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**Green Visions for Brownfields:
The Politics of Site Remediation and Redevelopment
in Four New Jersey Cities**

by

Sarah S. Gardner

**A dissertation submitted to the Graduate Faculty in Political Science in partial
fulfillment of the requirements for the degree of Doctor of Philosophy,
The City University of New York.**

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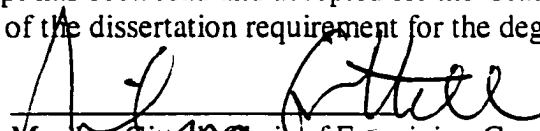
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This manuscript has been read and accepted for the Graduate Faculty in Political Science in satisfaction of the dissertation requirement for the degree of Doctor of Philosophy.

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Abstract

Green Visions for Brownfields: The Politics of Site Remediation and Redevelopment in Four New Jersey Cities

by

Sarah S. Gardner

Adviser: Professor Marilyn Gittell

This dissertation evaluates whether New Jersey's Brownfield Program, a devolutionary, market-based approach to contaminated site remediation, can adequately or equitably address the brownfield problem in economically distressed cities. Analyzing the evolution of site remediation policy in New Jersey over the last two decades, it documents how business and industry have collaborated with Republican Administrations to loosen site remediation laws in order to expedite cleanups and to make the process less expensive and burdensome. The Brownfield Act, the most lenient law to date, devolves site remediation authority to local governments and the private sector while permitting flexible cleanup standards and providing minimal state oversight. This has amounted to a functional deregulation of site remediation and has resulted in inequitable implementation. Free market decision-making has meant that well located sites are being cleaned while those that are highly contaminated or located in neighborhoods are overlooked. Comparative case studies of four distressed cities in New Jersey explore how municipalities have used their new discretion over this policy area. The trajectory of the Brownfield Program in each city varies according to the nature of the governing coalition, whose composition is a function of the local political culture. Newark's is a concentrated growth coalition focusing on development in the Central Business District; Trenton's is a municipal coalition; Camden's is a community-based coalition, and Paterson's is factional and nonfunctional. The municipal governments in each of these struggling cities lack the capacity to effectively implement site remediation programs and they have attracted little private investment. The devolution of brownfield responsibilities from the state to the local level has had little impact on economically distressed cities, has had a deleterious effect on cleanup standards, has done nothing to enhance public participation, and has had a negligible impact on neighborhood revitalization. The withdrawal of state responsibility for site remediation has placed a huge burden on cities and threatens to jeopardize programmatic goals: protection of public health and environmental quality, and urban redevelopment. The dissertation concludes by recommending a strategy that includes federal environmental cleanup standards combined with strong state oversight and community involvement in land use planning at the local level.

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INTRODUCTION:

The Perils of Environmental Devolution

To all appearances, the rehabilitation of the Lily Tulip plant is a brilliant success story. For almost 40 years, Dixie cups were manufactured at the million-square-foot facility. When the plant closed down in 1990, the community of Holmdel, New Jersey, not only lost one of their major sources of employment and tax revenues. They also faced an environmental nightmare. For decades, the company had neglected the problem of its toxic byproducts. The grounds of the facility were saturated with oil and hazardous solvents. Beneath the soil were buried large storage tanks; above were heaped piles of ash. If that were not enough, the decaying building that housed the plant was lined throughout with asbestos, which needed to be removed before anyone could contemplate demolition. The Lily Tulip plant, once a sign of Holmdel's economic vitality, now became a symbol of urban blight, a toxic reminder of the city's former glory.

Then, in 1998, a Rahway-based development group, Caydenzar Associates, decided to take advantage of the state's new brownfields program, which allowed redevelopers to recoup up to 75 percent of their remediation costs. Believing the Lily Tulip site to be a "diamond in the rough," the firm negotiated with the township to rezone the area to allow for a project that will include a retail center with 20 stores and restaurants, an office building, 158 units of adult housing, 110 assisted-living units, and a 130-bed nursing home (Garbarine 1999). Aiming for a village-like feel, the buildings will

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be faced in brick and stone and landscaped buffers and walkways through the retail area will connect to the residential and office sites. Not only are the developers paying \$2 million to clean the entire site, but they are also investing \$3 million in road improvements. The city of Holmdel is back on its feet again.

The success of the Lily site represents all that is promising about brownfield development. With little or no public expenditure, brownfield programs promise to accomplish three much-needed tasks. They encourage the voluntary cleanup of contaminated property in municipal centers, thus redressing the health hazards and other problems that stem from urban blight. Although cities may take on the task of cleaning polluted sites themselves, brownfield programs seek to attract businesses and industries through a range of financial incentives, essentially giving properties away to whomever will redevelop it. This furthers the initiative's second goal – urban economic revitalization through private investment. Contaminated sites represent not only health hazards, but also lost jobs and tax revenues; brownfield programs seek to remedy both environmental and economic distress. Finally, brownfield initiatives seek to protect open space by making it more cost-effective for businesses and industries to locate in cities instead of suburban areas.

With the threefold goal of environmental decontamination, economic redevelopment, and open space preservation, it is not surprising that brownfield programs have met with nearly universal acclaim, joining disparate constituencies that historically have been opposed: Republicans and Democrats; urban and suburban politicians; environmental organizations and urban community-based organizations. In New Jersey, a statewide biracial alliance has formed around the state's brownfield program, the

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Affordable Housing Network, a coalition of environmental and housing advocacy organizations. According to a T-shirt marketed at a recent conference even “Jesus Loves Brownfields.” In the eyes of many, brownfield programs seem to be the long-sought answer to so many intractable urban problems.

Proponents attribute the promise of brownfield programs to the fact that they are locally managed and market-driven. The trend in environmental planning over the past 20 years has tended towards decentralization, which ostensibly allows for better efficiency, more democratic decision-making, and greater flexibility. The belief is that delegating more authority to the local level will lead to more responsive regulations and therefore higher compliance rates. The Reagan, Bush, and Clinton administrations have all advocated public-private partnerships as the ideal not only for environmental policy, but for other programs as well such as education, job training, and social service delivery. Increasingly, the federal government has devolved its authority to regulate and enforce environmental standards and to craft solutions to local problems to the states. Brownfield programs represent a further stage of devolution, in which states delegate environmental authority to municipalities. Under brownfield programs, the responsibility for identifying sites, attracting developers, determining cleanup levels and method of remediation, and re-use is now the responsibility of local government. Brownfield programs therefore offer an exceptional opportunity to study the effectiveness of the devolution of environmental policy.

This dissertation explores how four cities in New Jersey use their newly-acquired discretion over site remediation. It finds that in most instances, municipal governments lack the capacity to implement programs effectively. Devolution of brownfield

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responsibilities does not produce results that benefit the municipalities, communities, or the environment. While it has a positive impact on commercial economic development projects on large sites in well-located towns (such as the Lily Tulip plant described above), the program has had little or no impact on the older, central cities. In fact, it has had a deleterious effect on environmental outcomes (cleanup standards), has done nothing to enhance public participation, and has had a negligible impact on neighborhood revitalization in poor cities. Instead, the withdrawal of state responsibility for site remediation has placed a huge burden on municipal governments – especially on poor cities, which have the most sites and the least capacity to address them. Devolution of site remediation gives cities more autonomy and flexibility, but not more funding, which is their biggest need. De facto devolution may help growth actors, but it hurts poor cities, communities, and citizens.

What has confused most writing on brownfield policy is a failure to distinguish between ends and means. The ends are laudable and necessary. Environmental degradation and economic decline go hand-in-hand, and in order to remedy one it is necessary to redress the other. This is especially true in disadvantaged communities, which have long been beholden to what Bullard (1993) calls “environmental blackmail.” Such communities are compelled either to embrace a hazardous industry that poses serious health risks but promises local employment and tax revenues (such as a toxic waste dump), or to forsake all hope of economic development. In theory, brownfield development will obviate the necessity of making this choice. Linking brownfield redevelopment with open space preservation is also a vital necessity, pooling the

constituencies that historically have found little common ground – advocates of environmental justice typically resent Sierra Club supporters for valuing wildlife over human life, and for their part naturalists generally have expressed disinterest in urban concerns. The wisdom of brownfields reform insists that this choice too is a false one – the goals of combating pollution and saving wilderness reinforce one another.

But while brownfield goals are admirable, the means supporters have elected to achieve them are ineffective at best and exploitative at worst. This project questions whether a voluntary program based on private market incentives can adequately redress the massive market failure represented by thousands of abandoned, contaminated, urban properties, or whether it could do so equitably. The example of New Jersey suggests otherwise. Environmental devolution, in this instance, amounts to a substantial deregulation of the site remediation process as the cleanup standards are relaxed and localities and private industry can decide how much to remediate and by which method. This amounts to an invitation to profiteers to control the redevelopment process, especially since there is no formal role for community involvement. State environmental initiatives are vulnerable to influence by industry and cities are even less capable of resisting market pressures. The result has fostered undemocratic processes benefiting private actors over the public good and leading to inequitable outcomes among municipalities. The brownfield sites in wealthy, edge cities for instance, are being redeveloped into big box retail stores while the sites in poor central cities are remaining idle. In neither instance are community considerations taken into account.

The shortcomings of New Jersey's brownfield program point to larger problems with the devolution of federal authority in general, and with the decentralization of

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environmental policy in particular. Since the 1980s, when President Reagan launched his New Federalism initiative, devolution has defined the cutting edge of environmental policy. Implementation and enforcement of the Clean Air and Clean Water Acts has been largely delegated to the states. Successive administrations since Reagan have hailed market-based initiatives, public-private partnerships, and local solutions as the best answers to environmental regulation and reform. Brownfield initiatives represent the greatest crystallization to date of this vision; if they are flawed, then one must reconsider the wisdom of decentralized environmental planning.

THE EVOLUTION OF DEVOLUTION

There is no agreement or set formula to define devolution, but generally the term refers to a shift in regulatory authority and responsibility from the federal to the state level. This may range from delegation of greater discretion and flexibility in federal program administration to delegation of complete responsibility for a particular function to state or local governments (Kincaid 1999). Devolution has an economic component: it may take the form of block grants or reduced grants in aid from the federal government. Devolution often results in some degree of privatization: as states take on more responsibilities they may opt to delegate more service delivery to private firms, as New Jersey did with automobile inspection stations. "Second order devolution" (Nathan 1996), refers to shifting authority and functions from the state government to localities. This occurs in two forms: (1) intentional delegation of responsibility to localities, perhaps through legislation that shifts program funding and responsibility to the local level; and (2) "de facto" or indirect devolution that alters state-local relations without intending to. This

occurs when state or federal funding to localities is reduced, causing an increased burden on local governments to provide services (Watson and Gold 1998).

Whatever its form, environmental devolution often involves more flexible regulations and privatization, as subnational governments struggle to meet new responsibilities with inadequate resources. Advocates of the policy argue that it is beneficial for states to develop programs, laws, regulatory regimes, and tax structures that their citizens and corporations prefer. The competition argument is often applied to states as well, the idea being that if states compete for citizens and businesses, they will be more creative and diligent in their governance (Donahue 1997). Market-based approaches to public programs gained popularity in the 1990s as both parties came to see that competition and efficiency can be effectively applied to public policy problems. Opponents of the laissez-faire approach, who worry about the equity implications of the market making policy decisions, have become increasingly marginalized on the far left.

Devolution is in one respect a relatively recent political trend, the product of a conservative reaction against the paternalism of Lyndon B. Johnson's Great Society programs, and against the centralizing tendencies of the Carter administration. But there is nothing novel about the ideology that informs devolutionary policy. At its root is a profound distrust of the federal government, a perennial theme in American politics since the Revolutionary period. In the 1780s, Alexander Hamilton and other federalists advocated a strong central state to maintain national unity and order. They envisioned an eventual withering away of the states. Their opponents, on the other hand, emphasized the rights of states, which they viewed as separate sovereign entities that should not be subordinated to a central government. The Constitution struck a balance between

federalists and antifederalists, but did not resolve the deep ambivalence about the role of the central government and uncertainty over the appropriate division of authority between the federal and state governments, the most critical expression of which was the Civil War.

Decentralization has been a hallmark of Republican policies over the last quarter century. The initiatives launched during the Progressive era and the Depression served to concentrate the power of the national government. Consistent with his ideology that the federal government can help solve economic problems and should take the lead in doing so, Franklin Roosevelt used federal authority to expand the national government. This led to a reversal of partisan roles in the 1930s. The Republican party came to favor a laissez-faire approach to the economy and to oppose federal intervention, while the New Deal Democrats championed nationalism (Conlan 1998).

The Great Society programs of the 1960s extended the federal role beyond the New Deal. The 1960s were a period of strong centralization and activist federal policies. Public policy was dominated by the national government and domestic programs typically consisted of federal mandates and cash assistance from the federal government to the states. Republican Presidents Eisenhower and Nixon attempted to devolve federal power to the states but met with varied success (Conlan 1988; Kincaid 1993). Until Ronald Reagan was elected in 1980, the high water mark in Republican decentralization schemes was Nixon's General Revenue Sharing program, which increased no strings attached federal aid to cities from \$20.3 billion in 1969 to \$68.4 billion in 1977 (Warren 1985). President Nixon sold decentralization as a populist movement to "diffuse the power throughout the country" (Nixon quoted in Horner 1972). President Reagan's New Federalism initiative continued in this vein, but was guided by an ideology that aimed to

reduce the power and influence of the federal government (Conlan 1998). Relying on block grants, greater discretion to state and localities, and regulatory reform, Reagan reduced overall federal assistance to cities, which established a pattern that has continued ever since.

Nixon sponsored a decentralized economic program to improve government performance and to make it more efficient. Ironically though, it was during his administration that the federal government first took a strong role in environmental protection. While social and economic programs that were centralized in the 1930s and 40s were being decentralized, environmental programs were being federalized. For much of the twentieth century until the 1960s, environmental regulation was based on cooperation between like-minded industry managers and state regulators. The emphasis during this period, according to Kehoe (1999), was on being "reasonable" with polluters by demanding only as high a standard on pollution control as was economically feasible. This arrangement began to be criticized in the mid- to late-1960s as environmental degradation became visually obvious. By the mid-1960s, it had become apparent that the local approach to environmental regulation was unable to cope with the growing air and water pollution caused by industrial expansion. States lacked the resources to enforce pollution laws and were disadvantaged by competition with other states to *not* uphold strict standards. Public and interest group pressure to regulate more forcefully mounted, and soon the cooperative, voluntary approach, which had proven to be largely ineffective, was replaced with a more legalistic, adversarial approach to environmental regulation.

The National Environmental Policy Act (NEPA) of 1970 established a number of federal programs and offices, the most important of which was the Environmental

Protection Agency (EPA). NEPA also required government agencies to consider the environmental impact of proposed activities through the preparation of an Environmental Impact Statement (EIS). During the 1970s and through the 1980s, the national government passed several major pieces of environmental legislation, including the Clean Air Act Amendments of 1970, the Federal Water Pollution Control Act (1972), and the Resource Conservation and Recovery Act (1976), which regulates hazardous waste.

The EPA and other federal offices continued unimpeded during the Carter administration, but the ideology of 1980s conservatism strongly condemned any impediments to the free flow of the market. While President Johnson's Creative Federalism was a centralizing force, President Reagan sought the opposite extreme (Conlan 1998). Reagan's philosophy was that federal social programs "destroy the sense of community that sustains local institutions" and justified decentralization as a way to move government closer to the citizens (Conlan 1998). Reagan's New Federalism viewed each state as an experimental policy laboratory, and aimed to return regulatory power to the states. The U.S. Advisory Commission on Intergovernmental Relations (ACIR) found that intergovernmental relations had become even more unmanageable in the 1980s than they had been in the 1960s, which lent support to Reagan's mission to decentralize (ACIR 1981). A key aspect of Reagan's New Federalism was the easement of environmental laws through the Task Force on Regulatory Relief, headed by Vice President Bush. This effort was continued during the Bush Administration through the White House Council on Competitiveness headed by Vice President Dan Quayle. The mission of both entities was to invite and respond to industry complaints of excessive regulation, to analyze costs and

benefits of regulation, and to stall or revise regulations that they considered excessively burdensome.

The 1994 mid-term election that brought the Republican majority and the “Contract with America” to Congress reasserted devolution as a central policy. Through such measures as the Unfunded Mandates Reform Act, the Contract aimed to restore power to the states and sought to undermine the authority of the EPA. In 1995 the EPA was directly assaulted by Congress: the Republican majority in the 104th Congress aimed to reign in what they perceived as excessive regulatory power of the agency, to return enforcement to the states, and to prohibit the agency from taking enforcement actions in states with federally-approved regulatory programs. In 1995, the House initiated a massive shift in environmental authority, but not funds, from the national to the state level, and passed a bill cutting the EPA’s budget by one-third and placed seventeen riders on appropriations bills designed to debilitate the agency’s enforcement authority (Kuehn 1996). Moderate democrats have jumped on the devolutionary bandwagon: Vice President Al Gore referred to devolution as nothing less than the “reinvention of government.” In 1996, President Clinton committed to reforming the bureaucracy to make it less top heavy and declared the “end of the era of big government” (Scheberle 1997).

Although devolution is generally perceived as a conservative initiative, the effort to undermine the power of “big government” has broad, bipartisan support. Clinton’s overtures towards privatization and decentralization mirror a much wider trend. Opinion polls show increasing public faith in state governments and diminishing trust in the honesty or the efficacy of the federal government (ACIR 1994; Wall Street Journal-NBC Poll

1994; Princeton Survey Research 1995). Those who voice a preference for state leadership include a majority of liberals and Democrats; among subgroups, only Jewish and African American voters favored the federal government (Princeton Survey Research 1995).

Proponents of devolution assert that decentralization will create greater administrative efficiency, reduce red tape, foster innovation, and create a more responsive and participatory government. Because state governments are smaller than the federal government, they can be less bureaucratic and more flexible and inventive than the federal government with its uniform laws and regulations. In 1932, Supreme Court Justice Brandeis said, "a single courageous state may, if its citizens choose, serve as a laboratory, and try social and economic experiments without risk to the rest of the country" (*New York Ice Co. v. Liebman* 1932). Decentralization allows states to become laboratories of innovation and democracy.

Devolution is also seen as a means of enhancing civic participation. The policy is based on the idea that state and local governments are closer and more responsive to citizens, and are therefore able to create programs that are suited to local needs and to implement them more effectively. State governments are better able to identify needs within their jurisdiction than the highly bureaucratic federal government. In the words of former Ohio Governor George Voinovich, "We've seen the arrogance of a federal government that believes it can develop one solution and impose it on 50 separate states and countless communities across the country" (Stewart 1997, 5). True devolution, advocates argue, should aim to give citizens maximum power at the expense of government bureaucracies at every level (Kilgore and Sylvester 1995). Not only are state

governments smaller and state capitals more accessible, but many states have enhanced citizens' power by creating citizen initiative, referendum, and recall (Kincaid 1999). The left wing of the devolutionist movement began with the community control movement of the 1960s and 70s, which called for maximum resident participation and local community control through neighborhood councils. The movement for local participation was continued by Saul Alinsky and his Back of the Yards Neighborhood Councils (O'Connor 1999). This feature of devolution is supported by communitarian and local democracy advocates who argue that the most meaningful form of decentralization bypasses government bureaucracies at all levels and directly empowers citizens to solve their own problems (Kilgore and Sylvester 1995). Recent work by Doherty and Stone challenges this assumption, however. "achieving self-governance in the U.S. is a challenge greater than simply shifting power from the national level to local governments," they note (Doherty and Stone 1999, 166).

There is thus an ironic convergence of ideologies around devolution. Conservatives on the right and community activists on the left both support the policy. According to John Donahue, its broad appeal has contributed to "something as close to consensus as American politics ever sees" (1997, 4). Devolution's popularity across ideological camps can be attributed to its multiple meanings and forms. To liberals, it represents more responsive and participatory public policy, while to conservatives, it represents less government. The conceptualization of devolution is so variable that the term is rendered almost meaningless.

ENVIRONMENTAL DEVOLUTION

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Conflicting visions of devolution has led to widespread uncertainty over the consequences of the decentralization of environmental policy. Although there is no consensus about which level of government is best suited to develop and enforce environmental regulations, there has been a steadfast shifting of power back to the states since the early 1990s. The debate mirrors the arguments of the framers over which version of federalism was best for the nation. One camp believes that the states should have discretion over deciding how much they want to regulate polluters. This growing movement among scholars, policy makers, and public opinion favors state and local control of environmental management (Adler 1996). Advocates believe that public-private cooperation, flexible regulations, locally negotiated solutions, and voluntary compliance are more effective than the traditional top-down command and control system. Others argue that uniform federal standards provide equal protection throughout all the states and are necessary to prevent some states from lowering standards to attract industry, a phenomenon known as "racing to the bottom."

Since environmental regulation began, there has been an ongoing discussion both in the literature and among practitioners over which regulatory mechanisms are most efficient, what role the market should play, and what level of government can most effectively regulate and implement environmental programs. The two main approaches are direct, centralized regulation (known as command and control), in which the polluters are assigned reductions; and incentive-based, decentralized regulations in which polluters have more latitude and can negotiate with regulators (Portney 1993). Command and control regulation has been the dominant approach of the EPA and has historically taken precedence over incentive-based approaches. Command and control is characterized by

national uniform standards, technology-based controls, deadlines for compliance, and penalties for violations. This form of regulation has been imbued with controversy since it was first used. Many scholars on both ends of the political spectrum have expressed frustration over the disappointing track record of federal command and control regulation (Butler and Macey 1996; Commoner 1990; Portney 1993; Stewart 1988). Criticisms abound: it is expensive and complicated; it limits innovation, it is a "one size fits all policy" that doesn't allow for local differences in environmental quality, it treats industry inflexibly, and control technology (as compared to pollution prevention) will never solve the problem of pollution because by definition it allows some pollution into the environment. Portney (1993) asserts that while uniform standards appear to be fair, they create an unequal burden because of the "differing sources for many environmental contaminants, ranging from neighborhood dry cleaners or car repair shops to complex steel mill or large chemical plants."

The differing characteristics and technological circumstances of these sources mean that one source may be able to reduce its emissions by 25 percent quite inexpensively, yet another source might find that it can meet its 25 percent reduction only through the installation of expensive control technology" (Portney 1993, 67).

Those in the anti-regulation camp, such as Yergin and Stanislaw (1998) maintain that although the environment is much cleaner than it was two decades ago, command and control regulation "deters innovation and efficiency" (354). The current trend toward flexible regulations is supported by such commentators as Yergin and Stanislaw, who believe the market is the best vehicle to regulate the environment free market mechanisms achieve cost-effective results.

In practice, most federal environmental programs are a mix of centralized and decentralized elements and require intergovernmental cooperation. Regulations are often federal, yet enforcement may be a state effort, while implementation usually depends on the state working together with municipalities. This is known as cooperative federalism. Recognizing that complex programs require cooperative effort, the Clinton Administration launched the Performance Partnership Grants, which represent an effort to enhance federal-state relationships in environmental programs.

