



GREEN ACRES

LOCAL GOVERNMENT UNIT AND NONPROFIT GUIDE

Preliminary Assessment

It is the intention of Green Acres not to assist in the acquisition of land which, when used for recreation and conservation purposes, will pose a threat to public health. Green Acres policy requires a review of all proposed project sites for evidence of the past use of properties as landfills, hazardous waste production, storage or disposal sites, or for the adverse effects resulting from such sites in proximity to proposed parklands. This necessitates a careful assessment of each site being considered for acquisition, and/or development. A preliminary assessment that incorporates a thorough review of environmental records, of historical aerial photography, and careful inspection of the property, provides reasonable assurance that areas of concern that may pose a threat to public health and the environment will be identified and properly addressed.

A local government unit or nonprofit must obtain and submit to Green Acres a preliminary assessment on any site to be acquired or developed. The preliminary assessment must contain the information required under the Department's Technical Requirements for Site Remediation, N.J.A.C. 7:26E. The local government unit or nonprofit must address any areas of concern identified in the preliminary assessment to the Department's satisfaction before Green Acres disburses its funding.

If the preliminary assessment is completed in compliance with the Technical Requirements for Site Remediation, the costs of the preliminary assessment are eligible for Green Acres funding. Also eligible is further testing, as determined by the Department based on findings and recommendations of the preliminary assessment. Remediation work done to address any areas of concern that are identified in the preliminary assessment, or by other means, are not eligible for Green Acres funding but may be eligible for assistance by other programs within the Department of Environmental Protection.

Procedures

After a project is approved, Green Acres will send a procedural letter that directs the local government unit or nonprofit to obtain a preliminary assessment report of the project site, prepared in accordance with the Technical Requirements for Site Remediation, N.J.A.C. 7:26E. Upon receipt of the preliminary assessment report, Green Acres shall determine if the report complies with the Technical Requirements for Site Remediation and shall notify the local government unit or nonprofit as follows:

- If the preliminary assessment report does not comply, Green Acres will send the local government unit or nonprofit a deficiency letter identifying the additional information that must be submitted by an established deadline.
- If the preliminary assessment report complies and does not identify any areas of concern, as defined under the Technical Requirements for Site Remediation, Green Acres shall send the local government unit or nonprofit a letter acknowledging the sufficiency of the preliminary assessment report. The local government unit or nonprofit must then certify, within 30 days, that it has

reviewed the preliminary assessment report and has determined to proceed with the acquisition or development of the project site. Green Acres shall not disburse any funding until it is in receipt of this certification.

- If the preliminary assessment report complies and identifies one or more areas of concern, as defined under the Technical Requirements for Site Remediation, Green Acres will send a letter notifying the local government unit or nonprofit that the areas of concern must be addressed to the Department's satisfaction before Green Acres will disburse any funding for the project site.

Once the areas of concern have been addressed to the Department's satisfaction, the local government unit shall submit evidence of such to Green Acres. Once Green Acres has reviewed and approved the local government unit's submission, Green Acres shall send the local government unit a letter of sufficiency. The local government unit or nonprofit must then certify, within 30 days, that it has reviewed the preliminary assessment report and the manner in which the areas of concern have been addressed, and has determined to proceed with the acquisition or development of the project site. Green Acres shall not disburse any funding until it is in receipt of this certification.

Green Acres Program Preliminary Assessment Checklist

To ensure that your Preliminary Assessment and Preliminary Assessment Report meet the minimum requirements as defined in the Technical Requirements for Site Remediation, N.J.A.C. 7:26E-3.1 through 3.2, and to avoid delays to your project that may result from submitting incomplete information, the attached checklist is provided.

BEFORE SUBMITTING YOUR PRELIMINARY ASSESSMENT REPORT TO THE GREEN ACRES PROGRAM, HAVE YOU:

1. Performed a diligent inquiry?

Please note: Diligent inquiry is defined in N.J.A.C. 7:26E-1.8 as:

Conducting a diligent search of all documents which are reasonably likely to contain information related to the object of the inquiry, which documents are in such person's possession, custody or control, or in the possession, custody or control of any other person from whom the person conducting the search has a legal right to obtain such documents; and

Making reasonable inquiries of current and former employees and agents whose duties include or included any responsibility for hazardous substances, hazardous wastes, hazardous constituents, or pollutants, and any other current and former employees or agents who may have knowledge or documents relevant to the inquiry.

2. Presented a history of ownership of the property, from the time the site was naturally vegetated or utilized as farmland in accordance with N.J.A.C. 7:26E-3.1(c).

Please note: N.J.A.C. 7:26E-3.1(c)1.i., states that site history information shall be obtained from sources including, but not limited to, the following:

- (1) Sanborn Fire Insurance Maps (as applicable);
- (2) MacRae's Industrial Directory (as applicable);
- (3) Title and Deed;
- (4) Site plans and facility as-built drawings (as applicable); and
- (5) federal, state, county and local government files.

3. Presented a brief description of any past industrial/commercial operations conducted on site by each owner and operator?

3a. Listed the hazardous substances, hazardous wastes, hazardous constituents and pollutants, that are or were historically present on the site?

3b. Identified the method of wastewater discharges (sanitary and/or industrial waste), and mapped any/all discharge and disposal points on a scaled site map?

3c. Identified the source of potable and/or industrial process water?

4. Presented a description of aerial photographic **interpretation for the period dating from 1932, or the earliest photograph available, to the present?**

Please note: Although N.J.A.C. 7:26E-3.1(c)1vi requires an interpretation of historic aerial photography for sites 2 acres and larger, Green Acres considers the protection of public health and the expenditure of public funds to be justification for requiring work to be performed beyond the minimum technical

requirements (N.J.A.C. 7:26E-1.7). Therefore, interpretation of the aerial photographic history of the site must be performed, regardless of site size.

Note also, that N.J.A.C. 7:26E-3.1(c)1vi states, in part, that “The photographic history shall date back to 1932 *or to the earliest photo available.*” This minimum requirement must not be interpreted to mean *locally* available. N.J.A.C. 7:26E 3.1(c)1vi advises of the *availability* of statewide aerial photographic coverage at the Department’s Tidelands Management Program, Aerial Photo Library. Photographic coverage for most of the state is available to 1940.

5. Identified any current or prior remediation activities on the site, including the name of any government agency involved and case identification number?

6. Presented a list of any potential areas of concern, identified during the performance of the preliminary assessment?

Please note: N.J.A.C. 7:26E-1.8, defines areas of concern as areas in which pollutants, hazardous substances or wastes may have been discharged to the environment. See the Technical Requirements for Site Remediation for a complete listing of areas of concern.

6a. Presented a recommendation for each area of concern identified at the site that either:
• the area is potentially contaminated and thus additional investigation or remediation is required; or
• the area of concern is not believed to contain contaminants above the applicable remediation standards, and provided documentation to support this belief?

7. Listed any current or prior Federal, state and local environmental permits?

8. Listed any administrative, civil, or criminal enforcement actions for alleged violations of environmental laws which may have resulted in an environmental impact on the site?

9. Conducted a site visit to confirm the findings of the review of historic information obtained through diligent inquiry?

10. Provided a copy of the United States Geologic Survey 7.5 minute topographic quadrangle, or a copy of a portion thereof, that includes the site?