

New Jersey

General Information

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Brownfield Remediation & Reuse Element
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Web site: <http://www.state.nj.us/dep/srp/brownfields/>

Program Description (VCP, brownfields, or related)

Brownfields definition: New Jersey defines a brownfield 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.

Program titles: The following statutes govern the various cases that the Site Remediation Program Voluntary Cleanup Program (VCP) sets. Sites not considered priority sites are eligible to participate in the Voluntary Cleanup Program if not subject to one of the regulatory programs or party to an administrative or enforcement order.

- Brownfields and Contaminated Site Remediation Act (“Brownfield Act”)
- Spill Compensation and Control Act (“Spill Act”)
- Industrial Site Recovery Act (“ISRA”)
- Underground Storage Tank Act (“UST”)
- Solid Waste Management Act

The state’s Voluntary Cleanup Program (VCP) was established in 1992 as a subset of site remediation cases. It is fully integrated into its other programs.

Liability relief provisions:

- Program offers No Further Action (NFA) determination with a Covenant Not to Sue (CNTS), providing third party liability protection to any person who is not liable for cleanup and removal costs pursuant to the Spill Act. “Parties in any way responsible” can participate in the VCP but may not benefit from the CNTS. Subsequent landowners may be eligible for CNTS protection. The Spill Act also contains an innocent purchaser defense, for parties that acquire known contaminated sites. Prospective purchaser agreements are also available.
- Brownfield developers that meet the innocent purchaser defense requirements under the Spill Act are exempt

from Natural Resources Damages (NRD) and claims for damages or compensatory restoration.

Financial incentives (grants, loans, tax provisions, etc.):

- Hazardous Discharge Site Remediation Fund
- Environmental Infrastructure Trust
- Brownfield Reimbursement Fund
- Brownfield Redevelopment Loans

Legislative or program site eligibility

requirements: Participation in the VCP is available to all parties that are not subject to a regulatory program (i.e., ISRA, UST), a publicly funded action, or under an enforcement action or court order.

Financial Elements

Assessment and cleanup funding (source, amount, relationship to VCP/brownfields programs, application process, eligibility requirements, dedication to special types of sites such as petroleum, dry cleaners, abandoned drug labs, etc.):

- Hazardous Discharge Site Remediation Fund—Administered jointly by NJDEP and NJ Economic Development Authority, provides grants and low-interest loans to municipalities, nonprofits, and private parties.
 - Municipal awards are capped at \$3 million annually (with an additional \$2 million for sites in designed Brownfield Development Areas (BDAs)).
 - 100% grants for investigation.
 - 75% grants for remedial action (for conservation/recreation end use).
 - 25% grants for remedial action for unrestricted use remedy or use of innovative remedial technology.
 - Nonprofit awards under a pilot program (total program funding of \$5 million).
 - 100% grants for investigation.
 - Private entities awards are capped at \$1 million. A nonprofit can also apply as a private entity.
 - 25% grants for remedial action for unrestricted use remedy or innovative technology remedy.
 - 50% grants for remedial action when meeting the specific definition of “qualifying innocent purchaser” in the funding statute.
 - Low interest loans for investigation and remedial action.
- NJ Environmental Infrastructure Trust—provides low-interest loans to government agencies for brownfields activities that are linked to improving water quality.

Tax incentives (abatements, credits, etc.):

- Brownfield Reimbursement Program administered by the NJ Division of Taxation and the NJ Commerce Commission. Reimburses for up to 75% of remediation costs based on specific new taxes that are generated from a redevelopment project. Most significant taxes eligible for reimbursement include, the Sales and Use Tax (on

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retail establishments), the sales tax paid on remediation activities and on construction materials, and the Corporate Business Tax generated at the site.

- Environmental Opportunity Zones, designated by municipal ordinance, allows for an incremental tax abatements on real property (to offset cleanup costs) for up to 15 years.

Other forms of support (environmental insurance, brownfields redevelopment authorities, etc.):

- NJDEP's Brownfield Development Area (BDA) program works with selected communities impacted by multiple brownfield sites to implement remediation and reuse plans in a coordinated fashion. Under this designation, all brownfield sites within a BDA will be assigned to a single case manager, who will coordinate with partnering state agencies to direct targeted technical and financial assistance to stimulate reuse. The plans will be developed under the direction of a local steering committee with support from NJDEP advisors.

