

# BRTF

**New Jersey Brownfields Redevelopment Task Force  
Minutes of Meeting Held on Wednesday, April 23, 2003  
Garfield City Hall-Court Room  
111 Outwater Lane  
Garfield, New Jersey**

## **Welcoming Remarks**

Chairman Toft welcomed everyone and thanked the City of Garfield for hosting the meeting. He introduced the Mayor of Garfield, Frank J. Calandriello. Mayor Calandriello welcomed the Task Force to Garfield and thanked them for their help. He explained that the City of Garfield is very interested in addressing the issue of Brownfields in their city. He pointed out that several members of the city's Redevelopment Authority, Environmental Commission, and Zoning and Planning Boards were in attendance. He then introduced Rosemarie Aloia, Chairperson for the Garfield Redevelopment Authority.

Chairperson Aloia explained that the city needs the Task Force and the Interagency Team to help facilitate their planning efforts to redevelop Brownfields in the community. She underscored the remarks of the Mayor in describing Garfield as a proud, hard-working community. She introduced Joseph Rutch, Executive Director, Garfield Redevelopment Authority. Mr. Rutch explained that the Task Force's presence in the city was a significant event. He introduced the city's planner, Stan Puszcz from H2M Consultants.

Mr. Puszcz also expressed how important it was for the Task Force to be in the city of Garfield. He mentioned that because the planning for development of the Kalama site was still in the beginning stages, it would be premature to present anything definitive at this time. The City will be reviewing the draft plan on Monday, April 28, 2003. From a historical standpoint, the Kalama site is a classic Brownfields scenario. It is 6-acre site that was a chemical plant for over 100 years. Investigation and environmental remediation by the current owner has been underway for some time. It is the perfect site to look at because you will be able to understand the constraints of this redevelopment project. There is more than one Principal Responsible Party (PRP) down the chain. There are development constraints from the standpoint of environmental and physical parameters.

When asked for directions to the Kalama brownfields site, the Mayor assured the Task Force that they would have directions by the end of the meeting.

## **Call to order**

The 13<sup>th</sup> meeting of the New Jersey Brownfields Redevelopment Task Force was called to order by Dennis Toft, Chairman at 10:22am.

## **Open Public Meetings Act**

At the request of Chairman Toft, Phyllis Bross announced that the New Jersey Brownfields Redevelopment Task Force meeting was noticed in accordance with the Open Public Meeting Act. She recognized that the two Committee heads would be giving reports of the meetings the Data and Marketing Committee and the Legislative and Policy Committee. These meeting are also public. Ms. Bross stated that this meeting of the Task Force was being audio taped and the Minutes will be available at a later date.

## **Roll Call**

The roll was called and the attendance was noted for the record.

### **Members Present**

William Best, New Jersey Redevelopment Authority  
Sally H. Dudley, Public Member  
Richard Gimello, New Jersey Department of Transportation  
Leah C. Healy, Public Member  
Frances Hoffman, Office of Smart Growth, Department of Community Affairs  
Ken Kloo, Designee for Site Remediation, New Jersey Department of Environmental Protection  
Yuki Laurenti, Public Member  
William T. Mullen, Public Member  
Dennis Toft, Chairman - Public Member

### **Not Present**

Gregory Adkins, Commerce & Economic Growth Commission  
George P. Kelley, Public Member  
Evan Van Hook, Site Remediation, New Jersey Department of Environmental Protection

### **Others Present**

See Attachment "A"

## **Pledge of Allegiance**

Chairman Toft asked for all to stand for the Pledge of Allegiance.

## **Approval of Meeting Minutes**

Chairman Toft asked for a motion to approve February 25th, 2003 meeting minutes. The motion was made and seconded: Ayes (9); Nays (0); Abstentions (0)

## **Chairman Comments**

Chairman Toft invited Task Force representatives to introduce themselves, providing a brief background on their area of interest.

At the Chairman's request, Fran Hoffman gave a brief description of the New Jersey Brownfields Redevelopment Interagency Team. Dr. Hoffman explained that the Brownfields Redevelopment Interagency Team consists of more than 20 state agencies and programs with resources for brownfields projects. The Team is a forum of expertise and resources for brownfields stakeholders. A number of municipalities, counties and developers have benefited from having their brownfields projects reviewed by the Team. The Team also evaluates agency policies and state policy as they impact the projects being reviewed. The Team is developing a universal State Brownfields Resource Guide.

## **New Business**

- US EPA has announced a rule making process. The rule under consideration will define what constitutes an appropriate inquiry for people who are interested in acquiring properties. Chairman Toft asked that the Policy and Legislative Committee look at this issue and report

back to the Task Force at the next meeting with recommendations that the Task Force could then discuss, adopt and submit to the EPA.

