

Brownfield Development Area (BDA) Program Overview

PARTICIPATION IN BROWNFIELD DEVELOPMENT AREA PROGRAM: BDA APPLICATION

Participation in the BDA Program is voluntary and is initiated by an approved application for BDA Designation, which memorializes a commitment among the applicant, stakeholders, and New Jersey Department of Environmental Protection (NJDEP) to work together to advance the investigation, remediation and redevelopment in communities affected by multiple brownfield sites. Participation in the BDA Program will not affect the application of New Jersey's other remediation laws, policies, and guidance on properties within a BDA, including the hiring of a Licensed Site Remediation Professional (LSRP) to perform environmental work on contaminated sites, pursuant to the Site Remediation Reform Act (N.J.S.A. 58:10C-1 et seq.). Also, there will be no additional regulatory or approval requirements on properties within the designated BDA area.

APPLICATION FOR BDA DESIGNATION

The purpose of designating a BDA is to form a long-term working partnership among local communities, interested stakeholders and NJDEP Office of Brownfield and Community Revitalization (OBCR) to develop and implement a comprehensive plan to transform multiple brownfield sites into community assets and local benefits. The BDA Designation provides the applicant with a decision-making framework, targeted resources, a diverse set of partners with aligned interests, and a committed relationship with NJDEP to help fulfill their investigation, remediation and reuse goals to support the revitalization of their communities. "Applicant" as referenced in this document will refer to towns, counties, municipalities, redevelopment agencies or authorities, and other public entities authorized to exercise redevelopment powers, pursuant to the local redevelopment and housing law, C.40A:12A-4.

Application for participation in the BDA Program must be made by an eligible applicant on behalf of a Steering Committee representing the affected community and neighborhood, with the demonstrated commitment and leadership capacity to bring the BDA project to completion (see BDA Guidance Document). A key goal of this Program is for the applicant to work collaboratively with committed residents, community leaders, and local institutions (Steering Committee) to build the capacity within the community to empower them with the information and decision-making abilities in the process of brownfield investigation, remediation, and reuse, and have them provide input to on-site and proximate environmental improvements such as climate adaptation and community resiliency into the brownfield redevelopment process.

PARTICIPATION IN THE BDA PROGRAM: PARTNERSHIPS, EXPECTATIONS & MILESTONES

For the municipalities that are selected for BDA Designation, NJDEP OBCR will work closely with a BDA Steering Committee, including the local municipality and redevelopment authority, to set up a framework to partner together on multiple brownfield sites to focus resources on the successful remediation and redevelopment of these sites. The voluntary working partnership is formalized in a Memorandum of Understanding (MOU) which outlines the Steering Committee members, brownfield sites in the BDA, and the work tasks that move the sites toward successful reuse. Provided that there is documented progress in the BDA sites and continued interest from the BDA stakeholders, the BDA Designation can be renewed biennially through the MOU.

The BDA Steering Committee should meet monthly or every other month to work toward the progress on investigation, remediation and reuse of the brownfield sites in the BDA. Additionally, for each BDA Steering Committee Meeting, the minutes and next steps should be recorded by the Steering Committee Chair(s) or Coordinator(s) and provided to the Steering Committee members after the meeting.

The following steps are included in the new formalized relationship among the applicant, Steering Committee, and NJDEP to work together in taking blighted brownfield sites to successful redevelopment:

1. Kickoff Meeting: Memorialize the BDA Partnership – Introduction of Steering Committee, NJDEP OBCR BDA Manager and Execution of MOU

NJDEP OBCR will hold an initial Kickoff Meeting with the BDA Steering Committee, the applicant, and other interested stakeholders. At this meeting, the BDA Steering Committee will introduce all of its members and present an overview of the brownfield sites and the overall goals for the BDA. The OBCR BDA Project Coordinator will provide an outline of the role of NJDEP, role of LSRPs, and the support to be offered throughout the process of investigation, remediation, and successful redevelopment of brownfield sites in the BDA. This will include discussion on technical and financial resources related to the investigation and remediation of the brownfield sites in the BDA.

At the Kickoff Meeting, the Steering Committee Chair(s) and NJDEP will have a general discussion of the brownfield sites in the BDA, using the information provided in the BDA Application. Important features of the brownfield sites, including ownership, site contacts, access, and existing environmental information, will be discussed.

