QUARTERLY BROWNFIELD ROUNDTABLE

MORNING SESSION

DECEMBER 18, 2015

Office of Brownfield Reuse

QUARTERLY BROWNFIELD ROUNDTABLE

A.M. DISCUSSION POINTS

- BROWNFIELD INVENTORY – SITE MART
- REORG
- HDSRF STATUS
- BDAs
- SPILL ACT EXEMPTION

QUARTERLY BROWNFIELD ROUNDTABLE

NJEDA HDSRF Funding Synopsis		
As of October 31, 2015		
All Resources Received by NJEDA from 1993 to Present	$	375,194,445.39
All Resources Expended by NJEDA 1993 to Present	$	335,879,118.84
Balance - Cash and Cash Equivalents in Bank	$	39,315,326.55
LESS:		
Financing for Anticipated NJRA Transferred Projects	$	2,814,202.02
(No description could be provided by NJEDA)		
Commitments Outstanding	$	23,865,482.00
(Loans and grants that are still In-house and have not yet reached the closing stage, but are on the docket to be closed within the fiscal year)		
Undisbursed Loans and Grants	$	28,611,320.26
(Loans and grants that have reached closing. Recipients have not drawn some or all of the approved funding)		
Subsequent Month Approvals	$	-
(Loans and grants that are pending board approval. The expectation is that approval is favorable)		
Available Cash (In Bank Less Commitments)	$	(15,975,677.73)
Anticipated FY12 Appropriations from State	$	10,270,000.00
Anticipated FY13 Appropriations from State	$	7,745,000.00
Anticipated FY14 Appropriations from State	$	9,854,000.00
Anticipated FY15 Appropriations from State	$	9,490,000.00
Anticipated FY16 Appropriations from State	$	10,285,000.00
Total Anticipated Appropriations from State (As Per NJEDA Spreadsheet)	$	47,644,000.00
NJEDA Balance	$	31,668,322.27
Appropriations still held by NJDEP as of October 31, 2015		
Total (As per NJCFS)	$	47,644,000.00
Encumbered Balance	$	21,606,495.27
Uncommitted Balance	**$**	**26,037,504.73**

QUARTERLY BROWNFIELD ROUNDTABLE

SPILL ACT EXEMPTION

- Spill Act N.J.S.A. 58:10-23.11g.8.d.(4)

Any federal, State, or local governmental entity which acquires ownership of real property through bankruptcy, tax delinquency, abandonment, escheat, eminent domain, condemnation or any circumstance in which the governmental entity involuntarily acquires title by virtue of its function as sovereign, or where the governmental entity acquires the property by any means for the purpose of promoting the redevelopment of that property, **shall not be liable, pursuant to subsection c. of this section or pursuant to common law, to the State or to any other person for any discharge which occurred or began prior to that ownership**. This paragraph shall not provide any liability protection to any federal, State or local governmental entity which has caused or contributed to the discharge of a hazardous substance. This paragraph shall not provide any liability protection to any federal, State, or local government entity that acquires ownership of real property by condemnation or eminent domain where the real property is being remediated in a timely manner at the time of the condemnation or eminent domain action.

QUARTERLY BROWNFIELD ROUNDTABLE

SPILL ACT EXEMPTION

- FORM: http://www.nj.gov/dep/srp/srra/forms/exemption_spill_act.pdf?version_1_1

- TIME FRAMES APPLY TO:
    1. Legally Binding Document;
    2. Owner/operator of UST
    3. ISRA site owner;
    4. Discharger including each owner and subsequent owner pre-RAO:
    5. DEP rescinds NFA or invalidates RAO.

QUARTERLY BROWNFIELD ROUNDTABLE

SPILL ACT EXEMPTION

- FEES: Any governmental entity that is not liable under N.J.S.A. 58:10-23.11g.d(4) shall pay an annual remediation fee for any 12 month period during which the governmental entity performs any type of remediation as defined pursuant to the Technical Requirements for Site Remediation at N.J.A.C. 7:26E-1.8, within 45 days of commencing remediation pursuant to the following:
  - Date of first annual remediation fee paid becomes the anniversary date for each subsequent annual remediation fee ;
  - If you stop remediation notify DEP 90 days prior to next anniversary date and you won't have to pay until you resume
  - When you resume notify DEP, and pay an annual fee. New anniversary date set.

QUARTERLY BROWNFIELD ROUNDTABLE

YOUR ISSUES ?

QUARTERLY BROWNFIELD ROUNDTABLE

AFTERNOON SESSION

DECEMBER 18, 2015

Office of Brownfield Reuse

QUARTERLY BROWNFIELD ROUNDTABLE

P.M. TOPICS

- FEDERAL UPDATE
- STATE UPDATE
- OBR UPDATE
- NOTEWORTHY IN 2015

QUARTERLY BROWNFIELD ROUNDTABLE

FEDERAL UPDATE

QUARTERLY BROWNFIELD ROUNDTABLE

STATE UPDATE

- NEW INTERIM GROUNDWATER STANDARDS http://www.nj.gov/dep/wms/bears/gwqs_interim_criteria_table.htm
- IMPLEMENTATION GUIDANCE http://www.nj.gov/dep/srp/regs/gwqs/srwmp_implementing_11-25-15_interim_gwqs.pdf

QUARTERLY BROWNFIELD ROUNDTABLE

STATE UPDATE

- TECHNICAL GUIDANCE UPDATES:
  - Preliminary Assessment and Landfill Investigation. Updates include additional administrative language to reflect SRP's policy regarding a 6-month phase in period for using new/revised technical guidance, updated references, minor text changes to improve clarity, correction of typographical errors and an update to two e-mail addresses to reflect the Department's new email format.

