



GREEN ACRES LOCAL GOVERNMENT UNIT AND NONPROFIT GUIDE

Historic Pesticides Policy

Pursuant to the Green Acres Program Rules (N.J.A.C. 7:36), local government units and nonprofit organizations are required to perform a Preliminary Assessment for any property which is being funded by the Green Acres Program. This requirement is intended to minimize public liability for site cleanup costs, and to ensure that properties acquired or developed with public funds can be utilized for recreation without risk to public health.

For properties that have been used for agriculture, there is the potential for pesticide residues to be present in the soil at concentrations that exceed the NJDEP's Soil Remediation Standards. These pesticide residues represent a potential risk to human health. Therefore, if the Preliminary Assessment identifies historic or current agricultural use at a property, the applicant is required to further address this issue, as outlined below:

If the property is to be **developed**, soil samples are required to document whether pesticide residues are present. In this instance, "development" would be any disturbance of the land that could increase exposure to any potential contaminants on the property. This includes, but is not limited to, the following examples: playgrounds, recreational fields, picnic areas, dog parks and camping areas. To protect maintenance workers, this also includes any grassy/vegetated areas which are expected to be mowed on a regular basis.

If the property is to remain **undeveloped**, the Green Acres Program still recommends soil sampling. However, due to the limited exposure to the users of undeveloped properties, soil sampling is not mandatory. If the applicant opts to forego soil sampling, then the applicant is required to submit the attached Green Acres Potential Historic Pesticide Contamination Certification Form.

Note: If an applicant chooses to conduct soil sampling as part of a Green Acres funded acquisition, the costs are eligible for reimbursement as part of the acquisition project in accordance with the Green Acres Project Agreement. If sampling is done at a later date, the sampling costs are not eligible for reimbursement.

Obtaining Soil Samples

For applicants that will test the soil, all samples shall be collected and analyzed as outlined in the NJDEP's August 2016 "*Historically Applied Pesticide Site Technical Guidance*".
(http://www.nj.gov/dep/srp/guidance/srra/hap_guidance.pdf)

According to that guidance document, for properties less than ten acres, one soil sample is required for every two acres (minimum of two samples). For properties greater than 10 acres, add one sample for every five acres. For large properties over 100 acres, a reduced sampling frequency may be appropriate. Please contact the Green Acres Program to discuss any questions regarding sampling frequency.

If soil sampling results indicate the presence of contaminants above the NJDEP's most stringent Soil Remediation Standards, additional evaluation and/or remediation will be required to ensure that the property does not pose a risk to public health. Since "recreational" users may have less exposure to the contaminants than the residential and non-residential scenarios used to create the above referenced Standards, an applicant may propose to establish an alternative remediation standard (ARS), pursuant to N.J.A.C. 7:26D- Subchapter 7. Any proposed ARS must take

into account the exposure of all anticipated users of the property, including workers and staff. The establishment of an ARS must be done under the Site Remediation Reform Act (N.J.S.A. 58:10C-1) rules which requires the use of a Licensed Site Remediation Professional (LSRP). Additional information can be found in the NJDEP's June 2, 2008 guidance document entitled "Development of Alternative Remediation Standards for the Ingestion-Dermal Pathway" (www.nj.gov/dep/srp/guidance/rs/ing_derm_guidance.pdf) If the NJDEP accepts the proposed ARS, and the contaminant concentrations at the property are below this proposed ARS, the property will be considered to be protective of human health, and Green Acres participation can proceed. In this case, the Green Acres Program will require that a Special Condition be included in the Green Acres Project Agreement to ensure that the future use of the property remains consistent.

If the NJDEP determines that the proposed ARS is not protective of human health for the proposed public uses, then remediation will be required before Green Acres could fund the project. It will be the responsibility of the landowner to ensure that property use does not change to a more intensive use. If a change in the use of the property is anticipated, the landowner will be required to evaluate whether the anticipated new use is compatible with the contaminant concentrations on the property. The results of the evaluation shall be submitted to the Green Acres Program for review and approval prior to the actual change in use. Please note that the Green Acres Program may require remediation to accommodate the new use.

In addition to the above Green Acres Program requirements, the applicant is still required to comply with all applicable requirements of Site Remediation Reform Act referenced above.

If you have any questions, please contact the Green Acres Program at (609) 984-0500.

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
GREEN ACRES PROGRAM

POTENTIAL HISTORIC PESTICIDE CONTAMINATION CERTIFICATION FORM

Project Number: _____

Name of Project: _____

Applicant: _____

Municipality: _____

County: _____

Parcel Number/Park Name: _____

Block and Lot Reference: _____

Certification by Chief Executive Officer:

I hereby certify on behalf of (insert name of Applicant) that I have reviewed the Preliminary Assessment Report (PAR) dated _____. The PAR indicates that the above-referenced property has previously been utilized for agricultural purposes. I am aware that there is the potential for certain pesticide residues to be present in the soil at concentrations that exceed the NJDEP's Remediation Standards and that their presence could represent a risk to human health.

Please check **ONE** paragraph below:

____For acquisition projects: I certify that the property is intended to be used for passive use and that there will be no disturbance of the land that would cause increased exposure to any contaminants on the property. (Examples include: construction of playgrounds, recreational fields, picnic areas, dog parks and campgrounds.) Also, in order to protect maintenance workers, I certify that the property will not contain grassy/vegetated areas which are expected to be mowed on a regular basis.

OR

____For development/stewardship projects: I certify that the above-referenced project will not cause an increased exposure to any potential pesticide-related contaminants on the property. Also, in order to protect maintenance workers, I certify that the project will not include any grassy/vegetated areas which are expected to be mowed on a regular basis.

I also certify that any future development or disturbance that would cause an increased exposure to any potential contaminants on the property (including, but not limited to, construction of playgrounds, recreational fields, picnic areas, dog parks and campgrounds) will trigger a site investigation of the former agricultural areas. If contamination is found to be above the NJDEP's Remediation Standards, remediation will be completed before that development or disturbance is started.

Date: _____ Name (Printed)_____

Title: _____ Signature_____

For municipal or county projects, please provide a copy of this signed form to:

Township Health Department
Township Recreation Department
Township Engineer