

Private Property Owners' Frequently Asked Questions

The purpose of this list of questions and answers is to address some concerns a landowner may have about owning a Brownfield property.

- 1. What is the Brownfields Redevelopment Task Force and what is its role?**
- 2. How much will this service cost?**
- 3. What is the Site Mart and How Do I Fit In?**
- 4. If I list my Brownfields property on the Site Mart for the general public to view, can I remain in control of what happens to my property?**
- 5. If I list my Brownfields property on the Site Mart, will environmental liability be created, increased, or modified by listing as a Brownfields?**
- 6. I fear the stigma of owning a Brownfields property.**
- 7. If I list my Brownfields property on the Site Mart, will my property value decrease?**
- 8. If I list my Brownfields property on the Site Mart, attention will be drawn to my property. If there is contamination, I do not have the time, money, or desire to be involved with remediation and development of my property. In addition, I do not want to work with State regulators.**
- 9. Is the "Site Mart" list the same as the NJ Department of Environmental Protection's (DEP) Known Contaminated Site List (KCSL)?**
- 10. Is a Brownfields site a Superfund site?**
- 11. May I add to or change my property information on Site Mart?**
- 12. Will I be at a higher risk of an eminent domain action by virtue of a listing on the Site Mart?**
- 13. Will I be obligated to work with the state?**

1. What is the Brownfields Redevelopment Task Force and what is its role?

The New Jersey Brownfields Redevelopment Task Force was created by the State Legislature, pursuant to the Brownfield and Contaminated Site Remediation Act, N.J.S.A. 58:10B-23. It consists of seven State representatives and six public representatives. The Task Force is required to “prepare and update an inventory of Brownfields sites in the State,” N.J.S.A. 58:10B-23b., and “actively market sites on the inventory to prospective developers,” N.J.S.A. 58:10B-23c. The NJ Brownfields “Site Mart” is that official State inventory of Brownfields properties.

2. How much will this service cost?

This service is free.

3. What is the Site Mart and How Do I Fit In?

The Site Mart is an inventory and promotional tool.

The inventory: The State of NJ is in the process of attempting to identify the known Brownfields properties in the State in order to more effectively address Brownfields issues and provide adequate resources and assistance whenever possible. Some properties in the inventory are not accessible to the general public.

The promotional tool: This is a “multiple listing service” for Brownfields properties. Properties posted on the Site Mart web page will be accessible to the public. The purpose is to attract interest and inquiries from developers who may want to clean up, acquire and/or redevelop property. In order to post a privately owned property on the web, we invite landowners to submit an executed “Consent and Release” form, giving the State permission to post that property for all to see.

4. If I list my Brownfields property on the Site Mart for the general public to view, can I remain in control of what happens to my property?

Merely listing your site will not change your present level of control of your property. The “Site Mart” is not a regulatory device; it is rather a promotional resource to assist you with the promotion and possible redevelopment of your property. It is important to remember that you are not admitting that there is contamination on your property simply by listing it on the “Site Mart.” The state’s definition of a Brownfields recognizes that a Brownfields is simply a certain type of property with suspected or actual discharges of contaminants. Therefore, merely listing your property on the “Site Mart” is not an admission or recognition of a state of contamination. To the contrary, listing may enable a landowner to more positively control his property as owners often receive inquiries from developers who would like to purchase Brownfields property and developers often offer to remediate contamination, if any is found.

5. If I list my Brownfields property on the Site Mart, will environmental liability be created, increased, or modified by listing a Brownfields?

Merely listing property as a Brownfields property does not change the actual condition of the land. Nominating a site for potential listing on “Site Mart” does not mean that a site is contaminated, nor does the State’s designation or listing of a nominated site as a Brownfields mean that the land is contaminated or currently for sale. Nominating a site simply evidences the nominating entity's opinion that the property may fit the state’s definition of a Brownfields and that the State may ultimately agree that it is a Brownfields property. The nominator has no authority to label a site and also the nominator does not turn a non-Brownfields into a Brownfields; rather, the State makes the ultimate designation. Before the State lists the nominated property as a Brownfields for the general public on Site Mart, the State invites the landowner’s assistance.

6. I fear the stigma of owning a Brownfields property.

There is no stigma attached to owning a Brownfields. According to the definition of a Brownfields, there does not have to be any actual contamination on the property. There only has to be suspected contamination.

