - Conditions that may cause potential public health impacts, including, but not limited to, asthma, cancer, elevated blood lead levels, cardiovascular disease, and developmental problems

**Presence of Disproportionate Environmental and Public Health Stressors**
- Once EJIC convenes, additional considerations not specified in the recently signed EJ law include, but are not limited to:
  - Carless households
  - Social vulnerability index
  - Low and moderate income (LMI)
  - Maternal and prenatal health stressors
  - Increased vulnerability to climate change stressors
Environmental Justice in New Jersey
Environmental Justice Mapping, Assessment and Protection Tool (EJMAP)

Overburdened Communities

Legend

Overburdened Communities by Criteria (2021)
- Adjacent
- Limited English
- Low Income
- Low Income and Limited English
- Low Income and Minority
- Low Income, Minority, and Limited English
- Minority
- Minority and Limited English

Municipalities with Overburdened Communities under the New Jersey Environmental Justice Law (2021)
“Environmental or public health stressors” means sources of environmental pollution, including, but not limited to:

1. concentrated areas of air pollution,
2. mobile sources of air pollution,
3. contaminated sites,
4. transfer stations or other solid waste facilities, recycling facilities, scrap yards, and
5. point-sources of water pollution including, but not limited to, water pollution from facilities or combined sewer overflows;

or conditions that may cause potential public health impacts, including, but not limited to:

1. asthma,
2. cancer,
3. elevated blood lead levels,
4. cardiovascular disease, and
5. developmental problems in the overburdened community.

Note: The Department provides baseline stressor information via EJMAP.
Environmental & Public Health Stressors

- After considering data availability, data quality, appropriate geographic scale, quantifiability, and marginal value, we are now considering 26 stressors.
## Concentrated Areas of Air Pollution

<table>
<thead>
<tr>
<th>Stressor</th>
<th>Description</th>
<th>Data Source &amp; Scale</th>
<th>EJScreen</th>
<th>CalEnviroScreen</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Ground-Level Ozone</td>
<td>Days above National Ambient Air Quality Standard (NAAQS)</td>
<td>• NJ monitoring data • Points (monitors)</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>2 Fine Particulate Matter (PM 2.5)</td>
<td>Days above National Ambient Air Quality Standard (NAAQS)</td>
<td>• NJ monitoring data • Points (monitors)</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>3 Cancer Risk from Diesel PM</td>
<td>Estimated cancer risk</td>
<td>• NATA data • Census Tract</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>4 Cancer Risk from Air Toxics Excluding Diesel PM</td>
<td>Estimated cancer risk</td>
<td>• NATA data • Census Tract</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>5 Non-Cancer Risk from Air Toxics</td>
<td>Estimated noncancer risk</td>
<td>• NATA • Census Tract</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>6 Permitted Air Sites</td>
<td>Number of sites per square mile</td>
<td>• NJ Air Permitting data • Points (facility locations)</td>
<td>✓</td>
<td></td>
</tr>
</tbody>
</table>
## Mobile Sources of Air Pollution

<table>
<thead>
<tr>
<th>Stressor</th>
<th>Description</th>
<th>Data Source &amp; Scale</th>
<th>EJScreen</th>
<th>CalEnviroScreen</th>
</tr>
</thead>
</table>
| Traffic - Cars, Light- and Medium-Duty Trucks | Vehicle density per square mile | • USDOT FHA  
• Highway Performance Monitoring System (HPMS) | ✓        | ✓               |
| Traffic – Heavy-Duty Trucks  | Vehicle density per square mile | • USDOT FHA  
• Highway Performance Monitoring System (HPMS) |          |                 |
| Railways                      | Rail miles per square mile   | • ArcGIS Railroad Layer  
• Line segments                        |          |                 |
# Point Sources of Water Pollution

<table>
<thead>
<tr>
<th>Stressor</th>
<th>Description</th>
<th>Data Source &amp; Scale</th>
<th>EJScreen</th>
<th>CalEnviroScreen</th>
</tr>
</thead>
<tbody>
<tr>
<td>Surface Water</td>
<td>Non-attainment of designated uses for the Integrated Report</td>
<td>• Integrated Report</td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Block Group</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Combined Sewer Overflows</td>
<td>Number of CSOs in block group</td>
<td>• NJPDES Permitting Database</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Points (CSO locations)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>NJPDES Sites</td>
<td>Number of sites per square mile</td>
<td>• NJPDES Permitting Database</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Points (facility locations)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
# Solid Waste & Scrap Yards