QUARTERLY BROWNFIELD ROUNDTABLE

STATE UPDATE

- TECHNICAL GUIDANCE UPDATES (CONT):
  - New Historically Applied Pesticides Sites Technical Guidance. This technical guidance provides a more streamlined approach to the identification, investigation, delineation and remediation of sites that may be impacted by Historically Applied Pesticides (HAP). The goal of the document is to provide information that investigators can use to determine if HAP are present and the best way to address HAP.

www.nj.gov/dep/srp/guidance/

QUARTERLY BROWNFIELD ROUNDTABLE

STATE UPDATE

- RI EXTENSION DEADLINE: May 7, 2016
  - Less than six months away. A complete listing of cases that received and maintained the extension is available from Dataminer at http://datamine2.state.nj.us/DEP_OPRA/OpraMain/categories?category=Case+Tracking
  - LSRPs should inform clients whether they are on track to meet the deadline and the consequences for failure to do so. Those consequences include the requirement to conduct remediation under the Department's Direct Oversight pursuant to the Administrative Requirements for the Remediation of Contamination Sites (ARRCS), N.J.A.C. 7:26C-14.2, as well as significant penalty liabilities.

QUARTERLY BROWNFIELD ROUNDTABLE

OBR UPDATE

- BROWNFIELD INVENTORY – SITE MART
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QUARTERLY BROWNFIELD ROUNDTABLE

NOTEWORTHY FOR 2015

YOUR PROJECTS

QUARTERLY BROWNFIELD ROUNDTABLE

NOTEWORTHY FOR 2015

- **Haddon BDA** - After stalled redevelopment on the site due the financial recession as well as affordable housing litigation issues the BDA is once again moving forward. Final demolition of remaining structures on the 6 acre downtown site is happening now. Build out is expected in 2017. The final revised redevelopment agreement outlined the 252-rental unit Haddon Town Center transit village, a project that includes 25 affordable housing units, 12,500 to 25,000 square-feet of commercial/retail space, and a 30-year, $15-million PILOT (Payment In Lieu of Taxes) abatement for Fieldstone. It also increases the height of the property to five stories, or 58 feet, along Haddon Avenue; and four stories, or 48 feet, where it borders residential areas.

TOWNE CENTER AT HADDON

- Developer:
- Fieldstone Associates, LP
- Project Type:
- Mixed-Use
- Planning
- Transit-Oriented
- Urban Infill

QUARTERLY BROWNFIELD ROUNDTABLE

NOTEWORTHY FOR 2015

- **Gloucester City Southport BDA** – The Settlement Agreement between NJDEP, CBS and the City of Gloucester was signed this week. This agreement was the linchpin to allowing this BDA to move forward by allowing a 60 acre radioactive site to be remediated and redeveloped. This site comprises ½ of the BDA. Infrastructure upgrades will begin soon and the acquisition of this site will allow for expansion of a food waste recycling facility on an adjacent property within the BDA. Land preparation is currently underway at the food waste recycling site.

Organic Diversion, LLC

QUARTERLY BROWNFIELD ROUNDTABLE

NOTEWORTHY FOR 2015

- **Carteret Marina (Carteret Waterfront BDA)** Mitigation Council approved monetary contribution/payment in-lieu of mitigation, WDP issued, HDSRF and grant match in place, remediation/construction scheduled to begin in summer 2016 with construction of public marina completed in summer 2017.

- **VPGS Perth Amboy Phase I Site (Perth Amboy Waterfront BDA)** Remediation with the exception of the final capping system (part of redevelopment) has been completed, sale transfer of site done, construction on the end use started and will be completed in phase with full buildout to be completed in spring 2018.
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QUARTERLY BROWNFIELD ROUNDTABLE

NOTEWORTHY FOR 2015

- **Woodbridge Energy Center (Woodbridge BDA)** remediation/construction of power plant done, plant scheduled for commercial operation end of this month, ribbon cutting ceremony scheduled for February 2016 (photo)

- **Woodbridge Eco Park (Woodbridge BDA)** remediation of the wetland is near completion; wetland planting, trails, signage, boat launch are under construction and park is scheduled for completion and open to public in spring 2017 (photo)

View from Raritan River looking North

QUARTERLY BROWNFIELD ROUNDTABLE

NOTEWORTHY FOR 2015

- **Somerville BDA** - DEP approved the Environmental Infrastructure Trust (EIT) loan ($3.9 million) representing the 25% of the total estimated cost which is the Borough's contribution for the 75% matching HDSRF grants. With the EIT loan approved, Somerville was able to issue the Bid package for the first component of the Green Seam remediation on October 12th 2015. The Bid opening is scheduled for December 18th 2015, with the contractor being appointed in the first quarter of 2016.

QUARTERLY BROWNFIELD ROUNDTABLE

NOTEWORTHY FOR 2015

- **Paterson Great Falls Historic National Park** – After some fits & starts, the development of the park is starting to move forward. The MEK Park has completed remediation and re-construction and is now re-opened for great views of the falls. There is also movement on the remedial investigation Overlook Park/Steam Plant and the ATP Processor Lawn Area sections of the park as well as the Addy Mill area. And there are plans under development for investigation of the raceway.

MARY ELLEN KRAMER PARK

QUARTERLY BROWNFIELD ROUNDTABLE

- SCHEDULED ROUNDTABLES FOR 2016:

  MARCH 3

  JUNE 3

  SEPTEMBER 9

  DECEMBER 2

- ISSUES/TOPICS FOR NEXT TIME?