Advocates of environmental decentralization argue that devolving regulatory authority to the lowest level of government may reduce costs, facilitate experimentation and citizen participation, and give state and local governments freedom from federal intervention (Ackerman and Stewart 1988; Anderson and Hill 1997; Butler and Macey 1996; Cimitile et al. 1995; Commoner 1990; Crews 1996; Leal 1995a; Lund 1995; Muller and Fix 1980; Rabe 1997; Ringquist 1993; Scheonbrod 1997; Stewart 1988; Stroup 1996). They support decentralization of environmental policy with the following claims: (1) there is a "mindless uniformity" of federal standards that does not account for regional differences (Ackerman and Stewart 1988); (2) the EPA forces states to clean sites when communities do not believe the risks warrant clean-up (Stroup 1996); (3) federal regulations have forced property owners to stop building, farming, and logging on their own land (Lund 1995); (4) federal unfunded mandates impose substantial costs on state and local governments (Crews 1996; Muller and Fix 1980); (5) subnational governments can devise more sensible and straightforward regulations than the EPA, which produces voluminous and complicated regulations (Scheonbrod 1997); (6) states and localities can develop industry-specific regulations and remedies; and (7) local governments treat

environmental risks more seriously when they are responsible for them than when higher governments are in charge (Cimitile et al, 1995).

A number of studies suggest that states perform better when not beholden to federal oversight. Ringquist (1993) found that many states responded to new federalism in the 1970s by enacting programs that are more comprehensive and innovative than federal programs. And Rabe (1997) found that in the 1990s about 70 percent of state environmental laws were passed independently of federal requirements. Some states do not want to relinquish any authority to the federal government (Woods 1997). Other research that supports devolution has found that states are more efficient at managing their resources than the federal government (Leal 1995a). Morriss (1977) observed that the dual regulatory system — cooperation between the states and the federal government — is a logical approach to managing pesticides, but he maintains that it would be more effective if states had more control. In their historical analyses, Thompson (1997) and Crandall (1983) found that the states were effective at managing water quality until the federal government intervened in 1968. And Ceplo and Yandle (1997) found no evidence of a “race to the bottom” in state water policy regulation prior to federal regulations. Schoenbrod (1997) asserts that the federal government, not the states, was the laggard at protecting air quality in the 1960s. Other studies demonstrate the efficiency of local environmental regulation (Anderson and Hill 1997; Ceple and Yandle 1997; Crandall 1983; Ringquist 1993; Thompson 1997). These scholars believe that devolving authority to state and local governments, and even to regulated industries, will result in more efficient oversight procedures, more effective industry-specific remedies, and higher rates of citizen participation (Cimitile et al 1995; John 1994; Schoenbrod 1997).

States play a major role in most federal environmental programs, from designing and implementing programs to monitoring and enforcement. Most national environmental laws use a mechanism, "primacy," that establishes minimum standards. Under primacy states that wish may apply to the EPA for primary authority to enforce federal statutes. They must demonstrate that they have a regulatory program equivalent to the federal program, as well as sufficient resources to implement the program. States are also permitted to establish stronger standards as well as to regulate areas not addressed by the federal legislation. States have been innovative in this regard, being the first to regulate acid rain, non-point source water pollution, toxic air pollutants, and groundwater. A literature on state innovation in policy making has found that some states are more experimental in some policy areas than the federal government (Gray 1974; Regens 1980).

Because states have been innovative in the past, some scholars have advocated cooperative federalism, which balances state and federal authority. Kamieniecki and Ferrall (1991) found cooperation between federal and state efforts at air pollution control. Researching the implementation of federal environmental programs Peterson, Rabe and Wong (1986) conclude that programs that affect all of society should be federally implemented, whereas those that affect only one segment should be locally implemented. But such lines are clearer in theory than in reality, and few policymakers have found this approach to be practical.

Public-private partnerships are central to most devolutionary environmental programs. In 1992, the Clinton Administration's "Reinventing Government" initiative promoted flexible interpretation of environmental regulations to allow "responsible companies and communities" to replace the EPA's administrative and regulatory

requirements with their own alternatives (NAPA 1992, 12). Some states are going in this direction as well by working with polluters to help bring them into compliance rather than taking legal action. Advocates claim that devolution of regulatory program administration can also promote trust and foster cooperative working relationships between state and local governments, and between government and business. The lack of trust, according to some, is one of "the biggest perceived barriers to the success of environmental initiatives," second only to "inflexibility within the EPA" (Whiting and Whiting 1998). Major corporations, such as the Dow Chemical Company and General Motors, support this collaborative approach to regulation over the command and control framework.

Brownfield programs constitute one of the major devolutionary initiatives under the regulatory reform philosophy that favors decentralized environmental regulation and implementation. Brownfield sites are defined as "abandoned, idled, or under-used industrial and commercial facilities where expansion or redevelopment is complicated by real or perceived environmental contamination."⁴ As hundred of thousands of brownfield sites were identified over the last several years, it became apparent that the EPA lacked the capacity or the budget to address them. The authority of the EPA is mandated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), which concentrates the agency's remediation efforts on Superfund sites, highly toxic areas enumerated on the National Priority List (NPL), and finances clean up through a trust fund created by taxing polluting industries. However, the superfund tax authority expired on December 31, 1995 and Republicans in Congress have blocked renewal of this tax since then. President Clinton reinstated the tax in the FY 2000 budget.

but legislation is needed to support it. In light of the federal government's shrinking commitment, states developed voluntary cleanup programs (VCPs) and began more oversight and enforcement at contaminated sites.

CERCLA (the federal Superfund law) and state brownfield programs take opposite approaches. Most importantly, CERCLA requires sites to be cleaned to background levels (pristine conditions) and finances cleanups by tracking down the parties who polluted the sites and making them pay.² In contrast, brownfield programs use more lenient cleanup standards, apply the standards flexibly, and do not clean sites but instead aim to entice the private sector to remediate sites by offering financial incentives. Decision-making authority is devolved to property owners, whether local government or private business. Brownfield programs are one of the most radical devolutionary environmental programs because not only is authority delegated to municipal governments, but implementation depends on cooperation between the public and private sectors.

DEVOLUTION AND ITS DISCONTENTS

While supporters of environmental decentralization see regulatory partnerships between the public and private sectors as a source of strength, opponents fear that such agreements are deals with the devil. States, in the attempt to lure private industry, they fear are likely to set lower environmental standards than they would otherwise. In fact,

¹ This is the USEPA's definition, which most states have adopted as well.

² In November 1999, Congress for the first time passed a spending bill that authorizes the use of general revenue money (taxpayers funds) for cleanup of Superfund sites (Kelly and Kalb 2000).

“smokestack chasing” – interstate competition to attract industry by establishing lenient environmental regulations – was a common strategy used by economic development officials prior to the creation of the EPA in 1970. Critics maintain that many of the arguments made by the devolutionists have not been proven and may actually be surreptitious strategies to roll back federal regulations. Reallocating authority to states and municipalities leaves them vulnerable to “environmental blackmail” by polluting industries that promise economic development in exchange for reduced ecological standards. Advocates of centralization maintain that federal regulations are necessary for equal protection of the environment (Easterbrook 1995; Dowie 1995).

Critics of decentralization worry that regulatory reform initiatives favor industry, are vulnerable to economic fluctuations, and will fail to provide minimum standards of public health and environmental quality (Kraft and Scheberle 1998). Opponents of devolution note that centralized federal regulations were originally drafted precisely because states were protecting the environment inconsistently (Dowie 1995; Easterbrook 1995; Ringquist 1995). The states’ historical failure to enforce the Clean Air Acts shows that they cannot be relied upon to protect environmental quality (Jones 1975), or to enforce environmental statutes (Ackerman and Stewart 1988). State and local governments, which may be more susceptible to industry pressure than the federal government, are prone to strike bargains with industry that result in watered-down compliance (Rosenbaum 1995; Rabe 1997; Ringquist 1993).

Even in instances when the state assumes a central role in environmental protection, federal support is often necessary to enable municipalities to confront powerful industries (Lester 1995; Rabe 1991). Research on block grants found that they weaken

rather than strengthen the partnership between the federal government and the states, and may fail to provide the flexibility that devolution connotes (Kilgore and Sylvester 1995). Tobin (1992) found that many state environmental officials believe they could not manage their programs without EPA assistance, and EPA sanctions and guidelines are also helpful to state agencies, which use them to force legislatures to enact programs to meet federal requirements (Ringquist 1993). Rabe (1991, 1999) found that although New Jersey assumes a leading role in environmental protection, a strong federal role is essential to support the state's effort. Scheberle finds that few policy areas "place greater and more diverse demands on states than environmental programs" (1997) and a U.S. Government Accounting Office report found that the largest obstacle to administering environmental programs is the lack of sufficient resources at the state level (1995).

Over the past decade, governors of many states have asked for the authority to enforce federal environmental laws themselves. Congress complied, transferring responsibility for enforcement of most elements of the Clean Air and Clean Water Acts from the U.S. Environmental Protection Agency (USEPA) to the states. However, a study by the Environmental Working Group (EWG), based on inspection data submitted by states to the USEPA over the past decade, found that state officials are falling down on the job of enforcing basic environmental laws; "vast discrepancies in enforcement between states has created de facto pollution havens in some states" (EWG 2000). In giving authority to the states the "USEPA has lost control of environmental law enforcement, and in the absence of strong federal oversight many states have gutted enforcement programs" the report said.

Enforcement lapses by states include failure to conduct inspections or conducting inadequate “reconnaissance” inspections (drive-by or fly-by), which are heavily used despite the fact that they fail to comply with federal pollution control rules.³ By failing to promulgate strict rules delineating enforcement practices, the report found that the USEPA has contributed to the weakening of state-level enforcement practices. The shift in enforcement authority from the federal to state governments in the 1990s has permitted states to take the path of least resistance and has let “major polluters slip through growing gaps” (EWG 2000).

States also need federal support to avoid economic exploitation by powerful industries. Although proponents believe devolution fosters development, they may neglect the economic costs associated with this strategy. State and local governments routinely offer immunity to polluters under local audit laws, waving penalties for violators who promise to take corrective action. This places the financial onus of cleaning sites and ameliorating health hazards on the public sector, a small price to pay – according to supporters – to retain businesses that might otherwise relocate. But using tax dollars for industry retention is not popular with taxpayers. Citizens who object to being saddled with burdens that should be shouldered by polluters have filed petitions against the states of Colorado, Idaho, Michigan, Ohio, and Texas (Arrandale 1997). Uniform federal regulations and oversight protects states from economic coercion.

There are other rationales for federal environmental management. Most environmental problems cross state borders, and in some instances national boundaries as

³ During the past decade, 95% of Clean Water Act inspections in Delaware were drive-by or fly-by, as were 89% in Illinois, 88% in Pennsylvania, and 86% in Indiana (EWG 2000).

well. It is therefore more logical for one national government, rather than several smaller governments, to oversee trans-border pollution. State agencies are also reluctant to enforce the law against other state or municipal agencies, whose facilities are often major polluters themselves. This situation facilitates leniency toward polluters. In recent years the Sierra Club and other nonprofits have taken an increasingly prominent role in lobbying for federal intervention against the reductions to water quality standards and drinking water programs proposed in a number of states.

ENVIRONMENTAL INEQUITIES

In addition to leaving state and local governments vulnerable to economic pressure, the devolution of environmental policy allows for unequal protection across states. Even now states are inconsistent in their approach to environmental regulation and enforcement. Some exceed federal standards, while others have passed legislation preventing establishment of standards that surpass those set by the EPA (Ringquist and Garand 1998).⁴ There is great variation regarding spending on environmental programs as well, with some states spending up to five times more than others (Rabe 1997). Enforcement efforts also vary. A 1993 EPA investigation found that half of all Clean Water Act permits issued by the states had expired, although the number was over 90 percent in some states including Virginia and New Mexico (Ringquist and Garand 1999).

Although these are examples of variation among states, we will see that these same principles apply to differences among municipalities within a state. Because states are

taking on expanded responsibilities without extra funding to support the new responsibilities, they delegate to local governments when possible. The burden of administering the program, applying for grants, loans and other incentives, and implementation falls wholly on the municipal government.

Although decentralization purportedly aims to give cities greater autonomy, devolving responsibility for environmental remediation to the municipal level burdens cities, and in fact threatens to exacerbate the problem of urban degradation. The nation as a whole is becoming wealthier, and affluent suburbs are expanding. Donahue believes devolution is likely to increase inequality, as states and cities scramble to lure mobile capital and place less emphasis on human development policies such as education, job training, and progressive taxation (Donahue 1997). Allowing municipalities to set their own environmental standards, and setting them in competition with one another establishes a situation designed to increase inequality between cities and suburbs (Landy 1999).

The literature on implementation of federal programs has documented unequal outcomes across jurisdictions (Pressman and Wildavsky 1973). This research also finds that inequalities and inconsistencies arise not just between cities and suburbs, but among cities themselves. Because devolution leaves the program design and implementation up to each city, the complexion of these programs and their effectiveness is subject to considerable variation. The key factor here is the nature of the governing regime in each city.

⁴ Since 1987, 19 states have enacted at least one statute constraining the authority of state agencies from promulgating rules more stringent than the federal laws (54

The suggestion that local politics should so dramatically affect the implementation of a decentralized program seems intuitive, but it goes against the theory that informs environmental devolution. The consensus among scholars and practitioners is that the development trajectory of any given site is a function of its status in the market, based on its "tier," a rating derived from its location, size, proximity to infrastructure, and degree of contamination.⁵ This perspective, founded on classical economic theory, defines abandoned sites as market failures. That is, they have no market value at present but could, with proper measures, be returned to the marketplace. Administrators of the Brownfield Program seek to convince developers of the cost-effectiveness of investing in the rehabilitation of contaminated property. The Brownfield Program compensates for depressed real estate markets by offering grants for remediation, property tax reductions, and payment in lieu of taxes, to make sites more attractive to developers. Administrators envision the success of the program as being solely dependent upon the city's ability to market sites to private developers.

Seen in these terms, it is clear that market-based programs such as the New Jersey's Brownfield Program systematically privilege market actors and values over non-market actors and values. This research shows that this is especially so in economically distressed cities, which are by necessity more beholden to private investment than wealthier ones with more development options. Little or no brownfield redevelopment is

MD.L.Rev.1373 (1995)).

⁵ Brownfield sites can be classified into three categories. Tier One: sites that pose some contamination issues but are economically viable for development projects. Tier Two: sites that would be attractive for development but have a higher risk of contamination than Tier One sites and are less marketable. Tier Three: sites with high environmental risks

occurring in these cities, while malls and big box retail are proliferating on brownfield sites in the suburbs. Programs that rely on market mechanisms tend to exacerbate inequities among communities and cities with regard to environmental quality and urban revitalization by producing the best outcomes at sites with the highest market value and the worst outcomes at sites with a low value. But this is only half the story.

In practice, market value alone does not determine whether or not a site will in fact be redeveloped. Local politics has just as much impact on brownfield outcomes as economic forces. Brownfield coalitions are informal networks of public and private actors working together to benefit from government incentive programs; they have formed in several New Jersey cities, often under the stimulus of the availability of redevelopment incentives. Since brownfield redevelopment involves the cooperation of many stakeholders, a theoretical framework that focuses on the cooperative action of disparate groups to achieve results is especially well suited for a brownfields analysis. Regime theory, which admits that both economic and political influences shape urban outcomes, provides a more balanced and accurate tool for examining brownfield outcomes than a purely economic model.

A regime is an informal yet relatively stable group of public and private actors with access to institutional resources that plays a sustained role in decision making and city governance (Stone 1989). The division of labor between the state and the market in capitalist democracies has created local governments that are too weak to govern alone and must therefore form cooperative arrangements with private actors (Elkin 1987;

that hold little economic potential even if cleaned due to poor location, lack of access, or dubious reuse potential (Wright and Davlin 1998).

Imbroscio 1998). Business leaders and elected officials are the principal regime participants, and bureaucrats, associations, unions, and community organizations often play a role as well. Their relationship is symbiotic: cities, often short of revenue and expertise, need the resources of the business community to produce results, and business needs the support of government to attain its goals. Therefore, business has a privileged position in governmental decision making while community-based organizations and socioeconomically disadvantaged groups are often excluded or permitted token participation through such local institutions as community advisory boards. Regime politics generally do not promote public participation in government or adequately represent the interests the poor. However, in some instances marginal groups will be incorporated into the regime to lend support to a project, while in other cases groups that oppose the regime will be purposely excluded.

Regime theory strikes a balance between the economic determinism of structuralist approaches and the political determinism of pluralist theories, making it especially appropriate to the analysis of brownfield politics, in which both economics and politics have a pivotal influence. In Part II of this study I use a regime framework to explain policy coalitions that are constructed around issues. Policy coalitions are “working alliances among different interests” that can secure the cooperation needed from other public and private actors in order to govern a specific policy area (Mollenkopf 1992, 38). Regimes endure through electoral change and other political upheaval, while policy coalitions are less stable and more dependent on the actions of political players. Regimes usually refer to citywide governance rather political action around a specific issue, while policy coalitions refer to issue-specific political activity.

Policy coalitions and municipal regimes do not rise out of thin air; they are products of historical processes and socioeconomic conditions that result in a city's political culture, "the environment in which all groups and individuals function" (Gittell 1980, 215). A city's political culture reproduces patterns of governance that transcend individual leaders and administrations. The city of Camden, for example, has long been plagued by flamboyant corruption. Each of the past three mayors has been indicted for various crimes – bribery, embezzlement, even murder. Clearly the problem here is deeper than the moral failings of these particular men. That they were elected and allowed to reign is a sign of the city's peculiar political culture, which has established a climate of venality and fostered corruption as the customary style of leadership. Political culture also proves to be a vital factor at the state level. As Chapter One details, New Jersey's industrial history has given rise to a political culture that favors businesses over citizens, and that habitually dismisses urban needs in favor of suburban development.

Municipal regimes determine the local fate of decentralized programs. In an ideal setting, this would allow for maximum efficiency, creating programs especially tailored to the particular needs and circumstances of a given city. But this sort of independence is possible only in a municipality that has a growth-centered regime, a civic-minded vision, and sufficient social and economic capital to realize its plans. Pro-growth coalitions (Mollenkopf 1983) or development regimes (Stone 1989) dominated by growth actors and local officials seeking economic growth, govern most municipalities (Peterson 1981). This is especially so in New Jersey (Karcher 1998). However, poor, declining cities lack effective growth coalitions as well as the staff and resources necessary to produce results.

In such settings, decentralized policies generate practices that are far from optimal. When applied to environmental policy, devolution is tantamount to deregulation.

New Jersey's brownfield program is a case in point. A key devolutionary initiative, the program is hailed as one of the best in the nation, a model for initiatives in other states. But as subsequent chapters will demonstrate, there is much variation among New Jersey cities regarding the level of municipal participation in the program, which stakeholders participate in brownfield decision making, what environmental standards are used for cleanup (in some cases no cleanup is conducted), and what economic impacts redevelopment creates. Not all brownfield projects produce beneficial effects (Greenberg 1998).

New Jersey's *Brownfield and Contaminated Site Remediation Act (BCSRA)*, which created the Brownfield Program,⁶ grants responsibility for remediating contaminated sites to the local level. Private and municipal owners of brownfield sites have authority over site selection, cleanup standards, remedy selection and redevelopment plans. Cities usually choose to remediate the sites with the highest market value, and some cities have more desirable sites than others, usually because of their location. The State provides little oversight, does not impose specific environmental standards, and grants great leeway to local governments. Because the brownfield process is not

⁶ There has been a Voluntary Cleanup Program in New Jersey since 1992; the *Brownfield and Contaminated Site Remediation Act (BCSRA)* of 1998 expanded and enhanced that program.

mandated by the state, but fashioned by local actors, the program's configuration in each city reflects local politics and power relations.⁷

URBAN ENVIRONMENTAL POLICY IN THE SUBURBAN STATE

This project analyzes brownfield politics in four New Jersey cities. The Brownfield Program lends itself especially well to comparative analysis because in each city it has evolved differently and is supported by different constituencies. New Jersey is well suited for this research for several reasons. First, it has over 8,000 sites categorized as brownfields. Second, brownfields are a major concern in New Jersey, which is the most densely populated state and which has the most Superfund sites as well. Third, New Jersey's cities have suffered severe economic distress from deindustrialization.⁸ Finally, New Jersey has an established voluntary site cleanup program, the precursor to the Brownfield Program, which has been operating since 1992. This research will focus on publicly-owned sites, which are controlled by municipalities through tax foreclosure, and which account for about ninety percent of the brownfield sites in the state.

The cities I have selected – Trenton, Newark, Camden, and Paterson – are similar in many respects. All are mid-sized and highly urbanized with an abundance of brownfield

⁷Brownfield site owners, whether public or private, have broad discretion over environmental cleanup level and reuse decisions. There is a step-by-step brownfields remediation process once an owner enters into a Memorandum of Agreement with the NJ Department of Environmental Protection, however there is flexibility even within this process. For example, at several points in the process the property may be sold or developed.

⁸Seven of Rusk's "point of no return cities" are in New Jersey. They are defined as cities that have lost population, have increasingly isolated their nonwhite populations, and have decreased per-capita incomes relative to their suburban counterparts. Of the case study cities, only Paterson's population is increasing.

sites.⁹ In addition, they have similar economic conditions: all rank in the top 20 of the Municipal Distress Index--a composite score of economic, social, fiscal, and infrastructure distress.¹⁰ Rusk (1994) included three – Camden, Newark, and Trenton – in his definition of “point of no return cities.” All four cities are federal brownfield pilot sites.¹¹ They reflect a wide range of coalition types. Trenton boasts strong community organizations; Newark’s growth regime has courted private investment; while Camden is wracked by competing factions which has precluded cooperation among disparate groups or the development of a policy coalition. Finally, Paterson’s city officials and institutions are plagued by infighting and low capacity that has paralyzed the redevelopment process.

But perhaps the most important characteristic that these municipalities share is a sense of disregard by a state government whose political culture is decidedly anti-urban. Salmore and Salmore (1998) have fittingly characterized New Jersey as “the suburban state” where the political landscape is dominated by suburban issues and concerns. It is a state of “edge cities,” a phrase coined by Joel Garreau (1991) to describe suburban growth zones of office and retail space that have more workers than residents and exist on land that was rural less than 30 years ago. Geographic and demographic development patterns

⁹ All of the case study cities are ranked “urban level one” in the Municipal Distress Index. Urban Level One is defined as a “densely settled and developed core community that serves as the administrative and business center for a developed surrounding area.” (Simmens 1998, 4).

¹⁰ The eight indicators that compose the Municipal Distress rank are: percent change in population, number of children on AFDC per 1000 persons, per capita income, unemployment rate, equalized three-year local tax rate, equalized valuation per capital, pre-1940 housing, and percent housing substandard.

¹¹ The federal brownfield pilot program gives \$200,000 grants to municipalities for site inventory and assessment. Cities that are organized enough to apply for federal funds show a level of initiative in brownfields not seen by cities that do not have federal pilot status.

have created a thoroughly suburban politics in New Jersey. Perhaps more than in other states, New Jersey's 100-year history of suburban migration represents an active rejection of cities. A move to the suburbs expresses a preference for the private over the public and suburbanites tend to be hostile toward the cities and the groups who live in them – minorities and the poor (Salmore and Salmore 1998). Suburban regions, not cities, define politics in New Jersey. Sternlieb and Hughes (1988) found that “there are few states of equivalent size within which major cities play so small a role” (328).