The relationship among all parties will be formalized with the execution of the Memorandum of Understanding (MOU). This standard-form MOU will outline the commitments of the involved parties. The MOU requires the submittal of progress reports to the Office of Brownfield and

Community Revitalization (OBCR) to help ensure timely progress of the investigation, remediation and reuse of the brownfield sites in the BDA. The BDA progress reports, BDA Short-term Strategic Plan and other submittals will be reviewed to evaluate the progress of the work on the brownfield sites in the BDA.

Finally, the Kick-off meeting will verify the Steering Committee leaders [Chair(s), Coordinator(s)] and set the location and timing (e.g., monthly, every other month) of the subsequent BDA Steering Committee meetings. Any changes or added information to the Steering Committee should be included in an updated Steering Committee List. Due to the complex, collaborative, and iterative nature of comprehensive brownfield redevelopment, and in the interest of empowering local residents and communities in this process, it is recommended that BDA Steering Committee meetings be in person to the extent practical, with the ability for virtual attendance.

2. Baseline Property Meeting: Review of Baseline Property Datasheets & Information Gaps

The overall objective of the BDA Program is to assist the local municipality and Steering Committee, in developing and implementing comprehensive plans for the coordinated investigation, remediation and reuse of the brownfield sites to support community revitalization. This process begins with collection of necessary baseline information on the sites within the BDA, which is summarized in the Baseline Property Datasheet in the BDA Application. At the Baseline Property Meeting, the Steering Committee Chair, or appropriate member, will discuss the BDA Site List outlining the information (or information gaps) in the site ownership, contacts, environmental investigation status, and any other pertinent information. If appropriate, the Steering Committee Chair(s) or Coordinator(s) should update the Baseline Property Datasheets in the BDA and provide this to all of the Steering Committee members, including the municipal applicant and NJDEP.

The Baseline Property Datasheets should be updated as necessary, particularly on sites being actively worked on by the Steering Committee and host municipality. At a minimum, the Baseline Property Datasheets must be updated on an annual basis, due on the anniversary of the Executed BDA MOU.

3. Planning Meeting: Understanding the Community Vision and Planning Tools

The brownfield reuse efforts by the Steering Committee and NJDEP will be most effective when there is a detailed understanding of the community's vision for the area of brownfield sites. The Steering Committee members should be informed of and become familiar with the planning tools, including the municipal Master Plan, Area(s) in Need of Redevelopment and/or Rehabilitation, Redevelopment Plans, Neighborhood Plans, and other plans that cover or influence the brownfield sites in the BDA. A municipal representative should present these plans at the Planning Meeting, so all partners in the brownfield redevelopment process

understand the local vision, tools for redevelopment, and the anticipated reuse(s) for the brownfield sites. Any regional and/or county planning entities are welcome to provide their insights into other plans for the area. It would be helpful to invite other entities who have responsibility for sites within the BDAs, such as LSRP(s) assigned to the specific contaminated sites, other state and federal programs who have oversight responsibilities for the properties in the BDA.

All new or introduced planning documents should be provided to the Steering Committee, and available to other interested parties who have oversight responsibilities for the BDA sites.

4. Resource Identification Meeting: Available Resources for Brownfield Remediation

Identifying and understanding available resources for the investigation and remediation of brownfield sites is essential to the successful redevelopment of these sites. Steering Committee members can be more effective when they are familiar with the eligibility, timing, and use of available brownfield investigation and remediation resources that are potentially available for the BDA sites. The majority of brownfield investigation and remediation grants are for public entities like municipalities and redevelopment authorities, with some grants available to other entities such as 501c(3) non-profit organizations eligible for some phases of work. This understanding of resources also works to help identify and leverage other resources necessary for brownfield redevelopment, including infrastructure investments, construction costs, and other costs beyond typical remediation costs at contaminated sites.

The Resource Identification Meeting will be led by the OBCR BDA Project Coordinator, and Steering Committee Chair(s) or designee, who are familiar with available brownfield investigation and remediation funding. The meeting should especially focus on identification of the initial resources needed to advance the investigation at important sites or toward completion of the environmental work in the BDA. This meeting will outline state, federal, county, municipal, and/or private grants and loans that can be used in brownfield investigation and remediation activities. During this meeting, a municipal representative can inform the Steering Committee of other needed work that is essential to the overall redevelopment goals in the BDA and surrounding neighborhood such as the needs for other environmental improvements, infrastructure investments, climate adaptation/resiliency features, and other community needs or benefits.