Program Elements

Technical Elements

Methods/standards/controls:

- State allows three cleanup levels: 1) unrestricted use remedial actions; 2) limited restricted use remedial actions (institutional controls only); and 3) restricted use remedial actions (engineering and institutional controls). Natural attenuation allowed in some circumstances when combined with a Classification Exception Area (CEA) institutional control. Contamination source must be removed.
- The state has statutory cleanup provisions with risk based goals, and also uses water quality criteria, Maximum Contamination Level (MCLs) and Maximum Contaminant Level Goal (MCLGs), background levels, risk assessment. State is currently promulgating soil cleanup standards. The risk level set by the statute is 10–6 for carcinogens, and a Hazard Index of 1 or less for non-carcinogens. For soil cleanup, the state may use the standards or determine case-specific levels by risk assessment. If the standards are determined to be below background levels, then the cleanup level is background. For sites where cleanup is based on restricted land uses, site specific deed notices must be recorded. The same standards are used for all cleanups, including voluntary cleanups and brownfields sites.
- Under the Cleanup Star Program, NJDEP pre-qualifies environmental consultants meeting rigorous education, experience, and professional requirements as "Cleanup Stars." These "Cleanup Stars" are permitted to investigate and remediate certain low-priority sites and areas of concern with limited NJDEP oversight, excluding ground water contamination. NJDEP will strictly audit Cleanup Stars' work to ensure regulatory compliance and protection

of public health and the environment. The Cleanup Star Program is designed to achieve three main goals: 1) increase the quality of the environmental consulting profession; 2) facilitate remediation of low-risk sites; and 3) allow NJDEP case managers to devote more resources to high priority cases.

- Unregulated Heating Oil Tank Program – NJDEP will pre-qualify environmental professionals holding a valid New Jersey Underground Storage Tank (UST) Certification in Subsurface Evaluation and employed by a firm holding the same certification to investigate and remediate Unregulated Heating Oil Tanks with limited NJDEP oversight.

Contaminants covered/excluded: All hazardous substances on adopted list pursuant to Section 4 of P.L. 1983, c. 315 (NJSA 34:5A-4), including petroleum. In addition, the list of hazardous substance and toxics adopted by EPA respectively, pursuant to Section 311 and 307 of the Water Pollution Control Act; and the list of hazardous substances opted by EPA pursuant to Section 101 of CERCLA. Sewage and sewage sludge are not included in the definition of hazardous substances pursuant to the Spill Act.

Use of long-term stewardship and institutional

controls (IC): Institutional and engineering controls for soils and ground water are acceptable remedies when they meet the risk-based requirements of the regulations. Biennial certification is required to report on the status of the controls' effectiveness state inspection is required every five years.

- **IC Tracking:** NJDEP has an oversight program that tracks those cases that have used engineering and institutional controls to ensure that inspection and reporting obligations meeting the biennial certifications are submitted. A report of those cases that have not submitted a biennial certification is available at <http://www.nj.gov/dep/opra/online.html> in the NJ DEP's Data Miner Database.
- **IC Oversight and Monitoring:** NJDEP reviews all biennial certifications to ensure that the remedy is still protective. Any integrity issues with a remedy must be addressed by the party responsible for maintaining the control. In addition, any person that fails to submit a biennial certification may be subject to penalties.

The following Web address is a direct link to the state's public database that maintains an inventory of sites, maps sites, and/or tracks institutional controls. This link also provides additional information regarding contaminated sites in the state.

<http://www.nj.gov/dep/srp/kcsnj/>

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Management & Implementation Elements

Voluntary Cleanup Program MOA with EPA: No

Costs to enter program or fees for service: Oversight fees charged based on 1) fixed fees for certain activities and programs, or 2) calculated fees based on hourly rate. Billing based on staff time spent includes the staffs' direct salary and overhead, excluding its indirect costs for homeowners and developers.

Funding source for administrative costs and staff: The SRP in NJDEP has over 600 full-time staff. The Attorney General's Office (Department of Law and Public Safety, Division of Law, Hazardous Site Litigation Section) provides attorneys for legal support of the program. Funding for staff and administration comes from the Spill Compensation Fund, Corporate Business Tax, and Bond funds, direct billing, and federal grants.

Cleanup Activities

Sites currently in VCP: 20,000 known contaminated sites under DEP oversight.

Sites completed under VCP: In 2007, the state issued 3,623 No Further Action (NFA) letters indicating that remediation was complete.

