



Brownfield and Contaminated Site Remediation Act

(N.J.S.A. 58:10B-1 et seq.)

Information and Application
For Reimbursement

BROWNFIELD AND CONTAMINATED SITE REMEDIATION ACT

(N.J.S.A. 58:10B-1 et seq.)

The Brownfield and Contaminated Site Remediation Act was enacted January 6, 1998, and provides for the creation of a fund known as the "Brownfield Site Reimbursement Fund". Money in the fund is dedicated to the purpose of reimbursing developers up to 75% of their remediation costs through redevelopment agreements with the New Jersey Economic Development Authority and the State Treasurer. These reimbursement moneys would be derived from certain new specific State tax revenue that is realized from the redevelopment project.

Reimbursement of Closure Costs

To apply for reimbursement of any moneys expended in the remediation of contaminated property an applicant shall take the following steps:

Joint Meeting

Prior to filing any application with the New Jersey Economic Development Authority, the applicant must attend a pre-application meeting with representatives of the New Jersey Economic Development Authority, the New Jersey Department of Environmental Protection, the Department of the Treasury, and the Division of Taxation. At this meeting the applicant must outline all the terms of the redevelopment

Plan including, but not limited to information relating to the ownership of the property, type of contamination, the liable party for the contamination, the developer, a prospectus of the intended development, and the type and estimate of new taxes to be generated from new business located on the site.

Memorandum of Agreement

Applicant will enter into a Memorandum of Agreement or other oversight document with the Commissioner of Environmental Protection for the remediation of contamination of the subject property located on the site of the redevelopment project. This memorandum will set forth the required activities to be performed by the applicant to ensure the proper remediation of the contamination at, and emanating from, the site in accordance with a DEP approved plan. There are at least four standard steps required by the Department of Environmental Protection in any remediation procedure:

- a. Preliminary Assessment and Site Investigation
- b. Remedial Work Plan and Report
- c. Remedial Action Work Plan
- d. Remedial Action

Redevelopment Agreement

Once the Memorandum of Agreement is in place, an applicant will file an application with the New Jersey Economic Development Authority and execute a Redevelopment Agreement with the State Treasurer and the New Jersey Economic Development Authority outlining the requirements of the developer in order to be entitled to reimbursement of any remediation costs. This application must be filed with the New Jersey Economic Development Authority prior to the actual remediation. Reimbursable remediation costs, however, may include any costs incurred by the developer prior to the filing of the application, which are incidental to and necessary for the development of a Memorandum of Agreement, preliminary assessment and site investigation, remedial investigation and the remedial work plan. The State may *not* enter into a Redevelopment Agreement with a developer who is liable under N.J.S.A. 58:10-23:11g for the contamination of the property. Applicants must be able to certify that they are not responsible parties.

When deciding whether or not to enter into a Redevelopment Agreement with the developer, the New Jersey Economic Development Authority and the State Treasurer will consider the factors set forth in N.J.S.A. 58:10B-27b.

Application to Division of Taxation

Upon completion of the project and before commencement of a functioning business operation on the site, applicant shall submit an application, on a required form (see Attachment A), to the Director of the Division of Taxation for Certification of any reimbursement of the remediation costs. This application shall contain:

- a. A certification setting forth the total remediation costs incurred as provided in the Redevelopment Agreement and approved by the Department of Environmental Protection;
- b. A statement that a place of business or the construction of new residential units are located in the area which is the subject of the Redevelopment Agreement that has generated *new* tax revenues;
- c. Information regarding the occupancy rate of the buildings, other work areas, or residential units located on the subject property; and
- d. Any such other information as the Director deems necessary.

Applicant will also supply the Division of Taxation with a list of the retail vendors or other businesses at the site which will be generating any new tax revenues specifically set forth in N.J.S.A. 58:10B-30, as well as properly documented receipts evidencing sales tax paid for materials used for the construction of new residences at the site of the redevelopment project. The Director shall review the request and shall approve or deny the application on a timely basis. The Director

is required to certify a developer to be eligible for reimbursement if:

1. Residential construction is complete or a place of business is located in the area subject to the Redevelopment Agreement that has generated new tax revenues;
2. The developer has entered into a Memorandum of Agreement or other oversight document with the Commissioner of Environmental Protection for the sound and proper remediation of the site of the redevelopment project and is in compliance with the said Memorandum of Agreement or other oversight document; and
3. The costs of the remediation were actually and reasonably incurred.

