



EPA Region 2 Conference NJDEP Updates

May 19, 2023



Natural Resource Damages AO



- The Department has a fiduciary obligation to all citizens to seek restoration of injured resources and to recover natural resource damages (NRDs) at contaminated sites.
- Voluntary, collaborative process for assessing NRDs:
 - Reduce uncertainties and costs associated with evaluating and calculating NRD
 - Provide responsible parties a path toward resolving their NRD liability
- This AO, and the mechanisms it creates, can help to reduce the backlog of contaminated sites where remediation is complete or nearly complete but where trailing NRD liability remains unresolved.
- Natural Resource Restoration Advisory Council (NRRAC)
 - Increase public engagement
 - Help make process more transparent and more conducive to public input
- Benefits from NRD settlements and restoration project planning, design, and implementation
 - Environmental justice; increased public access and recreational opportunities; enhanced climate resilience and flood protection; preserved open space; direct and indirect economic impacts

PFAS



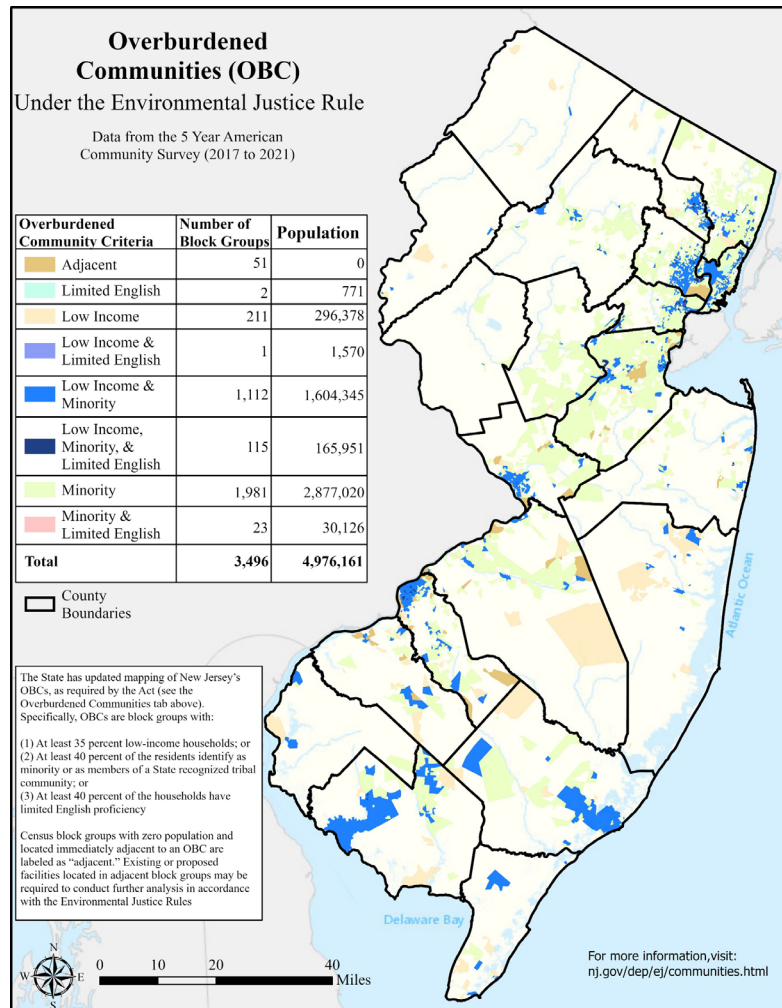
History of PFAS in New Jersey

- NJDEP conducted studies of the occurrence of PFAS in New Jersey public water systems in 2006 and 2009
 - These were the first statewide studies of the occurrence of PFAS in drinking water in the U.S.
- Known PFAS exposure occurs primarily through drinking water
 - PFAS commonly occur in New Jersey public water systems and private wells
 - PFAS is a class of emerging contaminants
 - As more PFAS are determined to be harmful to public health, the Department will assess the best way to keep them out of the public's drinking water.