Benefits (incentives to participate in the VCP, covenants not to sue, etc.):

- Program is voluntary.
- NFAs are accompanied by a CNTS.
- Certain liability protections require VCP participation.
- Financial incentive programs require VCP (or other program) participation.

Public Participation

Public participation requirements (notice, comment periods, etc.): NJDEP issued draft regulations on public participation on August 6, 2007 to improve public access to site remediation information and public involvement in the remediation process. Adoption planned for August 2008.

Public participation activities (hearing, meetings, etc.): As required and as requested. Program holds quarterly brownfields roundtables with interested parties and a quarterly advisory committee meeting to update interested parties on regulatory and policy issues. In addition, NJDEP's Office of Community Relations conducts workshops to educate citizens about site remediation process.

Statutory Authorities

- Brownfields and Contaminated Site Remediation Act, NJSA §58:10B, provides the basis for the remediation of contaminated sites and a brownfields program; it also amended site remediation standards to reflect land use restrictions.
- Spill Compensation and Control Act, NJSA §§58:10–23–11 separately et seq., (enacted 1976, and amended almost annually thereafter), establishes a fund for cleanups and provides authority for emergency response, removals, remedial actions, enforcement, cost recovery, victim compensation, natural resources damages, and voluntary cleanup.
- Industrial Site/Recovery Act (ISRA) (1993), NJSA §§13:1K–6 et seq., requires transferors of industrial facilities to clean up contamination.
- Environmental Rights Act, NJSA §2A:35A establishes a basis for filing citizen suits.
- Water Pollution Control Act (WPCA), NJSA §§10A–1 et seq., provides the basis for the remediation of contaminated sites which impact the waters of the state.
- Underground Storage Tank Act, NJSA 58:10A-21-37., establishes criteria for installing maintaining regulated underground storage tanks.
- Solid Waste Management Act, NJSA 13:1E et seq., establishes criteria for operating transfer and recycling facilities and permitting and closing landfills.

General Information

Contact: Division of Environmental Remediation

Address: NY State Department of Environmental Conservation (DEC)
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Phone: 518 402 9711

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Email: derweb@gw.dec.state.ny.us

Web site: <http://www.dec.state.ny.us/website/der/>

Program Description (VCP, brownfields, or related)

Brownfields definition: The only explicit definition of a brownfield in New York State's cleanup programs is found in the Brownfield Cleanup Program (BCP). The BCP defines a brownfield site as any real property, the redevelopment or reuse of which may be complicated by the presence or potential presence of a contaminant (the remainder of the brownfield programs address similar sites but do not refer to the sites as brownfields).

Program titles:

- Brownfield Cleanup Program (BCP) (2003)—Cleanup program, successor to Voluntary Cleanup Program.
- Voluntary Cleanup Program (VCP) (1994)—Cleanup program. As of October 1, 2003, no new VCP applications are being accepted. Projects currently in the VCP may remain in the program until completion.
- Environmental Restoration Program (ERP) (1996)—Cleanup program.
- Brownfield Opportunity Areas Program (BOA) (2003)—Planning program.

Liability relief provisions:

- BCP—Following the completion of the project, the DEC issues a Certificate of Completion (COC), which entitles the recipient to an environmental liability limitation (subject to reopeners) that would be binding on the state for any liability including future liability or claim for further remediation of hazardous waste and/or petroleum at or emanating from the site that was subject to the agreement. The liability limitation extends to successors and assigns except a responsible party, unless that person was party to the Brownfields Cleanup Agreement. The BCP also provides appropriate liability relief to innocent landowners, municipalities, and fiduciaries.
- Projects completed in the VCP are assigned a release and Covenant Not to Sue (CNTS), which is transferable to future non-potentially responsible party (PRP) owners.

Non-PRP volunteers also receive a release that covers natural resource damages. The DEC's release binds itself, and does not bind private parties harmed, does not bind the state attorney general or the state comptroller, and does not bind EPA.

