

Mayors Roundtable: LSRPA and BCONE Assistance to Municipalities

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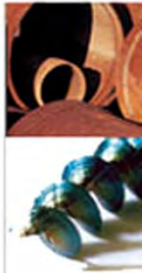
**Brownfield Coalition of the Northeast
Board Member**

June 2011



What is the LSRPA?

- A non-profit professional organization with 400 members
- Regular members (LSRPs) and Associate Members
- 75% or more of NJ's temporary LSRPs are members of the Association





LSRPA Committees and Sub-Committees of Interest to Municipalities

- Continuing Education
- Legal and Legislative
- Communications: building a robust website at www.LSRPA.org
- Technical Assistance Grants
- Brownfields
- Mandatory Timeframes
- Stakeholder Engagement



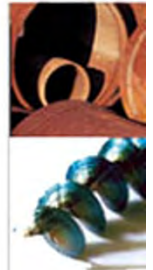
Hot Topics for Municipalities: Brownfields and Real Estate



- **Impact of SRRA on Brownfields Redevelopment**
- **Budget impact on all BF funding: HDSRF, UST, BDAs, Reimbursement Agreements**
- **Impact of RAO invalidation on innocent purchaser redevelopers**



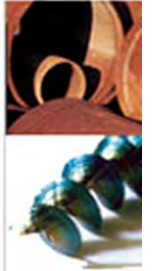
Major Issues for Municipalities



- **Definition of “Person responsible for conducting the remediation” now includes this clause:**
- **“(5) any other person who is remediating a site”**
VS
- **Acknowledgement of “innocent brownfield redevelopers” and investors**
- **Mandatory Timeframes**
- **Elimination of VCP: a. Loss of flexibility to exit;**
b. Loss of state oversight needed for USEPA grants

Also Issues?

- Subrogation as condition of HDSRF \$
- TAGs



SRRA does Recognize Municipal Needs

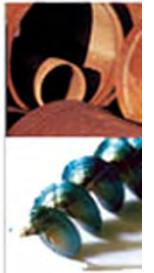


- **Mandatory obligation to remediate extends to ISRA owners/operators, dischargers, UST owners/operators only**
- **Mandatory Obligation to remediate does NOT apply to “any other person who is remediating a site”**
- **Section 30 of the Act does NOT apply to persons who: don’t own the site; conduct due diligence regarding previous ownership, AND have not discharged**

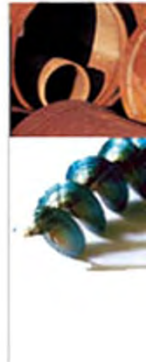
SRRRA Municipal Recognition, cont.



- **Gov't. entity and others do not have to establish remedial funding source for IC/EC permits**
- **Gov't. entity and others do not have to establish or maintain a remediation funding source**

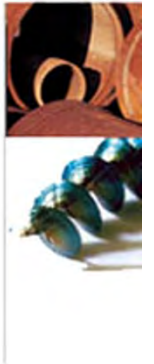


How to Reconcile SRRA Intent and Law's Language?



- Through explicit state policy and/or in regulatory language
- Section 28 of the Act allows DEP to grant extensions of mandatory timeframes on a case by case basis for “other site-specific circumstances that may warrant an extension as determined by the department”
- Would brownfield sites fit into this category?
- Don't take ownership of the site and do AAI due diligence only until clarification is received (is this the solution for now?)

How the LSRPA can assist YOU



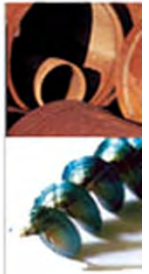
- **Can our Legal committee assist?**
- **Continuing Education: do we need a course to meet municipalities' specific needs?**
- **Communicate your issues with us so we can raise them up and support you via the team process**



Pro Bono Counseling from the Brownfield Coalition of the Northeast (BCONE)

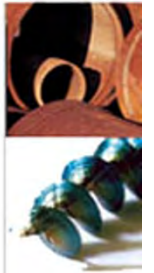


- Free service to municipalities and project developers
- Up to 2 meetings with a cross-functional team of bf experts
- Offer advice on various local, state, and federal resources
- Provide guidance on project implementation



What is BCONE?

- A not-for-profit group to advance brownfields redevelopment by providing education and networking opportunities to all sectors involved in the remediation, redevelopment, financing and conveyance of contaminated properties for reuse.



Pro Bono Counseling, cont.

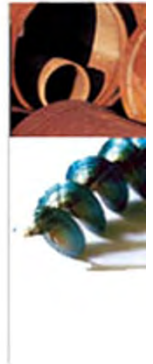
- **Cross Functional Team**
- **Will meet with participants up to two times:**
 - a. intro meeting on general bf issues**
 - b. 2nd focus on particular project and site specifics**



Pro Bono Counseling, cont.

- **Meetings held in your municipality**
- **One to two months between meetings**



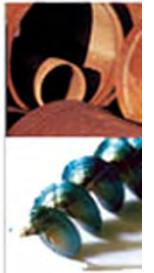


Pro Bono Counseling, cont.

- **Team Member Areas of Expertise could include:**
 - 1. Planning**
 - 2. Infrastructure/Transportation**
 - 3. Land Use/Environmental**
 - 4. Legal**

Pro Bono Counseling, cont.

5. Project Financing
6. Real Estate Brokerage
7. Site Development / Remediation
8. Regulatory Compliance
9. Risk Management - Insurance
10. Community Outreach - Risk Communication



Pro Bono Counseling, cont.

- **Want more information?**
- **It's simple:**
- **Just call the BF Coalition of the Northeast at 609.685.3729 or send an e-mail to**

THouser@landresourcesolutions.com



IN CLOSING

- Go to DEP website often
- Be on the DEP List Serve
- Go to the LSRP Association website, www.lsrpa.org and contact us
- Go to the BCONE website www.brownfieldcoalitionne.org and contact us

