

# CREATING SUSTAINABLE COMMUNITIES

## A GUIDE FOR DEVELOPERS AND COMMUNITIES

### BROWNFIELD REDEVELOPMENT

### BROWNFIELDS FOR ECONOMIC REDEVELOPMENT

New Jersey is reported to lose 50 acres of open space a day to development. At the same time, anyone familiar with the landscape of New Jersey knows that this state has the greatest number of contaminated sites on the federal Superfund list. Plus, New Jersey oversees another 17,000+ contaminated sites contained on the state's own Known and Suspected Contaminated Sites list. Many of those sites result from New Jersey's dwindling manufacturing base. Combine these factors with the projection that this state will be built out in a few decades, but is also expected to see an increase in population. Add to that mix the fact that New Jersey is progressive in protecting large natural and agricultural resource areas.

Opportunities for sustainable growth exist in New Jersey when we start considering decaying, abandoned and underutilized properties as a resource to be recycled and reused. Known or suspected contaminated properties, a.k.a. "brownfields," exist in New Jersey's urban centers, older suburbs and rural towns. Revitalizing these sites can eliminate or greatly reduce the need to construct costly new infrastructure, put new residences closer to jobs, thereby possibly reducing both the reliance on the automobile and new sprawl creation. Successful recycling of these sites into new homes, businesses, services, and parks requires investigation and cleanup to assure protectiveness of human health and the environment. Successful remediation and redevelopment of each acre of brownfield property in New Jersey is reported to preserve from development 4 acres of open space.

### APPLICABLE NEW JERSEY GOALS

In the New Jersey Department of Environmental Protection's (DEP) Policy Directive 2002-003, "Acceleration of Brownfield Cleanup and Reuse," the DEP identifies the following measures as being beneficial to encourage the remediation and reuse of brownfield sites, particularly in smart growth areas:

- reduce regulatory uncertainty;
- align regulatory and redevelopment objectives and timetables;
- expand potential reuse of brownfield sites; and,
- promote cleanup and reuse of "warehoused" sites (when an industrial owner chooses to leave a site abandoned or delays remediation, thereby discouraging reuse).

### SUGGESTED ACTIONS AND STRATEGIES

- The State acknowledges that most remediation and redevelopment of brownfield property will be conducted by the private sector under the state's oversight. Private capital will be used, often by those who did not create the contamination in the first place but realize the redevelopment potential of the property. These redevelopers are willing to take on the increased costs imposed by cleaning up the site to assure that the end use is protective of human health and the environment.
- Given that most brownfield redevelopment will be conducted by the private sector, the state must strive to provide a remediation and permit process that:
  1. is timely, predictable and efficient;
  2. provides finality;
  3. assigns legal liability where it belongs; and
  4. provides the right financial incentives that recognize the increased costs of taking on a brownfield redevelopment project.



- Use the opportunity to create world class redevelopments at brownfield sites by adding smart growth techniques, sustainable building and energy practices, and other environmental enhancements, including the conversion of brownfields to greenfields.
- Municipalities and developers should use the resources that the state makes available, including pre-application meetings to jointly discuss project time frames and ways to maximize liability protection and financial assistance offered to encourage more remediation and redevelopment of brownfield properties.

## STATE TECHNICAL/FINANCIAL ASSISTANCE

New Jersey's brownfield efforts contain most, but not all, of the elements described by the National Brownfield Association (NBA) as being necessary for a world-class program in its 2005 whitepaper and matrix entitled "What Works: An Analysis of State Brownfield and Voluntary Cleanup Programs."

The state enacted the Brownfield and Contaminated Site Remediation Act in 1998 (amended in October 2002), and provided for a process that addresses the suggested actions and strategies identified above.

The major state players in brownfield policy and practice in New Jersey are: DEP; the NJ Economic Development Authority; the NJ Commerce, Economic Growth and Tourism Commission; the Department of Treasury; the Department of Community Affairs through its administration of the Brownfield Task Force and the Brownfield Interagency Team; and the NJ Environmental Infrastructure Trust. All have good websites that describe their involvement in brownfield practice and policy. The single easiest resource is the NJ Brownfields Redevelopment Resource Kit ([www.nj.gov/dca/osg/docs/brownfieldsresourcekit.pdf](http://www.nj.gov/dca/osg/docs/brownfieldsresourcekit.pdf)), which describes the involvement of all the agencies and funding sources and provides agency contacts. (Note that the Resource Kit is in the process of being updated).

DEP's brownfields web site ([www.nj.gov/dep/srp/brownfields/](http://www.nj.gov/dep/srp/brownfields/)) has a helpful Frequently Asked Questions section and provides links to other agencies' web sites. It also provides a link to obtain a copy of the state's brownfield law.

NJDEP established the Office of Brownfield Reuse (OBR) under Policy Directive 2002-003. The office serves as the focal point for NJDEP's brownfield redevelopment efforts. In 2007, this office was expanded significantly with the addition of the technical staff reviewing brownfield, landfill, and UST grants and loans. In addition, the case management staff in the field offices was also added to the office to increase brownfield project turnaround times. The creation of the Brownfield Development Area program rests with OBR and allows for comprehensive planning for remediation and reuse of multiple brownfield sites within an area, all overseen by one OBR case manager to assure efficient review and analysis. Additional information on New Jersey sponsored financial incentive and reimbursement programs can be found at the following agencies:

New Jersey Economic Development Authority - [www.njeda.com/brownfields.asp](http://www.njeda.com/brownfields.asp)

New Jersey Commerce, Economic Growth and Tourism Commission - [www.nj.gov/njbusiness/](http://www.nj.gov/njbusiness/)

New Jersey Environmental Infrastructure Trust - [www.njeit.org/smartgrowth.htm](http://www.njeit.org/smartgrowth.htm)

## FURTHER INFORMATION

US Environmental Protection Agency's Brownfield Site - [www.epa.gov/brownfields/](http://www.epa.gov/brownfields/)

National Brownfield Association - [www.brownfieldassociation.org/](http://www.brownfieldassociation.org/)

Urban Land Institute - [www.uli.org//AM/Template.cfm?Section=Home](http://www.uli.org//AM/Template.cfm?Section=Home)

Northeast Midwest Institute - [www.nemw.org/](http://www.nemw.org/)

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