EPA Updates to Regulations

- On March 29, EPA published in the Federal Register its proposed National Primary Drinking Water Regulations for certain PFAS compounds
 - If/when they become effective, the EPA MCLs for PFOA and PFAS will supersede NJ's MCLs (14 ppt and 13 ppt, respectively), which were adopted in 2020.
 - NJDEP is planning the necessary regulatory response to bring its DWQ standards in line with the EPA MCLs

Environmental Justice Rule

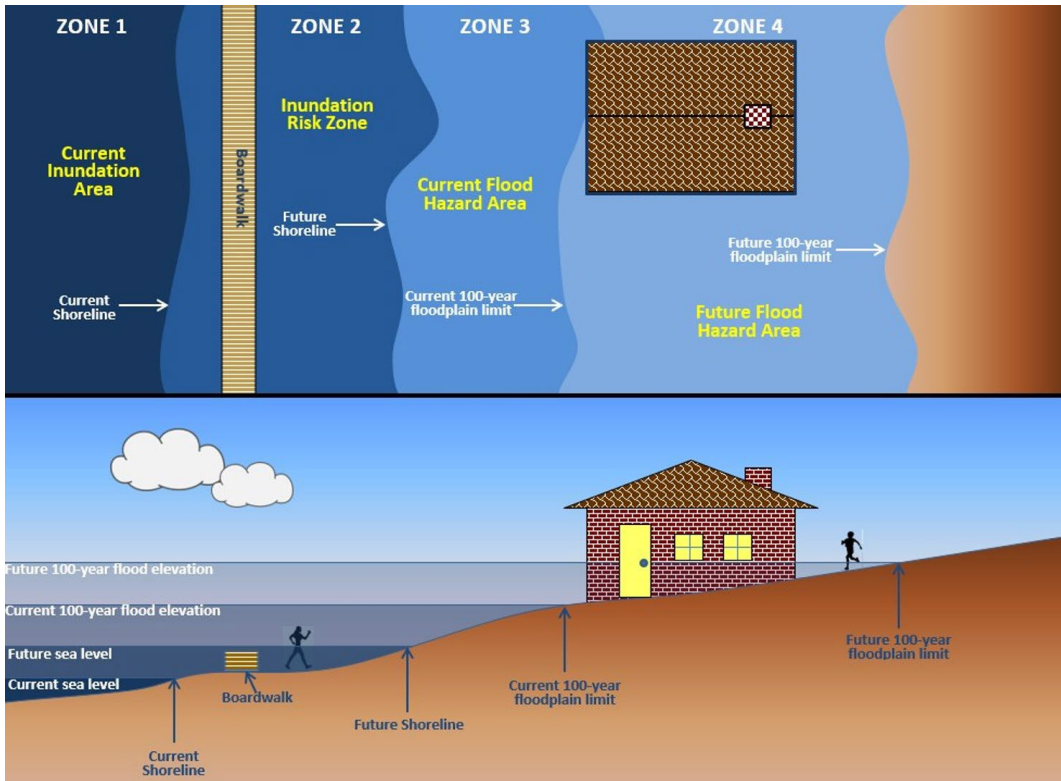


- The Environmental Justice rule was adopted and went into effect on April 17, 2023.
- Environmental Justice Mapping, Assessment and Protection (EJMAP) tool: <https://bit.ly/EJMAP>
 - Shows relative stressor values
 - Updated biannually (January/July)
- Resources on the Office of Environmental Justice's website:
 - Excel spreadsheet listing Overburdened Community (OBC) block groups with town names
 - PDF maps
 - OBC technical note
 - OBC frequently asked questions
 - ...and much more

