

RESOLUTION # 36

NJDEP ACTIVE FARMING NOTICE

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

4 **WHEREAS**, under the Site Remediation Reform Act, a Licensed Site Remediation
5 Professional (LSRP) is required to evaluate every identified area of potential concern,
6 regardless of any exception for continued farming operations, unless a Response Action
7 Outcome (RAO) notice is pre-approved by the New Jersey Department of Environmental
8 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 changes;
12 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 other instances where farms are
15 used as security.

16 **NOW, THEREFORE, BE IT RESOLVED**, that we, the delegates to the 103rd State
17 Agricultural Convention, assembled in Atlantic City, New Jersey, on February 7-8, 2018,
18 support the approval of a NOTICE provision by the NJDEP to allow an LSRP to issue a
19 Response Action Outcome for active farms which does not address active farming activities
20 conducted in accordance with applicable regulations.

21 **BE IT FURTHER RESOLVED**, such a notice may not be used to exempt a property
22 owner from obligations for any spill or discharge that must otherwise be reported and
23 addressed under New Jersey Department of Environmental Protection (NJDEP) remediation
24 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 remain
28 agricultural into the future, but that should the use change, these conditions will require
29 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 no
32 longer being used for agricultural use.