

RESOLUTION # 37

NJDEP ACTIVE FARMING NOTICE

1 **WHEREAS**, farming requires a number of activities that affect the environment,
2 such as pesticide application, crop fertilization, animal feed-lot activities (including waste
3 storage), barn drainage, abandoned/historic farm dumps and others; and

4 **WHEREAS**, under the Site Remediation Reform Act, a Licensed Site
5 Remediation Professional (LSRP) is required to evaluate every identified area of
6 potential concern, regardless of any exception for continued farming operations, unless
7 a Response Action Outcome (RAO) notice is pre-approved by the New Jersey
8 Department of Environmental Protection (NJDEP); and

9 **WHEREAS**, these farming activities are generally acceptable when conducted in
10 accordance with applicable guidance and regulations, and should not be required to be
11 addressed under site remediation rules unless the agricultural use of the property
12 changes; and

13 **WHEREAS**, LSRP reviews of farms are often triggered when a lender becomes
14 involved in a farm operation, such as for estate planning or others instances where
15 farms are used as security.

16 **NOW, THEREFORE, BE IT RESOLVED**, that we, the delegates to the 101st
17 State Agricultural Convention, assembled in Atlantic City, New Jersey, on February 10-
18 11, 2016, support the approval of a NOTICE provision by the NJDEP to allow an LSRP
19 to issue a Response Action Outcome for active farms which does not address active
20 farming activities conducted in accordance with applicable regulations.

21 **BE IT FURTHER RESOLVED**, such a notice may not be used to exempt a
22 property owner from obligations for any spill or discharge that must otherwise be

23 reported and addressed under New Jersey Department of Environmental Protection
24 (NJDEP) remediation regulations.

25 **BE IT FURTHER RESOLVED**, such a notice should state that the property is
26 currently being used for agriculture, and therefore conditions related to normal farming
27 procedures currently or in the past have not been evaluated, since the property will
28 remain agricultural into the future, but that should the use change, these conditions will
29 require further evaluation.

30 **BE IT FURTHER RESOLVED**, such a notice could only be used by an LSRP for
31 active farming operations and specifically could not be used if the covered property was
32 no longer being used for agricultural use.