- ERP gives liability release and indemnification to municipalities and non-PRP successors, including future owners, lenders, or lessees for hazardous substances that were on the property prior to the ERP grant.
- BOA—None

Financial incentives (grants, loans, tax provisions, etc.):

- Tax Credits (BCP)
- Technical Assistance Grants (TAGs) up to \$50,000 per site are available at significant threat sites under the BCP or at Class 2 sites under Superfund.
- Clean Water/Clean Air Bond Act (ERP) (grants of 90% for eligible on-site costs to 100% for eligible off-site costs)
- Clean Water State Revolving Fund
- Empire Zones, Environmental Zones
- Planning Grants of 90% (BOA)

Legislative or program site eligibility requirements:

- BCP—All sites are eligible to participate, except: federal National Priorities List (NPL) sites; Class 1 or Class 2 sites on the New York State Registry of Inactive Hazardous Waste Disposal Sites (NYS Registry sites); permitted Resource Conservation Recovery Act (RCRA) sites (note: interim status sites are eligible); sites subject to an enforcement action; sites subject to a cleanup order under Article 12 of the Navigation Law; and sites subject to any other federal or state environmental enforcement action.

Also, under the BCP, the above eligible parties are able to participate unless: they are subject to a pending action or proceeding relating to the proposed site in any court or administrative agency in any jurisdiction wherein the state or federal government seeks the investigation, removal, or remediation of contamination or penalties; they are subject to an order providing for the investigation, removal, or remediation of contamination relating to the proposed site; or they are subject to an outstanding claim for cleanup and removal costs under Article 12 of the Navigation Law ("Oil Spill Prevention, Control, and Compensation"). The DEC may also reject a request for participation if the DEC determines that the public's interest would not be served. (See the NYSDEC's Web site at: <http://www.dec.state.ny.us/website/der/bcp/index.html> for additional eligibility criteria.)

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- VCP—Site owners, prospective purchasers, municipalities, and (under some circumstances) operators may participate. Participation by Class 2 sites and NPL sites is not allowed. Note: As of October 1, 2003, no new VCP applications are being accepted.
- ERP—New York State municipalities are eligible. The term municipality includes counties, cities, towns, and villages as well as local public authorities, public benefit corporations, school and supervisory districts, and improvement districts. Additionally, the term municipality includes community based organizations which partner with a municipality. The municipality must own the property and cannot be responsible for the contamination. The property cannot be listed as a Class 1 or 2 NYS Registry sites.
- BOA—Applicants that are eligible to apply for a grant include, New York State municipalities and community based organizations or municipalities and community based organizations acting in cooperation. A community based organization is a nonprofit corporation, incorporated under Section 501(c)(3) of the Internal Revenue Code whose stated mission is to promote community revitalization within the geographic area in which the community based organization is located; has 25% or more of its board of directors residing in the community in such area; and represents a community with a demonstrated financial need as indicated by high unemployment, low resident incomes, depressed property values, and high commercial vacancy rates.

Financial Elements

Assessment and cleanup funding (source, amount, relationship to VCP/brownfields programs, application process, eligibility requirements, dedication to special types of sites such as petroleum, dry cleaners, abandoned drug labs, etc.):

- The state Superfund/Brownfield Law authorizes up to \$135,000,000 annually, broken down as follows:
 - \$120,000,000 for investigation and remediation of inactive hazardous waste disposal sites and hazardous substance sites, and investigation and remediation of off-site contamination for volunteer sites under the BCP. These funds are provided by the sale of bonds. Debt service on the loans is funded 50% by industry fees and 50% by the state's general fund.
 - \$15,000,000 for TAGs (which are associated with the state Superfund/Brownfield Cleanup Programs), BOA grants, state implementation of the BCP and VCP, and non-bondable costs associated with the state Superfund program. This funding would be provided through the state's general fund.
 - In addition, approximately \$33,000,000 will continue to be appropriated to fund the state's Oil Spill Program.
- Clean Water/Clean Air Bond Act—As part of the \$1.75 billion 1996 Clean Water/Clean Air Bond Act, a fund of \$200 million was created for the ERP. Under the ERP, the state provides grants to municipalities for reimbursement of up to 90% of eligible costs for onsite investigation and remediation activities, and 100% for off-site remediation if required by the DEC. The property may then be used for commercial, industrial, residential, or public use, depending on the level of cleanup. Approximately \$20,000,000 remains uncommitted for ERP projects as of February 1, 2008.
- Clean Water State Revolving Fund offers interest-free short-term loans, and low-interest long-term loans for water-related projects.

Tax incentives (abatements, credits, etc.):

- The state's environmental conservation law, tax law, and insurance law provide for a suite of tax credits available to parties cleaning up sites under the BCP. These credits offset costs associated with real property taxes, site preparation, ground water remediation, property improvements, and insurance premiums relating to environmental remediation insurance. The applicant must receive a Certification of Completion (COC) from the DEC stating that remediation requirements have been or will be achieved for the brownfield site in question in order to be eligible for the tax credits.