EJMAP



Flood Rules



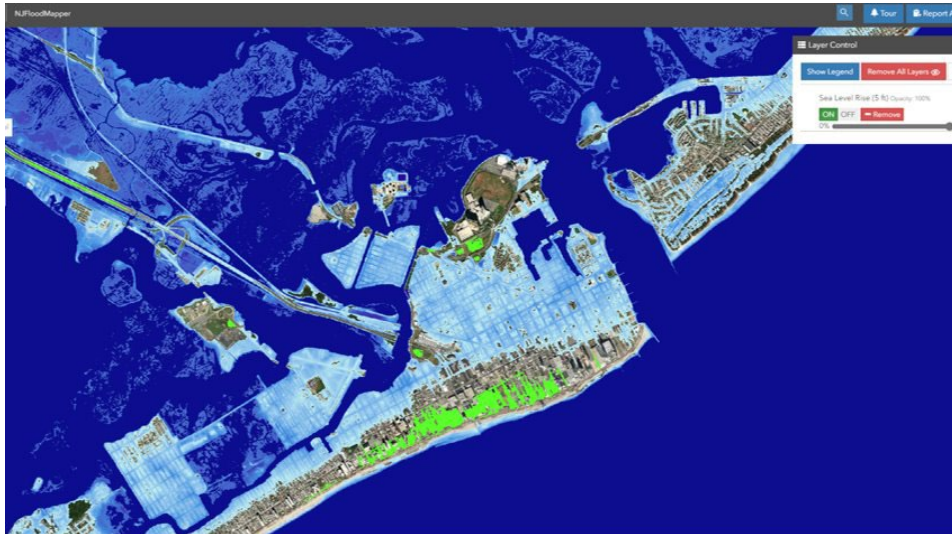
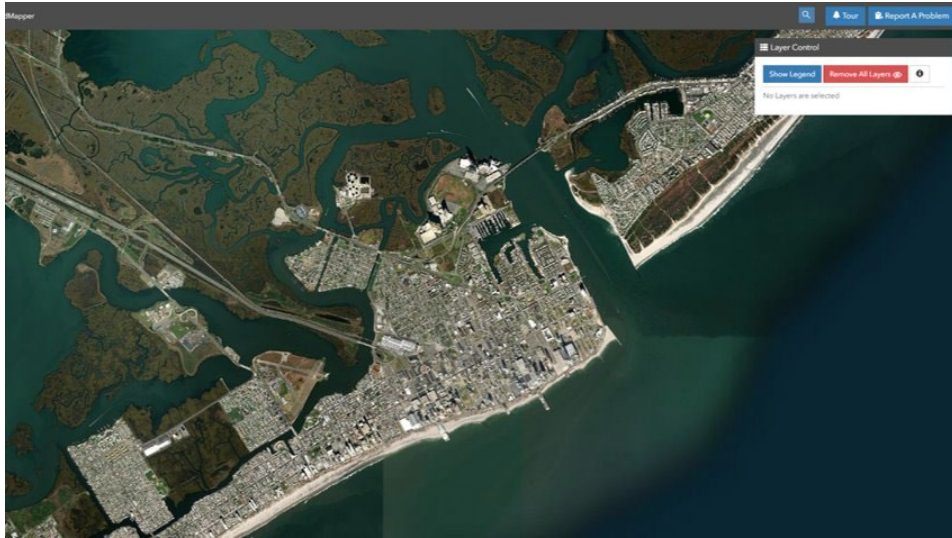
- Two fundamental updates to DEP Flood Hazard Area Rules and Coastal Zone Management Rules:
 - Standard Update
 - Fixes sea-level rise (SLR) data gap, requiring higher first-floor elevations (residential) or flood proofing (commercial) in a larger area that is slightly more inland than the existing 100-year zone
 - Process Update
 - Updated risk disclosure in all flood hazard areas
 - Adds climate impact assessment for residential and critical buildings in inundation risk zone
- These changes do not:
 - Restrict coastal development in any zone
 - Affect existing structures
 - Impede projects already in the pipeline (i.e., submitted to DEP by Q1 2024)

Sea Level Rise =
More land inundated (i.e., permanently under water)