Creation of Special Fund

Pursuant to the statute, there is created in the Department of the Treasury a special fund to be known as the Brownfield Site Reimbursement Fund. Moneys in this fund are dedicated to the purpose of reimbursing the developer who has complied with all aspects of the Act in an amount up to 75% of the remediation costs. A special account within the fund shall be credited for each developer upon approval of a certification from the Director of the Division of Taxation. The fund shall be credited with new tax revenues (see Attachment B) generated from the redevelopment project as set forth above.

Periodic Reimbursement

Reimbursement payments from the fund shall be made to the Developer at the frequency and over the time period as provided in the Redevelopment Agreement. Twenty-five percent of any reimbursement shall be withheld by the Department of the Treasury and not released to the applicant until the refund period for applicable tax revenues has expired in accordance with the State Tax Uniform Procedure Law (N.J.S.A. 54:49-14). No reimbursements shall be made until an equal amount of tax revenues from the redevelopment project have been realized by the State.

Contact Parties

The following State Agencies and Departments are involved at various stages of the Brownfield Application process:

New Jersey Economic Development Authority

Customer Care: 609-777-4898
CustomerCare@njeda.com

To schedule a Brownfield Pre-Meeting:

Urban & Site Development
Vicki Gaudier: 609-984-1698
Fax: 609-278-4651

Department of Environmental Protection (DEP)

Colleen Kokas: 609-633-1499
Fax: 609-633-1439

Treasury – Div. of Taxation

Curtis Seifert: 609-984-5111
Fax: 609-989-0113



State of New Jersey

Department of Environmental Protection
Bureau of Contract & Fund Management
Division of Remediation Support
401 East State Street
PO Box 413
Trenton, NJ 08625
(609) 777-0101

Attachment A **Developers' Remediation Reimbursement Requests – Requirements**

Each request for reimbursement pursuant to an "Agreement to Reimburse for Remediation Costs" shall include the following, at a minimum:

1. Certifications from the developer that all costs represented in the request are for remediation costs and do not represent redevelopment costs.
2. A summary of all remedial costs expended. It shall identify each contractor and their role in the project; describe, in detail, the remedial work performed by each contractor referenced back to the Remedial Action Work Plan, and a summary identifying each invoice, bill or other documentation provided in support of the request. Costs should be broken down into the smallest components possible. If there were contractors that provided services relating to both the remediation and redevelopment of the site, all costs for these contractors should be presented, with the remedial costs submitted clearly separated and identified as remedial costs.
3. A copy of the project specific "Agreement to Reimburse for Remediation Costs" executed between the developer, the Department of the Treasury and the New Jersey Economic Development Authority.

It should be noted that legal costs are not eligible for reimbursement. In addition, demolition costs, unless necessary for remedial purposes, are not eligible for reimbursement. This would also include any costs associated with demolition, such as asbestos abatement.

Once received by the Bureau of Contract and Fund Management (BCFM), the request for reimbursement package will be reviewed to ensure that it meets the criteria defined above. If it does not, a letter describing the inadequacies will be forwarded to the developer so that necessary revisions or additions to the package can be made. Once it is determined that the package meets the minimum criteria, the package will be forwarded to the appropriate Case Manager for review.

Once the assigned Case Manager completes his/her review, and it is determined that the costs are eligible for reimbursement, BCFM will issue a letter to the Department of the Treasury, Division of Taxation, regarding the approval of remedial costs. Please note that this approval will generally not be given until a No Further Action (NFA) designation is made with respect to the site in question, or the portion thereof, that reimbursement is being requested for.

All reimbursement requests should be mailed to the Bureau of Contract and Fund Management at the address cited above, to the attention of Frank Pinto, Bureau Chief. To check on the status of reimbursement request packages, contact Frank Pinto at (609) 777-0101 or email status requests to Frank.Pinto@dep.state.nj.us.