Racism lies at the root of New Jersey's anti-urban political culture. Residential patterns in New Jersey are starkly segregated along the classic lines of black cities (and inner ring suburbs in some cases) and white suburbs. New Jersey's racial minorities are clustered in urban centers. For example, the state's population is 14.6 percent black and 12.4 percent Hispanic, but in Camden minorities comprise 81 percent of the population. Massey and Denton (1993) have argued that residential apartheid and ghettoization are “the key structural factors responsible for the perpetuation of black poverty in the United States” (9).

The disinterest of New Jersey's leaders in the welfare of the state's cities is an example of “laissez-faire racism,” which Bobo and Smith (1998) define as “a situation in which overt forms of racism have receded, but institutionalized disadvantages and inequalities continue to be condoned under a modern free market ideology” (Bobo and Smith 1998, 1). In New Jersey, the lack of support for spending on social welfare and urban schools, and the willingness to leave contaminated site remediation up to the whimsy of the free market, is one such manifestation of the political culture of laissez-faire racism that dominates in the capital.

New Jersey's leaders have been charged with more overt forms of racism as well. The Whitman administration in particular has demonstrated a startling insensitivity to African American concerns. In 1993, Christie Whitman's campaign manager, Ed Rollins, paid black ministers to discourage their congregations from voting. In more recent years, Whitman has only reluctantly responded to the widely-recognized practice of "racial profiling" rampant among State troopers (Johnson 2000; Siegel 2000). She initially reacted to these charges with indifference, allowing herself to be photographed in 1996 frisking a young black man in Camden, a broad grin on her face. The search was likely unconstitutional – the man in question had already been patted down twice by troopers, and was not being held for any crime (Campbell 2000). The racism of the Whitman administration extends the broader political culture of the State administration, which has long stunted the needs of minorities and urban dwellers. For almost 30 years, the state has refused to restructure its educational financing system to equalize school districts as first mandated by *Robinson v. Cahill* (1972). Ignoring arguments that finance reform would substantially benefit the educationally disadvantaged minorities who live in poor cities, Whitman passed the Comprehensive Educational Improvement and Financial Act of 1996 (CEIFA), which tried to redirect attention towards "texts not checks." CEIFA was quickly struck down as unconstitutional for discriminating against poor districts. In light of the national trend to devolve environmental remediation to the local level, it is especially important to consider what happens in a state where cities are treated as second-class jurisdictions.

This was not always the case. Throughout much of the nineteenth century, Newark was the eleventh largest city in the nation and the most industrialized city, with 74

percent of its work force engaged in manufacturing. But the urban population peaked in 1890 and has declined as a percentage of state population ever since. Two factors precipitated this shift: suburban growth and industrial decline. Jackson (1985) has characterized the twentieth century as the conquest of “the crabgrass frontier.” In New Jersey, suburban towns experienced rapid growth, particularly with the completion of three major highways in the 1930s. Towns sprouted around industrial plants, research parks, shopping malls, and in the case of Metro Park, parking lots (Salmore and Salmore 1998; Garreau 1991). By mid-century, suburbs – once bedroom districts for urban commuters – had become complete communities in their own right. The precipitous decline of New Jersey’s manufacturing sector in the 1960s and 1970s led to the loss of tens of thousands of blue-collar jobs (Cumbler 1989). The collapse of New Jersey’s industry was paralleled by an explosion in the service sector, which in the 1980s created thousands of new white collar, pink collar, and white smock jobs as corporate employers moved their businesses to the suburbs. The 1980s also saw the growth of large zones known as “retirement cities” containing the largest concentration of retirement communities outside of Arizona and Florida.

These economic shifts and infrastructural developments profoundly altered urban demographics. In the 1970s large cities lost over one-third of their population (White 1988; McCormick 1979), and today the cities have high poverty rates and unemployment rates. White flight and redlining has left the poor neighborhoods populated almost exclusively by minorities. Massey and Denton (1994) report that in 1966 the Federal Housing Administration had no mortgages in either Paterson or Camden, two older cities with non-Hispanic white minority populations. Such “blanket redlining,” they find,

stopped the flow of capital to minority neighborhoods making it “impossible for owners to sell their homes, leading to steep declines in property values and a pattern of disrepair, deterioration, vacancy, and abandonment” (55).

New Jersey’s cities are also plagued by physical decay, social problems, and environmental contamination. Patterns of residential segregation and suburban employment trends have isolated the poor and minorities in urban enclaves that are separated from the new labor markets in the suburbs (Massey and Denton 1994).

The suburbanization of New Jersey has had profound consequences for the political culture of the state. As one Trenton city official testified:

NJ is a funny state in terms of its political dynamics—there is no dominant urban center. Most states have an urban center--people won’t be happy about it--but it is central to the state’s life so people will take care of it. NJ has suburbanized relative to its urban centers more than any other state in the Northeast or Midwest. Most NJ suburbanites are children of urbanites—exurbanites. There’s an antagonism toward the city, you see it among people who left the city: “The city that I grew up in, that I loved is taken away from me.” There’s resentment and a sense of loss. The upshot is that this population is anti-city—the migrant population tends to dominate inner ring suburban politics in NJ. Driven by a desire to put their urban roots behind them and disregard the cities. They want the big house and the big car. They feel that “we have ours,” “the last house built was the worst.” (Mallach 1999)

The consequences of New Jersey’s suburban bias have been devastating for its cities. Quality of life issues, especially education and open space protection, are preeminent in suburban New Jersey politics. In contrast, urban problems such as poverty, drug abuse, and substandard housing are largely ignored. Governors have found that it is politically dangerous to propose a substantive urban program. A stark illustration of this is Governor Florio’s famous income tax gaffe in 1990. During his reelection campaign he said New Jersey had “an expenditure problem, not a revenue problem,” but upon winning

office he immediately imposed a tax increase that redistributed funds from the suburbs to the cities. Florio's actions incited a tax revolt among suburban voters that resulted in his defeat, and the defeat of every assembly Democrat representing a suburban district in the following election (Salmore and Salmore 1998). Both houses of the State's legislature have been overwhelmingly Republican ever since. Successful gubernatorial candidates must appeal to suburban voters in New Jersey.

New Jersey's brownfield program reflects the state's suburban bias. In fact, devolutionary programs more generally may be products of the nationwide trend toward suburbanization. Thomas (1998) argues that the suburban mentality is especially receptive to devolution, which caters to ideologies of self-governance and local autonomy that are central to the suburban vision. New Jersey is the quintessential suburban state in both politics and culture, but it is not unique. The U.S. became a majority suburban nation in the late 1980s, a factor that facilitated the rightward political shift that culminated in the Republican Congress of 1994. On the whole, Republican legislators and governors support devolutionary trends more than Democrats (Kincaid 1999). As the following chapters will demonstrate, New Jersey's Republican leadership and suburban bias fostered devolutionary programs that were calculated to appease business interests at the expense of urban dwellers.

METHODOLOGY

Throughout history, cities have served as sinks for industrial wastes because they could be disposed of in the cheapest and easiest manner (Tarr 1996). Today, most of the industries are gone leaving only abandoned, contaminated sites, but the legacy of pollution

remains in the buildings, the soil and the water. New Jersey's old industrial cities are awash in brownfield sites, most of which are owned or controlled by municipal government through tax foreclosure and abandonment. However, most of these cities are still suffering from the devastation of deindustrialization and have few resources to address their contaminated properties. This study compares how four of New Jersey's cities have responded to state and federal brownfield programs. Each city has a Federal Brownfields Assessment Demonstration Pilot and each has made use of the state's brownfield grant program for site assessment.¹²

There are surprisingly little data available on brownfield sites in New Jersey. The state DEP maintains a list of known contaminated sites, but this list is neither comprehensive nor current. And the DEP records once a site is remediated (No Further Action letters), but lacks a comprehensible system of tracking cleanup level and does not monitor reuse. Further, few cities have conducted thorough inventories of sites. And site specific data are available only for the small fraction of properties that have begun the remediation process. This project therefore used the data available, but relied primarily on participant observation and interviews to evaluate each city's brownfield initiative. For one year I attended monthly brownfield meetings the four cities and coordinated the state's Interagency Brownfield Task Force, which held monthly meetings of the brownfield coordinators from seven different state agencies. I also interviewed dozens of stakeholders at the city and state level.

I chose to focus on medium-sized cities (pop 25,000-110,000) for three reasons. First, they are infrequently studied. Second, they are plagued with brownfield sites. And

¹² The Hazardous Discharge Site Remediation Fund (HDSRF).

third, still in a state of economic distress, they are having more difficulty with economic recovery than big cities. One major disadvantage about studying medium-sized cities is a lack of research and literature, meaning the researcher must start from scratch and pull together bits and pieces of information. To make matters worse, two of the four cities — Camden and Paterson — no longer have a local newspaper. These case studies are constructed from the literature, newspaper articles, interviews, meetings, and informal conversations. Given the paucity of the sources, the case studies are naturally somewhat uneven. For example, there are many historical accounts of Paterson, but almost nothing written on the current period. The opposite is true for Camden.

This dissertation is in two parts. Part I examines environmental policy in New Jersey at the state level. Chapter One presents the history of site remediation legislation in the context of regulatory reform. Although New Jersey once led the nation in hazardous site remediation policy — New Jersey's Environmental Cleanup Responsibility Act (ECRA) formed the template of the federal Superfund law — business interests and their Republican allies succeeded in dismantling the most important anti-pollution programs. Chapter Two offers a close reading of the latest stage in the process of deregulation, the Brownfield and Contaminated Site Remediation Act of 1998. Although widely lauded for being the best solution to the compound problem of environmental degradation and economic decline, the State's brownfield program is, I argue, profoundly anti-urban and anti-democratic, and is designed to accomplish none of its professed goals. Despite its obvious flaws, New Jersey's brownfield program was enthusiastically supported by unusual policy coalitions that included Democrats, urban leaders, and environmentalists as well as Republicans, suburbanites, and industry advocates. Chapter Three analyzes what I term the "politics of

desperation” that generated these coalitions and led to the development and passage of the Brownfield Act.

If Part I demonstrates the failings of first-order devolution,¹³ Part II analyzes the problem of devolving environmental authority to municipalities. Chapter Four demonstrates that New Jersey’s program assumes that most municipalities are run by growth machines—an assumption that is unwarranted in the state’s declining cities. In a series of short chapters (Five through Eight), I explore what happens as the responsibility for brownfield planning and administration is devolved to the local level in four distressed cities – Trenton, Paterson, Camden and Newark. Particularly important here, I note, are the differences in the regimes and brownfield coalitions active in each city. The political and economic history of each city, along with such standard factors as socioeconomic conditions, has given rise to local political cultures that in these cases have failed to nurture brownfield development.

If devolution is not an effective approach to the problems of environmental remediation and economic development, then does this mean there is no room for local governance? Not at all. As discussed above, devolution has attracted support from the left precisely because so many studies have demonstrated the importance of local participation involvement in fostering strong, democratic policies (Barber 1984; Gittell 1980, Gittell et al 1998; Putnam 1993). As these case studies demonstrate, New Jersey’s brownfield program is successful only when community activists insert themselves into the process, compelling municipal leaders who have expressed indifference or even hostility to

local concerns to respond to their demands. Perhaps the greatest flaw in New Jersey's brownfield program is that it does not make formal provisions for community participation. In the Conclusion I provide a range of policy recommendations, from small reforms to make the brownfield program more equitable and more effective for urban sites, to more sweeping reforms of federal environmental policy, such as combining strong central regulations and policies with strong local powers. But because states may be beholden to suburban interests, and because municipalities may be beholden to private interests and may lack the administrative capacity to implement renewal programs. I recommend reforms that combine state and federal environmental regulations with community participation in local decision making. Local control over land use is an enduring American tradition that localities will never relinquish willingly. The best solution to parochialism in land use decision making is to institute federal and state environmental standards and to foster community participation in local land use decision making. By requiring municipalities to develop community involvement plans in order to receive state and federal brownfield grants, they can be assured that the community will have a voice in local land use policy making. Uniform environmental standards, balancing urban and suburban needs within the region, and nurturing civic participation may be the best hope for a democratic and equitable environmental future.

¹³ First-order devolution refers to delegation of responsibility from the federal to the state governments; second-order devolution refers to delegation from the states to the local level.

CHAPTER 1

The State Policy Context: Hazardous Site Regulation in New Jersey

“With some of the most oppressive rules and regulations in the nation, New Jersey is choking the life out of small business as well as its own economic future. Can Trenton loosen the red tape before employers take their business elsewhere?”

Randall Kirkpatrick, *New Jersey Business Journal*, February 1993.

“We must never forget the New Jersey of thirteen years ago. We were in danger of being swallowed up by decades of environmental abuse by irresponsible corporations and neglectful politicians.”

Senator Raymond Lesniak, “The Father of ECRA.” April 24, 1995.

Hazardous waste regulation in New Jersey has been marked by increasing leniency since the mid-1980s. In the name of reform, business, industry and their Republican supporters have waged a persistent yet low-profile assault on environmental regulation for the past fifteen years. Opponents of stringent regulations have blamed economic decline on strict cleanup laws — an unproven assumption that nevertheless has become widely accepted. The result has been gradual yet significant revision of hazardous waste law in terms increasingly favorable to industry. Employing the rhetoric of urban revitalization, regulated interests have centered their attentions on this policy area and have been strategically rolling back the regulations, with the help of recent Administrations, for their own financial benefit. This chapter and the one following examine the political processes leading to the passage of the Brownfield Act of 1998.

Industry is opposed to environmental laws on two grounds. First, that regulations unfairly interfere with the private market, increasing the cost of business, and ultimately raising

the price paid by the consumer. The second common complaint is that environmentalists exaggerate the dangers of pollutants, while industry routinely maintains they are not as dangerous as environmental scientists claim. Although there is an increasingly large body of research refuting both of these claims—showing that environmental laws rarely stymie economic development and establishing correlations between environmental toxins and disease—industry continues to operate in its anti-regulation tradition (Dowie 1995; Rosenbaum 1998).

The Brownfield Act represents only the most recent stage of a long process of deregulation. New Jersey's hazardous waste regulation evolved in three periods. During the first period (1970 to 1991) the legislature and the governors showed a commitment to seriously address contamination and to regulate polluters. In this period, New Jersey had a stronger enforcement record than its neighboring states, and was found to prosecute more frequently than many states (Northeast Hazardous Waste Project, 1986). This era was marked by strict liability laws and the "polluter pays" principal. Key developments during this phase were the creation of the New Jersey Department of Environmental Protection (DEP) in 1970, the passage of the Spill Compensation and Control Act in 1976, and the enactment of the Environmental Cleanup Responsibility Act (ECRA) in 1983.

But in the mid-1980s during the Reagan Administration, as the political balance within state politics moved to the right, Democrats and environmentalists began to lose influence to business and industry and their Republican supporters. Hazardous waste policy was one of the first casualties of this power shift. During the second period (1991 to 1995) the state began a transformation in its regulatory philosophy. The new approach to regulation was characterized by more conciliatory and less antagonistic relationships with the regulated community. The trend toward more flexible regulations had already begun when Governor Whitman replaced

Governor Florio in 1993. Although ECRA's strict regulations remained in place, the Voluntary Cleanup Program was created in 1992 to allow voluntary cleanup of contaminated sites. And in 1993 the much-maligned ECRA was substantially revised by the Industrial Sites Recovery Act (ISRA), which was much preferred by the regulated community because it eased site cleanup and loosened the environmental standards.

The transformation is complete in the third regulatory phase (1995 to present). The Whitman Administration (1993-present) brought about a regulatory shift from the command and control programs favored by Governor Florio (1989-1992), to one emphasizing economic inducements for compliance. In this period, Governor Whitman's pledge to "open [New Jersey] for business" has ruled the regulatory environment: economic development has taken priority over environmental protection, and the State DEP has become an agent of the Governor's economic agenda.

A recent Whitman administration proposal to exempt 80 companies from detailed reporting of toxic chemicals illustrates the attitude shift.¹ Whitman supported a series of regulatory reform measures including reducing Spill Act liability and ordering DEP to tone down enforcement. Governor Whitman also slashed the DEP's budget. Between 1994 and 1997 the DEP's workforce dropped 15 percent (NAPA 1997). The hazardous waste laws passed during this period are designed with redevelopment, rather than thorough site cleanup, as a priority. During Governor Whitman's tenure, the Urban Redevelopment Act (1996), Environmental Opportunity Zone Act (1996), and the Brownfield and Contaminated Site

¹ Under the proposal, companies that use 1 million pounds or less of toxic chemicals a year, and that produce less than 500 pounds of hazardous waste annually, would not have to submit hazardous waste reduction plans to the state. The plan was criticized by environmental groups for being "a step backwards" (Twyman 2000).

Remediation Act (1998) were enacted. These are not regulatory programs but incentive programs that offer grants, loans, and tax abatements to redevelop sites and achieve environmental goals. In this period New Jersey has led the nation in the trend away from command and control regulation toward voluntary environmental programs.

INDUSTRIAL CONTAMINATION IN NEW JERSEY

For several decades, New Jersey was considered a national leader in environmental policy. This was on the one hand a function of the state's strong Democratic base, a relic of once-extensive labor union organizing. On the other hand, it was also a function of need. Since the nineteenth century the Garden State had been a center for some of the country's most polluting industries – textiles, petroleum, chemicals, and pharmaceuticals.

When the textile mills began to close down in the Forties and Fifties, towns desperate for revenues let in chemical companies, which were more hazardous than the previous industries. In their postwar heyday, the New Jersey counties of Bergen and Passaic had about 300 factories using toxic chemicals. These plants were bastions of economic health, providing lucrative jobs and tax dollars to benefit the social body. But they were also fonts of environmental destruction, releasing byproducts that fouled the air, contaminated the water, and endangered the public health. New Jersey's air quality is among the worst in the nation. A national study has found that New Jersey's industries released more toxins per square mile than any other state (Hall and Kerr 1992). And a 1999 study found that industries in the state annually use and discharge 6 billion pounds of chemicals that pose a threat to reproductive health (NJPIRG 1999). Much of the contamination present today is a result of the expansion of the petrochemical industry in the post-war period. Industry and towns grew together in an

earlier era where zoning was lax. Factories often predated housing, and as a result the contaminated sites now identified as brownfields frequently appear in mixed-use residential neighborhoods.

Brownfield sites are the legacy of the state's industrial history. Prior to the environmental laws of the 1970s, New Jersey's air, water, and soil were an unregulated repository for industrial wastes. With 107 designated sites, New Jersey has the dubious distinction of being the national leader in the Superfund program, receiving about half of all the funds allocated under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) between 1980 and 1988. The State houses the worst toxic waste site in the country: the Lipari Landfill in Mantua. New Jersey has had its share of toxic disasters as well. One of the first was the 1980 explosion at the Chemical Control plant in Elizabeth. It cost \$33 million to clean up. In 1983, investigators discovered dioxin, considered to be the deadliest substance, at the Diamond Shamrock site in Newark. And in 1984, the American Cyanamid plant in Linden accidentally released an eighteen-mile-long toxic cloud into the atmosphere. Industrial pollution has contaminated wells in most municipalities in the northern counties and industrial waste has created contaminated sites in nearly every township and municipality in the state. Because contamination is endemic, the state has worked aggressively to identify contaminated sites. Indeed, New Jersey's status as number one Superfund beneficiary partially resulted from the state's concerted effort to identify eligible sites (Salmore and Salmore 1998).

THE SPILL COMPENSATION AND CONTROL ACT

This history of pollution rallied public support for stronger regulations and created the political opportunity for the legislature to pass a series of strict environmental measures in the 1970s and 1980s. Over time, New Jerseyans have increasingly favored strong anti-pollution laws (Eagleton Poll 1977, 1982, 1988). Governor William Cahill created the NJDEP on Earth Day in 1977. The New Jersey Department of Environmental Protection has a reputation for progressive environmental policy. New Jersey enacted the nation's first air pollution law in 1954 and was one of the earliest states to encourage pollution prevention and to monitor and regulate contaminants in public water supplies (NAPA 1997). It was one of the first states to enact legislation to address site contamination.

It was the passage of the Spill Compensation Control Act in 1976 that established New Jersey as a national leader in hazardous waste legislation. Prohibiting the unpermitted discharge of hazardous substances, the Spill Act cast the liability net far and wide. In no uncertain terms, the Act declared that

Any person who has discharged a hazardous substance, or is in any way responsible for any hazardous substance, shall be strictly liable, jointly and severally, without regard to fault, for all cleanup and removal costs incurred by the department or a local unit.
(N.J.S.A. 58:10-23.11g(c)(1)).

The provisions of the Act allowed for the tough prosecution of offenders. A sympathetic court found even landlords whose tenants caused a discharge to be liable.

One of the most controversial aspects of the Spill Act was the treble damage provision, which authorized the DEP to clean and remove hazardous substances if the discharger failed to comply with the law, and collect three times the cost of cleanup and removal action. In 1979 the Spill Act was extended to cover abandoned sites as well. The financing of the Spill Act

was also progressive. The legislation created a site cleanup fund for the state to use to remediate sites, with the understanding that the DEP would track down the offenders and sue to recover costs. The Spill Act served as the model for the federal Superfund law, CERCLA (1980), whose principal author was U.S. Representative Jim Florio, later elected governor of New Jersey.

ENVIRONMENTAL CLEANUP RESPONSIBILITY ACT (ECRA)

Like the Spill Act, the Environmental Responsibility Cleanup Act (ECRA) was a tough "polluter pays" program that was the envy of the nation when it was passed. ECRA became law in 1983 under Governor Thomas Kean, a moderate Republican who was strong on environmental issues. It required businesses to clean up pollution on their property before selling or shutting down their operations. The law made the current owner and tenant liable for cleaning the property, whether they were the original polluters or not. Once a firm met its obligations under ECRA, it was permitted to sue the polluter to recover costs. ECRA compelled industries to investigate and remediate their property upon termination or sale of their operations; violations were punishable by fines of up to \$25,000 per day. ECRA was fully funded by the private sector through applicant fees and remediated properties at no cost to the taxpayer. The Council of State Governments praised ECRA for being a model of innovation and effectiveness (1986). More cleanups were conducted under ECRA than any other state or federal regulatory program (Johnson 1998).

But when ECRA was enacted, it triggered a backlash among industry, business and real estate interests. Despite economic retrenchment, New Jersey remains an important industrial center and currently has the second largest chemical industry in the nation. State

officials and many municipalities still actively court chemical companies, a source of employment and revenue. As recently as 1998, Mayor Martin Barnes of Paterson visited Brazil and the Dominican Republic to try to convince chemical manufacturers to move to his city (Vial 1998). Employing about 95,000 people at over 120 plants and 1,000 research facilities in New Jersey, the chemical industry wields vast economic power in the state.² The industry is politically influential as well: the Chemical Manufacturers Association (CMA) is a major contributor to political campaigns and an aggressive lobbying organization as well.