- On June 12, 2003 the National Brownfields Association is hosting a Deal Flow Conference in Trenton. The Chairman encouraged Garfield to attend as a way to showcase some sites. He asked the Marketing and Data Committee to determine how to display the NJ Brownfields Site Mart and have the Task Force participate.

### **Committee Reports**

- **Policy and Legislative Committee** – Leah Healey, Chairperson of the Policy and Legislative Committee, presented a preliminary outline of the charge of the committee. It includes coordinating policy on brownfields redevelopment, evaluating the interplay of existing policies and regulations, monitoring and commenting on pending legislation, and reviewing proposed policies and regulations. The committee is also evaluating the impact of some of the brownfields redevelopment incentives. The committee is working closely with the Brownfields Redevelopment Interagency Team.

Ms. Healey then presented the report from the committee's last meeting and mentioned that Lucy Voorhoeve and Bob Marshall from the Governor's Office were tracking legislation for the committee. She reviewed the memorandum, summarizing several legislative bills, that was being circulated and noted two policy considerations that the committee discussed:

- S 1948/A3287 Underground Storage Tanks (UST): The Governor approved a series of proposed changes to the UST Statute aimed at increasing the flexibility of the UST program, which has a surplus of approximately \$82 million. Proposed changes to the UST statute would extend application deadlines for financial assistance, and would make funds available to independent institutions of higher education, tax-exempt organizations and small corporations, and would extend the terms and limits of loans and grants. A constitutional referendum is needed to free some of the UST-designated funds for a wider range of brownfields redevelopment activities.
- A3284 Expands the Task Force's membership to include seats for the NJ Economic Development Authority and the Department of Agriculture.

### **Recommendations:**

- The Policy and Legislative Committee supports the legislative effort to provide a new source of funding for hazardous discharge remediation, which will benefit Brownfield redevelopment. In addition, the Policy and Legislative Committee supports protecting a portion of the UST funds for the purpose of remediating USTs.
- The Policy and Legislative Committee supports the addition of the new members of the NJ Brownfields Redevelopment Task Force.

Chairman Toft asked for a motion to approve the recommendations. The motion was made and seconded: Ayes (9); Nays (0); Abstentions (0). Phyllis Bross suggested that a resolution be prepared following the meeting.

- **Marketing and Data Committee** – William Best, Chairperson of the Marketing and Data Committee described the functions of the Committee pursuant to the Brownfields and Contaminated Site Remediation Act: (1) Update the brownfields site inventory to prioritize sites based on their immediate economic development potential. (2) Prepare a plan of action to return these sites to productive economic use. (3) Actively market sites on the

inventory to the public. He noted that there currently are inventories and brownfields databases at various agencies and departments throughout the State and he suggested that the Committee and the Task Force might need to recommend where the current brownfields marketing inventory data (the Brownfields Site Mart) should be housed. Mr. Best shared the recommendations from the last committee meeting.

Recommendations to the Task Force are as follows:

- The Task Force sponsors a half-day meeting involving representatives from all entities that have developed databases or inventories of brownfields sites in New Jersey. The purposes of this meeting would be (1) to determine what information exists, in what form, for what purpose, and how it is supported; (2) to decide what information is important to include in a statewide brownfields database and how it can best be obtained; (3) to address how to share that information and (4) how to fund the new system. It was recommended that the existing New Jersey Brownfields inventory developed by the Task Force two years ago continue to be housed within the New Jersey Department of Community Affairs/New Jersey Redevelopment Authority.
- The Task Force sponsors three regional outreach events to educate developers, consultants, localities and other brownfields stakeholders about the brownfields redevelopment process and brownfields resources. This event would build upon relationships with other entities sponsoring related events and focus on the site inventory system and other brownfields and redevelopment outreach efforts.
- The Task Force sponsors a statewide marketing event in conjunction with State agencies and the development community. This event would be similar, but larger in scope than the Brownfields marketing event the Task Force was associated with two years ago.

Discussion of the committee reports

Chairman Toft recognized that there is a need for advice from the Deputy Attorney General regarding sponsorship for the statewide marketing event. Phyllis Bross agreed to work with the Task Force on those concerns.

Sally Dudley, Public Member, asked if the schedule for outreach events was set. William Best, NJRA, replied that there was not a schedule yet, and that costs, venues, etc. needed to be established first.

Leah Healey, Public Member, suggested that League of Municipalities events would provide opportunities for the Task Force outreach events.

Chairman Toft asked for a motion to approve the recommendations. The motion was made and seconded: Ayes (9); Nays (0); Abstentions (0). Phyllis Bross suggested that a resolution be prepared following the meeting.

Phyllis Bross added that the committee heads gave recommendations to the Task Force as a whole, as heard earlier, and there would be formal Resolutions prepared. Copies will be available before or on the date of the next Task Force meeting on June 17, 2003.