ATTACHMENT A

**DEVELOPER CERTIFICATION AS TO NON-LIABILITY
IN SUPPORT OF REMEDIATION AND/OR CLOSURE COST
REIMBURSEMENT REQUEST PURSUANT TO A
REDEVELOPMENT AGREEMENT**

I, _____, _____,
[Printed Name of Authorized Individual] [Title of Authorized Individual]

on behalf of _____
[Name of Developer Conducting Remediation and/or Closure and Seeking Cost Reimbursement and/or
Closure Cost Reimbursement from the State of New Jersey]

Having an address at:

[Street Address, City, State, Zip Code of Developer Conducting Remediation and/or Closure and Seeking Reimbursement and/or
Closure Cost Reimbursement from the State of New Jersey]

hereby certify that he or she is authorized to make Certification on behalf of the Developer who is conducting the remediation and/or closure at the redevelopment site, and who is seeking a percentage of Developer's remediation and/or closure costs in reimbursement for real property at that site, pursuant to N.J.S.A. 58:10B-28, at (describe property in DEP oversight document).

1. Except with regard to potential liability solely for acquiring ownership of contaminated property, Developer understands that should Developer be identified by the New Jersey Department of Environmental Protection (NJDEP) as a responsible party at any time for any property that is the subject of a Redevelopment Agreement, the Redevelopment Agreement can be rendered null and void by the State, and that a Court's determination of liability can affect the viability of the Agreement.
2. Developer further certifies, that up to the date of this Certification, Developer:
 - a. Has not discharged any hazardous substance as defined pursuant to N.J.S.A. 58:10-23.11b, hazardous waste as defined pursuant to N.J.S.A. 13:1E-38, nor pollutant defined pursuant to N.J.S.A. 58:10A-3 at the subject redevelopment site (A the Site);
 - b. Has not been in any way responsible, pursuant to any law, for any contaminant at or emanating from the Site, nor contamination that has emanated from the Site:

- c. Has not aggravated or contributed to contamination at or emanating from the Site, nor contamination that has emanated from the Site;
 - d. Has not, as a holder of a security interest in a facility or underground storage tank facility, actively participated in the management of a facility or underground storage tank facility at the Site, as those terms are defined in N.J.S.A. 58:10-23.11a et seq.;
 - e. Has not negligently caused a new discharge at the Site, after the date of (*insert name of Developers*) foreclosure on a security interest in the Site, pursuant to N.J.S.A. 58:10-23-11g.6.e(1);
 - f. Has not triggered responsibility as a owner or operator of an industrial establishment at the Site, for remediation of any portion of the Site pursuant to the Industrial Site Recovery Act, N.J.S.A. 13:1K-6 et seq.; and
3. Developer is not a corporate successor to, affiliated with or otherwise related to:
- a. Any entity that Developer has reason to believe has discharged any hazardous substance as defined pursuant to N.J.S.A. 58:10-23.11b, hazardous waste as defined pursuant to N.J.S.A. 13:1E-38, or pollutant defined pursuant to N.J.S.A. 58:10A-3 at the Site;
 - b. Any entity that Developer has reason to believe is in any way responsible, pursuant to any law, for contamination at or emanating from the Site, or
 - c. Any person that Developer has reason to believe is liable, pursuant to any law, for the contamination at or emanating from the Site.
4. Developer is familiar with the Site, the property being remediated and/or closed, as well as with all matters addressed in this Certification, and Developer understands that agreement by the State to provide a Redevelopment Agreement to Developer would not equate to statutory releases of any responsible person, nor formal findings as to environmental liability.
5. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are intentionally false, I am subject to punishment.