Governor Kean promoted ECRA as being in the best interest of industry, which he claimed would benefit in the long run from the rigorous cleanups required under the law because they would guard against soaring liability costs. He urged businesses to "accept the challenge and make New Jersey 'clean and safe' for a sound economy and a healthy environment" (quoted in Bishop 1988, 12). However, industry and developers failed to appreciate ECRA. Referring to the legislation as a "nightmare," the Commerce and Industry Association of New Jersey claimed that ECRA was grinding economic growth to a halt by imposing overly burdensome legal and bureaucratic hurdles to the redevelopment of contaminated land for industrial sites (Bishop 1988, 12). Jim Sinclair blamed ECRA for the loss of 150,000 manufacturing jobs, a heavy penalty to pay for "a law with no redeeming social value" (quoted in Kirkpatrick 1993, 39).

In 1990 Bruce Siminoff of the Commerce and Industry Association organized stakeholders from business, industry, real estate, and environmental consulting to form a coalition to reform ECRA. Some municipal leaders, including the mayors of Elizabeth and

² These figures are based on data from the early 1990s reported in Williams and Matheny (1995).

Newark, and the head of the Hudson County Chamber of Commerce signed on as well.³ The ECRA Reform Coalition charged that ECRA was an expensive and costly burden that was hurting industry and driving business out of the state. Jim Sinclair, of the New Jersey Business and Industry Association, complained that ECRA process was inefficient, freezing “millions of dollars worth of property” as developers waited for DEP approval (quoted in Bishop 1988, 12).

One of the main complaints of ECRA opponents was that its liability clauses went too far. Under the terms of the legislation, property owners, who might include lenders or municipalities that acquired property through tax lien, are responsible for cleanup, regardless of whether they were responsible for the original pollution. ECRA was purposely designed this way to deter “the serious problem of never-ending, ‘hand-me-down’ industrial contamination” (Yaskin 1991). Even opponents of the law admitted it had value as a buyer protection plan because purchasers of property that had been through the ECRA process could be confident that it was clean and safe. But developers argued that the public should pay for the cleanup. In the words of David Houston, an industrial and commercial real estate broker, “ECRA shifts the cleanup burden from the public sector to the private sector, and this is different from what the public perceives environmental protection to be” (Harding 1988). Since all New Jersey

³ The following were members of the ECRA Reform Coalition: Bruce Siminoff, Chair, Commerce and Industry Association; Joseph Douglas, Archie Schwartz Company; Richard Duprey and Chip Hallock, Commerce and Industry Association; Phyllis Brociner, City of Elizabeth; Edward Hogan, Porzio, Bromber, and Newman; Jennifer Siburn Elizabeth Development Company; Daniel Sheridan, Schaff, Motiuk, Gladstone and Reed; Jim Sinclair, New Jersey Business and Industry Association; Jeffrey Horn, National Association of Industrial and Office Parks; Paul Butler, City of Newark; John Surmay, City of Elizabeth; Georgette Ravell, Ironbound Manufacturer’s Association; Jay O’Donnell, NJ Council for Urban Economic Development; David Houston, Society of Industrial Realtors; Dominick D’Agosta

residents stood to benefit from urban revitalization, Houston pointed out, they should all share the site cleanup costs.

The ECRA Reform Coalition also complained that the ECRA process slowed down property transactions. They attempted to streamline the process by introducing a bill (A-59) that provided for speedier transfer of property. The bill imposed deadlines on ECRA case applications; established third-party arbitration procedure to handle disputes; set minimum standards for cleanup; created “limited conveyance” permits allowing an owner to sell a portion of his property without triggering ECRA; and removed the section of the law that allowed the DEP to begin ECRA proceedings if the facility is closed for health or safety reasons (Bishop 1988). The State Assembly approved the bill in 1987, but because of public pressure A-59 never made it to the Senate floor.

The ECRA Reform Coalition further charged that the uniform site cleanup standards for industrial and residential use were overly conservative. Superfund stipulations require that 100 percent of the pollution be removed before a contaminated site is redeveloped. Critics argued that 90 percent would be sufficient. Cleanup levels are a central concern of site remediation policy because removing 90 to 95 percent of the contamination is relatively easy, while the remaining 5 or 10 percent is much more difficult and expensive, often accounting for half the cost of the entire cleanup. Many states have decided that purity is not cost-effective, and therefore permit the remaining contamination to stay.

Critics went so far as to assert that ECRA played a major role in actually creating brownfields. The law set the cost of investigation and remediation so high, they explained, that

and Mark Lipton, Hudson County Chamber of Commerce and Industry, Kelly Astarita, NJ Association of Realtors.

it was more cost effective for owners to simply abandon their property. Greater public investment would provide an incentive to redevelop contaminated sites. In retrospect, crediting ECRA with the abandonment and tax delinquency of large industrial sites seems preposterous – there are many other causes of the decline in old industrial Northern cities – but at the time, the rhetoric was powerful. The fact that critics were willing to blame the proliferation of brownfields on the statute, rather than the industries that chose to pollute and abandon the site in the first place indicates the how distant were the poles of the debate.

But it was not only industry, business, and real estate interests who opposed ECRA. Some municipal leaders also joined the attack. Most important among these was Sharpe James, Mayor of Newark, who testified in favor of ECRA reform on June 19, 1992. His primary concern was that overly stringent cleanup standards would result in more abandoned properties, and his beleaguered city would suffer further as a result. “Employment created by manufacturing companies is beneficial to both urban areas and minority persons.” James noted in a letter to Governor Florio; anything that threatened business interests by extension imperiled the well-being of his community (James 1991). James refutes the well-known trade-off between jobs and health:

In considering public health issues, one must look at the bigger picture. When industry leaves the City, there are fewer jobs and fewer ratables which in turn results in additional cases of malnutrition, child abuse and drug abuse, and less money to address these problems. These problems have a much greater direct impact on public health in the City than potential exposure to soil contamination. Thus, cleanup of contaminated sites must be conducted in a manner that does not drive out industry (James 1992a).

James supported the proposed differential cleanup standards for residential and non-residential sites, as well as a cleanup strategy that would permit contamination to remain on site in cases where no one is being exposed and where no drinking water aquifer is being impacted.

In subsequent comments on the Proposed Environmental Cleanup Standards Mayor James was more emphatic in his support of differential cleanup standards:

I am certain that if site specific standards are not incorporated into these proposed standards, that it will be a disaster for New Jersey cities...It is ludicrous to cleanup an industrial site to standards for a residential development. This will only exacerbate the problems that municipalities now face with the loss of manufacturing sites and the loss of jobs and ratables. This will only lead to more properties being foreclosed to become perpetually abandoned and useless tracts of land...Any unreasonable approach to cleanup standards will only cause further flight of industry from New Jersey and an exponential increase in urban blight (James 1992b).

Mayor James' comments illuminated the special problems faced by old industrial cities, namely that uniform cleanup standards do not account for existing conditions in urban areas. The background soil contamination levels for some chemicals such as lead, exceed the DEP standards, meaning that all property in Newark could technically have required remediation under ECRA. ECRA also failed to distinguish between contamination that resulted from a discharge, and that which was from airport particulates, another problem in Newark. A second problem old industrial cities face is "historic fill" (contaminated fill). Newark's Hudson River waterfront and other waterfront cities were filled in up to 100 years ago with dredged material that was contaminated. Making current owners liable seemed unfair. Finally, differential cleanup standards came with use restrictions, meaning much land would have been designated non-residential. In this event, Mayor James requested that the law give municipalities input in the process of determining where use restrictions could be used, because Newark's master plan included extensive residential development.

Mayor James's positions were informed by consultation with Bruce G. Siminoff, Chair of the ECRA Reform Coalition, who acted as a policy entrepreneur by building a diverse

coalition and leading it to victory.⁴ In a letter to Mayor James he recounted an ECRA horror story in Phillipsburg, New Jersey:

Ingersoll-Rand, unable to comply with ECRA regulations, is currently razing over 30 buildings, leaving only 1 standing. Except for the remaining operating building, the rest of the property will come off the city's tax rolls, not be re-rentable (due to ECRA), lie fallow for years, and destroy hundreds of jobs and future job opportunities. This self-destruction must be halted, or our urban areas will be withered away in the 1990s. (Siminoff 1991a)

Siminoff emphasized the economic argument to lobby for loosening environmental cleanup standards. In another letter Siminoff quoted a 1991 U.S. Department of Commerce report that showed a 3.6 decline in durable goods manufacturing in New Jersey compared to a 2.5 percent decline in the U.S.; and a 1.6 percent decline in non-durable good manufacturing, compared to .5 percent for the U.S. He drew the conclusion that "New Jersey has become the severe loser, due to ECRA and stagnant permitting processes, and it's really hurting the economic scene!" (Siminoff 1991b).

Siminoff's argument appealed to urban mayors, whose old industrial cities had borne the brunt of economic disinvestment. But blaming ECRA was overly simplistic. It was through no oversight that he failed to mention the many other causes of industrial decline, such as urban disinvestment, and shifting trends in the national economy from heavy manufacturing to service and high-tech industries. The decline in heavy manufacturing in the 1970s hurt northeastern cities, and the new service and high-tech jobs were disproportionately located in the suburbs. Industry was especially attracted to the southwest, where the costs of doing business—labor, land, taxes and energy—was much cheaper. Mollenkopf (1983) details

⁴ The correspondence between Mayor James and Bruce Siminoff indicates the latter served as an advisor to the Mayor on this issue. His influential role in ECRA reform was also

multifarious other causes of economic decline in northeastern industrial cities. Government transportation policy for example, fostered suburbanization, as did the federal tax system. By the 1960s northeastern cities were in decline: they had decreasing populations, rising unemployment and poverty, white flight, and an influx of minorities. African Americans were becoming trapped in ghettoized urban neighborhoods where jobs were becoming scarce and transportation out to jobs was inconvenient or nonexistent. Blaming disinvestment and property abandonment on restrictive environmental policies was hopelessly one-sided, but it was effective. Siminoff's strategy of encouraging the participation of mayors in the anti-ECRA movement legitimated the position of the ECRA Reform Coalition and was a key to his success.

Assailed by business advocates and municipal leaders, ECRA was in trouble by the turn of the decade. New Jersey's DEP was also having trouble keeping up with the number of ECRA applications. By 1988, 5 years after the law was passed, there were 900 properties awaiting examination by DEP's ECRA Office (Bishop 1988). Lance Miller, Chief of the ECRA Office said that review of some properties of "high environmental concern" (a majority of the properties) could take a year-and-a-half (quoted in Bishop 1988, 12). Review of some big industrial sites could take two years and cost \$2 million. By the time a reform bill was introduced, DEP had caught up, but was still laboring under a backlog of 90 cases of properties of "high environmental concern" (Johnson 1988).

Industry advocates used the DEP's case backlog to revitalize their arguments against ECRA. Recovering from their disappointment over the death of bill A-59 (sponsored by Republican Assemblyman Arthur Albohn) on the floor of the State Senate, the ECRA Reform

explained to me by Paul Butler, an ECRA Reform Coalition Member.

Coalition reconvened to formulate amendments that would streamline the program, loosening the stringent environmental standards for which the program was famed. The next amendment championed by ECRA Reformers and sponsored by Senator Henry McNamara (R-Bergen), was S-1070. Industry and business lobbyists argued that the proposal did not do enough to streamline ECRA, which works by “extorting compliance” according to Ed Hogan of the NJ Business & Industry Association (Johnson 1992). But state environmental officials and environmental organizations pleaded with the Assembly Governmental Efficiency and Oversight Committee to delay revamping ECRA, which they viewed as a “model regulatory program for the rest of the country.” Assemblyman Robert Smith (D-Middlesex) asked the Governmental Efficiency and Oversight Committee, “Why rush to reduce the single most effective cleanup tool that New Jersey has?” (Johnson 1988, 20).

In 1991, a coalition of environmental organizations, including the New Jersey Public Interest Research Group, the Environmental Defense Fund (EDF), the Rutgers Environmental Law Clinic and the New Jersey Environmental Lobby, organized to oppose the proposals developed by the ECRA Reform Coalition. (The ECRA Reform Coalition referred to this coalition, specifically the Rutgers Environmental Law Clinic, as “the enemy.”) In a joint letter to Lance Miller, Assistant Commissioner of the NJDEP, Edward Lloyd of the Rutgers Environmental Law Clinic and other activists criticized the models used by DEP to develop the environmental standards. Their models, for instance, ignored important exposure pathways⁵ and failed to consider non-carcinogenic health effects, such as respiratory or neurological disease and effects on pregnant woman and fetuses.

⁵ Exposure pathways are routes of exposure, such as ingestion, inhalation, or contact with skin.

The proposed reforms, they argued, did not consider the fragile balance and complex connections of the entire ecosystem. "The most disappointing feature of the proposed standards is that [the ECRA Reform Coalition] makes no attempt to protect the environment," they wrote. "Ecosystems are often far more susceptible to contaminants than are humans" and therefore needed to be included in the equation. A more holistic model would consider runoff from contaminated sites and the cumulative effects of exposure from more than one pathway. "EPA standards for protecting ecosystems require far more stringent limitations than would merely protecting drinking water sources." Lloyd pointed out. Yet "DEP proposes to allow contamination of surface soils in nonindustrial sites to remain at levels from 10 to 94,000 times greater than those levels which EPA requires for treatment of the same toxic contaminants before it permits the land disposal of such wastes" (Lloyd et al. 1991). The environmentalists also stressed the importance of protecting all aquifers: none should be sacrificed. "Simply because an aquifer may not be used as a drinking water source TODAY should not form the basis for relaxing clean-up standards which may prevent that aquifer from a future use as a drinking water source," they insisted; "all aquifers should be afforded the highest possible protection" (Lloyd et al. 1991). The DEP's analysis also ignored the human factors such as the intentional ingestion of contaminated soil by young children suffering from with pica,⁶ a behavioral disorder that primarily affects children in lower socioeconomic groups.

The environmental coalition opposed the differential cleanup standards that were proposed for residential and industrial areas. They insisted that "the parties responsible for contamination of the sites should be required to clean up that site to allow for all future uses. No site should be condemned to eternal industrial use" (Lloyd et al. 1991). Variances from

⁶ Children with pica eat dirt.

established standards based on "economic impracticability" should not be permitted. "It is inappropriate that the protection of human health and the environment be compromised because of cost to the party responsible for the contamination" (Lloyd et al 1991). Finally, presaging the present debate about the use of institutional controls at brownfield sites, they argued against the use of deed restrictions, which circumscribe the future use of the property due to contamination left on site. If deed restrictions were to be used at all, the environmentalists said, then the site should be surrounded by a fence to prevent access. Posted at intervals along the fence should be a large sign reading "This Site Does Not Meet NJDEP Minimum Clean-Up Standards" (Lloyd et al, 1991).

But the national political shift to the right, coupled case overload, industrial decline, and pressure from the private sector in New Jersey, caused the state to soften its position toward polluters. A task force commissioned by Governor Florio in 1991 strengthened the claim of industrial advocates that stringent environmental laws hampered redevelopment. New Jersey's environmental laws are "stifling industrial reuse of manufacturing facilities in older urban areas," the task force noted. "The adversarial relationship between the business community and state government must be overcome" (Harding 1991). The supposedly impartial task force was critical of the state bureaucracy, especially the DEP, which grew 300 percent in six years (Harding 1991).

The findings of the task force, along with continuing pressure from industry, caused a shift in attitudes among other sectors of the state government. State Labor Commissioner Raymond Bramucci echoed the arguments that blamed ECRA (and not, say Reaganomics or globalization) for industrial decline. "New Jersey has lost more than 200,000 good-paying manufacturing jobs between 1981 and 1991 because of increasing regulations not based on

common sense,” he said (Bishop 1992). Joined by Lance Miller of the DEP, Bramucci “pledged to work with the regulated community to prevent pollution and the loss of jobs resulting from unnecessary overregulation” (Bishop 1992). By 1992 even Governor Florio, a Democrat with a long history of environmental advocacy, agreed that reform was necessary to speed up the ECRA process.

In September 1992, hearings were held on S-1070, a bill to streamline the ECRA process. Business and industry dominated the scene; community-based organizations and environmental organizations were poorly represented. Industry representatives criticized ECRA for containing much of the same language as the federal Superfund law, a “proven paradigm that doesn’t work,” that slows the pace of cleanups and results in greater litigation costs than is spent on actual site remediation (Johnson 1992). Industry representatives also complained that the cleanup standards are overly conservative and need to be more flexible — a reversal of industry’s traditional position favoring uniform standards. Industry came to realize that flexible environmental standards are less burdensome (they also tend to contain loopholes). Lance Miller of NJ DEP retorted that the investigative process developed in ECRA and Superfund are “the terms of the art” (Johnson 1992). And Edward Lloyd noted that ECRA is viewed by many as the most successful hazardous waste site cleanup program in the country. What industry is “really saying is they don’t want any oversight,” he concluded (Johnson 1992). But their arguments were to no avail. In 1993, the ECRA Reform Coalition was victorious, and the much-loathed bill was replaced by the Industrial Sites Recovery Act (ISRA). “New Jersey is no longer anti-business,” one industrial advocate gleefully exclaimed (Harding 1993). Although Governor Florio signed the bill into law, ISRA reflected a conservative shift in New Jersey politics that mirrored the nationwide conservative shift. The

same year the bill was enacted, Governor Christine Todd Whitman was elected on her “Open for Business” platform. A transformation in state environmental policy had begun.

INDUSTRIAL SITES RECOVERY ACT (ISRA)

“ECRA was a disaster,” recalled Richard Gimello, DEP Assistant Commissioner of Site Remediation. “ISRA changed that” (Tedeschi 1997, 3). The Industrial Sites Recovery Act, championed by business and a “wary coalition of environmentalists,” passed with bipartisan support in the legislature (Kiely 1993). The DEP supported ISRA because it helped the Department attain its goal of moving more sites through the process more quickly. Gimello noted, “Bottom line is, unless the responsible parties step up, these sites are never going to get cleaned up. I’m never going to have enough money to deal with all those sites” (Johnson 1995). Other environmentalists were less enthusiastic, expressing their fears that ISRA’s lax regulations invited abuse and created incentives to cut corners.

ISRA sought to promote more privatization of the regulatory process, to reduce the financial burden of site remediation, to streamline the regulatory process, and to reduce DEP oversight. The law removed much of DEP’s oversight authority, including on-site enforcement of environmental regulations. ISRA also created alternatives to cleanup, giving the regulated community more flexibility in site remediation. The law introduced differential cleanup standards for industrial and residential sites (“use-based standards”), and engineering and institutional controls in lieu of thorough remediation. The statute authorized NJ DEP to “allow cleanups that do not remediate property to pristine levels, provided that appropriate and DEP-approved engineering or institutional controls are in place” (Assembly Policy and Rules

Committee Statement to S-1070, 1993, 17).⁷ One major provision allowed developers to leave tons of contaminated soil on-site so long as they installed caps (clean soil or pavement) and liners. Under ECRA they would have had to cart the soil elsewhere for treatment, an extremely expensive process. “In a lot of people’s minds, a cleanup means digging it up and taking it someplace else. But now, there’s not a whole lot of soil being removed” noted Gimello (Richmond 1995).

Developers found it faster and cheaper to develop land under ISRA. For one Jersey City developer, his original cleanup proposal under ECRA was \$840,000, however once ISRA became law, he needed to spend only \$108,000 to clean his site, which involved only some soil removal and capping the hot spots. He built 56 housing units on the site where families are living in what they describe as “safe houses” despite the fact that contamination has been allowed to remain (Johnson 1995).

ISRA also established the HDSR Fund, providing loans and grants for preliminary assessments and site investigations. And at sites where there is no groundwater contamination, ISRA permitted owners to undertake cleanups voluntarily at their own pace, without threat of penalty for failure to conform to an agency-approved plan known as a Memorandum of Agreement (MOA).

⁷Institutional controls are mechanisms that limit human activity at contaminated sites including restricted areas and deed notices. Engineering controls are mechanisms that contain or stabilize contamination including caps, covers, dikes, trenches, leachate collection systems, signs, fences, and access controls.

THE VOLUNTARY CLEANUP PROGRAM (VCP)

The Memorandum of Agreement was an important component of the initiative to relieve regulations governing hazardous waste management. Under ECRA, the DEP had required owners of contaminated tracts to sign binding agreements known as Administrative Consent Orders. These agreements held property owners to tight cleanup schedules and imposed substantial penalties if they failed to meet deadlines. Developers were loathe to sign such agreements, and during Florio's tenure there were only about 100 voluntary cleanups.

In 1992, the Florio administration established the Voluntary Cleanup Program (VCP) as part of its enactment of ISRA. Implemented by the DEP, the VCP provides incentives for private parties to undertake site remediation with minimal involvement. Governor Whitman extended these incentives further by replacing the Administrative Consent Order with the Memorandum of Agreement (MOA), which is rarely monitored and is not subject to enforcement. Despite the low profile of the VCP, it marked the shift away from regulatory enforcement and the beginning of DEP downsizing.

Opting for more voluntary cleanups over fewer mandatory cleanups, the VCP and MOAs allowed the DEP to speed up cleanups, closures, and hence redevelopment. Before 1990, site owners were brought "kicking and screaming into DEP-ordered cleanups" and they were getting 10 to 12 cleanups a year. After MOAs were introduced, the number of cleanups initiated jumped 28 percent, and the numbers continue to grow. In 1999 the DEP signed about 150 voluntary agreements a month and almost doubled the number of MOAs statewide since 1996 (from 1,136 to 2,048).

But the increased efficiency delivered under the VCP was bought at a substantial cost. In the process environmental officials gave up their power to enforce agreements and

deadlines. The use of MOAs also limited the power that municipalities have over the cleanup process. As agreements between the DEP and developers, MOAs do not require city council approval. Cleanup decisions at privately-owned sites do not have to be released to the public, even when they have ramifications for the communities in which they are located. According to one critic, cities lost control over the cleanup process when Whitman instituted MOAs (Wolfe 1999).

Another drawback of the voluntary approach is that it encourages developers to cream off the more desirable sites, minimally contaminated facilities situated near prime real estate. The dirtiest and most poorly-located sites, including those in areas most in need of economic development, are ignored. MOAs provided a way to quickly clear sites off the DEP's list of 10,000 "known contaminated sites." But because sites are selected by market forces rather than social or environmental needs, voluntary programs do not generate equitable results.

TOWARDS THE BROWNFIELD ACT

ISRA and the VCP proved to be expedient solutions to the brownfields problem, given the shortage of DEP funds and the great number of sites (at the time 6,000 sites had been identified; today, the figure has nearly doubled). City officials preferred ISRA as well. Alan Mallach, Director of Housing and Development, City of Trenton recalled how ISRA put enormous projects within the pale of possibility:

Brownfields are a serious issue in Trenton. In 1990 there wasn't much we could do about them. So in 1993 when ECRA was replaced by ISRA and the Hazardous Discharge Site Remediation Fund was created [a state grant and loan fund to municipalities to finance preliminary assessments and site investigations at brownfield sites], that was the big thing. ISRA also changed the basic remediation approach from "everything must be perfect" to a risk assessment standard. After ISRA we started to go after some sites eligible for foreclosure like Magic Marker. We were already on the

road when the pilot program came along. It allowed us to ratchet up our program a couple notches (Mallach Interview 1999).

