

A RESOLUTION OF THE SAYREVILLE ECONOMIC AND REDEVELOPMENT AGENCY AUTHORIZING EXECUTION REQUEST FOR ESCROW WAIVER TO NJDEP REGARDING REMEDIATION IN THE SAYREVILLE BROWNFIELDS REDEVELOPMENT AREA

WHEREAS, on May 15, 2008, the Sayreville Economic and Redevelopment Agency (the "Agency") entered into a Master Redevelopment Agreement with Sayreville Seaport Associates, L.P. ("SSA") for redevelopment of the Sayreville Waterfront Redevelopment Area, formerly the site of NL Industries (the "SWRA"); and

WHEREAS, SSA is responsible for the landfill and remediation of certain properties located within the SWRA; and

WHEREAS, since SSA and/or SERA have never had to post an escrow with the NJDEP for the landfill at the SWRA, SSA and SERA are requesting the NJDEP for a waiver of any escrow requirements as set forth a waiver request ("Waiver Request") attached hereto as Exhibit A; and

NOW, THEREFORE, BE IT RESOLVED that the Sayreville Economic and Redevelopment Agency hereby authorizes the execution of the aforementioned Waiver Request attached hereto as Exhibit A, subject to final changes as the Chairperson may approve upon the advice of the Agency Professionals; and

IT IS FURTHER RESOLVED that the Chairperson and Agency Professionals are hereby authorized and directed to take any action and to execute any documents as may be necessary to effectuate this Resolution.

OFFERED BY:

Kenneth Scott


SECONDED BY:

Donna Roberts

Governing Body Recorded Vote:

Members:	Aye	Nay	Abstain	Absent
1. Robert Davis	—	—	—	X
2. Robert DeWise	X	—	—	—
3. Paula Duffy	—	—	—	X
4. Rosetta Fisher	X	—	—	—
5. Steve Grillo	X	—	—	—
6. Trushar Parikh	X	—	—	—
7. Donna Roberts	X	—	—	—
8. Ken Scott	X	—	—	—
9. John Zebrowski	X	—	—	—

I, Himanshu Shah, Executive Director/ Secretary, and certifying agent of the Sayreville Economic and Redevelopment Agency, hereby certify that the foregoing Resolution was adopted at the regular meeting of the Agency held on December 12, 2024.



Himanshu Shah
Executive Director/ Secretary

Exhibit A



Sayreville Economic & Redevelopment Agency

December 7, 2024

John Annasenza
Escrow Section Supervisor
NJDEP Bureau of Solid Waste Planning and Licensing
401 East State Street
Trenton, NJ 08625

Re: Audit Report – Fiscal Year 2024
Landfill Name SLF **N.L. Industries SLF-SERA**
Facility ID **1219D**

Dear Mr. Annasenza:

Roux Associates, Inc., (Roux), on behalf of Sayreville Seaport Associates Urban Renewal (SSA) and the Sayreville Economic and Redevelopment Agency (SERA), has prepared this letter in response to the Department's October 10, 2024, letter (a copy of which is attached as Exhibit 1) requesting a third party audit of the escrow account balance for the former NL Industries, Inc. landfill located in Sayreville Borough, New Jersey (the Site).

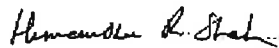
As previously conveyed to the Department, SSA, SERA and the former owner of the Site, NL Industries, Inc. and NL Environmental Management Services, Inc. (Collectively "NL") entered into a four party settlement agreement in 2008 to allow SSA to remediate and redevelop the Site. In accordance with the terms of that settlement agreement, \$20 million of cash was set aside in a Financial Assurance Agreement established with Bank of America (and executed by SSA, SERA and NL) that could only be used to fund the performance of environmental obligations relating to the Site, including costs associated with the closure and post-closure care of the landfill. In addition, because the Site is part of a NJDEP-designated Brownfields Development Area (BDA), \$20 Million of HDSRF remediation grants were also obtained for Site remediation activities.

Remediation and redevelopment activities have been ongoing since the settlement in 2008 by SSA to comply with the Technical Requirements for Site Remediation (N.J.A.C. 7:26E) and the Solid Waste Regulations (N.J.A.C. 7:26). During the last 16 years, the \$20 Million fund, the \$20 Million of HDSRF funds, along with over \$100 Million of additional private funding have been spent on remedial activities at the Site. Importantly, while additional remedial activities remain to be performed at the Site, the Site is finally positioned to commence vertical redevelopment and effectuate the private and public goals for the long-vacant site. The proposed redevelopment will transform the Site into a vibrant residential and commercial mixed-use redevelopment, anchored by Bass Pro Shops Outdoor World, which is currently under construction. It should also be noted that on December 14, 2023, the New Jersey Economic Development Authority (NJEDA)

approved \$400 Million of funding pursuant to the Aspire program, helping to fund certain future components of the redevelopment that will include 1,135 new residential units, 20 percent of which are affordable (as shown in the NJEDA annual report)¹, and approximately 800,000 square feet of new commercial and retail space.

The planned redevelopment of this BDA brownfields site is a monumental undertaking, that is being regulated by various departments within the New Jersey Department of Environmental Protection, including but not limited to Solid Waste, the Contaminated Site Remediation and Redevelopment (CSRR) Program, the Bureau of Environmental Radiation (BER), and the Division of Watershed and Land Management. While the landfill is only a small part of the over 400-acre Site, it has been maintained in accordance with the approved landfill closure plan. Based on the above, SSA and SERA are requesting that the Bureau of Solid Waste Planning and Licensing allow this Site to continue to operate without a formal escrow, as has been allowed since 2008.

Sincerely,



Himanshu Shah
Executive Director

Attachments

cc:

AGREED TO AND ACCEPTED BY:

(Signature)

(Title)

(Please Print Name)

(Date)