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<thead>
<tr>
<th>Stressor</th>
<th>Description</th>
<th>Data Source &amp; Scale</th>
<th>EJScreen</th>
<th>CalEnviroScreen</th>
</tr>
</thead>
<tbody>
<tr>
<td>13 Solid Waste</td>
<td>Number of transfer stations, solid waste and recycling facilities, and</td>
<td>• NJDEP Division of Solid and Hazardous Waste Database</td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>Facilities</td>
<td>incinerators per square mile</td>
<td>• Points (facility locations)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14 Scrap Metal</td>
<td>Number of sites per square mile</td>
<td>• NJ Environmental Management System</td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>Facilities</td>
<td></td>
<td>• Points (facility locations)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
# Contaminated Sites

<table>
<thead>
<tr>
<th>Stressor</th>
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<th>EJScreen</th>
<th>CalEnviroScreen</th>
</tr>
</thead>
</table>
| 15 Known Contaminated Sites                 | Density of Weighted Known Contaminated Sites (KCSL)                         | • NJDEP Site Remediation Database  
• Points (facility locations)               | ✓                                   | ✓               |
| 16 Soil Contamination Deed Restrictions     | Percent acres of the block group with Deed Notice restrictions              | • NJDEP Site Remediation Database  
• Polygons                               |                      |                 |
| 17 Groundwater Classification Exception Areas/Current Known Extent Restrictions | Percent acres of block group with Classification Exception Area (CEA) or Currently Known Extent (CKE) notice restrictions | • NJDEP Site Remediation Database  
• Polygons                               |                      |                 |
# May Cause Public Health Issues (Environmental, 1/2)

<table>
<thead>
<tr>
<th>Stressor</th>
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<th>Data Source &amp; Scale</th>
<th>EJScreen</th>
<th>CalEnviroScreen</th>
</tr>
</thead>
</table>
| 18 Drinking Water             | Number of Maximum Concentration Level (MCL), Treatment Technique (TT), and Action Level Exceedance (ALE) violations | • Public Violations Reports for MCL, TT, and ALE  
• Purveyor Areas                                          |          | ✓               |
| 19 Emergency Planning Sites   | Density of TCPA, DPCC and CRTK facilities                                                      | • FACITS, NJEMS, NJDEP databases  
• Points (facility locations)                            |          | ✓               |
| 20 Potential Lead Exposure    | Percent of pre-1950 housing                                                                     | • US Census Data  
• Block Group                                              | ✓        | ✓               |
## May Cause Public Health Issues (Environmental, 2/2)

<table>
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<tr>
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<th>Description</th>
<th>Data Source &amp; Scale</th>
<th>EJScreen</th>
<th>CalEnviroScreen</th>
</tr>
</thead>
</table>
| Lack of Recreational Open Space               | Population living greater than a ten-minute walk (¼ mile) from Public Recreational Open Space | • ArcGIS Dataset  
• Polygons of open space |                                               |                               |
| Lack of Tree Canopy                          | Spatially weighted mean tree canopy cover                                   | • USDA Tree Cover Data  
• Raster, 100 ft. grids        |                                               |                               |
| Impervious Cover                              | Percent impervious surface in a block group                                 | • ArcGIS Data Layer  
• Polygons               |                                               |                               |
| Flooding (Urban Land Cover)                   | Percent of urban land use area flooded                                     | • FEMA Maps/NJDEP Flood Hazard Standards  
• Polygons             |                                               |                               |
# May Cause Public Health Issues (Social)

<table>
<thead>
<tr>
<th>Stressor</th>
<th>Description</th>
<th>Data Source &amp; Scale</th>
<th>EJScreen</th>
<th>CalEnviroScreen</th>
</tr>
</thead>
<tbody>
<tr>
<td>25</td>
<td>Unemployment&lt;br&gt;Percent of an adult population that is unemployed</td>
<td>• US Census Data&lt;br&gt;• Block Group</td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>26</td>
<td>Education&lt;br&gt;Percent of an older population that has less than a high school diploma</td>
<td>• US Census Data&lt;br&gt;• Block Group</td>
<td>✓</td>
<td>✓</td>
</tr>
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</table>
Environmental Justice Impact Statement (EJIS) Assesses
  • The potential environmental and public health stressors associated with the facility;
  • The environmental or public health stressors already borne by the overburdened community;
  • Any adverse environmental or public health stressors that cannot be avoided if the permit is granted; and
  • Measures to avoid or minimize facility contributions to stressors in the OBC.

EJIS plus Supplemental Information
  • Supplement information required when a community is already subject to adverse cumulative stressors, or where a facility will create adverse cumulative stressors.