In addition, Environmental Zones (En-Zones) provide enhanced tax credits under the BCP for parties who remediate and redevelop brownfield sites in designated areas. En-Zones are areas identified by the Commissioner of Economic Development as having a poverty rate at least 20% and an unemployment rate at least one-and-a-quarter times the statewide average or a poverty rate of at least double the county poverty rate. For additional information refer to Empire State Development's Web page: http://www.tax.state.ny.us/sbc/empire_zone.htm

- There are three tax credits involved with the BCPs.
 - The Redevelopment Credit has three components:
 - Site preparation credit—12% for business and 10% for personal tax filers. Both increase by 2% for remediation to Track 1 (unrestricted use).
 - Tangible property credit—(percentages the same as above).
 - On-site ground water remediation credit component—(percentages same as above).
 - In addition, the applicable percentage will be increased by 8% if at least half of the qualified site is located in an En-Zone.
 - The Remediated Brownfield Credit for Real Property Taxes provides the following tax credit for qualified sites:
 - 25% (or if in an En-Zone, then 100%)
 - Multiplied by employment factor
 - Multiplied by real property taxes
 - Subject to a limitation of: \$10,000 multiplied by the number of full time employees

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- Employment Number Factor is determined as follows:
- At least 25 but less than 50 = .25
- At least 50 but less than 75 = .50
- At least 75 but less than 100 = .75
- At least 100 or more = 1.0

If the site is located in whole or in part in an Empire Zone, the taxpayer must make an irrevocable election between the two real property tax credits available. Thus, the taxpayer needs to select between Remediated Brownfields Credit or the QEZE Real Property Tax Credit in the first year the taxpayer qualifies for both the Remediated Brownfields Credit for Real Property Taxes and the QEZE Real Property Tax Credit.

- The Environmental Remediation Insurance Credit (NYS Insurance Law—Section 3447) provides credits for certain types of insurance coverages including those with:
 - On-site cleanup of pre-existing pollution conditions coverage.
 - Third party claims coverage (bodily injury, property damage).
 - Cost-cap coverage.
 - Re-opener coverage.
 - The credit is equal to the lesser of: \$30,000 or 50% of the cost of the policy. There is a one time refundable credit for each policy.

Other forms of support (environmental insurance, brownfields redevelopment authorities, etc.): The BOA Program is a local planning tool. BOAs provide technical and financial assistance to municipalities and community-based organizations to conduct redevelopment planning and for areas containing brownfields as well as site assessments for strategic sites. Funding is available to cover 90% of the costs to complete BOA pre-nomination studies, nomination documents, implementation strategies, and site assessments. Projects in the BOA Program may receive a priority and preference when considered for financial assistance pursuant to any other state, federal, or local law. The BOA Program is administered by the DEC in partnership with the Department of State (DOS).

Program Elements

Technical Elements

Methods/standards/controls:

- BCP—Cleanups under the BCP must be protective of public health and the environment based on remedy selection criteria including the current, future, and reasonably anticipated land use of the site. New York State law prescribes a multi-track approach for the remediation of contamination: Track 1 (unrestricted use); Track 2 (restricted use with generic soil cleanup objectives); Track 3 (restricted use with generic soil cleanup objectives); and Track 4 (restricted use with site-specific soil cleanup

objectives). A responsible party (RP) must also conduct any necessary off-site remediation.

- ERP—Remedies are protective of public health and the environment. The remedial program for soils at a site must utilize soil cleanup objectives that are protective of public health and the environment. An alternative analysis is used to determine final soil cleanup levels. Environmental easements are used to control future land use where cleanup is not to unrestricted standards.
- VCP—Cleanups under the VCP must be protective of public health and the environment based on remedy selection criteria that includes the site's contemplated use. Contemplated use includes unrestricted and restricted forms of residential, commercial, and industrial uses.

Contaminants covered/excluded:

- BCP—hazardous waste (including hazardous substances) and petroleum are covered.
- ERP—hazardous waste (including hazardous substances) and petroleum are covered; no lead paint inside buildings; 50% of the eligible costs for asbestos/demolition.
- VCP—hazardous wastes, hazardous substances, and petroleum are covered.