Dated: _____

By: _____
Signature of Authorized Individual

Dated: _____

By: _____
Type or Print Full Name and Title of Authorized Individual and/or Full Name of Developer

Witness:

Dated: _____

By: _____
Type or Print Name of Witness

ATTACHMENT B

Business Assistance Tax Clearance

Application and Fee Information

P.L. 2007, c. 101 requires that **as a precondition to the award of business assistance or incentive** or as a component of the application for business assistance or incentive, a person or business seeking a grant, loan, loan guarantee, or other monetary or financial benefit **from a department or agency of State government** shall obtain a **Tax Clearance Certificate** from the Director of the New Jersey Division of Taxation prior to the issuance of the grant, incentive or assistance.

Effective March 1, 2009, a fee will be required for all Applications for Tax Clearance – Business Assistance and Incentives.

- The application fee is \$75.00 for standard processing (a response within ten (10) business days).
- An expedited service (a response within three (3) business days) is available for \$200.
- The fee is non-refundable
- The fee will cover updates, if needed for the application, for up to one year from the date of payment.
- A separate fee must be paid for each separate and distinct application.

The application for Business Assistance Tax Clearance must be completed, signed by the applicant and submitted to the Division of Taxation. *Payment must be made by check or money order. An application received without the fee will not be processed.*

The application and check or money order (payable to New Jersey Division of Taxation) must be mailed or hand delivered to the following address.

New Jersey Division of Taxation
Business Assistance Clearance Section
50 Barrack Street – 9th Floor
PO Box 272
Trenton, NJ 08695-0272

E-mail or fax application submissions will not be accepted as of March 1, 2009.

Upon receipt of the signed form **and payment**, the Division will research the tax account of the applicant to ascertain compliance with its tax obligations. A response will be provided to the applicant and the agency. If no liabilities exist, a Tax Clearance Certificate will be issued to the applicant promptly or at such time as all applicable taxes have been filed and paid in full.

If you have questions regarding this program or the new fee, please contact (609) 292-6400.

Email inquiries can be submitted to: Taxation.BusAssistanceTC@treas.state.nj.us

NOTE: A Tax Clearance Certificate will only be issued to businesses or individuals who are registered with the New Jersey Division of Revenue. If you need more information regarding the registration process, proceed to the New Jersey Division of Revenue website: www.State.NJ.US/Treasury/Revenue

*****IMPORTANT NOTE TO CORPORATIONS*****

Corporations seeking a Tax Clearance for the purpose of dissolution, merger, withdrawal or reauthorization must submit form **A-5088-TC** with payment of a \$25.00 fee to Division of Taxation, PO Box 269, Trenton, NJ 08695-0269. A copy of this form can be found at <http://www.state.nj.us/treasury/taxation/>



State of New Jersey
 Division of Taxation
 Business Assistance Clearance Section
 50 Barrack Street – 9th Floor
 P.O. Box 272
 Trenton, NJ 08695-0272

APPLICATION FOR TAX CLEARANCE -- BUSINESS ASSISTANCE AND INCENTIVES
Application Fee Required

Standard processing: \$75.00
 Expedited processing: \$200 (A response within 3 business days)

Legal Name of Applicant _____

Trade Name of Applicant _____

Business Location Address _____

Mailing Address for Clearance Certificate (If different from Business Location Address) _____

NJ Tax Registration # _____ FID/TIN # _____

Type of Business _____

On Page 2 of this application form, list ALL Officers or Partners, Parent, Subsidiary, or other related Entity that will directly benefit from this assistance.

Name of Issuing State Agency _____ Due Date _____

Name of Assistance Program _____

Agency Contact Person _____

Agency Contact Address _____

Agency Contact Phone # _____ Agency Contact Fax # _____

Agency Contact Email _____

I certify that I am authorized to complete this tax clearance application; that it is true and complete; and that if any information contained in this tax clearance application is willfully false, I may be subject to penalty.

I understand that the Division of Taxation will communicate to the issuer State agency, the status of the tax compliance of the applicant. By signing this tax clearance application, I consent to the release of such general status information by the Division of Taxation.

 Signature of Authorized Representative Title Date

 Print Name Contact Phone Number *Required*

Name of Applicant _____ NJ Tax Registration # _____

Effective July 1, 2007, P.L. 2007, c. 101 established a tax clearance program for awards of certain business assistance and incentive programs, including but not limited to a grant, loan, loan guarantee, or other monetary or financial benefit issued by the State and its independent agencies and authorities to assist in the conduct or operation of a business, occupation, trade, or profession in the State. As a precondition to or as a component of the application process, the applicant must provide to the State agency a current tax clearance certificate issued by the Director of the Division of Taxation.