OBCR maintains information on financial resources, and has established relationships with other state, county and federal agencies. These entities may be requested to attend this meeting (or other meetings as needed) to support the activities in the BDA. At the appropriate time and at the appropriate sites, OBCR will assist in the coordination with other state departments and agencies as needed for effective and holistic community redevelopment.

Some of the sites within the BDA may be privately held and going through the investigation and remediation process subject to the Site Remediation Reform Act. In these instances, LSRPs

retained for those sites will be requested to provide an update of the status of the investigation and/or remediation, and anticipated schedules for completion of investigation phases and/or remediation activities. Where potential responsible parties that caused or contributed to the site contamination exist, the OBCR BDA Project Coordinator (or appropriate NJDEP staff) will update the Steering Committee on that site's schedule and anticipated actions. NJDEP may exercise its enforcement authorities, if necessary, to ensure that parties fulfill their remediation obligations and do not impede the future reuse(s) of site. United States Environmental Protection Agency (USEPA) may also have regulatory authority over sites or activities within the BDA and may also be requested to assist in activities that support the remediation and redevelopment goals in the BDA.

5. BDA Site Status Meeting and BDA Site Status Summary

Several months after the execution of the MOU, after the Steering Committee is better informed about the BDA properties, local plans, and potentially available resources, the Steering Committee will meet to discuss the status of the brownfield sites in the BDA. To the extent known, the phase of investigation (Preliminary Assessment, PA; Site Investigation, SI; Remedial Investigation, RI; Remedial Action Work Plan, RAWP) or remediation (Remedial Action, RA; Remedial Action Permits, RAP(s); Response Action Outcome, RAO) should be discussed and recorded in a draft of a BDA Site Status Summary, including dates of completions of these phases. The BDA Site Status Summary will assist the partners in the brownfield redevelopment efforts to understand the steps involved in the investigation and remediation of the brownfield sites, helping all partners gauge the time, resources and partners needed to move the properties toward successful redevelopment.

Following the initial preparation of the BDA Site Status Summary, this working document will be required to be updated annually, due on the anniversary date of the MOU execution, so all Steering Committee members are kept current of the status of all the brownfield sites to better inform discussions about priorities, schedules and resource needs.

6. BDA Short-term Strategic Plan Meeting & Working BDA Short-term Strategic Plan

With the BDA Steering Committee better informed about the brownfield properties, local plans, available resources, and brownfield site status, the Committee holds a BDA Short-term Strategic Plan meeting that openly discusses the anticipated short-term priorities for the BDA sites. This includes specific brownfield properties and work items identified to meet the short-term goals of the BDA. The BDA Short-term Strategic Plan meeting should be a collaborative discussion led by the Steering Committee Chair(s), with input from all stakeholders, to review the current opportunities at the brownfield sites and the short-term steps that can be taken to realize those opportunities. The BDA Short-term Strategic Plan and meeting should be informed by local planning documents, current local priorities, and local needs that point to a

prioritization of sites, actions needed, and an anticipated schedule for short-term (one to two years) investigation and remediation activities.

Depending on the municipality's priorities, it is OBCR's experience that realization of smaller, short-term successes helps to build strong collaborative relationships that provide the confidence to address larger local issues, attract additional leveraging, entice more partners and develop consensus to assist in the larger and more complex redevelopment challenges. Often, long-term successes of the brownfield redevelopment goals have a greater chance of being achieved if the prioritization considers projects that (1) encourage community engagement, (2) build upon local strengths, and (3) are likely to result in short term successes. The prioritization discussion should also include logistical and timing considerations that impact the work at the brownfield sites; sites with current access, ones where workplans can be funded and developed in a timely manner, and projects that can provide relatively quick and/or multiple-use benefits should be strongly considered for prioritization by the Steering Committee.

Following the Short-term Strategic Plan meeting, the Steering Committee Chair(s), with input from municipal representatives, NJDEP and local stakeholders, should create a one-to-two-page Short-term BDA Strategic Plan that outlines the current brownfield site priorities and near-term (one to two years) activities in the BDA. The Short-term Strategic Plan should indicate which of the BDA sites are to be investigated, remediated and/or redeveloped in the short term (within one-to-two-years), and be specific to which activities (e.g., PA, SI, RI, RAWP, RA) are necessary to meet these short-term goals.