But many environmental groups and community organizations were critical of ISRA, which they labeled a boon to industry that failed to protect public health. The law's more lenient approach to site cleanup and elimination of enforcement provisions, they pointed out, removed the incentive to comply. Particularly worrisome were the long-term environmental impacts of ISRA's differential cleanup standards. "We refuse to accept a double standard," said the director of the Edison Wetlands Association and the Grassroots Environmental Commission. "Plenty of contaminated industrial sites in New Jersey are next door to homes, backyards and people's gardens" (Gallotto 1993). Rev. Willard Ashley of Newark called ISRA "the Toxic Dumpers Relief Act of 1993" (Johnson 1993). Another criticism was that remediation standards were based on risk assessment for human health and did not include ecological risk. The practice of using risk assessment³ to set environmental standards has always been criticized by environmentalists and public health advocates, who argue that while risk assessment pretends to be an objective science, it is in fact a "highly political mixture of prejudices, biases, guesses, estimates, some scientific face, and many ethical judgments" (O'Brien 2000).

Environmentalists did not universally condemn the law. ISRA won praise from the New Jersey Public Interest Research Group and other organizations for defining "how clean is

³Risk assessment is the method that is currently used to determine the acceptable level of a damaging activity or contaminant, such as water pollution, topsoil depletion, fishing, grazing, chemical dumping, greenhouse gas emissions, or how much contamination may remain on a brownfield site. Risk assessments asks three basic questions: (1) how much damage will be caused, (2) to what degree will humans and non-humans be exposed to the damage, and (3) will the local consequences be acceptable (Rachel's 706, 2000).

clean” (Kiely 1993). Because rather than allowing cleanup levels to be determined on a case by case basis, which industry prefers, ISRA set a uniform standard of a one in one million cancer risk, meaning sites must be cleaned up to reduce exposure to any pollutant that would result in additional cancer risk of one in one million people over a lifetime of exposure. However, it was not long before this concession to public health concerns was under assault.

Scientific disagreement about risk is often at the center of regulatory controversy. Unlike many public policy issues, environmental policy is set according to complicated, specific knowledge of chemistry and biology. There is disagreement among experts regarding environmental science, because most issues are new and outcomes can only be speculated. Some outcomes that can predicted but not proven are the effects of carbon dioxide on climate change and interaction of multiple pollutants on organisms. But risks are established by policy. For example, New Jersey sets 1 case of cancer per million people as an acceptable risk standard; for Pennsylvania, the standard is 1 case in 100,000. Policymakers use science and discretion to set environmental standards.

Risk standards are linked to cleanup levels, which are a central concern of site remediation policy because removing 90 to 95 percent of the contamination is relatively easy, while the remaining 5 or ten percent is much more difficult and expensive. Many states have decided that purity is not cost-effective. According to one conservative critic, “the drive for perfectionism has created a very big mess” (Breyer 1994). Breyer gives an example of a toxic waste dump cleanup where the last ten percent cost \$9.3 million to remediate, and “there were no dirt eating children in the area, for it was a swamp.” This logic appeals to many, especially since irrefutable evidence linking contaminants to environmental illness is often lacking. On the other hand, epidemiological studies often show a strong correlation, and anti-regulationists

typically fail to account for ecological risks. For instance, Breyer dismisses the importance of the polluted swamp, but water pollution can leach into drinking water supplies, and can harm living organisms all the way up the food chain as well.

Business and industry had long lobbied for a lower cleanup standard. In 1994 Governor Whitman created the Environmental Risk Assessment and Risk Management Study Commission, chaired by Michael Gallo, to examine and assess the standard instituted by ISRA. The Gallo Commission, as it came to be known, held three public hearings in 1994 prior to commencing its deliberations. Witnesses were given five minutes for presentation and could submit written testimony to the Office of Legislative Services. Forty written and oral comments were received from the public, industry, environmental organizations, and academia. Amoco, Exxon, and the New Jersey Petroleum Council testified in favor of lowering the standards (Richmond 1995).

Not surprisingly, given the nature of the appointment, the Gallo Commission found that the scientific research did not support the 1 in a million standard, the cost of attaining which was too high. Despite convincing testimony in support of the current standard, the Commission found “no scientific basis for the selection of one in a million as the criterion for remediation standards” and said that a standard of one in a hundred thousand is clean enough (Gallo 1995, 19). Michael Gallo said, “I feel very strongly that this standard, for an overall cleanup, is very protective of public health. Are we lessening it? Probably yes. Will there be a public health impact? Probably not” (Page 1995). They also recommended differential remediation criteria for residential and nonresidential sites, which was adopted by the Brownfield Act. Aiming for perfect remediation, they pointed out, was futile. “We thought we could throw money at [a site] and get back to the pristine,” Gallo noted. “The fact is you can’t get back to the pristine”

(Johnson 1995). Gallo's report does not note that reducing risk standards would also make cleanups much faster and less expensive. The Chemical Industry Council was thrilled with the findings. "We've said all along that the [existing] standard was mythical at best," while environmentalists angrily charged that the Commission's findings were politically motivated, valuing cost-efficiency over environmental protection, and business interests over the public good (Richmond 1995). Dolores Phillips of the New Jersey Environmental Federation said of the Commission's findings, "You cannot look at just a cancer standard and not look at the ecological impacts" (Page 1995). In lieu of permanent cleanups, the Commission recommended creation of an escrow account held by the state to pay for further cleanup at sites where further cleanup may be necessary in the future. Environmentalists criticized the trade-off. "simply putting money into a fund is not a good tradeoff for a greater risk of cancer" (Dolores Phillips, in Page 1995).

Despite the Gallo Commission's findings, the risk standard was not changed because the public supported the more protective 1 in a million standard. And the news coverage of the Commission's report turned out to be an embarrassment for the Whitman administration. During the brownfield bill debates of 1997, even Republican politicians such as Senator McNamara, chair of the Senate Environment Committee, felt compelled to vow to preserve that standard. The negative reaction to the Gallo Commission's report taught Governor Whitman that in the future she would have to be more subtle in her attempts to unravel environmental regulations.

The history of contaminated site regulation in New Jersey reveals the increasing influence of business and industry in the environmental policymaking process. Once ECRA, the first strong "polluter pays" law, was enacted, industry mobilized to roll back regulations

and has not stopped since. Business and industry, which dwarfs all other organized interests in the state, has set the agenda in site remediation policy since the formation of the ECRA Reform Coalition in 1990. Urban mayors and environmental and public health advocates were members of the brownfield coalition, but their positions that ran contrary to industry found virtually no audience in the Whitman Administration, and were swiftly marginalized.

But ISRA and the VCP turned out not to be the panaceas the ECRA Reform Coalition had hoped they would be. The regulated industries focused their criticism on three issues: (1) ISRA does not assure finality of cleanups [e.g. it does not issue a "no further action letter" guaranteeing that no further remediation will be necessary in the future]; (2) it does not always protect lenders from liability; (lending institutions that become owners of property by default may be held liable for contamination on the site); and (3) its applicability is not always clear (there is some confusion among property owners about whether these sites fall under ISRA or another program) (Bromberg and Willis 1994). Three years after the law was enacted, the same interests that had come together for ECRA reform reconvened to revise ISRA. The Brownfield and Contaminated Site Remediation Act was the result.

CHAPTER 2

The State Policy Context: The Brownfield Act of 1998

With your support, we will create a climate that will encourage businesses to move to New Jersey.

Gualberto Medina, Commissioner of Commerce and Economic Development, speaking to West Essex Chamber of Commerce, 9/17/95.

The [Gallo] Commission report argues that the one in 1 million cancer risk standard...makes cleanups too difficult, and that hurts businesses and job creation.

Kelly Richmond, *The Record*, 11/15/95.

In January 1998 New Jersey Governor Christine Whitman enacted the Brownfields and Contaminated Site Remediation Act (the "Brownfield Act"). Creating incentives to facilitate the remediation and reuse of contaminated industrial sites (brownfields), the Brownfield Act promised to "help protect the public health and environment, conserve open space, improve the economy, create jobs, and revitalize cities and neighborhoods" (Senate 1997). Governor Whitman emphasized how the bill would simultaneously save cities and the environment. Upon signing the bill, she announced that "this program will help ease industrial and commercial expansion in our suburbs and will ensure more open space for future generations" (1997). She expanded her promises that the brownfield program would foster urban renewal in a speech she delivered shortly after the passage of the Act:

In New Jersey, we've begun providing the tools for stronger cities. To bring businesses back, we enacted legislation making it more economically feasible to turn brownfields into productive enterprises. And we will also remove one of the worst impediments to revitalizing our cities. I'm talking about long-abandoned buildings that pockmark urban streets and can crush the spirit of neighborhoods ...

I have proposed we enable cities to acquire and redevelop these properties (Whitman 1998a).

And in her second inaugural address, Whitman presented the Brownfield Act as a call to arms: “Urban mayors, I give you my word: together, we can pull down these boards. Together, we can raise up these neighborhoods” (1998b). Through her two-pronged approach of brownfields development and greenfields preservation, the Governor has masterfully promoted herself as being at the cutting edge of state environmental policy. In May 1999, she received an award for her Sustainable Development Program from Renew America. The Brownfield Program is an important element of her award-winning agenda.

However, Governor Whitman deserves awards for her rhetoric, not for her program. The gap between the extravagance of the political discourse supporting brownfield redevelopment and the poverty of the actual program is striking. Although it was the first program in New Jersey to employ the popular terminology of brownfields, the major innovation of the 1998 Act lay in the emendations it made to existing legislation. Like the Environmental Cleanup Responsibility Act (ECRA) of 1983 and the Industrial Sites Recovery Act (ISRA) of 1993, the Brownfield Act is intended to facilitate private sector remediation and reuse of contaminated sites. ISRA reconfigured ECRA along conservative lines by promoting greater privatization of contaminated site remediation, less expensive cleanup procedures, a streamlined regulatory process, and reduced DEP oversight over remediation. The Brownfield Act continues this trend by reducing DEP oversight of cleanups, limiting public involvement, shielding private cleanup decisions from public scrutiny, eliminating DEP discretion to select remedial standards and remediation actions, and basing cleanup standards solely on human health protection while failing to include a

consideration of ecological risk. Although the media identifies the Brownfield Act as a progressive program,¹ it is in fact the exact opposite of what it purports to be. Hailed as an urban redevelopment program, the Act has been most effective at redeveloping suburban areas. Hailed as the key to open space protection (greenfields), the Act has done nothing to slow the pace of suburban sprawl, a process Whitman actively encourages by continuing to subsidize suburban corporate parks (see below). Hailed as a boon to public health and the environment, the Act lowered existing safeguards. Beyond the hype the Brownfield Program has done little to alter business as usual in the Garden State.

STATE LAND USE PLANNING: URBAN/SUBURBAN TENSIONS

Brownfield politics in New Jersey must be understood within the larger context of state land use planning. The State anticipates a population increase of one million people in the next ten years, so planning has long been deemed essential. But the Garden State's government is overwhelmingly controlled by suburban interests, both houses of the legislature have been controlled by Republicans since 1991, and there are only 15 African Americans, 2 Hispanics, and 20 women of 120 members (Salmore and Salmore 1998). "The typical member of the 208th legislature according to a journalistic account was a "white male lawyer, aged 53, married" (Salmore and Salmore 1998, 327). The democratic base lies in the urban counties in the North (Bergen, Essex, Passaic and Union) with African Americans being the most loyal Democratic voters, while the Republican base lies in the rapidly growing counties Warren and Hunterdon in the Northwest, and Monmouth, Ocean, and Burlington in the South. Suburban towns are losing their Democratic base (Salmore

¹ See, for example, Holusha 1999.

and Salmore 1998, 54). As a result, urban leaders have had to fight tooth and nail for recognition.

The Planning Act of 1986, which created a Development and Redevelopment Plan for the entire state, was a growth management plan for suburbs that had little relevance for cities. The Plan's aim was to restrict growth to designated centers, limit sprawl, and preserve open space. But cities had a different goal: to promote investment, revitalization, and redevelopment. Several cities prepared reports responding to the State Plan that were critical of the Plan's suburban focus and lack of attention to urban land use issues, such as property abandonment, redevelopment, and economic revitalization. Municipal officials in Jersey City, Paterson, Trenton, and Camden were harshly critical of the State Plan, maintaining that it revealed the anti-urban sentiment of the State Planning Commission. Trenton city officials observed that the guidelines were "meaningless to urban municipalities" (City of Trenton, 1998, 1). The Planning Director of City of Paterson declined to legitimate the plan by participating in the revision process (Passaic County, 1998, 114). Since the cross-acceptance process for the ratification of the State Plan took place at the county level, and many city and county governments have contentious relationships, the result was not surprising: the Plan had little relevance for cities.

The State Plan showed a disconnect with cities by identifying state-level goals whose implementation would depend on local tax dollars, yet, the shortage of property tax revenue is at the root of many cities' problems. Most urban municipalities in the state lack the funds to carry out the Plan's goals. For example, to revitalize central cities, to make cities more livable, to create urban parks, and to make waterfronts accessible. Municipal leaders in New Brunswick cautioned that "the lack of specific policies and/or funding by

the State will severely limit the ability of local governments to revitalize urban centers” (Bogdan 1998, 6). The State Plan contained all the correct rhetoric about urban areas, but contains no implementation strategy or funding mechanism to carry out its ideals. In the absence of funding, struggling cities had to ignore the Plan’s lofty visions for land use in order to focus on local priorities. Camden County’s Cross Acceptance Report observed that “As long as local government in New Jersey is reliant on value based property taxes to fund their operation, municipalities will jealously guard their right to control development” (Camden County, no date, 3). New Jersey’s municipalities are more reliant on local property taxes than in most states. Property taxes in New Jersey provide 98 percent of local government revenues, compared to 74 percent nationally (Salmore and Salmore 1998, 209).

Although New Jersey’s Development and Redevelopment Plan purported to manage growth, in fact it has done little to stop sprawl, which continues unabated. The Plan is merely a guideline that was not translated into local zoning bylaws. A recent poll conducted by the Eagleton Institute at Rutgers University ranked the Plan as one of the State’s most conspicuous failures of the last quarter century. The poll found that 39 percent of residents surveyed felt the state’s effort to stop suburban sprawl has been a failure, and 47 percent said it achieved only mixed success (Star-Ledger/Eagleton-Rutgers 1999). The truth of the matter is that no one ever took the State Plan seriously. The Republican-controlled New Jersey legislature has never ceased to promote large-scale development in rural and suburban areas. Despite the fact that the Plan calls for all new development to be located in designated centers in order to preserve more open space, municipal governments and state agencies continue to lure private industry to rural areas with invitations that include lavish tax breaks and public subsidies. The most recent

example is the Merrill Lynch project in rural Hopewell Township. The State offered the company subsidies worth over two hundred million dollars, including sales tax exemptions on furniture and equipment, a publicly funded 9 mile, \$25 million dollar sewer line, and road improvements.

In the face of criticism from urban leaders, Governor Whitman presented brownfield legislation as an initiative to give balance to the State's land use program. The Brownfield Act was targeted at cities to specifically address the need for redevelopment of urban areas. On paper, the Act appeared to provide the missing link in the State Plan. Supporters of the Brownfield Act emphasized the interconnectedness of cities and suburbs, stressing that urban redevelopment is the key to open space preservation. In reality, however, the Act is more style than substance, sacrificing few resources for the amelioration of conditions in the cities. Despite the Governor's promises, the Brownfield Program is a very low priority. The appointments to the Brownfield Task Force were not completed until 20 months after the enactment of the law in 1998, and the first meeting was not held until September 1999. Although the Department of Environmental Protection is the lead agency for brownfields, there is no program office or staff dedicated solely to brownfields. Brownfields are subsumed into the Voluntary Cleanup Program (VCP) and Brownfield Coordinators at the DEP are volunteers who take on this responsibility in addition to their regular duties in the Department. Program data are not measured separately from other VCP sites, including residential sites. If the Brownfield Program is at the forefront of Governor Whitman's vision, then that vision is very attenuated indeed.

THE CONSERVATIVE AGENDA OF THE BROWNFIELD ACT

The Brownfield and Contaminated Site Remediation Act (Brownfield Act), enacted in January 1998, aimed to consolidate brownfield activities and to facilitate redevelopment of contaminated sites by modifying a number of existing programs: Hazardous Discharge Site Remediation Act (HDSRF), the Spill Act, the Industrial Site Recovery Act (ISRA), and the Environmental Opportunity Zone Act (EOZ). Through a complex legislative process (analyzed in Chapter Four) involving unusual policy coalitions, commercial groups and their Republican allies undermined existing environmental regulations. The resulting program is founded on free market principals that rely on financial incentives and tax breaks to carry out public policy.

The Brownfield Program reallocates to private developers decisions that were formerly the responsibility of the public sector – cleaning and redeveloping contaminated property. It gives commercial interests a great deal of discretion over remediation and reuse decisions. Ostensibly, the rationale behind the program is that public forfeiture of control over land use policy will make redevelopment more attractive to corporate investors, whose entrepreneurial spirit will lead them to rehabilitate bombed-out, contaminated sites in depressed sectors of New Jersey's struggling cities, returning them to conditions of economic vitality and environmental health (Goldshore et al 1998). However, the provisions of the Act do not support this vision. A closer examination reveals that the Act actually contains disincentives for private investment in those areas most in need of revitalization. The legislation benefits large-scale commercial interests, and well-located sites in relatively affluent municipalities – a project like the Lily Tulip plant in Homdel discussed in the Introduction. It has little to offer to a city like Camden.

The biases of the Brownfield Act become clear when one analyses the conservative innovations the program introduce to earlier legislation. These changes may be summarized as four principal elements: (1) liability protection; (2) financial incentives; (3) relaxed cleanup standards; and (4) closed-door decision making.

(1) Liability Protection. Under the New Jersey's Brownfield Act, innocent purchasers, including municipalities that acquire sites through tax foreclosures are no longer liable for contamination they did not cause. Further, purchasers who remediate property now get "finality" for their cleanups from the DEP in the form of a "No Further Action" letter and a "Covenant Not to Sue," which represents the State's agreement not to prosecute current owners for past environmental damages. Liability relief is a stimulus for developers to invest in contaminated property. Previous to this law, current property owners were held responsible for any contamination discovered at a site. This was a strong deterrent to potential purchasers as well as to municipal governments that wanted to start the redevelopment process.

Corporate site owners and their attorneys whom I spoke with were wary of this provision and questioned whether it would stand up in court. Corporate landbanking – holding unused or underused property to avoid the liability that becomes effective when land is sold – is a big issue for many cities. The No Further Action letter and Covenant Not to Sue from the State offer a measure of security, but the federal regulations – CERCLA and the Resource Conservation and Recover Act (RCRA) – continue to haunt polluters. Another disincentive for corporate landholders to sell their property is posed by the State's Natural Resource Damage provisions, which may require polluters to reimburse the State for damages to species and habitats. One property owner concluded that despite the

brownfield liability protection clauses, his company “feels safer holding onto its contaminated land than selling it” (Interview 1999).

Environmental organizations disapprove of the liability protection because it helps polluters escape from liability and it makes it much harder for third parties such as environmental groups to file third party suits. In releasing liability, the Act shifts the financial burden of site cleanup to taxpayers. Further, strict liability is an effective incentive to prevent future contamination, but the Brownfield Act eliminates it. Finally, it may result in giving public dollars to solvent businesses for cleanup. The Sierra Club believes that every effort should be made to force responsible parties to pay for cleanup because otherwise private costs are shifted to the public. According to David Pringle of the New Jersey Environmental Federation, the focus on cost and liability issues surrounding brownfield politics is a “red herring” (Regan 1998). The real issue, he insists, is the state’s lack of interest in urban conditions.

(2) Financial Incentives. The Brownfield Act has created financial incentives for developers to redevelop brownfield properties. Among these are municipal tax abatement zones known as Environmental Opportunity Zones (EOZs); Redevelopment Agreements, which reimburse cleanup costs up to 75 percent; and a matching grant program for up to 25 percent of cleanup costs. There are also expanded grants and low interest loans available for pre-remedial activities. The hallmark of these financial incentives is that with one exception (the Hazardous Discharge Site Remediation Fund grants), they require municipalities to make a tax sacrifice. Rather than adopting the loss of revenues as a statewide burden, the Act places the onus of providing tax abatement on local governments.

Wealthy communities may find it feasible to take the financial risk, but debt-ridden cities seldom are able to make use of these incentives.

- a) Environmental Opportunity Zone. The Environmental Opportunity Zone Act of 1996 permits municipalities to designate zones where developers can use tax abatements for up to 15 years if they remediate and redevelop a brownfield site. Three Environmental Opportunity Zones (EOZs) in the state of New Jersey have been created to date. The first was developed in Newark with the assistance of the Regional Plan Association. Most municipal officials believe that an EOZ would promote development, but there are major obstacles to this approach. First, the development of an EOZ requires expert legal and technical skills that many distressed cities lack. Second, tax abatements are not politically feasible in many cities. City councils generally oppose them because they consider them giveaways to developers. Given the need for revenue in the cities, their reluctance is understandable. And third, the ordinance must be approved by the voters. The EOZ in Newark resulted from hard work and dedication of RPA staff who wanted to show that the EOZ was feasible (Davlin interview).
- b) Redevelopment Agreements. Redevelopment Agreements are arrangements whereby developers can get up to 75% of their remediation costs reimbursed by the state when they redevelop a brownfield site. To date, there have been eight Redevelopment Agreements (RA) approved by the State, although several more are in the pipeline. The first RA was for a shopping center that contains a Home Depot and an Office Max at a brownfield site in Edison, New Jersey. Because the developer must pay up front for remediation costs, RAs are feasible only for big, wealthy developers. Similarly, because they rely on future revenues to pay off the remediation costs, revenue generation is a

paramount concern. Redevelopment agreements cannot help cities or community organizations pursue community-based development. They cannot be used for non-commercial development, such as parks or recreation, or for housing development, since these projects do not produce revenue. Their suitability for big box chain stores may actually exacerbate central city decline by drawing business away from downtown commercial districts. Governor Whitman hailed the Edison project as an urban success story: “By redeveloping sites such as Edison Crossroads, we are ensuring that New Jersey and its cities remain ideal locations to live, work and raise a family” (EarthVision 1999). In fact, however, the project is located in a typical edge city. Edison is a young, sprawling town without a center—not an economically depressed old urban area. Additionally, the development is on a Tier 1 site that is well located, and the consensus is that the site would have been developed regardless of the Redevelopment Agreement. The RA in this instance is an unnecessary subsidy.

- c) Hazardous Discharge Site Remediation Fund (HDSRF). A survey of mayors found that the biggest impediment to brownfield redevelopment is the lack of funds for remediation (Helmke 1998). However New Jersey’s program fails to provide this most obvious source of support, in part because of decreased revenues from abandoning strict liability and the polluter-pays-principle. The Brownfield Act expanded the municipal grant and loan program for preliminary assessment (PA), site investigation (SI), and remedial investigation (RI) on brownfield sites. These Hazardous Discharge Site Remediation Fund (HDSRF) grants are popular among municipal governments and are widely used. But here too, the benefit is limited. Through HDSRF grants many cities
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have conducted site assessments and have developed redevelopment plans that have never come to fruition due to the lack of funds for demolition and cleanup

The idea behind HDSRF was that once a PA/SI was performed and the extent of contamination established, brownfield sites would have a market value and attract private investment. The Brownfield Program is based on this fallacy, but predictably, its dream of private investment has not come true. Even clean, shovel-ready sites fail to attract investors when they are located in economically depressed, minority communities. Non-profit organizations might be able to make use of these sites, but they are not eligible for HDSRF funding, which has proven to be an obstacle to some community-based developers.