This application form is intended to provide the Division of Taxation with the necessary information to conduct its research and determine if the applicant is compliant with New Jersey tax laws such that a tax clearance certificate may be issued. If the director determines that the applicant has not filed all required tax returns and has not paid all tax, penalties, interest, or fees due, the Director shall issue a notice to the applicant of the particulars to be resolved before a tax clearance certificate may be issued.

Questions about the tax clearance process may be directed to: (609) 292-6400.

Questions about the award process should be directed to the issuing State Agency noted on page 1.

The following information is required to verify and/or update our records.

List of Officers or Partners:		
Name	Address	Social Security #

Information on related entities: (Name, Address, Relationship, Taxpayer Identification Number & Type of Business)

I certify the information reported on this page is correct.

(Signature of Authorized Representative)

(Date)

Appendix E

Businesses applying for Brownfield Contaminated Site Reimbursement Program (“BCSRP”) approval are subject to the **NJ Economic Development Authority (“NJEDA”) / Debarment Regulations (the “Regulations”), which are set forth in N.J.A.C. 12A:4-12.1, et seq.** Applicants are required to answer the following background questions pertaining to the commission of certain offenses that can lead to disqualification from eligibility under the Regulations.

All capitalized terms used in this Questionnaire, except those defined elsewhere herein, shall be defined at the bottom of this form.

Has Applicant, any officers or directors of Applicant, or any Affiliates (collectively, the “Controlled Group”) been found guilty, liable or responsible in any legal Proceeding for any of the following violations or conduct? (Any civil or criminal decisions or verdicts that have been vacated or expunged need not be reported).

1. Commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract, or subcontract there under, or in the performance of such contract or subcontract.
_____ Yes _____ No
2. Violation of the Federal Organized Crime Control Act of 1970, or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, perjury, false swearing, receiving stolen property, obstruction of justice, or any other offense indicating a lack of business integrity or honesty.
_____ Yes _____ No
3. Violation of the Federal or State antitrust statutes, or of the Federal Anti-Kickback Act (18 U.S.C. 874).
_____ Yes _____ No
4. Violation of any law governing the conduct of elections of the Federal Government, State of New Jersey or of its political subdivision.
_____ Yes _____ No
5. Violation of the “Law Against Discrimination” (P.L. 1945, c169, N.J.S.A. 10:5-1 et seq., as supplemented by P.L. 1975, c. 127), or of the act banning discrimination in public works employment (N.J.S.A. 10:2-1 et seq.) or of the act prohibiting discrimination by industries engaged in defense work in the employment of persons therein (P.L 1942, c1124, N.J.S.A. 10;10, et seq.).
_____ Yes _____ No
6. To the best of your knowledge, after reasonable inquiry, violation of any laws governing hours of labor, minimum wage standards, prevailing wage standards, discrimination in wages, or child labor.
_____ Yes _____ No
7. To the best of your knowledge, after reasonable inquiry, violation of any law governing the conduct of occupations or professions or regulated industries.
_____ Yes _____ No
8. Debarment by any department, agency, or instrumentality of the State or Federal government:
_____ Yes _____ No
9. Violation of any of the following prohibitions or vendor activities representing a conflict of interest, or failure to report a solicitation as set forth below:
 - (i) No person shall pay, offer or agree to pay, either directly or indirectly, any fee, commission, compensation, gift, gratuity, or other thing of value of any kind to any Authority officer or employee or special Authority officer or employee, as defined by N.J.S.A. 52:13D-13b and e, with which such person transacts or offers or proposes to transact business, or to any member of the immediate family as defined by N.J.S.A. 52:13D-13i, of any such officer or employee, or partnership, firm or corporation with which they are employed or associated, or in which such officer or employee has an interest within the meaning of N.J.S.A. 52:13D-13g.