### **Brownfields Program Director's Report**

Frances Hoffman highlighted the overall state approach to Brownfields Redevelopment. The Department of Community Affairs, Office of Smart Growth is looked upon as the brownfields umbrella because of the smart growth planning function, its role as chair of the Brownfields Redevelopment Interagency Team, and its responsibility the institutional base of Brownfields Redevelopment Task Force. The overall purpose of the State's emphasis on interagency collaboration in this area is to expedite brownfields redevelopment and to minimize confusion. The Department of Environmental Protection (DEP) serves as the environmental regulatory function. The Economic Development Authority (EDA), the Commerce and Economic Growth

Commission, the New Jersey Redevelopment Authority (NJRA) and the Housing Mortgage Financing Administration (HMFA) all work together to provide the financial function.

Dr. Hoffman mentioned other examples of interagency collaboration. EDA, DEP, DCA and 11 municipalities have jointly applied for a US EPA Brownfields Revolving Loan Fund grant and in addition, DEP and DCA in consultation with EDA applied for a US EPA States and Tribal Grant to bring more resources to the state. The agencies will consult with the Interagency Team on these issues and the expenditure of funds. There is also interagency collaboration regarding schools as a hub for revitalization. Trenton is the first to receive designation as a school renaissance zone and several more such designations will follow. The School Construction Program, DEP, and New Jersey Institute of Technology (NJIT) are working together to apply innovative field assessment technology to expedite evaluating costs and risks associated with new school construction. The State agencies are sharing booths at various conferences and workshops and are collaborating on publications.

Ms. Hoffman announced that NJRA has successfully put the Site Mart on the Internet. The website is <http://njbrownfieldsitemart.state.nj.us>.

DEP has initiated several new programs: a brownfields development area (BDA) program that gives an area focus, rather than an isolated site-by-site approach, to brownfields redevelopment and provides staff support to neighborhood steering committees for these areas; a Triad Assessment approach to Brownfields characterization that will minimize sampling and analysis time and provide accurate, real time data; a Technical Review Panel for resolving disputes, and a Consultant Certification Program to responsibly share some case management functions.

The EDA now offers programs that provide bridge loans, and tax increment financing, in addition to their existing grant and loan services that are part of the Hazardous Discharge Site Remediation Program. EDA continues to evaluate and expand their offerings to assist development projects.

HMFA is also developing financing programs to make housing starts on brownfields, and other specified areas, an easier process.

The Brownfields Redevelopment Interagency Team (BRIT) has reviewed seven projects to date. Each of the projects has expressed appreciation for the information, guidance, and access to state brownfields resources and the time they have saved for their projects through BRIT. The projects will continue to receive follow-up support and review by BRIT. The BRIT has learned that planning upfront and linking brownfields projects to smart growth concepts developed by the locality, the region and the county is very important. The BRIT is also learning that it might be time to take a look at how the remediation reimbursement formula is working.

The Chairman thanked Lauri Sheppard, NJRA for all her efforts with the Site Mart.

## **Public Comments**

Steve Geydoshek, recently appointed Chairman of the Environmental Commission expressed his gratitude for the Task Force's presence in Garfield. He recognized members of the Commission and presented two maps, one of Garfield's contaminated sites and one of the regulated sites. They show about 35 contaminated sites comprised of about 30 UST Contamination sites, about 3 groundwater contamination sites, and 2 brownfields sites. It appears, however, that there could be more than two brownfields sites. He stated that training provided by the Association of New Jersey Environmental Commissions (ANJEC) has been very helpful.

Mayor Calandriello added that the city would proceed in a systematic fashion, adding projects one-at-a-time in a strategic manner, not just putting everything out there all at once. We are currently setting up the process to clean up and redevelop a third site. This site is a 4-acre site of contaminated property. (The Mayor also handed out directions to the Kalama and Vernado sites.)

William Best suggested that Garfield's Environmental Commission enter their information on the Site Mart.

Leah Healey mentioned that one of the important issues the Task Force has been discussing is the actual definition of brownfields. She suggested that the Task Force provide guidance for the town in figuring out what sites could be considered brownfields that haven't already been designated.

Chairman Toft reinforced Ms. Healey's comments by saying that the Environmental Commission should contact Fran Hoffman to decide which sites can be categorized as brownfields so that they may actually be eligible for additional assistance. He also added that everyone should sign the sign in sheet.

Question – Commissioner Mehmet Seeilmis of the Garfield Environmental Commission - What are the criteria for designating a Brownfields Development Area (BDA)?