The BDA Short-term Strategic Plan must be presented to the entire Steering Committee for input and review to build consensus for the proposed short-term priorities and tasks needed to achieve those short-term goals.

Based on the input from the Steering Committee members, the Steering Committee Chair(s) should, as necessary, revise the BDA Short-term Strategic Plan. The Short-term Strategic Plan is a working document and should be part of the discussion at all subsequent BDA Steering Committee meetings to gauge progress and adapt to local changes that could impact brownfield reuse.

The BDA Short-term Strategic Plan is required to be updated annually, due on the anniversary date of the MOU execution, which ensures that Steering Committee members are kept current of the priorities in the BDA and are working to seek partners and solutions to move these sites toward redevelopment.

7. Continuing BDA Designation and Working Partnership, including MOU Renewal

Scheduled BDA Steering Committee Meetings are necessary for developing effective working partnerships and focus activities that help address the investigation, remediation, and

redevelopment of multiple brownfield sites in a community. For the first year, it is recommended that the BDA Steering Committee meet monthly or every other month to establish a strong working relationship and to better understand the opportunities, challenges, resources, and priorities of the brownfield sites in the BDA. OBCR also recommends that the BDA Steering Committee meetings be in person to the extent practical, with options for virtual attendance, to better ensure that the necessary collaboration occurs, and to help empower local residents, stakeholders, and communities in the decision-making for brownfield actions in their neighborhoods.

The Steering Committee Chair(s) will oversee the Steering Committee meetings, with input from the NJDEP BDA Project Coordinator and local municipality or redevelopment authority. The Steering Committee Chair(s), or their delegated Steering Committee Coordinator(s), will provide agendas, keep minutes/next steps, and set the meeting times and locations. The Steering Committee Chair(s) will also update the working documents that the Steering Committee uses and the documents required by the MOU.

To ensure that significant progress is being made on the brownfield sites and to make certain that all of the stakeholders are working with current information, on an annual basis, due on the anniversary date of the MOU execution, the Steering Committee must:

1. Update the one-to-two-page Short-term BDA Strategic Plan with the latest challenges, actions and short-term (one to two years) priorities of the BDA Sites;
2. Provide the BDA Site Status Report of all of the brownfield sites in the BDA as per condition 15 of the MOU and the remedial phases completed/planned table as per condition 16 of the MOU;
3. Review and update, if necessary, the Baseline Property Datasheets;
4. Update the Steering Committee members, Chair(s), and Coordinator(s);
5. Provide any new or revised planning documents for the neighborhood(s) that includes the BDA;
6. Keep and provide the Steering Committee minutes; and,
7. Set upcoming meeting times and locations.

The Memorandum of Understanding (MOU) will be renewed on a biennial basis, two years from the anniversary of the original MOU execution, to help ensure that progress is being made in the BDA. The BDA Steering Committee meeting immediately before the 2-year anniversary will be a discussion of the progress in the BDA and verify the willingness to continue the voluntary partnership. If the above documents are not updated and provided to NJDEP by the 2-year anniversary date, or if there is little to no demonstrated progress on the brownfield sites within the BDA, or if resources are limited at NJDEP or municipality/redevelopment authority, NJDEP may chose not to renew the MOU with the municipality/redevelopment authority and Steering Committee.

Acronym List

BDA: Brownfield Development Area
EDA: Economic Development Authority
EPA: Environmental Protection Agency
HDSRF: Hazardous Discharge Site Remediation Fund
HUD: Housing & Urban Development
LSRP: Licensed Site Remediation Professional
MOU: Memorandum of Understanding
NJDEP: New Jersey Department of Environmental Protection
NJEDA: New Jersey Economic Development Authority
OBCR: Office of Brownfield & Community Revitalization
PA: Preliminary Assessment
RA: Remedial Action
RAP/RAPs (soil, ground water): Remedial Action Permit
RAO: Response Action Outcome
RAWP: Remedial Action Work Plan
RI: Remedial Investigation
SI: Site Investigation
SRRRA: Site Remediation Reform Act (N.J.S.A. 58:10C-1 et seq.).
USEPA: United States Environmental Protection Agency