- (ii) The solicitation of any fee, authority, compensation, gift, gratuity or other thing of value by any Authority officer or employee or special Authority officer or employee from any person shall be reported in writing by the person to the Attorney General and the Executive Commission on Ethical Standards.
- (iii) No person may, directly or indirectly, undertake any private business, commercial or entrepreneurial relationship with, whether or not pursuant to employment, contract or other agreement, express or implied, or sell any interest in such person to any Authority officer or employee or special Authority officer or employee having any duties or responsibilities in connection with the purchase, acquisition or sale of any property or services by or to the commission, or with any person, firm or entity with which he or she is employed or associated or in which he or she has an interest within the meaning of N.J.S.A. 52:13D-13g. Any relationships subject to this subsection shall be reported in writing to the Executive Commission on Ethical Standards, which may grant a waiver of this restriction upon application of the Authority officer or employee or special Authority officer or employee upon a finding that the present or proposed relationship does not present the potential, actual or appearance of a conflict of interest.
- (iv) No person shall influence, or attempt to influence or cause to be influenced, any Authority officer or employee or special Authority officer or employee in his or her capacity in any manner which might tend to impair the objectivity or independence of judgment of the officer or employee.
- (v) No person shall cause or influence, or attempt to cause or influence, any Authority officer or employee or special Authority officer or employee to use, or attempt to use, his or her official position to secure unwarranted privileges or advantages for the person or any other person.

_____ Yes _____ No
(If yes, specify subsection)

10. Has any member of the Controlled Group been found guilty, liable or responsible for the violation in any Legal Proceedings of any State or Federal law that may bear upon a lack of responsibility or moral integrity, or that may provide other compelling reasons for disqualification? (Your responses to the foregoing question should include, but not be limited to, the violation of the following laws, without regard to whether any monetary award, damages, verdict, assessment or penalty has been made against any member of the Controlled Group, except that any violation of any environmental law in category (v) below need not be reported where the monetary award, damages, etc. amounted to less than \$1 million).

- (i) Laws banning or prohibiting discrimination or harassment in the workplace on the basis of gender, race, age, religion or handicapped status.
- (ii) Laws prohibiting or banning any form of forced, slave, or compulsory labor.
- (iii) Laws protecting workers who have reported the wrongdoing of their employers to governmental authorities, commonly referred to as "Whistleblower Laws."
- (iv) Securities or tax laws resulting in a finding of fraud or fraudulent conduct.
- (v) Environmental laws.
- (vi) Laws banning the possession or sale of, or trafficking in, firearms or drugs.
- (vii) Laws banning anti-competitive dumping of goods.
- (viii) Anti-terrorist laws.
- (ix) Criminal laws involving commission of any felony or indictable offense under State or Federal law.
- (x) Laws banning human rights abuses.
- (xi) Laws banning the trade of goods or services to enemies of the United States.
- (xii) The New Jersey Conflicts of Interest Law 52:13D-1 et seq.

_____ Yes _____ No

Appendix F

RELEASE AUTHORIZATION

IMPORTANT NOTE TO APPLICANT: THIS FORM MUST BE NOTARIZED

COPY AND COMPLETE THIS PAGE FOR EACH COMPANY/SUBSIDIARY THAT WILL BE HIRING/RETAINING ELIGIBLE EMPLOYEES AT THE PROJECT SITE

I, _____ (Name), an officer of _____
_____ (Company/Organization) _____ (TITLE),
hereby authorize the New Jersey Economic Development Authority to contact the New Jersey Department of Labor and Workforce Development to conduct a review of our tax filing history to determine if there are currently any tax deficiencies and/or delinquencies.

The New Jersey Department of Labor and Workforce Development may release its findings to
The New Jersey Economic Development Authority.

Signature of Authorized Representative Title Date

Printed Name of Authorized Representative Contact Phone Number (Required)

Sworn to and subscribed before me this _____ (Day) _____ (Month) 20 _____ (Year)

Notary Public (Signature) (Affix Seal)

Notary Printed Name

NOTE: In order to receive benefits under the Brownfield Contaminated Site Reimbursement Program (BCSRP), the applicant/company/organization will need to receive a Tax Clearance Certificate from the State of New Jersey, NJ Department of the Treasury, Division of Taxation.