Use of long-term stewardship and institutional controls (IC):

- Institutional controls and/or engineering controls are allowed in the BCP, ERP, and VCP programs if they are protective of public health and the environment. In addition, environmental easements may be required for the protection of public health and the environment and to achieve the requirements for remediation established at contaminated sites.
- Institutional controls/engineering controls are beneficial because they may be less expensive, allow for expedited cleanups, and allow property to be reused that is not cleaned up to unrestricted use levels.
 - **IC Tracking:** Yes, DEC tracks all institutional and engineering controls.
 - **IC Oversight:** Yes, DEC reviews all proposed institutional and engineering controls.
 - **IC Monitoring:** Yes, DEC monitors institutional and engineering controls.

The following Web address is a direct link to the state's public database that maintains an inventory of sites, maps sites, and/or tracks institutional controls. This link also provides additional information regarding contaminated sites in the state.

<http://www.dec.ny.gov/chemical/8437.html>

New York

Management & Implementation Elements

Voluntary Cleanup Program MOA with EPA: No

Costs to enter program or fees for service: In the BCP and VCP, state oversight costs must be reimbursed by the party cleaning up the site. Responsible parties must also pay past costs.

Funding source for administrative costs and staff:

- Administrative and staff costs are provided by the state's general fund and from the sale of bonds.

Cleanup Activities

Sites currently in State Brownfields Programs:

- BCP—As of February 1, 2008, the DEC approved 259 applications for participation in the program.
- ERP—As of February 1, 2008, the DEC approved 276 applications for participation in the program.
- VCP—As of February 1, 2008, the DEC approved 762 applications for participation in the program. (Note: the DEC stopped accepting applications for the VCP in 2003.)

Sites completed under State Brownfields Programs:

- BCP—As of February 1, 2008, 35 sites completed remedial actions since the program's inception.
- ERP—As of February 1, 2008, 22 sites have remedial actions completed.
- VCP—As of February 1, 2008, 151 sites have remedial actions completed.

Benefits (incentives to participate, covenants not to sue, etc.): New York's brownfields programs are designed to promote environmental restoration and preservation, public health protection, economic development, job creation, and community revitalization throughout the state. Incentives to increase participation in the state's programs include technical and financial assistance, liability releases, and tax credits.

Public Participation

Public participation requirements (notice, comment periods, etc.):

- The BCP law sets forth citizen participation requirements at several milestones during a BCP project. These requirements may include: developing a citizen participation plan; public notices; fact sheets; public comment periods; and public meetings.
- The ERP law and regulations set forth citizen participation requirements. Among other requirements, the municipality must develop a citizen participation plan that serves as a tool to manage the project's citizen participation program.
- The VCP incorporates public notice and comment at various project's milestones as a matter of policy rather than legal requirement.

Public participation activities (hearing, meetings, etc.):

- The Department conducts meetings and hearings as required by law or as needed to inform and educate the public on remediation activities. Updated information on Public Participation activities is regularly provided on DEC's Web site.

Statutory Authorities

- The Environmental Conservation Law, Articles 17, 19, 27, 71, provides general, comprehensive enforcement and cleanup authority. It includes authority under which the state established a voluntary cleanup program. Part of the Environmental Conservation Law, Article 56, Title 5 (1997), establishes the Environmental Restoration Program.
- The General Municipal Law, Article 18-C, Section 970-r, establishes the Brownfield Areas Opportunity Program.

General Information

Contact: Puerto Rico Environmental Quality Board (PREQB)
CORE and Superfund Program

Address: P.O. Box 11488
San Juan, Puerto Rico 00910

Phone: 787 767 8181 Ext. 2230

Fax: 787 766 0150

Web site: <http://www.jca.gobierno.pr>

Program Description (VCP, brownfields, or related)

In 2000, Puerto Rico began the development of the Property Redevelopment and Voluntary Cleanup Program (PRVCP) under a state assistant grant from EPA. Incentives for participation in the program include liability relief for prospective purchasers and lenders, cleanup certification, Memorandum of Understanding between PREQB and EPA, and agreements between interested parties.

Brownfields definition: No information available

Program titles: Property Redevelopment and Voluntary Cleanup Program

Liability relief provisions: The program offers liability relief for prospective purchasers and lenders through letters, certificates, and/or agreements.

Financial incentives (grants, loans, tax provisions, etc.): The PRVCP contemplates tax exemptions as a possible financial incentive, but no final determination has been made.

Legislative or program site eligibility requirements: The site eligibility requirements will be included in the program's rules and regulations.