Meaningful Public Participation
  • The applicant conducts a public hearing in the overburdened community to present EJIS.
  • Public Notice in multiple forms: newspaper, property owners within 200 feet, sign at facility, online and additional community-specific methods.
  • There is a minimum 60-day public comment period, and applicants must respond to all public comments in writing.
The Department considers the EJIS and any supplemental information, testimony, written comments, the applicant’s response to comments, and determines whether the facility can avoid a disproportionate impact.

If the facility can avoid a disproportionate impact to the overburdened community, the Department would impose permit conditions necessary to ensure that a disproportionate impact remains avoided.

If the facility cannot avoid a disproportionate impact to the overburdened community, the Department would:

- **Deny** an application for a new facility unless it demonstrates it will serve a compelling public interest in the overburdened community.
- Expanded facilities/Major source renewals: authorize the applicant to proceed with Department permitting subject to appropriate conditions to address facility impacts to environmental and public health stressors.
The Office of Environmental Justice’s website is updated to include the final copy of the rule and supportive materials.

**Policy**
- Environmental Justice Law
- Environmental Justice Rule
- Frequently Asked Questions
- EJ Rule Training Video
  - EJ Rule Training Presentation
- Glossary of Terms

**Environmental Justice Mapping, Assessment and Protection (EJMAP) Tool**
- Environmental Justice Mapping, Assessment and Protection (EJMAP) Tool
- EJMAP Tutorial
- EJMAP Technical Guidance
- OBC Technical Notes
- OBC Frequently Asked Questions

**Applicant Resources**
- EJ Submission Service Instructions
- Public Hearing Best Practices
LSRPA UPDATE

William Call, LSRPA, President
Remediating Brownfield Projects Under the LSRP Program

NJDEP Quarterly Brownfields Roundtable
June 21, 2023
The mission of the New Jersey Licensed Site Remediation Professional Association, Inc. (LSRPA), a non-profit entity in NJ, is to further the Licensed Site Remediation profession. This includes:

- Acting as an educational and technical resource;
- Assisting its membership to use standards of care and independent professional judgment when conducting the work of an LSRP in protecting public health and safety and the environment; and
- ~900 members, including both LSRPs and others involved in remediation.

**LSRPA Objective / Mission**
The LSRPA is recognized as the primary industry advocacy group for remediation practitioners in New Jersey. LSRPA members…

▪ Are leading contributors to the legislative and regulatory stakeholder processes;

▪ Provide technical expertise including commenting on draft rules developed by the NJDEP, expanding guidance documents, and advancing the concept of independent professional judgment by practitioners; and

▪ Interact regularly with NJDEP and SRPLB to achieve our mutual goal of the protection of public health and safety and of the environment.

What Is the LSRPA?
• NJDEP DataMiner List of LSRPs: https://njems.nj.gov/DataMiner/Search/Search ByCategory?isExternal=y&getCategory=y&categoryName=Site+Remediation

• LSRPA Website: https://www.lsrpa.org/index.php?option=com_mcsearchresults&view=search&uuid=5278b6e1-1cd5-48b0-871e-364ee5e9b7ea#!/

The Process

- Inventory/Identify Sites
- Identify funding (i.e., bonds, private investments, EPA Brownfields grants, HDSRF, BDAs [re-opening soon!])
- Project Design (Eng./Arch.)
- Preliminary Assessment (PA)
- Site Investigation (SI)
- Remedial Investigation (RI)
- Remedial Action Workplan (RAW)
- Remedial Action (RA) / Remedial Action Permit (RAP)
- RAO (fees paid!)
- Redevelopment/construction
Examples of Brownfields Projects

- Public Works/Support & Maintenance Facilities
- Former Gas Stations & UST Sites
- Schools/Child Care (new construction)
- Police Firing Ranges
- Fire Training Facilities (PFAS)
- Recreation Areas/Parks/Former Landfills/Dumps
- Tax Foreclosures
- Eminent Domain/Condemnation
- Linear Construction
- Redevelopment
Exemption from Spill Act Liability Certification can help alleviate fees (but not timeframes).

- Governmental entity exempt from joint and several liability by property acquisition as a function as sovereign (i.e., eminent domain, tax foreclosure, condemnation, etc.).
- Governmental entity acquired the property by any means for the purpose of promoting the redevelopment of that property.

**Responsible Party / Spill Act Exemption**
Proceed without NJDEP direction and pre-approvals, remediate in a timely manner. Mandatory remediation requirements and timeframes force action by RPs.

Remediation proceeds under the supervision of a LSRP, without regard to when remediation was initiated.

- Mandatory, except for unregulated heating oil tank (UHOT) cases and due diligence (PA/SI).
- Responsible for oversight of the environmental investigation/remediation.
- Must ensure remediation is protective of public health and the environment.