The loan fund for site remediation has never been tapped because cities cannot afford loans, and if they have exceeded their debt limit, are prohibited from borrowing by the Local Finance Board. Two of the neediest cities in New Jersey, Camden and Trenton are prohibited by the State from borrowing funds. Other cities cannot afford the debt service on loans, especially when there is no guarantee that a site will produce future revenues.

- d) HDSRF Matching Grants. The Matching Grants will pay 25% of site remediation costs if the developer pays the other 75%, but only if the developer has a relatively low net worth. To date, no matching grants have been issued. The two components of this incentive are incompatible. Only developers with a net worth of less than two million dollars are eligible, yet developers must have enough equity to qualify for the HDSRF loan to finance the remaining 75 percent of the remediation costs. Few developers have both a low net worth and sufficient equity to borrow that much money. Another

problem with the matching grants is that large, not small developers, are more inclined to take the risk of using experimental remedial technologies. But only small developers with limited resources are eligible. Further, with a matching grant, the developer is still responsible for 75 percent of the remediation costs. This incentive is not attractive enough to attract private investment.

(3) **“Relaxed” Cleanup Standards.** The Brownfield Act calls for a “risk-based and flexible regulatory system” that allows for standards to be loosely interpreted, or, in some circumstances, circumvented altogether. DEP’s new mandate is to apply standards flexibly and to be results-oriented; deviations from the standards may be allowed and DEP has discretionary power to authorize a variance.

The brownfield movement uses new definitions for old concepts. The vocabulary has helped to soften the issue, to make contaminated sites appear to be less threatening and problematic (and therefore less in need of extensive remediation). The Brownfield Act redefined “clean” so that a site is considered clean if there’s been a “permanent cleanup,” even though contamination may still be present in the soil or groundwater. The legislation redefined terms in order to do away with the concepts of “permanent” and “nonpermanent” cleanups. The Act eliminates the preference for permanent remedies and expands the use of “natural attenuation,” which allows contamination to remain in the ground until it dissipates over time.

The term “brownfield” itself is redefined as a site that has “perceived contamination” but that “does not pose an immediate danger to human health or the environment” (Brownfield and Contaminated Site Remediation Act 1998). This definition, reinforced by state and municipal officials who frequently state their position that “many

brownfield sites may have no contamination at all—we just don't know until an assessment is done.” This reconstruction of the contaminated site problem has succeeded in creating the illusion that brownfield sites are not hazardous. All stakeholders, government included, stand to reap huge benefits by defining the hazards out of the brownfields issue. Reviewing the proposed legislation of the Brownfield bill in 1996, an award-winning investigative series in the *Bergen Record* concluded that:

State officials plan to address some of the environmental damage done by more than 100 years of industrial activity in New Jersey. But they plan to do it with the stroke of a pen, not the roar of a bulldozer. And when they're done, the residents of polluted communities will be living with the same level of hazardous chemicals in their water and soil. The result is that areas long defined as dangerously polluted suddenly will be considered safe. (Richmond and McNichol 1996a).

Rather than imposing uniform standards and procedures, the act allows for “use-based” remedies, meaning that the cleanup level depends on the intended use of the site. The Act limits the extent of remediation that a purchaser of contaminated property has to perform, and skirts the age-old debate over “how clean is clean.” Contamination is now allowed to remain on all sites, whether the future use will be industrial, commercial, or residential. In these cases, engineering and/or institutional controls that monitor contaminants and restrict human contact with them are required.

Institutional controls are administrative devices that permit contaminated sites to receive finality from the DEP in the form of a No Further Action letter. In New Jersey, the most common is the Declaration of Environmental Restriction (DER), which creates permanent documentation of a property's non-compliance with a DEP soil cleanup standard. A Classification Exception Area (CEA) creates documentation for a site where the groundwater fails to meet a DEP standard. Critics have found institutional controls to

be ineffective. One DEP official who requested anonymity told me that the statewide GIS maps of the CEAs make the state look like “swiss cheese.” DERs, for example, are filed with the county clerk and put into the deed book. Ed Hogan, an environmental attorney who frequently represents industrial polluters, found that half of the DERs he examined were indexed improperly and therefore fail to serve their purpose of notifying prospective purchasers of contamination (Hogan 1997). Assistant Commissioner Gimello at NJDEP confirmed his findings. Another problem noted by Hogan is that soil excavators such as contractors and utility repair personnel rarely search county deed records before digging, and are not informed of hazards on site. DERs are also supposed to ensure the maintenance of engineering controls, such as fences and barriers, at contaminated sites. However, there is evidence that “engineering controls are not being routinely maintained” (Hogan 1997, 4). Further, DERs are not effectively enforced and are not always complied with. DERs are restrictions attached to deeds, but Hogan finds that while the imagery suggests that “the deed is an object sitting in some file or glass case with a DER appropriately attached with ribbons and sealing wax,” in fact it is merely another piece of paper that is separately filed, possibly incorrectly, with the county clerk (Hogan 1997, 6).

Capping brownfield sites under asphalt or cement to eliminate exposure to contaminants has become more commonplace since the passage of the Brownfield Act. Actual numbers are not available because the DEP does not track reuse, but anecdotal evidence abounds in newspapers, newsletters, and brownfield conferences. Encapsulation remains a controversial practice however. One concern is the durability of caps – pavement cracks over time. Environmental discrimination through increased risk to the poor and immigrants is another concern. Non-English speaking immigrants may not understand the

deed restriction, and the urban poor may have no choice but to live on a capped site in the future. Another drawback is that capping has resulted in a plethora of parking lots — which are not the highest use for urban land, and which also limits the value of property by minimizing future options for use. Finally, while risk of exposure is minimized with a cap, the contaminants may still migrate into the ground water. This is especially critical in New Jersey, where half the resident's drinking water is groundwater (Regan 1999).

Jacob's Ferry provides an example of how redevelopment is progressing under the Brownfield Act. It is a recent development on a brownfield site on the Hudson River in West New York. The 454-unit condo and town house development built by Hovnanian Enterprises Inc. lies atop an old contaminated rail yard. Rather than cleaning the contamination, the developers took advantage of the Brownfield Act and capped the contaminants. Jacob's Ferry is one of the first residential developments to make use of this option. Units are deed restricted, which limits the future use of the site, by preventing any excavation such as gardening and building swimming pools. Despite the deed restrictions some units have sold for as high as \$1.6 million. The number of residential developments on capped sites is certain to multiply in the future.

By allowing for use-based remedies and flexible standards, the Brownfield Act provides a powerful incentive for performing only partial remediations. The more rigorous a cleanup, the more it costs, and the last stages of a cleanup are disproportionately expensive. The program offers no money to help subsidize remediation, so remedial decisions, particularly by private actors, must be cost-driven. The Program therefore favors limited cleanups ("restricted-use" or "limited restricted use") that leave contamination on site.

Another negative outcome of flexible standards is the bias toward industrial and commercial development, which is more affordable because it requires less remediation. The relative expense to clean sites to a residential level (the highest standard) is a disincentive for residential development. However, many brownfields are old industrial sites surrounded by residential neighborhoods and their most suitable use is for housing. The economics of the Program do not permit low to middle income housing development because the profits are insufficient to cover the remediation costs.

(4) Closed-Door Decision-Making. In amending ISRA, the Brownfield Act removed the requirement that the impact on local communities be considered as a basis for how cleanups occur (Dillingham 1998). Earlier hazardous waste regulations called for a publicly-distributed Remedial Selection Report to solicit community input. Site owners and developers lobbied to eliminate this stage of the process. The New Jersey Business and Industry Association maintains that

To notify the local governing body of the selection of a remedial action will delay and increase costs of remediation. Local officials may adopt rigid positions with little or no understanding of associated risks (Sierra Club 1997).

Public officials at both the state and local level share this perspective on the drawbacks of citizen participation in brownfield projects, namely, that community opposition can stop projects. For the most part, officials prefer to make deals and carry them out with minimal interference. Numerous city and state officials, including the community representative² to the Governors Brownfield Task Force, told me that “citizen participation is a double-edged

² Leah Healy, the community representative on the Governor’s Brownfield Task Force, is an attorney who represents municipalities.

sword.” On the one hand, it prevents protests down the road; on the other hand, it can slow plans down immeasurably. Mark Pederson, the Brownfield Coordinator at the Office of State Planning, often repeated the need for “community buy-in” in order to make projects work. But for Pederson and other officials, community participation is not an inherent good, but an expedient measure. New Jersey’s Brownfield handbook reiterates the prevailing view of participation: “Community and environmental groups can slow down transactions by criticizing cleanup plans that opt for the quickest and least expensive type of cleanup (Goldshore et al 1998). Privatization of brownfield decision making streamlines the development process and has an indirect consequence of isolating the public and minimizing community participation. Residents in the Ironbound section of Newark, for instance, weren’t informed of plans for a housing development on a brownfield site in their neighborhood until the bulldozers arrived, according to Arnold Cohen, a community activist.

In New Jersey, the residents of a neighborhood with a brownfield do not have an official role in the remediation or redevelopment process. Further, in its effort to speed development of brownfields, the legislature removed the requirement that site cleanup levels be consistent with local land use master plans. For example, whether property is zoned residential, commercial or industrial, does not have to be considered by the remedial action workplan. This state-sanctioned leniency towards developers undermines local planning efforts and local autonomy. The DEP denies that there is a loss of community and municipal control, but this point has been a principal source of opposition from environmental and community organizations. The omission of a public role in the Brownfield Act may indeed facilitate private redevelopment projects. Without community

participation, however, local land use issues are determined in an undemocratic manner. This again privileges commercial projects at the expense of other local residential priorities such as parks, playgrounds, low-income housing, or community centers.

CIRCUMVENTING THE DEMOCRATIC PROCESS

Although each of the elements of the Brownfield Act outlined above is worthy of further discussion, the last of these is particularly important because it highlights a vital shortcoming not only of New Jersey's program, but of privatized and market-based initiatives in general. It is especially noteworthy also because one of the major claims of devolutionary programs is that they are more democratic than centralized ones. Allowing states and municipalities the authority to make decisions on such matters pertaining to the public weal as hazardous waste disposal ensures greater levels of participation than consolidating authority within the federal bureaucracy. Or so the argument goes. But whereas federal regulations include strict procedures for public hearings and community participation, as required by the federal Superfund program, state governments find it advantageous to circumvent community involvement, particularly when commercial interests are involved. The result may be profoundly undemocratic.

In recent decades, scholars have paid much attention to the issue of citizen participation. Democratic theorists such as Barber (1984), Mansbridge (1980), and Pateman (1970) view participation as the means to strengthen democracy. To scholars such as Putnam (1993) local participation builds social capital in communities, which is essential to civil society. Schneider and Ingram (1997) argue for the necessity of citizen involvement in the public policy making process. All of these scholars agree that

participation must occur at the local level where government is closest to the people and where citizens can have the most impact. Locally-controlled programs, they suggest, can be more participatory and effective than those managed by higher governments.

But other research on community involvement has shown that it does not guarantee a democratic process. Although urban communities once served as a basis of citizenship, in the 1990s they have been superseded by “communities of interest” such as issue-based organizations (Lowndes 1995, 163). In the face of such actively mobilized groups, the political relevance of communities to urban politics may be decreasing. Lowndes (1995) notes that the degree of citizen participation is a function of “the design and culture of municipal institutions,” which can discourage or preempt community participation (171). Even mandated public participation in government programs has been used to coopt community interests (Greenstone and Peterson 1973). Gittel (1980) found that federal government-mandated participation programs may diffuse the energies of citizen advocacy organizations. And Mollenkopf’s (1983) study of urban development in Boston’s South End found that the redevelopment agency used community participation to further its own interests by working with established networks of elite homeowner groups, who represented only a minority of neighborhood residents (83).

Doherty and Stone (1999) write that participation is a “challenge greater than simply shifting power from the national level to local governments” because “the promise of local political institutions as a wellspring for citizenship and flourishing political virtue is in question as well” (16). It is therefore important not to overemphasize the democratic potential of policies calling for community participation. The quality of such programs varies substantially, ranging from the passive participation of a public hearing, to

community-based planning, to active involvement of community representatives at the bargaining table. Representation poses other problems: individuals chosen as community representatives do not always advocate for all segments of the community. It is not easy to forge a fair and open community participation program. Careful planning and patience are essential to create a program that is democratic and representative of community needs, and strong, well-organized communities are key, according to R. Gittel (1992).

These shortcomings having been acknowledged, it nevertheless remains true that community participation is critical to the successful implementation of the brownfield program in cities. Pepper (1997) found that without community “buy-in” many projects would have unraveled (22). Greenberg’s (1999) study of residents in poor, urban neighborhoods in New Jersey substantiates the need for community participation in the brownfield process. He found that many residents of lower quality urban neighborhoods mistrust authority, including the local officials and investors who will spearhead redevelopment. The study also found that a narrowly focused brownfield program that fails to address other pressing local problems, such as crime and blight, will fail to spark neighborhood redevelopment. Collaboration with the community ensures the brownfield project will be integrated into neighborhood revitalization plans.

Camden is one New Jersey city that has strong community organizations, citizen participation, and an active environmental justice organization. Public involvement in brownfield projects in Camden “allowed potential problems to be identified and solved from the beginning when stakes were lower and design changes could more easily be made” (EPA 1999). Everyone benefited from the up-front dialogues, which saved time for the developers and involved the community from the start.

Ideally, brownfields remediation can be a vehicle to improve neighborhoods. Brownfield projects, because they are frequently located in residential communities, present unique opportunities to organize the community. And community organizations can use brownfield redevelopment projects as a means to bring disparate groups – residents, municipal officials, developers, and banks – to a common table. In some cities the community has provided an invaluable service by helping to identify hot spots where illegal dumping occurred. This was the case in Jersey City where chromate waste permeates the soil in residential communities that surround defunct industrial facilities. Community leaders can motivate residents and help set priorities and implement solutions. In Jersey City, Brownfield Coordinator Betty Kearns (referred to as “Chrome Woman” by the community), organized planning charrettes in each neighborhood to identify sites and create wish lists and continues to hold monthly community meetings. Sometime this results in dramatic changes in plan. Kearns, who invites children to her meetings, recalls one 15 acre site that developers and municipal officials had slated to be an industrial park. “A kid who wanted a soccer field spoke up at the meeting. The idea grew, and now we’re planning to build a ballfield and a park at the site” (1999). Jersey City has the strongest community participation of any city in the state. As a result the redevelopment process is moving slower there. On the other hand, developers are assured that once plans are approved, they will not run into any community opposition.

There are dangers in not involving the community in redevelopment decisions. If the economy is strong, brownfield redevelopment can lead to displacement of local residents and an imbalance of jobs and housing as a professional workforce moves in to a gentrified community. “There Goes the Neighborhood: A Regional Analysis of

Gentrification and Community Stability in the San Francisco Bay Area,” found that the urban poor were being displaced and their communities were being transformed as high-income workers drove them out of their neighborhoods. Few urban neighborhoods in New Jersey are undergoing such gentrification as San Francisco, but there are indications that this phenomenon may be happening in the Ironbound neighborhood in Newark. Failing to involve the community in cities such as Camden or Trenton where the economy is still weak and development pressures are non-existent, carries other hazards. These communities have overburdened environments and if they attract any businesses at all, it tends to be undesirable industries such as waste handling facilities and heavy, polluting industries. To prevent these neighborhoods from becoming environmental sacrifice zones with lower cleanup standards and polluting industries, a great effort must be made to explore other options and to involve residents in the redevelopment process. Brownfield programs should include funds to foster the development of neighborhood organizations around sites.

A full-fledged participation program that empowers the community is essential also to prevent environmental discrimination in brownfield neighborhoods. Contaminated sites abound in poor, urban neighborhoods that already suffer more than their share of environmental abuses and health risks. The brownfield redevelopment process can be a straightforward economic development program, or it can be an opportunity to redress past abuses by inviting full participation of impacted communities and residents in remediation and redevelopment decisions. The former use of a property is rarely an indicator of the best reuse for the site. Proximity to rail lines and canals, for instance, is no longer necessary for industry. Further, brownfields are usually in residential neighborhoods, where industry is

not an appropriate use. The reuse can contribute to the quality of life in the community, such as new housing, parks, or commercial centers, or conversely, a negative reuse such as a garbage incinerator or a sewage treatment plant, will further degrade the quality of life. The lack of a formal role for the community in brownfield decision making invites environmental discrimination. Many poor communities seek housing, supermarkets, and drugstores. But developers often have different ideas, and may clean sites or cap sites to a standard sufficient for a less desirable use, such as a parking lot.

Local government officials and business boosters in NJ actually opposed a recent US EPA decision to apply Title VI of the Civil Rights Act of 1964 to siting decision of LULUs (locally unwanted land uses). Title VI bars agencies receiving federal money from engaging in actions that cause a discriminatory impact in terms of race, color or national origin. Under the new ruling, EPA will terminate funding to state and local governmental agencies that allow the concentration of polluting facilities in communities of color. New Jersey state officials testified against this policy, fearing it would hamstring the state's brownfield redevelopment efforts (Cushman 1998; Siegel 1999).

The Brownfield Act allows land use decision making without input from local residents. Because municipal officials and commercial developers see community participation as a hindrance, they are likely not to take the optional step of holding public hearings. Thus New Jersey's program fosters a profoundly undemocratic system. Federal Superfund cleanups, in contrast, are considered model programs because of their comprehensive community education and public participation programs.

THE BROWNFIELD ACT:

A BOON FOR DEVELOPERS, A BUST FOR COMMUNITIES

For most urban municipalities, New Jersey's Brownfield Program is a non-program. The Brownfield Act facilitates large-scale industrial or commercial development on big lots with low-levels of contamination. But these are atypical of the situation in New Jersey, where most brownfield sites are municipally-owned, small (one case or less) properties in high density urban neighborhoods. The State's program is not structured for small tier 2 and 3 sites. Tier 1 sites have market value because of their minimal level of contamination, their large size, or their good location. Tier 2 sites are more contaminated, smaller, and more poorly located, and Tier 3 sites are the least desirable and often have a negative value and are located in poor neighborhoods of poor cities. For these sites, the hope that HDSRF-funded site investigations would promote private sector interest and leverage private investment has not been realized.

Neither is the Brownfield Act structured for community-based redevelopment. The program provides no incentives for non-profit development or for the intractable problem of small contaminated sites in residential neighborhoods, where market solutions are neither feasible nor desirable. There is no way to finance what Savich (1999) identifies as the "social-centered" needs of urban residential neighborhoods—affordable housing, senior housing, child care centers, recreation areas, parks, and playgrounds. Poor cities are not well-positioned to pick and choose their developers. For example, proposed businesses for Camden's brownfield sites are a cement recycling plant and a tire reclamation facility—not ideal redevelopment by anyone's standards, but they will at least provide jobs.

While it may have a positive impact on commercial economic development projects on large sites in well-located cities (such as Edison), the Brownfield Program has little or no impact on the older cities, as the case studies in Part Two will demonstrate. As Alan Mallach, Trenton's Director of Housing and Development, observes, it is an "exceptional developer, and even more exceptional lender, who will embark on brownfields redevelopment — particularly in inner-city areas — without the public sector effectively guaranteeing that the site will be delivered without environmental contamination" (1998, 21). The Brownfield Act has no such guarantees, and offers little in the way of public financing.

What funding does exist is unusable for the cities most in need. Tax abatements are politically and fiscally viable only in the wealthiest cities and abatements are controversial. Without taking environmental and public health impacts into consideration, tax abatements can lower the quality of life for urban residents. There is no guarantee that firms benefiting from the tax break will hire local residents or otherwise improve the community. And for many cities that are already operating at a deficit, loans are not fiscally viable. As Fred Martin, Camden's Brownfield Coordinator said, "If I presented the mayor with a low interest loan to be paid against future city revenues it would be discouraging to my future employment" (1999).

Further complicating matters, the Brownfield Program is administered by at least seven different state agencies, including the Department of Environmental Protection, the Department of Community Affairs, the Commerce Commission, the Department of Economic Development, the Housing Mortgage and Finance Administration, the

Department of Transportation, and the Department of the Treasury. The Office of State Planning is supposed to coordinate the program. But the city case studies will demonstrate that for the most part, city governments lack the governing capacity to fully understand the various elements of the program, much less make optimal use of them.

The law further disempowers cities by marginalizing municipal governments and local residents from brownfield decision-making. A principal advantage of decentralized initiatives is that they may provide enhanced opportunity for community participation. But New Jersey's Brownfield Program has no mechanism for public participation, no participation requirement, and only nominal public notification requirements. Property owners can make independent decisions without consideration of land use plans and without consulting local governments of communities. A spokesperson for the Viacom Corporation unabashedly rejected the significance of democratic decision-making:

Requiring the property owner to consider existing zoning and master planning when selecting a remedial action will give the municipality a larger degree of input into the selection of remedial measures than the legislature intended, and can have a dramatic adverse effect on implementing and completing the remedial action at the site (quoted in Sierra Club 1997).

Finally, the Brownfield Program fails to maintain environmental standards. The one element of the Program besides the HDSRF grants that is popular with developers and municipalities is the lower cleanup standard. However, lenient environmental standards do not serve the best interest of cities, even if they facilitate development. First, standards are based on risk assessment, a method that calculates the risk of developing a disease and chooses an acceptable disease risk rate to determine the level of

contamination allowed, such as 1 cancer case out of every 100,000 people. Although widely used, this method has been criticized on both scientific and moral grounds. Second, the institutional and engineering controls that are required at sites not cleaned to the highest standard are imperfect. Institutional controls, such as records documenting the extent and location of the contaminants, may be lost or forgotten over time. There are anecdotes of institutional controls that disappear when contaminated sites are sold and subdivided. The maintenance of engineering controls, such as fences, signs, and monitoring wells, depends on municipal or State oversight and enforcement. But it is common knowledge that the State lacks the staff to supervise controls at every site in perpetuity.

To date, New Jersey's Brownfield Program has had a deleterious effect on environmental outcomes, a negative effect on public participation, and little impact on neighborhood revitalization in the case study cities. It is not designed to improve the environmental quality of urban neighborhoods or to meet the economic development needs of urban communities. Rather, it is a market-centered program for market-centered development. At best the program can be a boon to developers. At worst it can create a two-tiered remediation scheme in which sites in wealthy towns are ignored or cleaned to an unrestricted (permanent) standard, while sites in poor cities are cleaned to a restricted use—which means they may not be cleaned at all. The Brownfield Act has handed cities and communities a raw deal: they have lost their public health protection without any guarantee that the development will benefit them.

What is remarkable, given the essentially regressive nature of the program, is the wide support the Brownfield Act received across the political spectrum. Support for

environmental protection and urban economic development was once split along predictable party lines. But the Brownfield Act passed with strong bipartisan backing. In a state whose political culture is marked by adversarial relations between urban and suburban interests, such consensus on a single issue is highly unusual. How the Brownfield bill came to pass is the subject of the next chapter.