7. If I list my Brownfields property on the Site Mart, will my property value decrease?

While property values for any real property could conceivably be affected if found to be contaminated, merely nominating, listing or labeling property as a Brownfields property does not change the actual condition of the land. The NJ Department of Environmental Protection (NJDEP) has authority to gather information on site conditions. If land is found to be contaminated, and values can be affected, simple listing as a Brownfields does not decrease property value.

8. If I list my Brownfields property on the Site Mart, attention will be drawn to my property. If there is contamination, I do not have the time, money, or desire to be involved with remediation and development of my property. In addition, I do not want to work with State regulators.

Sellers are obligated to disclose known environmental problems in any case and anyone considering purchasing a property will typically perform due diligence to assess whether a property is contaminated. Therefore, where there is contamination, it will ultimately be revealed in any event and brought to the attention of regulatory authorities, even for sites not posted on “Site Mart.” Working together with the State on remediation solutions can often be the better way to go. The end goals of State agencies and property owners are often the same in any case. Remediating and redeveloping property quickly and safely without unnecessary burdens are the common goals.

If there is contamination on a property, remediation can be somewhat costly, depending on the extent of the contamination. The State recognizes this and has financial funding and financing programs and incentives available to assist in the cleanup and remediation of Brownfields properties. A landowner can cause his property to become eligible for some of these financial incentives by listing on “Site Mart.” For instance, tax credits, remediation reimbursement programs, Hazardous Discharge Site Remediation Fund loans and grants, Revenue Allocation District (RAD) financing, Smart Growth Predevelopment financing, and several other financial loan and guarantee programs may become available as a result of “Site Mart” listing.

9. Is the “Site Mart” list the same as the NJ Department of Environmental Protection’s (DEP) Known Contaminated Site List (KCSL)?

No, the “Site Mart” is not the NJ DEP KCSL. The Known Contaminated Sites in New Jersey report is produced by NJDEP in response to N.J.S.A. 58:10-23.16 et seq. It also responds to the Site Remediation Program’s obligations under the New Jersey New Residential Construction Off-Site Conditions Disclosure Act (N.J.S.A 46:3C1 et seq.).

The Known Contaminated Sites in New Jersey report is a listing of sites where contamination of soil and/or ground water has been detected at levels greater than the applicable cleanup criteria or standards. Remedial activities are typically underway at those sites.

The “Site Mart”, by comparison, is an interactive database created to inventory and market properties identified by the State as Brownfields pursuant to the Brownfield and Contaminated Site Remediation Act. That Act requires the NJ Brownfields Redevelopment Task Force to “prepare and update an inventory of Brownfields sites in the State,” N.J.S.A 58:10B-23b., and to “actively market sites on the inventory to prospective developers,” N.J.S.A. 58:10B-23c.4.

According to the definition of a Brownfields, sites listed on “Site Mart” may not have any actual contamination on the property.

10. Is a Brownfields site a Superfund site?

According to the Brownfield and Contaminated Site Remediation Act, N.J.S.A. 58:10B-1 et seq, a Brownfields is any former or current commercial or industrial property that is currently vacant or underutilized and on which there has been, or there is suspected to have been, a discharge of a contaminant. Although under that definition a Superfund site may occasionally be recognized by the State of NJ as a Brownfields due to its underutilized state, there need not be any actual contamination on a property for it to be considered a Brownfields whereas a Superfund site has been contaminated by hazardous waste and identified by the Environmental Protection Agency (EPA) as a candidate for cleanup because it poses a risk to human health and/or the environment.

11. May I add to or change my property information on Site Mart?

If you are a private property owner, you will not be able to merely log on to the Site Mart and change your property's information. Rather, if you would like to add or change your property's information on the Site Mart, you would contact the Site Mart Administrator, Mukund Kumar at 609-633-7245.

12. Will I be at a higher risk of an eminent domain action by virtue of a listing on the Site Mart?

Eminent domain is the governmental act of acquiring private property for a public purpose. Merely listing a property does not equate to an invitation for eminent domain. In fact, if a property is listed, it can well become the subject of a negotiated sale.

13. Will I be obligated to work with the state?

By giving the Brownfields Redevelopment Task Force permission to list your property, it is assumed that you have recognized the benefits of partnering with the state and are hoping to voluntarily work with the State. The Task Force only invites you to provide a signed "Consent and Release" form to provide permission to list your property. The Task Force will not thereafter require you to participate in any State programs, or to disclose any information as a condition or result of listing your property. The "Site Mart" is a tool available to provide you with potential benefits; it is a listing service with the purpose of assisting in the promotion and redevelopment of Brownfields.