Financial Elements

Assessment and cleanup funding (source, amount, relationship to VCP/brownfields programs, application process, eligibility requirements, dedication to special types of sites such as petroleum, dry cleaners, abandoned drug labs, etc.): No information available

Tax incentives (abatements, credits, etc.): PREQB is evaluating tax incentives to be used in the PRVCP.

Other forms of support (environmental insurance, brownfields redevelopment authorities, etc.): PREQB has the authority to issue cleanup letters and completion letters.

Program Elements

Technical Elements

Methods/standards/controls: PREQB is developing the procedures, cleanup standards, and methods to be used in the PRVCP.

Contaminants covered/excluded: PREQB is developing the list of chemicals of concern to be addressed under the PRVCP.

Use of long-term stewardship and institutional controls (IC): No information available

- **IC Tracking:** No information available
- **IC Oversight:** No information available
- **IC Monitoring:** No information available

Management & Implementation Elements

Voluntary Cleanup Program MOA with EPA: No

Costs to enter program or fees for service: PREQB will establish a reasonable cost to enter into the PRVCP.

Funding source for administrative costs and staff: The funding source for the PRVCP will be a special account with funds collected from the program.

Cleanup Activities

Sites currently in VCP: The PRVCP is under development.

Sites completed under VCP: The PRVCP is under development.

Benefits (incentives to participate in the VCP, covenants not to sue, etc.): The PRVCP is under development.

Public Participation

Public participation requirements (notice, comment periods, etc.): The PRVCP requires notification to the public on issues related to the cleanup standards, rules and regulations, and cleanup activities related to the program.

Public participation activities (hearing, meetings, etc.): PREQB has conducted several public meetings to present the PRVCP to communities, industries, government agencies, and other stakeholders.

Statutory Authorities

The Environmental Emergencies Fund Act, Law 81, 12 LPR Ann. §§1271 et seq. (1987), establishes the Environmental Emergencies Fund and authorizes the Environmental Quality Board to respond to emergencies and recover response costs from liable parties. The Act has no order or injunctive authorities; Puerto Rico relies on other authorities for these purposes, including the Public Policy Environmental Act, Law 9, 12 LPR Ann., §§1121 et seq. (1970, as amended 1973, 1974, 1978, 1983, 1984, 1985, 1993, and 1997).

Virgin Islands

General Information

Contact: Division of Environmental Protection of Planning & Natural Resources (DPNR)

Address: Cyril E. King Airport, 2nd Floor
St. Thomas, US Virgin Islands 00802

45 Mars Hills, Frederiksted
St. Croix, US Virgin Islands 00841

Phone: 340 774 3320
340 773 1082

Fax: 340 714 9549
340 692 9794

Web site: <http://www.dpnr.gov.vi/dep/home.htm>

Program Description (VCP, brownfields, or related)

The DPNR is developing a Voluntary Cleanup Program (VCP) under a cooperative agreement with EPA to spur cleanup of brownfield sites in the Virgin Islands. The activities funded under this agreement include: 1) forming a technical committee to guide the development of the VCP; 2) hiring consulting firms to assist DPNR in developing VCP strategies; and 3) training personnel on relevant aspects of the VCP and site inventory procedures.

Brownfield definition: No information available

Program titles: No information available

Liability relief provisions: No information available

Financial incentives (grants, loans, tax provisions, etc.):
No information available

Legislative or program site eligibility requirements: No information available

Financial Elements

Assessment and cleanup funding (source, amount, relationship to VCP/brownfields programs, application process, eligibility requirements, dedication to special types of sites such as petroleum, dry cleaners, abandoned drug labs, etc.): No information available

Tax incentives (abatements, credits, etc.): No information available

Other forms of support (environmental insurance, brownfields redevelopment authorities, etc.): No information available

Program Elements

Technical Elements

Methods/standards/controls: No information available

Contaminants covered/excluded: No information available

Use of long-term stewardship and institutional control:
No information available

Management & Implementation Elements

Voluntary Cleanup Program MOA with EPA: No

Costs to enter program or fees for service: No information available

Funding source for administrative costs and staff:
No information available

Cleanup Activities

Sites currently in VCP: No information available

Sites completed under VCP: No information available

Benefits (incentives to participate in the VCP, covenants not to sue, etc.): No information available

Public Participation

Public participation requirements (notice, comment periods, etc.): No information available

Public participation activities (hearing, meetings, etc.): No information available

Statutory Authorities

No information available