More Inundation =
Higher flood elevations

Higher Elevations =
More recurring flood damage

Flood Rules



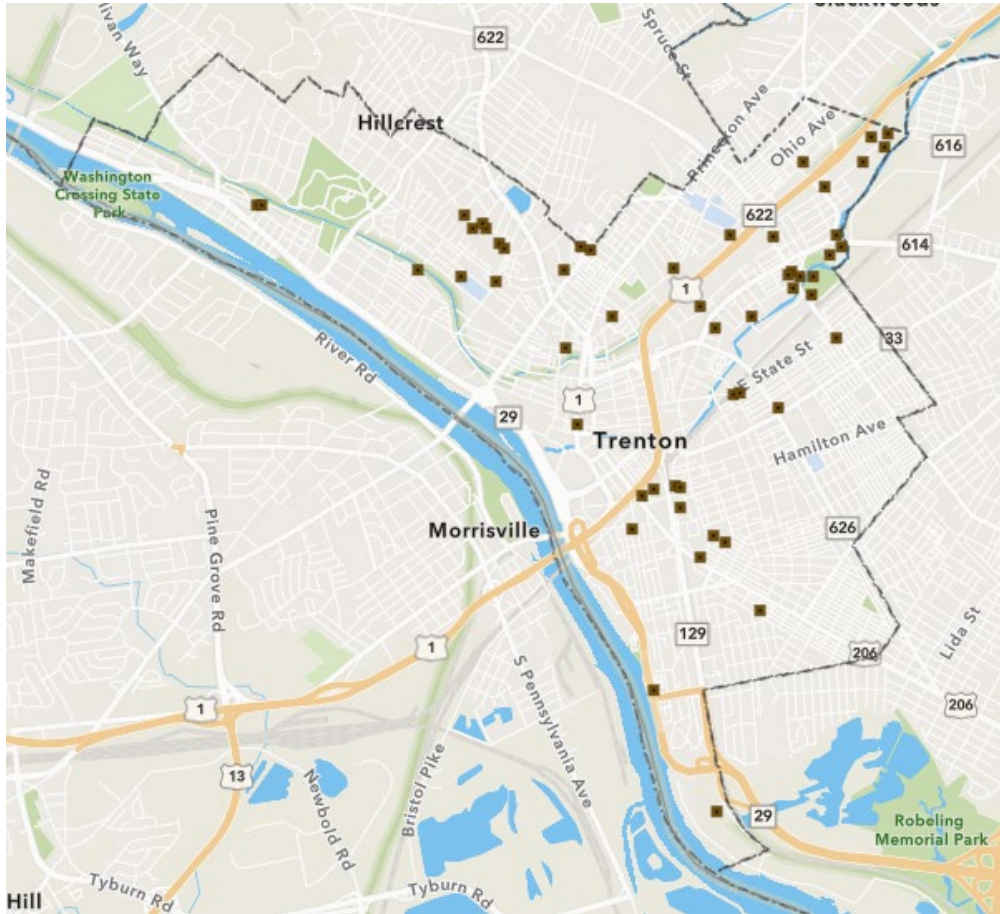
- There are risk based procedural differences as described below
- Inundation Risk Zone
 - Inundation Risk Assessment: narrative response to risk of loss/damage questions
 - Added to existing compliance statement
 - Not decisional; for notice purposes
 - Alternatives Analysis: examines on-site design alternatives to avoid or minimize risks for residential and critical buildings
 - Not required for:
 - Commercial development
 - Recreation and entertainment
 - Hospitality and gaming
 - Risk Acknowledgement: adds narrative disclosure based on Inundation Risk Assessment, recorded with FHA notice (existing requirement) in title
- Coastal Flood Zone Hazard Area
 - Less process; shorter permit application
 - No Climate Impact Assessment
 - No Climate Risk Alternatives Analysis
 - Short form Risk Acknowledgement, recorded with FHA notice in title (existing requirement)

Brownfields Impact Fund (NJEDA)



- NJEDA will make low-interest loans available to:
 - For-profit organizations
 - Public sector and non-profit organizations
 - These two organizations are also eligible for grant funding through the Brownfields Impact Fund
- These loans/grants will assist with:
 - Cleanup and other pre-construction activities on brownfield sites throughout the state
 - Eligible uses of the loan and/or grant funding includes
 - Remediation activities necessary to clean up the release of hazardous materials
 - Mitigate the threatened release of hazardous materials and other activities
- Funds will be awarded on a first come, first serve basis upon receipt of a completed application.
 - Loans or grants cannot be provided to entities who caused or contributed to the contamination of the property (Responsible Party).

Brownfield Inventory GIS Layer



- The Brownfield Inventory GIS layer is a GIS representation of brownfield sites in Community Collaborative Initiative (CCI) municipalities which will continue to be expanded over time until the layer includes a statewide representation of brownfield sites.
 - The 12 municipalities that are part of CCI are: Bayonne, Bridgeton, Camden, Jersey City, Millville, Newark, Paterson, Paulsboro, Perth Amboy, Salem, Trenton, and Vineland.
- The Brownfield Inventory GIS layer is available for viewing on [NJ GeoWeb](#) and the [DCA Community Asset Map](#)
- Next update to GIS layer is expected by end of May for these cities:
 - Atlantic City
 - Elizabeth
 - Kearny
 - New Brunswick
 - Orange City
 - Passaic
 - East Orange
 - South Orange
 - West Orange

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Thank you!

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