Role of the LSRP
What Will LSRPs Do?

- Notify NJDEP within 15 days of retention or release.
- Cooperate in LSRP Licensing Board or NJDEP investigations.
- Notify NJDEP and PRCR of immediate environmental concerns (IECs).
- Report specific knowledge of a discharge.
- Disclose RAW deviations by remediating party to Client and NJDEP.
What Will LSRPs Do?

- Correct deficiencies in key documents (including by another LSRP).
- Certify documents submitted to NJDEP.
- Issue RAO.
- Submit electronic copies of all records relied upon at time RAO is issued.
- Retain and preserve copies of all remediation documents (10 years).
• Under SRRA, LSRPs submit key documents under specific timeframes to NJDEP (BCAIN).
• NJDEP – BIR inspects all key documents.
• If inspection reveals issues, a component or comprehensive review is conducted.
• The NJDEP grants RAPs, not the LSRP.
• The LSRPA has been working in a top-level NJDEP-stakeholder group to improve the RAP process.

NJDEP / LSRPs Relationship
- Former fuel oil storage/supply, trucking facility, warehouse, scrap yard, roofing storage facility and residences.
- Demonstrated via SI and past RI that Historic Fill was site-wide.
- Worked w/ NJSDA, NJDEP and PABOE to provide for site-wide cap per Presumptive Remedies.
- Two USTs found during construction – NJDEP worked w/ 2 LSRPs to address. DN/Soils RAP will be secured to address Historic Fill.

Case Study – New Elementary School (Perth Amboy, NJ)
William Call, PG LSRP holds a geology degree from Rensselaer Polytechnic Institute and has provided environmental services since 1987. Mr. Call is a Professional Geologist (AR, NY & PA) as well as a Licensed Site Remediation Professional (LSRP). Mr. Call serves on the LSRPA Board of Trustees and as President of the Association.

Mr. Call has developed and implemented numerous projects involving investigations of various hazardous waste facilities and related site remediation projects. These have included State, County, municipal and commercial properties impacted by various operations. Past project experience includes remediation of major New Jersey educational, road expansion, and Brownfields projects; sites impaired by leaking underground storage tanks; Industrial Site Recovery Act investigations; Resource Conservation and Recovery Act site closures; and extensive hydrogeological investigations.
Hazardous Discharge Site Remediation Fund (HDSRF) Update

- **Staffing**
  - 2 HDSRF Coordinators

- **Status of the HDSRF**
  - FY23 Uncommitted Balance = $49,198,073

- **HDSRF Recommendations**
  - CY23 Recommendations = $6,705,450.11

June 15, 2023 data
Hazardous Discharge Site Remediation Fund (HDSRF) – Process

• DEP performs an administrative and technical review of the HDSRF Application

• If the application comes with all attachments and the work and costs are reasonable, the review does not take as long
  • Public & Non-Profit PA/SI/RI – resolution (authorization, commitment), scope of work & itemized cost estimate, site control
  • Public RA – 75% recreation/conservation (deed restriction, redevelopment plan), 75% renewable energy (results of feasibility study), 50% Affordable Housing (HMFA/HUD approvals)

• When the application is administratively and technically complete, NJDEP sends the funding recommendation to NJEDA
  • Applicant – receives a notice of recommendation letter from NJDEP
  • NJEDA – receives a recommendation memorandum from NJDEP
Hazardous Discharge Site Remediation Fund (HDSRF) Update

Thank you!

Rachel Stopper
Rachel.Stopper@dep.nj.gov
609.633.0736
NJEDA HDSRF UPDATE

Michael Deely, Manager
NJEDA, Real Estate & Credit Underwriting
Hazardous Discharge Site Remediation Fund

Program Overview
Underwriting Department-HDSRF

The Authority per legislation has a fiduciary responsibility to ensure all grants under NJDEP programs are approved, closed, disbursed, and monitored in strict compliance with the legislation that created the programs. This responsibility has a direct correlation to the Department’s mission of protecting the reputation and assets of the Authority.

