

New Jersey: Brownfield Reuse and Institutional Controls

National Brownfield Conference
Saint Louis, Missouri
2004 September 21

Stephen Kehayes
Office of Brownfield Reuse
New Jersey Department of Environmental Protection

What is an Institutional Control?

"Institutional controls" means a mechanism used to limit human activities at or near a contaminated site, or to ensure the effectiveness of the remedial action over time, when contaminants remain at a site at levels above the applicable remediation standard which would allow for the unrestricted use of the property. Institutional controls may include, without limitation, structure, land, and natural resource use restrictions, well restriction areas, classification exception areas, deed notices, and declarations of environmental restrictions.

Technical Requirements for Site Remediation

N.J.A.C. 7:26E-1.8

Types of Institutional Controls

- Use Restrictions
- Well Restriction Areas
- Classification Exception Area
- Deed Notice
- Declaration of Environmental Restrictions
- Sanitary Landfills

History

- Industrial Site Cleanup
- Historic / Urban Fill
- Deed Restrictions
- Permanent v. Non-Permanent Remedy Cost Evaluation

Current Requirements

- Soil IC is part of a Remedial Action Workplan
- Tracking Institutional Controls
 - NJEMS
 - i-MapNJ DEP
- Biannual Certification Report
 - 2 years from filing with County Clerk
- Cap Cop Program
- Removal of an Institutional Control
 - Remedy to Unrestricted Use levels under VCP

Track Record "How ya doin'?"

- about 600 Deed Notices have been recorded
- about 1800 CEA have been recorded
- about 700 NFA w/CEA
- significant number of soil IC are for Historic Fill

Upcoming Initiatives

- Completely electronic IC processing, including electronic IC proposals, GIS data receipt in I-Map DEP format.
- using GIS mapped IC & Engineering Controls to identify well restriction areas and any other environmental encumbrances on a given property., etc. Includes attribute table w/COC, etc.
- Using GIS format to track protectiveness of IC by overlaying periodic GW sampling results over mapped area of IC - data overlaying

Upcoming Initiatives (Continued)

- Equis Dashboard product with automatic exceedence letter sent to all RP, regulators and other appropriate contacts
- Using real-time satellite imagery to inspect engineering controls from a computerized workstation.
- Community-based monitoring support

Web-available Information

New Jersey Site Remediation Program

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

NJ Office of Brownfield Reuse

- <http://www.nj.gov/dep/srp/brownfields/>

NJ Site Remediation Program Regulations

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

NJ Technical Requirements for Site Remediation

- <http://www.nj.gov/dep/srp/regs/techrule/>

NJ DEP GIS

- <http://www.nj.gov/dep/gis/depsplash.htm>

NJ DEP Brownfield GIS

- <http://nicedata4.state.nj.us/i-man/brownfields/default.htm>

Contact Information:

Stephen Kehayes

NJ Dept. of Environmental Protection

Office of Brownfield Reuse

P.O. Box 28

Trenton, NJ 08625-0028

Stephen.Kehayes@dep.state.nj.us

(609) 777-0649