Answer-Ken Kloo, DEP, Site Remediation Program-The Brownfields Development Area Initiative is a newly established, pilot process to redevelop specific areas within communities, rather than individual properties. Thus far, DEP has accepted four applications: Two in Camden (Northern Camden and Cramer Hill, one in Trenton (The Magic Marker and Monument School), and one in Elizabethport. Going forward, it is an application process. DEP is accepting applications from municipalities. The deadline is June 16, 2003. This application round would be for municipalities or steering committees that are already well along in the process. The following deadline will be later (December or January) in the year. There is a description and an application available on the DEP/SRP web page. The process involves completing an application, which is then reviewed by the DEP, and the DEP makes a decision about whether it meets the essential criteria. This includes some type of municipal support, and a development plan that is consistent with the municipal development plan. There should already be a developer on board or a municipal commitment for some kind of redevelopment. Most important is community or neighborhood commitment.

An interagency group consisting of DEP, EDA, and Office of Smart Growth/DCA will review applicants that meet the essential criteria. DEP provides a case manager to get the incentives to move the project ahead.

Question-Commissioner Mehmet Seeilmis, from the Environmental Commission-If we get that BDA how is it possible to accelerate clean up? Will DEP be forcing this process to move along?

Answer-Ken Kloo, DEP Site Remediation Program - DEP will use all opportunities that are currently at our disposal to work with the responsible parties for each of the properties that are designated with that BDA. So if everyone is cooperative, it moves along more quickly. DEP will also use its enforcement authority when necessary and they will also be using available public funds to move along.

Ken Kloo expanded on Fran Hoffman's comments about the Triad Process, which is a process of investigating and remediating sites. The US EPA's Technology Innovation Office has developed the process. The three key components are: (1) systematic planning; (2) the use of dynamic work plans; and (3) field based decision-making. The idea is to streamline this process. There is a listening session scheduled for April 30, 2003 in Newark. DEP/NJIT/EPA will be meeting with consultants and finding out what they think might be obstacles in implementing this process and

what they feel should be done in order to accelerate this process. Training is scheduled on May 12 and 13, 2003 for selected DEP staff to familiarize them with the process.

One of the other programs is the Star Clean Up. This program is to pre-certify selected, qualifying environmental professionals based on their academic background, their professional experience in New Jersey and certifications that DEP will require. This requires no traditional DEP oversight.

There is also a formal Technical Review process in which a panel consisting of assistant directors of the Site Remediation and Waste Management Programs receive submittals of problems or disagreements regarding case management and other issues from project managers.

Question-Commissioner Mehmet Seeilmis from the Environmental Commission -Who applies for the BDA Program?

Answer-Ken Kloo, DEP Site Remediation Program-The local steering committee applies, but the owner of the property or the municipality can pioneer the idea for the application. So far, the municipalities have been taking the lead on the applications.

### **Task Force Member Comments**

Phyllis Bross added to Ken Kloo's comments about DEP's programs. She mentioned that the Star Clean Up Program is still in the development process.

Sally Dudley thanked all those that came to the meeting.

Question-Chairman Toft- How does one go about the Triad Approach?

Answer-Ken Kloo, DEP Site Remediation Program-DEP is considering limiting it to individuals who attend a Triad Implementation seminar or those who satisfy the Clean Up Star criteria. DEP has not finalized that yet. If the site were already on DEP's radar screen it would be a matter of working with the case manager. If it were not, then it would be a matter of executing some kind of an oversight document with the department and notifying the department up front so we can assign a case manager.

Question-Richard Gimello, DOT-How much of this equipment do we have? Has the State used some of this in previous work?

Answer-Ken Kloo, DEP Site Remediation Program-We utilize all of these technologies. Mr. Kloo explained the approaches and what they mean.

Question-Leah Healey, Public-Do we (the State) own this equipment or are we contracting it?

Answer-Ken Kloo, DEP Site Remediation Program-We own some of it and some we have contracted or rented. We are hoping that the environmental consulting community will really take advantage of this program and see it as an opportunity to fill that niche.

Question-Leah Healey, Public-If we have the ability to get more equipment, is it possible to actually perform these tests instead of providing the money for the municipality to do?

Answer-Ken Kloo, DEP Site Remediation Program-The equipment we do have is limited. DEP is trying to maximize its uses. It is also possible do use the US EPA's mobile laboratory as DEP has done in the past. The equipment is not specifically for brownfields investigations so it is not always accessible.

Fran Hoffman acknowledged the hard work of the City of Garfield and asked the representatives from Garfield to introduce themselves. Representatives from the NAACP, local hospitals, engineering firms, Garfield Redevelopment Agency, Brownfields Zoning Board, Garfield Planning Board, Public Works, and local churches stood to be recognized.

Rosemarie Aloia thanked the Task Force and gave some encouraging remarks.

Leah Healey asked the Redevelopment Authority and the Environmental Commission to identify the stumbling blocks as they proceed with their projects and alert the Task Force to these issues.

**Adjournment**

The meeting was adjourned at 11.45am.

Respectfully submitted,

Frances E. Hoffman  
Secretary, NJ Brownfields Redevelopment Task Force

Prepared by Darcy Horner  
4/28/03