Team Composition

- 1 Program Manager
- 1 Finance Officer
- 1 Associate
- 1 Program Associate
- 2 Closing Officer

Key Department Deliverables:

- Evaluate the site control components and redevelopment potential of all grant applications under the HDSRF grant program.
- Handle the closing and disbursement of all approved grants as instructed by NJDEP.
- Ensure post closing compliance of HDSRF grants.
- Provide annual reporting to legislative body and NJDEP staff.
HDSRF Grant Application Review

Site Control Considerations, Resolutions and Redevelopment Potential

An evaluation of the ability to obtain site control or site access and the redevelopment potential of the property is completed prior to making an award of a grant to a public entity. Public entities typically apply for grants to complete environmental investigation and remediation activities at properties where there is a suspected or known discharge of environmental contamination.
The HDSRF primarily works with public entities which are required to execute approval letters and grant agreements acknowledging the terms of the funding awards.
Environmental investigation and remediation work is ongoing as part of the funded portion of the project. Working in partnership with the NJDEP, disbursement recommendations for this ongoing work are forwarded to the NJEDA.
Post Compliance - HDSRF Grants

Project Summary Schedule Forms

The HDSRF requires grant recipients to provide a project status summary form by the end of each calendar year. This summary form provides information regarding the progress of the environmental work and status of the redevelopment.
The NJEDA coordinates with the NJDEP to provide an annual report on the activities of the HDSRF program to the legislature. Information including the number of applications processed, amount of financial assistance and an assessment of the adequacy of the current funding levels is reported on a calendar year basis.
NJEDA UPDATE

Barbara Vadnais, P.E., Program Manager
NJEDA, Brownfields & Sustainable Systems
Update on NJEDA Brownfield Programs

June 21, 2023

Community Development/Brownfields and Sustainable Systems
Jenell Johnson, Managing Director
Elizabeth Limbrick, Director
Barbara Vadnais, Team Lead, today's presenter
Melissa Dulinski, Team Lead
**What is the Brownfields Redevelopment Incentive Program?**

- Provides tax credits to incentivize brownfields redevelopment **throughout New Jersey**.
- Program is **well funded with $300MM**.
- Provides incentives on all phases of brownfields redevelopment **from investigation through remediation**.
- Also includes **demolition** and disposal of structures, **asbestos abatement**, contaminated **paint** and **wood** removal, and **infrastructure** remediation.
- Allows for the **redevelopment** project to be a **remediation-only** project.
- Potential to **stack** with other funding **programs**, including **Aspire** and **Historic**.
- Tax credits are **transferable** (can be sold).
- **Higher incentives** in special areas of the state.
Award Size

TAX CREDITS

50% up to $4MM

Redevelopment projects NOT located within a qualified incentive tract or a government-restricted municipality:

• **50 percent** of eligible remediation costs up to a maximum of **$4 million**
• **Equity contribution** is **20%** of remediation costs

60% up to $8MM

Redevelopment projects located within a **qualified incentive tract** or a **government-restricted municipality** (Atlantic City, Paterson, Trenton):

• **60 percent** of the cost of eligible remediation up to a maximum of **$8 million**,
• **Equity contribution** is **10%** of remediation costs.

Check out the [Mapping Tool](#) on our website.
Key Features of BRIP

- **Who is eligible:** Eligible entities include private developers, non-profits, and municipalities / redevelopment agencies.

- **What sites are eligible:** Eligible properties must be a brownfield site, and the applicant must not be in any way “liable” or “responsible” for the contamination at the site. Brownfield sites throughout the state are eligible for the program. You do **not** need to own the site. [Eligibility Wizard](https://www.njeda.com/bri-eligibility-assessment-tool/)

- **What activities are eligible:** Remediation activities are eligible.
  - Reasonable costs / NJDEP review / Contingency
  - Redevelopment Project can be a remediation-only project

- **Tax Credits** are awarded via **competitive** application process; Tax Credit is a one-time tax credit issued in the year of completion of remediation; Tax credit is transferable (can be sold one-time)

- **Prevailing wage** applies to entire site
  - **Construction PW** for 2 years following issuance of tax credit
  - **Building Services PW** for 10 years following project completion
Eligible Activities

► Soil and groundwater investigation
► Site remediation
► Hazardous materials assessment and survey
► Hazardous materials or waste disposal
► Prior environmental assessments and investigations within 24 months of application submission
► NJDEP site remediation and permit fees
► Planning activities that are brownfield related, such as conceptual reuse designs, Remedial Action Workplans
► Building and structural issues, including:
  - Demolition
  - Asbestos abatement
  - PCB removal
  - Contaminated wood or paint removal
  - Other infrastructure remedial activities
Ideal Project for the Brownfields Redevelopment Incentive Program

- Larger scale remediation and/or demolition
- **NOT** an owner of the site, unless it is owned by a public entity (due to the ownership liabilities under the NJ Spill Act) - some exemptions apply
  - Solutions: Lease the site; Enter in a Pre-Purchase ACO w/ DEP; structure the deal so to delay closing on the site until approved by EDA and redevelopment agreement is executed.
- Well defined areas of concern in order to propose remediation costs that are reasonable and appropriate since the tax credit cap cannot be increased after award
- Use of prevailing wage
- Project financing gap exists
Launch of the On-Line Application

https://www.njeda.com/brownfield-redevelopment-incentive/

to start the on-line application process
Applicant Checklist

Prior to applying, it is recommended that applicants use the Application Checklist to prepare for the application.