CHAPTER 3

The State Policy Context: The Politics of Desperation

The New Jersey Conference of Mayors, which represent urban municipalities, and the New Jersey League of Municipalities, which represents suburban and rural municipalities, both supported the Brownfield Act. That commercial advocates and their Republican allies should support the Brownfield Act is no mystery. What is surprising is the strong endorsement the bill received from factions that are usually in opposing camps: environmentalists and industrialists, Democrats and Republicans, African Americans and whites, city and suburban officials. The powerful New Jersey Business and Industry Council supported the bill, along with the real estate and construction industries. But so did environmental organizations, especially the Sierra Club, though they advocated higher cleanup standards and a citizen participation requirement. Mayor Christian Bollwage of Elizabeth, who co-chairs the Brownfields Task Force for the U.S. Conference of Mayors, was an especially vocal supporter. Elizabeth is a highly contaminated locality that had early brownfield redevelopment successes. At first blush, these coalitions may appear to herald new patterns of political alliances or party realignment.

Political parties and alliances are certainly in flux. However, the literature is divided about how to define the current trends. Lemann (1998) argues that dependence on political polls has meant that both parties are “racing for the center.” Others write that both parties have become more conservative. Lipsett writes that “the Democrats have accepted the market. The consensus of today is around a different center, a further right, laissez-faire

center” (quoted in Lemann 1998). Milbank (1998) finds that the Democrats are embracing new conservative politicians who are attempting to win the center of the Republican party that has swung too far to the right. Other literature points out that national demographic shifts have forced Republicans to work with minorities in order to remain a viable party (Hanson 1999).

How do we interpret the policy coalitions that formed around the Brownfield Act? Have Democrats and Republicans in New Jersey found common ground? Do poor, minority urban dwellers share basic interests with middle-class white suburbanites? Is the long rightward shift in American politics finally being supplanted by a progressive environmental consensus?

From a distance, this would seem to be the case in New Jersey. However, closer analysis suggests otherwise. Far from representing a unified front, the policy coalition that passed and continues to support the Brownfield Act is comprised of actors with widely divergent interests. Some wish to improve urban conditions, others are more interested in creating business opportunities, and still others seek to decrease government regulations. In fact, the progressive, urban element of this legislation seems to have been an afterthought or a compromise for political support. These interests each see brownfields in their own terms. The bipartisan and urban-suburban coalitions that support the Brownfield Act were born not out of an emerging consensus but rather out of complex processes of strategic realpolitik, deal making, and rhetorical posturing. This chapter examines the processes involved in the development and passage of the Brownfield Act of 1998.¹

¹ Some of the following conclusions were presented in abbreviated form in Gardner and McKenna (1999).

STRANGE BEDFELLOWS

The alliance that sponsored the bill's passage was virtually unprecedented in the state's history. Black Democratic leaders from Newark, Jersey City, Trenton and Elizabeth rallied with Republican legislators representing suburban districts to promote a program that ostensibly would benefit everyone. New Jersey politics are characterized by conflict between urban leaders and the state legislature. The conflict is a product of not only differing party allegiances but also racial and economic segregation: the cities are overwhelmingly comprised of poor and minority citizens, while the suburbs and outlying rural areas are predominantly white and middle class. Improving cities is not normally a priority of Republicans in New Jersey. And yet it was a Republican that sponsored the bill, a Republican legislature that approved the bill, and a Republican governor who signed the bill into law.

Governor Jim Florio's administration had a reputation for being tough on polluters. When Governor Christine Todd Whitman was elected on her "Open for Business" platform in 1993, reform of the state's notoriously stringent environmental regulations was a central component of her campaign message. Since taking office, she has delivered on her promises, undercutting the state's environmental laws and fostering a conciliatory relationship with the private sector. In addition to relaxing the regulations governing contaminated site cleanup, Whitman has loosened many other environmental laws and retreated in the war against industrial polluters. According to Curtis Fisher, a lobbyist for the New Jersey Public Interest Research Group, "The standard operating procedure for the Whitman administration is to find ways to help companies that had a bad environmental

track record. Governor Whitman's policies are designed to try to cozy up to companies and weaken standards and extend the periods for compliance" (Richmond and McNichol 1996c).

The construction and real estate development industries exert more influence over state policy makers of both parties than any other organized interest. It is estimated that in the last five years, developer interests have contributed over \$8 million dollars in soft money and candidate giving, "making their industry the largest special interest donors in New Jersey" (Upmeyer, 1999, 1). The NJ Business and Industry Association, a key player in the brownfield politics, is the second most effective interest group in the state (Salmore and Salmore 1988, 90). Since coming to office, Whitman has cut over 2,000 chemicals from the Right to Know program that requires manufacturers to provide workers and the community with information about the toxins used in the workplace. During her reign, the DEP proposed revamping water pollution rules that would allow more dumping of toxins in waterways. She also cut spending at DEP in each of her first three years in office, and imposed a twenty-percent staff reduction and a \$7.9 million cut to the enforcement budget. New Jersey recoups environmental cleanup costs in only a fraction of cases, and Whitman's cooperative approach with polluters has translated into a drastic reduction in fines.² The amount of money collected in fines and penalties against polluters dropped from \$21 million in 1993, the last year of Jim Florio's term, to \$6.5 million in 1996. The Governor's staff claims that the reduced fines indicate higher compliance rates. Her critics however, contend they indicate lax enforcement, a logical explanation since staff reductions have

made routine inspections impossible. According to Whitman, “We are consciously trying to move away from the confrontational [style]” (Richmond and McNichol 1996b).

The Brownfield Bill was an important step in that move. The program offered regulatory relief for business and industry without completely gutting the environmental programs enacted in the early 1980s. As discussed in Chapter 1, the Environmental Cleanup Responsibility Act (ECRA), passed in 1983, contained strict liability provisions and forced polluters to clean their property. The law compelled industries to investigate and remediate their property upon termination or sale of their operations; violations were punishable of up to \$25,000 per day. In 1990, a group of business and industry actors, bankers, and developers formed a coalition to undo ECRA. Their efforts resulted in the passage of the Industrial Sites Recovery Act (ISRA), which replaced ECRA in 1993. Some of the major changes included differential cleanup standards depending on the intended use of the site (“use-based standards”) and engineering and institutional controls in lieu of thorough remediation. ISRA passed with bipartisan support in the legislature, but environmental and community organizations criticized the reform as a boon to industry that failed to protect public health. Although ISRA loosened regulations governing site cleanup, business and industry advocates complained that it did not go far enough – critics joked that ISRA was an acronym for “It’s Still Really Awful.” In 1996, many of the same members of the ECRA Reform Coalition re-convened in 1996 to reform ISRA.³ Their efforts,

² In the 1980s New Jersey collected fines for environmental penalties in only nine out of 138 cases, amounting to \$38.6 million out of a possible \$245 million (*Trenton Times* 1997, A6).

³ Private sector representatives at the ISRA reform negotiations were Ed Hogan, Business and Industry Association; Karl Delaney, Alman Management Group; Dennis Toft, National Association of Industrial Office Parks; and Dave Shelton of DuPont representing the

conducted through closed-door negotiations with the State Department of Environmental Protection (DEP), resulted in the Brownfield Act of 1998.⁴

Brownfields was a mantra in the mid-90s for both liberal and conservative politicians who hoped urban redevelopment was the answer to the tenacious poverty in New Jersey's inner cities and the runaway sprawl in the suburbs. U.S. Senator Frank Lautenberg (D-NJ), known for being a strong environmentalist in Congress, was an avid supporter of brownfield redevelopment and pushed for a federal brownfield program in the Senate. The issue was also central to the 1996 gubernatorial campaigns in New Jersey. Brownfields were key to the platforms of both Republican Governor Whitman and her Democratic challenger Jim McGreevey. McGreevey, Mayor of Woodbridge, said, "Brownfield remediation ought to be a cornerstone of any economic development platform" (Johnson 1996). Mayors, city planners, and environmentalists also supported the idea of a brownfields program in New Jersey.

Mayor Sharpe James of Newark supported the Brownfield Act because "The abandonment of properties hampers Newark's ability to attract new investments and retain businesses. The City of Newark intends to produce clean, redeveloped sites" (*Business Wire* 1997). Elizabeth Mayor Christian Bollwage was instrumental in pushing for federal

Chemical Industry Council. Two members were later rewarded with positions on the Governor's Brownfield Task Force, including Dennis Toft and Jim Sinclair, Chair of the Brownfield Task Force Chair, who represents the NJ Business and Industry Association.
⁴ Even the Brownfield Act does not relax environmental regulations enough to satisfy some industry advocates. The Chemical Industry Council criticizes it for still being too strict to make development profitable. Gualberto Medina, Commissioner of the NJ Commerce and Economic Growth Commission admitted that "the Governor's efforts to stop sprawl development and preserve open space haven't earned her points with the state's builders ... It's one of the big issues facing the administration. The developers are unhappy" (Baehr 1999).

brownfields legislation. Redevelopment has been a success in his city, where a mall, an Ikea store, and a Toys “R” Us store were built on a brownfield site. “Cities across American must start to recycle land. Brownfields is the way to go” (Bollwage 1997). Mayors Douglas Palmer of Trenton and Bret Schundler of Jersey City testified before the U.S. Congress (House Transportation and Infrastructure Committee and Subcommittee on Water Resources and Environment) on the need for Superfund Reform to include a brownfields program. Linda Morgan, of the Regional Plan Association, also testified in support of the brownfield bills on behalf of the city of Newark. Noted Palmer, “we cannot afford to let another Congress go by without enacting a comprehensive national program that will lead to thousands of brownfield cleanups, job creation, and sound local economies” (Palmer 1997).

However, the progressive idea of redevelopment became conservative as it was translated into law and implemented. Like the rest of the nation, the political climate of New Jersey has shifted to the right in the last two decades. The Republican Party enjoys a clear majority in New Jersey, where politics have long been overwhelmed by suburban interests (Salmore and Salmore 1998). The legislature has anti-government and anti-regulatory inclinations, as well as a suburban bias, which combine to create a lack of political will to address urban problems. A common refrain heard in the state is “it took 40 years to get the cities in such a sad state and it’s going to take 40 years to get them back” (Neil, 1999, 5). As a result, cities are subordinated to suburban towns. As Sternlieb and Hughes (1988) note, “there are few states of equivalent size within which cities play so small a role” (317). A combination of factors contribute to this: residential segregation, malapportionment of legislative districts (all urban districts also include suburban districts,

which prevents minority majority districts), and the absence of a large, dominant city. New Jersey's cities are small and geographically dispersed, which has precluded formation of a powerful urban coalition. Whereas Republicans enjoy a majority in rural and suburban areas, the base of the Democratic Party is comprised of the cities and the older suburbs, areas with residents of lower socioeconomic status, poor voting rates, and negligible political clout. Strictly speaking, then, Republican and suburban leaders did not have to appeal to urban mayors and Democrats in order to roll back environmental legislation. Nevertheless, Republican legislators did take the trouble to actively solicit the support of urban mayors for the Brownfield bill. Why did they bother? And – even more curious – why did urban leaders support the bill?

GREEN POSTURING AND WEDGE POLITICS

In fact, it was crucial for the passage of the Brownfield Act that it maintained the appearance of being an environmental program. Rather than waging a frontal assault to health and cleanup standards, industry advocates adopted a subtle strategy of revising procedures and relaxing strict compliance that avoided straightforward lowering of environmental standards. This approach permitted them to claim that the Brownfield Bill “maintains the same environmental standards as ISRA.” This strategy of “green posturing” – cloaking anti-environmental initiatives in the guise of their antitheses – was necessary even in New Jersey's conservative political climate. Public opinion polls conducted in 1988 had demonstrated that citizens of the State opposed any weakening of environmental

standards.⁵ Decimating ECRA or ISRA entirely thus would not have been politically viable.

Packaging regulatory relief as an urban redevelopment program had a crucial added benefit: it attracted the support of urban minorities to a Republican initiative. Although mayors and other urban leaders were marginal to the development of the Brownfield Act, they were wooed, and summoned later to testify in support of the bill. Enlisting urban and minority leaders represented a major coup that also splintered the Democrats on this issue.

The policy coalitions that furthered the Brownfield Act represent what appears to be a new phenomenon in party realignment (Gardner and McKenna 1999). As Silbey (1991) and others have noted, party dealignment has affected alliances that have long been taken for granted: for example, the allegiance of African-Americans, urban interests, and environmental justice organizations to the Democratic party. The uncertainty of such allegiances today is due on the one hand to such well-studied factors as the decline of party loyalty, the rise of independent voters, and the fragmentation of the electorate since 1960. But also significant is the political culture of New Jersey, which has left the cities with no political power (See Gittell 1980, Elazar 1972).

Cities are not fairly represented by the state legislature, which traditionally has been “dominated by a Republican majority caucus” and a “shut-out (Democratic) minority” (Wahlke, John, 1962, 45). According to former Governor Thomas Kean, election to the legislature depends on the ability to raise campaign funds, most of which come from special interests with concerns before the legislature. This situation “makes people cast votes I

⁵A statewide poll showed that 69 percent of the public want to maintain the anti-pollution laws while 24 percent want to relax laws to create jobs (Eagleton Poll, 1988).

don't think they ever would have otherwise" (Salmore and Salmore 1998, 161). Democrats, cities and the urban poor are the disenfranchised in New Jersey. An observation made about state politics in the 1940s applies as well to the 1990s: "to have any influence in Trenton, urban Democrats had to make common cause with rural Republicans" (Salmore and Salmore 1998, 242).

Close inspection reveals that the Brownfield Act is a profoundly anti-urban program (see Chapter Two). In this, the program is consistent with the rest of Governor Whitman's agenda. Remarking on the foolishness of "throwing money at cities," Whitman has cut 17 taxes during her tenure as Governor, including a 9% corporate tax cut, a business tax cut, and an energy tax cut for utility customers. Her proclamations to the cities notwithstanding, the Brownfield Program neither protects the environment nor facilitates neighborhood revitalization. The Brownfield Act commits little money to brownfields. As outlined in the previous chapter, all but one of the reimbursement schemes under the Act are loans or tax abatements, which are little use to revenue-starved cities, which cannot afford to borrow funds, and in most cases are prohibited by the State from doing so. The Act withholds the tools to do comprehensive planning for urban revitalization while giving free rein to the private sector.

Although the Republican party's social and economic platforms have remained constant, its rhetoric has become kinder and gentler. They have couched the brownfield program not in the old-line Republican language of deregulation and supply-side economics, but in the more progressive language of urban reform, economic development,

participation is a double-edged sword" (Leah Healy, May 1999).

⁶ Eighty-nine municipalities have used the HDSRF since its inception in 1993.

and environmental cleanup. This is the result of a concerted effort to attract the support of African Americans. As Hanson (1999) observes, in the past decade Republicans have repeatedly asserted that their economic vision “will better serve the needs of the economically disadvantaged in the long term than a continuation of Democratic social services programs that have not been successful in moving blacks up the economic ladder”

(2). This strategy has been remarkably successful. Dawson (1997) observes that Black discontent with the Democratic party has been growing since 1988. By 1994 the number of African Americans believing Democrats work hard on issues concerning the black community had fallen to ten percent (Dawson 1997, 273).

One important means by which Republicans won black and urban support for the Brownfield bill was furthering the specious claim that strict environmental regulations have driven industry out of Northern cities to more business-friendly states in the South. As a policy analyst at the NJ Environmental Federation observed “If the premise of the bills are that environmental cleanup requirements are the barriers to redevelopment of urban areas, then it’s a false premise ... There are a whole lot of other factors out there” (Johnson 1996). Mollenkopf (1983), Beauregard (1989), and others have ably demonstrated that there are many other structural and political explanations for disinvestment and decline in old industrial cities. But by promoting the myth that economic decline is caused by environmental regulations, polluting industries, developers, and their political allies are able to promote regulatory relief as the key to economic development and job creation. Structuring the issue in this way allowed promoters to oppose environmental regulations while appearing to act in the interests of the urban poor.

The Republican strategy also served to divide the Democrats between those who support cities and those who support environmental protection. Since the bill was presented as an urban program, it was not politically feasible for most Democrats to oppose it, which would give environmental quality precedence over urban economic development, and which would alienate many constituents, especially in the cities. The brownfield issue also divided moderate and liberal Democrats, whose views have become increasingly divergent, according to Balz and Brownstein (1996). Liberal Democrats are critical of market-based policies and prefer strict environmental regulations and citizen participation in decision making. This wing of the party exists in New Jersey, although its presence is barely reflected in the legislature or the bureaucracy. In the brownfield debate they were represented by such organizations as the Sierra Club and the Coalition for Affordable Housing, but their demands for community participation were not met. Moderate Democrats are more supportive of the private sector and market solutions and often agree with Republicans that less government regulation is better. Liberal Democrats still talk about the poor, while moderate Democrats prefer to be associated with the middle class and avoid the issue of poverty.

Another benefit of the brownfields strategy is that it has succeeded in marginalizing the environmental movement and in neutralizing the environmental justice movement. Just as Republicans in New Jersey gained from the passage of the Brownfield Act with the splitting of their political rivals, so business and industry advocates gained by co-opting their opposition – environmentalists. Environmental organizations that pushed for higher cleanup levels were cast as the enemy of the urban poor. This hearkens to an old debate. As early as 1972, Tom Bradley, then a member of the Los Angeles City Council, remarked

that “to many of our nation’s 50 million blacks, the conservation movement has as much appeal as a segregated bus” (McGurty 1997, 304). The recent involvement of mainstream environmental organizations like Greenpeace and the Audubon Society in environmental justice movements have helped to bridge this gap, but the brownfield issue has pitted urban minorities against environmentalists once again. The Greenlining Institute, a San Francisco-based organization working to redevelop urban brownfields, labeled the Sierra Club a “group of self-important white liberals who don’t have a clue about real life in the inner city” (Winokur 1999). Environmentalists who defend strict cleanup standards are portrayed as racist elitists who do not care about the poor. Opposing a program ostensibly designed to improve cities and help the poor would have branded environmental advocates in New Jersey with a stigma they were sedulously trying to avoid.

When the Brownfield Program was first proposed, environmental advocates criticized the bill. Two leading environmentalists in New Jersey wrote that:

While we believe the goal of the bill is meritorious, many areas of the current language will have an effect that is undesirable and counterproductive to public health quality and ecosystem health quality and survival. We do agree with promotion of development in contaminated areas, but a majority of these ideas proposed by industry and insurers will roll back twenty-five years of progress on environmental protection. (Gordon and Phillips 1997).

Former DEP top scientist Robert Tucker remarked that “just because the stuff is from a while back, it still needs to be cleaned up” (Richmond and McNichol 1996a). A church leader in Elizabeth, where chromium contamination is ubiquitous, voiced his criticism in starker terms: “They’re trying to define pollution out of existence” (Richmond and McNichol 1996a).

Although community and environmental organizations made some attempts to denounce the provisions of the bill, they found themselves in the unenviable position of protesting what appeared to partially informed observers to be an environmental program. My research and interviews revealed that the belief that urban disinvestment is caused by environmental regulations is widely held by liberals and conservatives alike. Even some environmental justice groups have bought into the myth. Some factions within the environmental justice movement, which has always been a vocal opponent of pollution in minority communities, have softened their stance on pollution in order to promote investment in minority communities. The words of Vernice Miller Travis, former director of the Environmental Justice Initiative at the Natural Resources Defense Council, reveal the switch to a balanced approach that weighs environmental risks with economic benefits: “Our goals should be to promote economic development in these communities while protecting the environment” (Staff 1999). Her argument mirrors what business and industry has been saying since the environmental movement began.

Concern over negative public reactions undercut efforts to build a united opposition to the bill. The main opposition was voiced by the Sierra Club and the New Jersey Environmental Federation, which both represent a largely white, suburban constituency. They failed to form a coalition with other environmental groups and with community based environmental justice groups and consciously chose to tone down their message. According to Bill Wolfe, Policy Director of the New Jersey chapter of the Sierra Club, the group knew that inflammatory rhetoric could have been effective at mobilizing the public against the Brownfield bill, but feared that their credibility would be damaged if the organization were portrayed as extreme.

We made a political deal with DEP to not do a grassroots community-based campaign. We could have easily mobilized every community in the state to scare people that the chemical industry is rolling back standards. But instead we decided to be at the table and try to work within the system. We were up against a juggernaut, and we are a white suburban group that doesn't represent cities — we don't have a link to the minority community. That's why we weren't more aggressive about opposing the Brownfield Act. (Wolfe Interview, 1999)

Upon reflection, he added, “now we regret that we weren't more activist” (Wolfe 1999)

Perhaps learning from their New Jersey mistake, the Sierra Club is taking a harder line in New York State, where brownfield legislation has been hotly debated for two years. They are refusing to bend on issues related to cleanup levels and public participation.

THE POLITICS OF DESPERATION

The support of Democratic city leaders -- mayors, municipal officials, planners, and other urban advocates -- for what was in effect a conservative bill was attributable in part to confusion over the rhetoric and the reality of the proposed legislation. The portions of the bill relaxing cleanup standards and undermining community participation were couched in extremely subtle language and were obscured during the process of promotion. For example, the compliance of urban actors was abetted by the erroneous impression, fostered by sponsors of the bill, that brownfield sites are lightly contaminated and do not threaten public health. Brownfields are commonly contrasted with Superfund sites, which are known to be severely contaminated and to pose an immediate health threat. In fact the distinction is spurious. At most New Jersey brownfield sites, the type and extent of contamination is unknown until a preliminary assessment and site investigation (PA/SI) is conducted; this is the first stage in the redevelopment process and only a small fraction of

the sites in the state have been investigated. A PA/SI may find minor contamination or may find that the contamination poses an immediate danger to the well being of neighborhood residents. In the latter case, a brownfield site may be redefined as a Superfund site.⁷ Underestimating the potential health risks associated with brownfield sites allowed urban leaders to sacrifice the more stringent environmental standards upheld by earlier legislation.

But besides confusion over the magnitude of the problem and the paucity of the solution, another factor crucial to the bill's passage was the multiple meanings of brownfield policy to different political actors. The Republican faction saw in the bill an opportunity to create business opportunities, roll back environmental regulations, and facilitate development without imposing on the coffers of their middle-class suburban constituencies. Democratic leaders supported the bill because it extended the hope of urban economic development.

New Jersey's cities are in dire straits. The big six (Newark, Jersey City, Paterson, Elizabeth, Trenton, and Camden) lost half their population from 1930 to 1970. Industrial decline is the primary cause of urban economic distress. The cities are factory towns short on factories, notes Hughes (1999): they have lost almost 20 percent of their jobs since 1975. Decline has hit some cities harder than others. Since 1975, Camden has lost one in three jobs, Newark one in four. With the exception of Jersey City, which is booming as a financial center, thanks to its waterfront and proximity to New York City, the cities are still

⁷This was the case at the Magic Marker site in Trenton, where preliminary investigations found dangerously high levels of lead and other heavy metals, resulting in an Emergency Removal Action by the U.S. Environmental Protection Agency.

losing jobs. Although New Jersey is the second wealthiest state after Connecticut, its cities are among the poorest in the nation (Salmore and Salmore 1998).

