

# BRTF

## New Jersey Brownfield Redevelopment Task Force

### Policy & Legislative Committee

Minutes of Meeting Held Tuesday, November 25, 2003  
Department of Community Affairs  
101 South Broad Street  
Trenton, New Jersey  
Office of Smart Growth Library- 7<sup>th</sup> Floor

#### **Call to Order**

In the absence of the Committee Chairperson Leah Healey, Dennis Toft, Chairman of the NJ Brownfields Redevelopment Task Force, called the meeting of the Policy and Legislative Committee of the New Jersey Brownfields Redevelopment Task Force to order at 10:05 am.

#### **Open Public Meetings Act**

At the request of Dennis Toft, Deputy Attorney General Phyllis Bross announced that notice of this meeting has been given in accordance with the Open Public Meetings Act.

#### **Roll Call**

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

#### **Members Present:**

Sally Dudley, ANJEC/Public Member

Richard Gimello, New Jersey Department of Transportation

Frances Hoffman, Office of Smart Growth, New Jersey Department of Community Affairs

Judith Shaw, Site Remediation Program, New Jersey Department of Environmental Protection

Rose Smith, New Jersey Economic Development Authority

Dennis Toft, Public Member

**Members Absent:**

Leah Healey, Chairperson/Public Member  
William Mullen, Public Member  
Monique Purcell, New Jersey Department of Agriculture

**Others Present:**

Sheila Bogda, Office of Smart Growth, New Jersey Department of Community Affairs  
Phyllis Bross, Counsel to the New Jersey Brownfields Redevelopment Task Force  
Robert Goldsmith, Greenbaum, Rowe, Smith, Ravin, Davis & Himmell  
Ken Kloo, New Jersey Department of Environmental Protection  
Colleen Kokas, New Jersey Department of Environmental Protection  
Marc Matsil, New Jersey Department of Environmental Protection  
Maxine Scribner, Department of Community Affairs  
Laurie Sheppard, New Jersey Redevelopment Authority

**I. Welcoming Remarks**

Chairman Toft welcomed everyone to the meeting.

**II. Committee Business**

**Redevelopment Agency Training Costs Presentation**

Maxine Scribner, PP., PHA, Program Manager – Department of Community Affairs presented an overview of training requirements for New Jersey Local Housing Authorities and Redevelopment Agencies. The New Jersey Redevelopment Housing Law of 1992 requires all Commissioners and Executive Directors of local housing authorities and redevelopment agencies to complete a training program within eighteen months. Ms. Scribner heads an advisory board that oversees the program. She indicated that the enrollment fee for each course offered by Rutgers ranges from \$310.00 - \$540.00 and that the training program is run by Rutgers University.

Task Force Committee members raised the concern expressed by a member of a municipal redevelopment agency that the costs of the training posed hardships for smaller municipalities by straining limited budgets. Ms. Scribner explained that Rutgers University barely broke even or lost money on the program, and that a scholarship for small municipalities was not a likely consideration.

After some discussion the Committee recommended that funding from private foundations should be sought to provide scholarships for members of the redevelopment agencies of smaller communities.

### **Natural Resources Damage (NRD) Policy Presentation**

Mark Matsil, Assistant Commissioner, New Jersey Department of Environmental Protection presented an overview on the standards and process, and the policy objectives and constraints that will be used in determining and resolving NRD claims.

Committee members discussed the enforcement of this program and the negative impact it might have on brownfields redevelopment. The Committee members recommended that the Department of Environmental Protection publicize results of its NRD decisions on the Web to reduce uncertainty about the nature of settlements.

In addition, it was agreed that in a joint effort, the NJ Brownfields Redevelopment Task Force, the Department of Community Affairs Office of Smart Growth and the Department of Environmental Protection support brownfields projects by introducing effective and low-cost alternatives for restoration work.

### **All Appropriate Inquiry Presentation**

Ken Kloo, Bureau Chief, New Jersey Department of Environmental Protection provided the Committee with an update of the regulatory language in the "All Appropriate Inquiry". The purpose of the "All Appropriate Inquiry" federal guidance is to provide standards and procedures for persons seeking to qualify as innocent landowner, bona fide prospective purchaser, contiguous property owner defenses, and persons conducting site investigations and assessments with the use of Federal grant monies. The main objective is to set standards and practices for the purposes of identification of conditions indicative of releases and threatened releases of hazardous substances on, at, in, or to the subject property. The following are some examples of information about the subject property:

- Current and past property uses and occupancies
- Current and past property uses of hazardous substances
- Waste management and disposal activities that could cause releases or threatened releases of hazardous substances
- Engineering controls
- Institutional controls; and
- Properties adjoining or located nearby the subject property that have environmental conditions that could result in conditions indicative of releases or threatened releases of a hazardous substances to the subject property.

Mr. Kloo noted that this issue is open for public comment and recommended that the Committee review the USEPA rulemaking standards and practices regarding the All Appropriate Inquiries to address concerns for final consensus.

## **Staff Report**

Fran Hoffman reported on Congressman Pascrell's Brownfields Conference. The Congressman had a packed room of about 120 people. The two panel discussions were well received, and the Congressman emphasized his support for brownfields redevelopment.

During the question and answer period the following issues were highlighted.

- Port redevelopment - the Congressman indicated his interest in possibly sponsoring legislation to support such redevelopment.
- The container storage problem - NJTPA proposed hosting a symposium on the container issue in the near future.

## **Committee Comments**

Committee members offered no additional comments at this time.

## **Public Comments**

Mr. Goldsmith explained that an amendment to the "Spill Act" that addresses liability for innocent purchasers was being presented to the legislature. The specific example that prompted the presentation of this amendment was a concern relating to the redevelopment of the GAF site.

The Committee voted to recommend a resolution to the full NJ Brownfields Redevelopment Task Force supporting legislative and regulatory designation of innocent parties in brownfields redevelopment. The Committee also indicated that if timing were critical, a special meeting of the full Task Force would be called to discuss the resolution.

## **Adjournment**

With no other business identified, the meeting was adjourned at 12:35 pm.

Respectfully submitted,

*Frances E. Hoffman*

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Secretary to the NJ Brownfields Redevelopment Task Force

Brownfields Program Director

Prepared by: Sheila Bogda

Brownfields Program Assistant

December 2, 2003