The full checklist can be found on the NJEDA Brownfields Redevelopment Incentive Webpage: https://www.njeda.com/brownfield-redevelopment-incentive/

Also get ahead of it- talk with DEP now edataxinc@dep.nj.gov about

- Project costs
- Cost reasonableness
- Liability for contamination
Visit the BRIP website for additional tools and resources

- Resources already available at [https://www.njeda.com/brownfield-redevelopment-incentive/](https://www.njeda.com/brownfield-redevelopment-incentive/)
  - Mapping Assistant Tool
  - Program Scoring Criteria
  - Green Remediation Requirements
  - Program Rules
  - Program Flyer
  - FAQs
  - Application Checklist
  - NJDEP Pre-Purchase ACO Forms
Brownfield Planning and Assessment Services

Key Program Features

Funded by USEPA Assessment Grants

NJEDA procures the contractor for this FREE service Public and privately owned properties are potential sites

Assistance for Phase I Environmental Site Assessment (ESA), PA, SI, and RI, as well as Brownfield Planning Services

Submit an Expression of Interest form, if you have a property and interested in receiving these services https://www.njeda.com/brownfields-planning-and-assessment-services/

Email: bfassessment@njeda.com
BREAK

10 Minutes
The Latest Changes at BCONE

ANNE LAZO, EXECUTIVE DIRECTOR
Introduction

Changes at BCONE

- Leadership
- Committees

Expansion of Membership

Scholarship Fund Announcement

Looking to Partner with Like-Minded Organizations

The Northeast Sustainable Communities Workshop
Leadership Changes

Executive Director – Anne Lazo
Executive Assistant – Michele Hurley
President – Melina Ambrosino
Vice Presidents – Nancy Struzenski & Almariet Roberts
Treasurer – Sandra Gaurin
Secretary – Lee Hoffman
Committee Restructuring

Expansion Teams  Regulatory  Legislative  Marketing  Scholarship
Expansion of Membership

Consultants  Developers  Attorneys  Architects  Engineers
Scholarship Fund Announcement

- Restructuring Scholarship Award Parameters
- Partner with Organizations like Foster Forward
- Higher Scholarship Awards
Looking to Partner with Like-Minded Organizations

• NJ Licensed Site Remediation Professionals Association
• NY City Brownfield Partnership
• Society of Women Environmental Professionals – NJ and Greater Philadelphia
• Other Partner Organizations Wanted
SAVE THE DATE
SEPTEMBER 19-20, 2023
WORCESTER, MA
Thank you

Anne Lazo, Executive Director
alazo@brownfieldcoalitionne.org
Brownfieldcoalitionne.org
NJDEP created Brownfield Development Area (BDA) program in 2002...

created a voluntary partnership

NJDEP works with selected communities affected by multiple brownfields to implement remediation and reuse plans for these properties in a coordinated fashion.

OBCR oversees BDA program...

designates new BDAs/modifies existing BDAs
assigns a single point-of-contact to work with local stakeholders

co-administers (with NJEDA) the Hazardous Discharge Site Remediation Fund (HDSRF) grant program
Brownfield Development Areas (BDAs) & HDSRF Grants

HDSRF grants to BDA Municipalities:
$5 million/calendar year

BDA Municipalities:
Received $187 million in HDSRF grants since 2003
Between 2006-2021, analysis of 135 brownfield sites (with partial remediation) resulted in...

- $8.37 in economic output for every $1 HDSRF grant
- 9,765 jobs
- 2,233 housing units
- 553 acres of new open space
- Reduction in carbon footprint, stormwater runoff, air pollution, ‘greenfield lands savings vs traditional development

Dominick Andujar Park Opening (6/20/2023) funded by $478,690 HDSRF grants & $243,800 EPA Brownfields Grants (adjacent to North Camden BDA, Camden).
### Current Brownfield Development Areas (2003-2009)