Has your company applied for and/or received a Tax Clearance? _____ Yes _____ No

*Go to <http://www.state.nj.us/treasury/taxation/index.html> for further details

**DEVELOPER CERTIFICATION AS TO NON-LIABILITY
IN SUPPORT OF REMEDIATION AND/OR CLOSURE COST
REIMBURSEMENT REQUEST PURSUANT TO A
REDEVELOPMENT AGREEMENT**

_____, _____, on behalf of
[Name of Authorized Individual] [Authorized Individual's Title]

_____,
[Name of Developer Conducting Remediation and/or Closure and Seeking Remediation
and/or Closure Cost Reimbursement from the State] (A "Developer")

_____,
[Address of Developer Conducting the Remediation and/or Closure and Seeking Cost Reimbursement
from the State]

hereby certifies that he or she is authorized to make this Certification on behalf of the Developer who is conducting the remediation and/or closure at the redevelopment site, and who is seeking a percentage of Developer's remediation and/or closure costs in reimbursement for real property at that site, pursuant to N.J.S.A. 58:10B-28, at _____,
(Location/Description of property in DEP oversight document).

Except with regard to potential liability solely for acquiring ownership of contaminated property, Developer understands that should Developer be identified by the New Jersey Department of Environmental Protection (NJDEP) as a responsible party at any time for any property that is the subject of a Redevelopment Agreement, the Redevelopment Agreement can be rendered null and void by the State, and that a Court's determination of liability can also affect the viability of the Agreement.

1. Developer further certifies that up to the date of this Certification, Developer:
 - a. Has not discharged any hazardous substance as defined pursuant to N.J.S.A. 58:10-23.11b, hazardous waste as defined pursuant to N.J.S.A. 13:1E-38, nor pollutant defined pursuant to N.J.S.A. 58:10A-3 at the subject redevelopment site (A "the Site");
 - b. Has not been in any way responsible, pursuant to any law, for any contaminant at or emanating from the Site, nor contamination that has emanated from the Site;
 - c. Has not aggravated or contributed to contamination at or emanating from the Site, nor contamination that has emanated from the Site;
 - d. Has not, as a holder of a security interest in a facility or underground storage tank facility, actively participated in the management of a facility or underground storage tank facility at the Site, as those terms are defined in N.J.S.A. 58:10-23.11a et seq.;

- e. _____ [*Insert Name of Developer(s)*],
has not negligently caused a new discharge at the Site, after the date of foreclosure on a security interest in the Site, pursuant to N.J.S.A. 58:10-23-11g.6.e(1);
 - f. Has not triggered responsibility as a owner or operator of an industrial establishment at the Site, for remediation of any portion of the Site pursuant to the Industrial Site Recovery Act, N.J.S.A. 13:1K-6 et seq.; and
3. Developer is not a corporate successor to, affiliated with or otherwise related to:
- a. Any entity that Developer has reason to believe has discharged any hazardous substance as defined pursuant to N.J.S.A. 58:10-23.11b, hazardous waste as defined pursuant to N.J.S.A. 13:1E-38, or pollutant defined pursuant to N.J.S.A. 58:10A-3 at the Site;
 - b. Any entity that Developer has reason to believe is in any way responsible, pursuant to any law, for contamination at or emanating from the Site, or
 - c. Any person that Developer has reason to believe is liable, pursuant to any law, for the contamination at or emanating from the Site.
4. Developer is familiar with the Site, the property being remediated and/or closed, as well as with all matters addressed in this Certification, and Developer understands that agreement by the State to provide a Redevelopment Agreement to Developer would not equate to statutory releases of any responsible person, nor formal findings as to environmental liability.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are intentionally false, I am subject to punishment.

Dated: _____

By: _____
Signature of Authorized Individual

Type or Print Full Name and Title of Authorized Individual
Individual and Full Name of Developer

Dated: _____

Signature of Witness

Type of Print Name of Witness