

## Brownfields Frequently Asked Questions

### Brownfields FAQ

#### 1. What is a brownfield?

A brownfield is defined under NJ state law (N.J.S.A. 58:10B-23.d) as "any former or current commercial or industrial site that is currently vacant or underutilized and on which there has been, or there is suspected to have been, a discharge of a contaminant." While this is the definition recognized in state legislation, there are many variations on this definition. Generally, brownfields are properties that are abandoned or underutilized because of either real or perceived contamination.

#### 2. How many contaminated sites are there in NJ? Are they all brownfields?

The number of known contaminated sites and brownfield sites change at any given time. [The Known Contaminated Site List \(KCSL\)](#) may help you locate a contaminated site or a brownfield site. NJDEP has organized the KCSLs in New Jersey into three categories: active sites with known contamination, pending sites with known contamination, and closed sites with remediated contamination. Not all of these sites are brownfield sites. However, a search can be performed of the KCSL if you are interested in a specific area or location within a municipality.

#### 3. Where can I find a suitable brownfield site for my business?

There are a number of approaches to finding a suitable brownfield for reuse as a business. Under NJDEP's Brownfield Development Area (BDA) program, designated communities have identified clusters of brownfield sites for coordinated remediation and reuse according to a community-based plan. A listing of the BDA sites can be found at [BDA Sites At A Glance](#).

NJDEP has compiled an ongoing list of brownfield sites in New Jersey known as the NJDEP [Brownfield Inventory](#). This is not a complete list of brownfield sites in New Jersey.

NJDEP has compiled a list of contaminated sites known as the [KCSL](#). However, this list does not distinguish between sites that are available for development and those that are simply in the remediation process.

The Department of Community Affairs (DCA) has developed a [Community Asset Map](#) to help the public find useful parcel data for properties in New Jersey.

NJ Department of State (DOS) has developed a ["Site Mart,"](#) which is a searchable on-line multiple-listing service. Users need to register at the website to view the listed properties. The registration is free and available to anyone. For more information, please contact the Office of Planning Advocacy at 609-777-3474.

Often the best source of information regarding redevelopment of a specific site is found locally. If you have a specific municipality or county in mind, speak with the local economic development directors who generally know where the sites are in their communities. Also, many counties have developed inventories of brownfield sites.

#### **4. Where can I find New Jersey's brownfield law?**

The Brownfield and Contaminated Site Remediation Act (BCSRA) was passed in 1998 and Section 35 was amended in October, 2002. The BCSRA was further amended in conjunction with the Site Remediation and Reform Act. Additional information regarding the SRRRA and amendments to the BCSRA, can be found on the Site Remediation Program's [website](#).

#### **5. Where can I find funding for brownfield remediation and redevelopment?**

The NJDEP works in partnership with the New Jersey Economic Development Authority to administer the [Hazardous Discharge Site Remediation Fund \(HDSRF\)](#). The HDSRF provides funding to municipalities, counties, and redevelopment entities for the remediation of brownfield sites. There are a [number of grants and loans](#) for assessment, investigation and cleanup of brownfield properties.

There are additional resources for brownfield funding below:

##### **Additional Resources for Brownfield Funding**

- The U.S. Environmental Protection Agency's Brownfields program including grants and loans for assessments, cleanup, and planning. Additional information can be found at <https://www.epa.gov/brownfields/grants-and-funding>.
- NJEDA Financing and Incentives can be found at <https://www.njeda.gov/financing-and-incentives/>
- Information on NJ Infrastructure Bank and NJDEP Water Bank can be found at <https://www.njib.gov/njeit> and <https://dep.nj.gov/wiip/njwb-process/>.

#### **6. How can the redevelopment of a brownfield help a community?**

Since brownfield sites are often abandoned and poorly maintained properties, they can create an unattractive nuisance. Vandalism, trespassing, and environmental contamination may be common at brownfield properties. In addition to improving the appearance of the property to the community, the redevelopment of a brownfield property can increase value of the surrounding properties, create new jobs, and positively impact the local economy.

**7. Where can I access information about a specific brownfield site?**

All of the sites under NJDEP oversight, including brownfields, can be accessed through the [Known Contaminated Site List](#) or the NJDEP's [Geo-Web](#) GIS mapping system. To obtain reports on a particular site, please submit an [Open Public Records Act \(OPRA\)](#) request.

Below are tools that can be used to acquire information about specific sites

- [NJDEP GIS Brownfield Inventory link](#)
- [NJDEP Data Miner](#)
- You can contact our office at 609.984.1790

**8. Does a municipality have to remediate or clean up contamination at a brownfield site?**

**Site Remediation Reform Act**

The [Site Remediation Reform Act \(SRRA\)](#) established an affirmative obligation for responsible parties to remediate contaminated sites in a timely manner. A government entity that is a responsible party must adhere to these deadlines. However, a government entity that owns contaminated property for which it is not a responsible party is not required but is strongly encouraged to adhere to these deadlines. More information can be found at [https://dep.nj.gov/wp-content/uploads/srp/srra\\_gov\\_ent\\_man\\_time\\_frame.pdf](https://dep.nj.gov/wp-content/uploads/srp/srra_gov_ent_man_time_frame.pdf).

**Exemption From Spill Act Liability**

N.J.S.A. 58:10-23.11g.d(4) Exemption from Spill Act Liability

Any federal, State, or local governmental entity which acquires ownership of real property through bankruptcy, tax delinquency, abandonment, escheat, eminent domain, condemnation or any circumstance in which the governmental entity involuntarily acquires title by virtue of its function as sovereign, or where the governmental entity acquires the property by any means for the purpose of promoting the redevelopment of that property, shall not be liable, pursuant to subsection c. of this section or pursuant to common law, to the State or to any other person for any discharge which occurred or began prior to that ownership. This paragraph shall not provide any liability protection to any federal, State or local governmental entity which has caused or contributed to the discharge of a hazardous substance. This paragraph shall not provide any liability protection to any federal, State, or local government entity that acquires ownership of real property by condemnation or eminent domain where the real property is being remediated in a timely manner at the time of the condemnation or eminent domain action.

[Exemption From Spill Act Liability Form](#)

**9. How do I apply for a BDA designation?**

Please see the [Brownfield Website](#) for more information.

**10. What is the time frame for BDA designation approval?**

The application will be open for 120 days to submit requests for new Brownfield Designation Areas. Review time of the applications submitted will be 90 days after the closing period.

**11. What do I do if my site is not selected for a BDA designation?**

The Office will provide guidance for applicants who are not selected for the BDA designation to improve their applicant for the next opportunity to apply.

**12. How do I modify an existing brownfield development area?**

You may modify an existing brownfield development area by following a specific process outlined [here](#).

**13. For general questions about brownfields, please email [bdaapp@dep.nj.gov](mailto:bdaapp@dep.nj.gov).**