<table>
<thead>
<tr>
<th>BDA</th>
<th>YEAR</th>
<th>SITES</th>
<th>ACRES</th>
<th>END USE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monument/Magic Marker (Trenton)</td>
<td>2003</td>
<td>5</td>
<td>14</td>
<td>Residential, Commercial, Open Space</td>
</tr>
<tr>
<td>Cramer Hill (Camden)</td>
<td>2003</td>
<td>6</td>
<td>140</td>
<td>Mixed-Use</td>
</tr>
<tr>
<td>North Camden (Camden)</td>
<td>2003</td>
<td>4</td>
<td>69</td>
<td>To Be Determined</td>
</tr>
<tr>
<td>Elizabethport (Elizabeth)</td>
<td>2003</td>
<td>8</td>
<td>200</td>
<td>Hotel, Commercial, Warehousing, Residential, Open Space</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>Subtotal 2003</strong></td>
</tr>
<tr>
<td></td>
<td>2004</td>
<td>5</td>
<td>25</td>
<td>Warehousing, Riverfront Walkway, Retail</td>
</tr>
<tr>
<td>Lister Avenue (Newark)</td>
<td>2004</td>
<td>28</td>
<td>190</td>
<td>Commercial/retail Corridor, Greenway</td>
</tr>
<tr>
<td>Ford Avenue (Milltown)</td>
<td>2004</td>
<td>5</td>
<td>22</td>
<td>Residential, Open Space</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>Subtotal 2004</strong></td>
</tr>
<tr>
<td></td>
<td>2005</td>
<td>8</td>
<td>10</td>
<td>Residential, School, State Park, Retail, Commercial</td>
</tr>
<tr>
<td>Great Falls Historic District (Paterson)</td>
<td>2005</td>
<td>12</td>
<td>60</td>
<td>Greenway</td>
</tr>
<tr>
<td>Assunpink Greenway (Trenton)</td>
<td>2005</td>
<td>16</td>
<td>650</td>
<td>Residential, Retail, Open Space</td>
</tr>
<tr>
<td>Pennsauken Waterfront (Pennsauken)</td>
<td>2005</td>
<td>99</td>
<td>9</td>
<td>Residential, Commercial (to be in existing marinas)</td>
</tr>
<tr>
<td>Keypoint Waterfront (Keyport)</td>
<td>2005</td>
<td>20</td>
<td>95</td>
<td>Commercial, Retail, Sports Stadium</td>
</tr>
<tr>
<td>Harrison Waterfront (Harrison)</td>
<td>2005</td>
<td>23</td>
<td>95</td>
<td>Commercial, Light Industrial</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>Subtotal 2005</strong></td>
</tr>
<tr>
<td></td>
<td>2006</td>
<td>6</td>
<td>3.5</td>
<td>Residential, Retail, Parks and Open Space</td>
</tr>
<tr>
<td>West Lake Avenue (Neptune Township)</td>
<td>2006</td>
<td>15</td>
<td>10.5</td>
<td>Residential, Commercial, New Park</td>
</tr>
<tr>
<td>Central Valley (Orange/West Orange)</td>
<td>2006</td>
<td>23</td>
<td>230</td>
<td>Commercial, Industrial</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>Subtotal 2006</strong></td>
</tr>
<tr>
<td></td>
<td>2007</td>
<td>2</td>
<td>70</td>
<td>Commercial, Retail, Hotel, Conference Center</td>
</tr>
<tr>
<td>Bellmawr Landfills (Bellmawr)</td>
<td>2007</td>
<td>4</td>
<td>104</td>
<td>Commercial, Retail, Ferry terminal, Marina, Recreation</td>
</tr>
<tr>
<td>Chrome Waterfront (Cartaret)</td>
<td>2007</td>
<td>12</td>
<td>120</td>
<td>Commercial, Retail, Market-rate Housing</td>
</tr>
<tr>
<td>Southport (Gloucester City)</td>
<td>2007</td>
<td>8</td>
<td>20</td>
<td>Commercial, Retail, Open Space</td>
</tr>
<tr>
<td>Grand Jersey (Jersey City)</td>
<td>2007</td>
<td>4</td>
<td>178</td>
<td>Office, Warehouse, Waterfront Greenway, Recreation</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>Subtotal 2007</strong></td>
</tr>
<tr>
<td></td>
<td>2008</td>
<td>11</td>
<td>2</td>
<td>Commercial, Residential</td>
</tr>
<tr>
<td>Springfield Avenue (Asbury Park)</td>
<td>2008</td>
<td>4</td>
<td>1</td>
<td>Mixed-Use</td>
</tr>
<tr>
<td>Seaport Village (Belmar)</td>
<td>2008</td>
<td>6</td>
<td>1</td>
<td>Commercial, Retail, Residential</td>
</tr>
<tr>
<td>Towne Center at Haddon (Haddon)</td>
<td>2008</td>
<td>2</td>
<td>425</td>
<td>Commercial, Retail, Residential, Amphitheater, Promenade</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>Subtotal 2008</strong></td>
</tr>
<tr>
<td></td>
<td>2009</td>
<td>6</td>
<td>29</td>
<td>Commercial, Retail, Residential, Riverfront Walk &amp;</td>
</tr>
<tr>
<td>Passaic Avenue Waterfront ( Kearny)</td>
<td>2009</td>
<td>10</td>
<td>15</td>
<td>Retail, Open Space</td>
</tr>
<tr>
<td>Downtown District (Lodi)</td>
<td>2009</td>
<td>5</td>
<td>15</td>
<td>Retail, Residential, Greenway</td>
</tr>
<tr>
<td>Central Business District (Plainfield)</td>
<td>2009</td>
<td>9</td>
<td>10</td>
<td>Residential, Commercial, Performing Arts</td>
</tr>
<tr>
<td>Landfill &amp; Station Area (Somerville)</td>
<td>2009</td>
<td>15</td>
<td>157</td>
<td>Commercial, Retail, Residential, Greenway</td>
</tr>
<tr>
<td>Keasbey Redevelopment (Woodbridge)</td>
<td>2009</td>
<td>5</td>
<td>240</td>
<td>Industrial, Open Space</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>Subtotal 2009</strong></td>
</tr>
</tbody>
</table>

**TOTAL** | 31     | 58    | 456   |

**NOTE:** Some of the BDAs have been modified.
Current Brownfield Development Areas

31 BDAs
310 sites
3,290 acres
NEXT STEPS: Brownfield Development Areas (BDAs)

Applications new BDAs anticipated summer 2023
- BDA Application Form
- BDA Guidance Document
- Application Scoring Criteria
- BDA Program Overview

Existing BDAs can be modified

Open BDA application period: 90 days
OBCR application review: 60 days

We’re excited to get your applications for new BDAs soon!

Figure: “Bring Back Blighted Sites: DEP expanding brownfield partnership with municipalities” (Franklin B. McLaughlin, NJ League of Municipalities Magazine, May 2023).
UPDATE: Brownfield Development Areas (BDAs)

Thank you!

Questions?

National Park Landfill view of shoreline remediation/closure and Big Timber Creek (courtesy of Jeff Dye, Resource Renewal, LLC).
National Park Landfill - HDSRF

• First HDSRF Renewable Energy Project
  • 75% Renewable Energy Grant

• Early HDSRF recommendations were based on progress of the project
  • No supplemental grant approvals until prior grants were drawn down on
  • Statute does not offer much guidance

• Fund sections of an approved scope of work/cost estimate

• 10 grants, one RI and nine RA from 2017-2023
  • Some years there were more than one grant

• Total HDSRF to date = $11,637,602.82
Project Stakeholders

Borough of National Park
Home to the Red Bank Battlefield
https://www.nationalparknj.com

NP Renewal, LLC
Redeveloper

NJeda Development Authority
https://www.njeda.gov/

• https://www.state.nj.us/dep/srp/brownfields/

Jeffrey C. Dey
jeffd@resourcerenewal.com
609-352-5389
Todays Presentation

- Background
- Project points
- Photos and Video
- Impact on the Borough
Site History and Background

**Background and the Early Days**
- Lots total 73.52 Acres
- Historically Mud Flats and Marshland = Wetlands
- Borough Acquired the Site in 1954
- Borough lease Site to Robert Hawthorne, Inc. in 1970ish
- Hawthorne brought C&D debris from Philadelphia until 1979
- Upland area approximately 53 Acres

**Interesting Facts about this Site/Project**
- Site is a “Legacy” Landfill
- The first Legacy Landfill Projects to enter the SW Closure and SRP Remediation process from the beginning after LL Law was enacted.
- First HDSRF Landfill Closure to Renewable Energy Project
- Today – Completing final topsoil placement, seeding, and grading.
- Complete the closure this summer
Site Location
National Park Landfill Renewable Energy Solar Project
Project Completion

- Completion scheduled for second half of 2024
- Total Closure Project budget $16 – 17 Million
- Post Closure Care and O&M Funded from Escrow
- Alternate Fill FUP provided funding to support Redeveloper 25% of the HDSRF project budget, other non-eligible costs, and the escrow account funding.
Solar Energy Benefits and Info

- Completion scheduled for second half of 2024
- Will Generate 5 to 7 Megawatts of Electricity
- The energy can provide power for up to 1,000 homes
- System will provide power for 30 years.
- Borough of National Park has avoided $15 to $18 million in cost avoidance or savings.
- Revenue to the Borough of National Park of approximately $100,000 per year.
Questions?
Jeff Dey – jeffd@resourcerenewal.com – 609-352-5389
OPEN DISCUSSION

Brownfield & Landfill Redevelopment
CONCLUSION

THANK YOU!