The state's attitude toward its cities does little to reverse the situation. One long-time urban activist in Newark told me, "no urban program in this state has ever done anything for the cities" (Haddock Interview, 1998). New Jersey has a tradition of ineffectual urban programs and has been reluctant to invest any money into its cities. The predominant sentiment among state officials in Trenton is that the cities are corrupt money-pits. In most cities, tensions run high between urban leaders and state officials, who make little attempt to hide their disgust with city administrations, which they consider to be incompetent at best. Urban officials and activists also maintain that racism among state officials contributes to anti-city sentiment.

While racism among state officials in New Jersey has not been formally researched, the state trooper racial profiling case is one documented example that sheds light on the larger problem. On April 23, 1998 two white state troopers fired into a van carrying four unarmed men, three African American and one Hispanic, during a traffic stop on the New Jersey Turnpike. Three men in the van were wounded and the troopers are facing assault and attempted murder charges (Johnson 2000). This incident spotlighted racial profiling by the state police and it was later discovered that 38 percent of the drivers pulled over on the New Jersey Turnpike were minorities, 48 percent on the southern leg of the highway, although only 27 percent of the state's residents are minorities (Siegel 2000). In 1999 Attorney General Peter Veniero released a report suggesting that minorities are unfairly targeted on the NJ Turnpike and the U.S. Department of Justice subsequently announced its intent to sue the state police to end the practice of racial profiling of minorities (Siegel

2000). The State Police are currently trying to redress racism in the Department through a massive (and unsuccessful) minority recruitment effort.

According to Jersey City Mayor Bret Schundler, the state “fails to account for the exhaustive social needs in the cities” so “the issue becomes: if you have a lot of people who need services and live on property that doesn’t pay much taxes, you ghettoize your cities” (Mansnerus 1999). Property tax disparities between cities and their surrounding suburbs put a larger tax burden on poor urban residents and businesses that are less able to pay. Cities have more poor residents yet are short on revenue to provide social services. There is little hope that urban conditions will improve anytime soon. Prominent New Jersey scholar Stephen Salmore says, “I’m not even cautiously optimistic” about urban revitalization, and Barbara Lawrence, director of New Jersey Future says “It’s unlikely that cities in New Jersey are ever going to be important” (Mansnerus 1999).

One disadvantage is that New Jersey’s cities are small, and as Benjamin Franklin noted, the state is “a barrel tapped at both ends” by New York City and Philadelphia--two major cities that “draw the allegiance of New Jersey’s elite” (Hughes 1999). New Jersey has 566 municipalities, more than any other state, and no dominant city. Only two cities in the State have populations over 200,000. The lack of a dominant city or urban region, combined with deindustrialization, population loss, and suburbanization that began in the 1950s, resulted in the absence of a powerful urban bloc. With less than ten percent of the voters and barely any legislative delegation, the cities are politically weak, commanding no power in the state legislature.

At the same time that New Jersey’s cities were losing power in state politics, the federal government was reducing assistance to cities. These changes have left distressed

cities more dependent than ever on outside assistance (Weir 1996). The willingness of city officials and community actors to embrace looser environmental standards is testimony to the desperation for municipal investment. The state's system of municipal finance has created a situation in which localities rely on property taxes as the primary source of revenues to fund essential programs and to provide essential government services. This has resulted in the infamous "ratables chase" in which municipalities compete with each other to attract tax paying enterprise. This has contributed to the overdevelopment and sprawl for which the state is also famous. The older urban centers and central cities have suffered the most under this system, and have lost the ratables contest to the newer suburbs and edge cities. Their only tool to increase their treasuries is to attract new taxpaying companies. In this context, it is not surprising that urban leaders support any scheme for economic development from the state.

For urban mayors and other municipal actors, the promise of economic development renders negligible other considerations, such as the loss of local control over cleanup decisions and the risks posed by environmental hazards at brownfield sites. Their support for the bill was politically pragmatic. Especially desirable from the perspective of the cities are industries that provide jobs for their low-skilled labor force. The type of industries attracted to urban brownfield sites tend to produce pollution. Camden's Knox Gelatin site, for example, will be redeveloped with a cement recycling plant, and a Paterson site will manufacture plastic bags. As Robert Bullard (1992) has pointed out, poor and minority neighborhoods are especially susceptible to "environmental blackmail," accepting toxic facilities out of desperation for job development. The flexible standards and closed-door

decision-making introduced by the Brownfield Act facilitates the accommodation of environmental blackmailers.

The promise of economic development relegated environmental issues to secondary consideration. A 13-page letter to New Jersey mayors from the State Office of Legislative Services insisted that reducing remediation costs (read as loosening regulations) was the way to redevelop brownfield sites.

Some sites are of marginal economic value and whether or not these sites are remediated and put back into productive economic use may well depend on the cost and other factors relating to the remediation of these sites. The goal of a successful brownfields program must be to lower remediation costs. (Cantor 1996. 4).

The letter goes on to advocate capping (a cost-saving engineering solution that permits contamination to remain on site if it is encapsulated with dirt or concrete), more flexible application of environmental standards, natural attenuation of groundwater pollutants (e.g. permitting chemicals in groundwater to break down over time) instead of groundwater treatment, and to allow “substantial compliance” with DEP regulations instead of fully complying with regulations as a cost-saving measure (Cantor 1996, 7-9). The legislators made their position--that redevelopment wouldn’t happen without a loosening of cleanup standards--crystal clear to the mayors. In a parallel situation in New York State, Black and Hispanic Democrats from poor city neighborhoods have aligned with Republican business groups to support a brownfield bill that would ease environmental regulations in order to promote development in inner city neighborhoods. In the words of a black assemblyman from Queens, “To see these properties languish when we have such needs in our community makes you question the principles that we have operated under with regard to environmental protection” (Aubry 1999). City leaders in New Jersey have reached the

same conclusion. As Alan Mallach, the director of Housing and Development for the City of Trenton, points out, “our goal is to rebuild blighted communities. The Brownfield Program is a means to that end” (Interview 1999).

The broad support that the Brownfield Program has met among Democratic leaders, urban activists, and environmentalists is a sign of their disempowerment and despondency. Given the anti-urban bias of New Jersey politics, city leaders are quick to support anything that comes their way from the State. Despite the fact that legislation could have been drafted that would have provided more benefits to cities, this bill was supported by mayors and urban legislators because they realized they were lucky to get any urban program at all from the Whitman Administration and the Republican controlled legislature. The Brownfield Bill had the potential to encourage at least some investment in their cities, which are desperately poor and in need of jobs and tax paying facilities. The fact that the bill was flawed was less important than the fact that it existed at all.

By packaging regulatory relief as urban redevelopment, the Republicans and their constituents in business and industry succeeded in rolling back environmental cleanup standards and increasing the discretion of private companies in site cleanup decisions. The Republican strategy also succeeded in weakening their political rivals. They divided the Democrats, marginalized environmental organizations, and created a new alliances with urban and minority leaders, broadening their political base. In return, mayors and other urban actors who hoped to benefit from the program have received very little. As the case studies in the following chapters will demonstrate, the State’s reluctance to invest in the Brownfield program – rationalized as second-order devolution – has left cities in the position of having to make bricks without straw. In each of the cities I have examined,

urban leaders feel they have been left adrift without adequate support from the state, while developers are focusing their redevelopment efforts on profitable projects, which are rarely, if ever, in economically distressed cities.

Part II:

**Brownfield Regime Politics:
Factions, Infractions, and Inaction**

CHAPTER 4

WHEN THE GROWTH MACHINE BREAKS DOWN

- “Trenton made and the world took.” (City Official, 1999)
 “Camden can’t be trusted with a dime.” (State Official, 1999)
 “Nobody gives a damn about Paterson.” (City Official, 1999)
 “Economic development in Newark is controlled by...wait, turn off the tape recorder...”
 (City Official, 1999)

The first part of this study examined some of the problems of first order devolution, the reallocation of regulatory authority to the state. The trajectory of the Brownfields Act of 1998 suggests that state and national governments that are subject to regional economic and political pressures are ill-situated to administer environmental programs in an unbiased manner. Over two hundred years ago, James Madison warned against what he called “the tyranny of the majority”:

A pure democracy . . . can admit of no cure for the mischiefs of faction. A common passion or interest will, in almost every case, be felt by a majority of the whole; a communication and concert results from the form of government itself; and there is nothing to check the inducements to sacrifice the weaker party.
 (Madison 1987, 126)

Although minority interests will always be sacrificed in a pure democracy, Madison notes, in a democratic republic, institutional safeguards might be erected to protect weaker parties against the tyranny of the majority. Devolution removes those safeguards. A state like New Jersey, controlled by the Republican party, suburban voters, and business interests, cannot be expected to develop an urban program that serves the needs of a disempowered minority.

But if anti-urban, pro-industry states cannot be trusted to administer urban environmental programs, then what about the cities themselves? In theory, they should labor under no such conflicts of interest. Urban leaders should be inclined to maximize benefits for their cities, and should therefore be the ones best situated to devise local solutions for economic revitalization and environmental remediation. Second-order devolution, the delegation of regulatory authority to local governments, operates on this assumption. New Jersey's brownfield program includes this as a component, enabling municipalities to make their own reuse decisions, negotiate their own deals, and establish their own risk standards. Regrettably, however, the assumptions that underlie the reallocation of environmental policy to the local level fail in the real world. The second half of this study demonstrates why this is the case.

The problems besetting second-order devolution are of a different nature than those that plague first order devolution. One difficulty is that the programs that trickle down may be imperfect. This is certainly the case in New Jersey, where the tools offered by the State's brownfield program are inadequate to meet the cities' needs. But a better-designed devolutionary program would also fail to achieve equitable results because it would be founded on the same crucial fallacy – that all cities are growth machines. They are not. Well-managed, wealthy cities might be able to take advantage of the flexibility and independence offered by the devolutionary agenda. But distressed cities seldom have the resources, the level of organizational efficiency, or the market appeal to operate as effective growth machines. As a result, environmental devolution to cities is exacerbating local inequalities.

INSIDE THE GROWTH MACHINE

Pro-growth coalitions (Mollenkopf 1983), or development regimes (Stone 1989), dominated by growth actors and local officials seeking economic growth, govern most municipalities (Peterson 1981). This is especially so in New Jersey (Karcher 1998). A growth machine (Molotch 1980) is a cadre of urban actors that comprise a “rentier” class—developers, bankers, realtors and boosters such as the chamber of commerce—who organize to promote development and expansion. An auxiliary group of urban actors that benefit from and support growth are utilities, the media, universities and the entertainment sector. Growth actors’ agenda is simply to ensure the conditions are ripe for economic growth, which increases property values and revenues, which benefits the rentier class. Growth machines generally may seek a range of policy goals, including downtown development, historic preservation, tourism, tax ratables, industrial development, or gentrification. A conflict arises between growth actors and neighborhood actors over their differing views of land. To rentiers, land is important for its exchange value on the market, while residents care about the use value of land and therefore often oppose more development. Both groups try to use local government to influence land use decision making, but in most cases, the mayor and top city officials are key members of the growth regime themselves (See Ferman (1996) comparing growth machines in Chicago and Pittsburgh.)

Like other market-based devolutionary policies, New Jersey’s brownfield program is based on the assumption that the State’s cities are governed by growth regimes. The program relies on public-private cooperation. Municipalities can receive state grant money for site assessment, but after that the private sector is supposed to enter into the process to

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invest in sites and remediate contaminated properties. The program's property tax abatements, sales tax reductions, low-interest loans, and remediation reimbursement program are all geared toward private sector investors.

Cities may be governed by regimes that are not growth coalitions. Scholars have observed a variety of regimes that set the political agenda of a city (Elkin 1985; Fainstein et al 1983; Imbroscio 1998; Reed 1988; Stone 1976, 1993). By definition, regimes cannot include all segments of the city; power is monopolized by some groups, while others are excluded. Conventional regime theory maintains that regimes are biased toward capital while the interests of the lower and working classes are external to it (Fainstein et al 1983; Stone 1976). Regimes generally represent the ruling class. But this is not always the case. Some regimes do not include the business sector. Some do not and cannot court capital. And development isn't the primary goal of all regimes. Alternative coalitions may move cities beyond growth politics to models that stress municipal autonomy, community development, or environmentally sustainable economic development.

Some scholars have developed typologies of alternative regimes based on values other than development. Stone (1993) outlines three – a maintenance regime that upholds the status quo, a middle-class progressive regime that seeks to enhance quality of life, and a lower-class opportunity expansion regime, which according to Stone exists only in theory, but which would seek to empower the poor. Imbroscio (1998) expanded regime theory by developing typologies of three nascent regime types: Community-based regimes, which are governed by community leaders and city government sympathizers, petty bourgeois regimes, dominated by the small business community, and local-statist

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regimes, in which the local government becomes a major property owner and engages in profit making activities.

Stone's opportunity expansion and Imbroscio's community-based regimes, are rare. R. Gittel (1992) correlates revitalization success with strong community-based organizations, yet without state or federal funding, it's nearly impossible for such regimes to develop enough capacity to be a powerful political force. Stone (1993) admits that his lower-class regime exists in theory only. This raises the question whether an urban regime might ever represent those who are politically marginalized, or whether, as Lord Acton famously remarked, power is inherently corrupting. Reed's (1988) discussion of "black urban regimes" suggests otherwise. Municipalities in which "black led and black dominated [mayoral] administrations backed by solid council majorities" have gained control of the political system tend to represent poor and minority interests (138). They also favor redistributive policies that enhance living standards, especially with regard to education, health care, housing, employment opportunities, and business ownership. But even within African American regimes, such progressive goals appear to take a back seat to business interests. Imbroscio (1999) notes that it is difficult for black urban regimes to pursue redistributive policies, because they "require extracting additional resources from capital, which makes the city less attractive to prospective investors" (52). And Reed finds that some black urban regimes, including Mayor James' of Newark, pursue "corporate center" economic development to rebuild their downtowns, instead of quality-of-life improvements for their citizens. Because they too are dependent on growth, black regimes may be no more responsive to community needs than development regimes.

CITIES WITHOUT GROWTH MACHINES

By focusing on cooperation between public and private actors, the literature on urban regimes assumes the presence of market conditions that might foster local economic development. These include signs of a robust economy, such as ample municipal revenues, a healthy residential and commercial real estate market and an expanding population. The economically distressed cities of New Jersey lack these conditions. They exist in a state of “deindustrialized dependency,” relying on federal and state subsidies for their survival (Perry 1987). Growth coalitions in these cities are ineffective, or absent altogether.

Newark, Paterson, Trenton and Camden and other old industrial cities in the Garden State followed the standard pattern of urban decline observed by Friedrich (1993). As plants closed down, a rising number of families either went on public assistance or moved away. As a result there was a simultaneous loss of tax revenue and increase in expenditures. The increase of unemployed residents caused consumption and sales tax revenues to decrease as well. The loss of revenues diminished the cities’ ability to maintain their services and infrastructure, and left scant funds available to attract new industry. The downward spiral created a negative image of the cities that discourages firms from locating there. In theory, declining cities can bounce back, but Jacobs (1984) finds that stagnant cities rarely recover because their economies are seldom corrected. New Jersey cities experienced “death by suburbanization” as surrounding towns, with unlimited secession, incorporated as separate townships, leaving small, urban cores with few taxable assets to fend for themselves (Lazare 1991). Suburbanites, in their attempt to

preserve their paradisaical enclaves, sought to keep minorities, immigrants, factories, and pollution in the cities.

Table 1
Socioeconomic Data

	New Jersey	Camden	Newark	Paterson	Trenton
<i>Demographic Indicators</i>					
Population (1996)	8,115,011	84,844	268,510	150,270	85,437
% Change Since 1990	4.7%	-3.0%	-2.4%	6.7%	-3.7%
% Black (1990)	14.6%	56.4%	58.5%	36.0%	49.3%
% White (1990)	79.5%	19.0%	28.6%	41.2%	42.2%
% Hispanic (1990)	12.4%	31.2%	26.1%	41.0%	14.1%
<i>Economic Indicators</i>					
Municipal Distress Index Rank	N/A	1	5	7	2
Per Capita Income (1989)	\$18,714	\$7,276	\$9,424	\$10,518	\$11,018
% Below Poverty Level (1989)	8.7%	36.6%	26.3%	18.5%	18.1%
Unemployment Rate (1997)	4.6%	13.9	11	10.5	9.7
% Substd. Housing Units (1990)	4.1%	15.4%	14.9%	14.3%	8.0%

Sources: 1999 County and City Extra: Annual Metro, City, and County Data Book; New Jersey Municipal Distress Index (1996) (NJOSP).

Table 2
Brownfield Data by City

	Camden	Newark	Paterson	Trenton
<i>Brownfields</i>				
Number of Known Contaminated Sites*	35	78	11	37
Number of HDSRF Grants**	22	13	4	8

Sources: Known Contaminated Site List, NJDEP (1998); Hazardous Discharge Site Remediation Fund Grant Projects, NJEDA (1998).

*The Known Contaminated Site (KCS) list is the best available inventory of brownfield sites in each city, however it is not a complete list of sites.

**The number of Hazardous Discharge Site Remediation Fund (HDSRF) grants secured by a city is not related to the number of sites in each city, but is a reflection of how aggressive cities are about pursuing funds.

As a result, Newark, Paterson, Trenton and Camden are municipal pariahs within the state, disdained by legislators and developers alike. The cities are notorious for well-documented corruption, payoffs, political favoritism and "porous accounting that allows millions of dollars to vanish into thin air" (Lazare 1991, 273). Throughout history, cities have served as sinks for industrial wastes because they could be disposed of in the cheapest and easiest manner (Tarr 1996); New Jersey's municipalities are no exception. They are riddled with brownfield sites, most of which are owned or controlled by municipal government through tax foreclosure and abandonment. Although the polluting industries are gone, their facilities standing as empty shells, their legacy remains in the contamination that infests the buildings, the soil, and the water. New Jersey's old industrial cities are so

wounded that the piecemeal programs developed by the state have little noticeable effect. As it is currently conceived, the State's Brownfield Program cannot overcome the conditions of urban decline that repel private investors. Much more dramatic measures would be required in order to activate a growth machine.

The absence of private capital is one reason why growth coalitions in these cities are weak or nonexistent. There can be no development without developers, and most commercial interests agree that the disincentives against investing in a city like Camden far outweigh the economic advantages. In the words of an EPA staffer on loan to Camden, "Do we have developers interested in contaminated sites here? No way. We couldn't give shovel ready sites away" (Devine Interview 1999).

But market value alone does not determine whether or not a site will in fact be redeveloped. Local politics will have as much impact on brownfield outcomes as economic forces. Gittell (1980) emphasizes the crucial role that local political culture plays in shaping public policies: "The ability or inability of a political system to respond to social and economic pressures defines its political culture" (217). And Gaventa (1980) documents how the distinctive "mountain culture" in Appalachia manifests politically as a culture of powerlessness: "The anticipation of defeat by the relatively powerless, often thought to reflect the fatalism of the traditional culture, is not an irrational phenomenon. It has been instilled historically through repeated experiences of defeat" (254).

A similar phenomenon may be observed on the municipal level, where the trajectory of urban politics is a function of the political culture of each city. Political culture is a more fluid concept than regime, because it examines the interactions between

a range of coalitions, and gives weight to other factors as well, such as shared values, social structure, and historical patterns.

Local political culture influences the complexion of power and shapes the policy coalitions that form in each city. Political coalitions are “working alliances among different interests” that can secure the cooperation needed from other public and private actors in order to govern a specific policy area (Mollenkopf 1992, 38). Coalition members may include any combination of actors from government agencies, the private sector, and community organizations, including local, state and federal government officials, banking, business and industry, developers, community-based organizations, environmental and advocacy groups. Policy coalitions are more mutable, transitory and narrowly-focused than regimes. Regimes may endure through electoral change and other political upheaval, while policy coalitions are less stable and more dependent on the actions of political players. Regimes usually refer to citywide governance rather than political action around a specific issue, while policy coalitions refer to issue-specific political activity. Brownfield coalitions are informal networks of public and private actors working together to benefit from government incentive programs; they have formed in several New Jersey cities, often under the stimulus of the availability of incentives.

When examining any coalition, it is critical to consider not only who is included but also who is excluded from the policy process. The goals of a coalition will depend on the priorities of its members and the ways in which they are reconciled and synthesized. If a segment of the population is not represented in a coalition, its interests will not be considered. If a brownfield site is located in a politically marginalized neighborhood, its

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potential for development is likely to be overlooked. The success of a local brownfield process depends upon the composition of the policy coalition, the ability of its stakeholders to forge a consensus, and the coalition's capacity to produce results.

BROWNFIELD COALITIONS

The following chapters analyze the brownfield coalitions that have arisen within Newark, Trenton, Camden, and Paterson. The variations in these coalitions reflect the political culture of the city and influence programmatic outcomes in each locale. There are three categories of brownfield stakeholders: municipal (e.g. locally elected officials, program administrators), private (e.g. business, industry, developers), and community-based (e.g. neighborhood and environmental organizations, community development corporations). Each group has distinct interests and goals. Excluded stakeholders may seek to use the brownfield program incentives as the economic base for an alternate coalition that constitutes a "potentially viable governing arrangement" (Imbroscio 1998, 242). There are in theory five broad scenarios for the development of brownfield coalitions, though this research examines only four of them.

TABLE 3

Brownfield Coalitions

	Growth Coalition	Municipal Coalition	Community-Based Coalition	Environmental Coalition	Factional City (No Coalition)
Principle Actors	Developers, Business, Local Officials	Mayor, Local Officials, Bureaucrats	Community Organizations, Local Officials	Environmental Organizations, Local Officials	No Principal Actors; Contesting Factions
Policy Priorities	Economic Growth/ Revenue Maximization	Economic Growth/ Revenue Maximization	Community Development/ Economic Development	Environmental Quality, Public Health, Land Use Planning	No Single Priority
Degree Of Citizen Participation	Low	Low-Med.	High	Med-High	Low-Med

- Growth Coalition.** Most New Jersey cities are governed by pro-growth regimes dominated by developers, corporate actors and growth-oriented local officials (Karcher 1998). However, these do not exist in three of the four municipalities under review here. Most suffer from disinvestment and the high unemployment and poverty rates that accompany economic decline. Newark, however, does have a cadre of growth actors who have furthered private investment in the city. All of their activity, however, has been concentrated in one area -- the central business district (CBD). Within the CBD, Newark appears to operate as a standard growth machine, but neither investors nor urban administrators have any interest in developing the city outside of this limited sector. Such a narrowly-focused cadre may be termed a *Concentrated Growth Coalition*.

- ***Municipal Coalition.*** A municipal coalition is dominated by local officials, especially a strong mayor. The city administration is sophisticated and organized. The municipal government is adept at applying for federal and state grants and other programs and has a strong institutional capacity to implement programs. Such regimes will pursue the priorities of the mayor or other leading public officials. The municipal goal may be revenue maximization, in which case brownfield programs will be used to attract rate-paying facilities. Alternatively, the city may have a land use plan with a comprehensive economic development agenda and will use the brownfield program to achieve these goals. Trenton is an example of a municipal brownfield coalition.
- ***Community-Based Coalition.*** As discussed in Chapter Two, New Jersey's Brownfield Program failed to require an official role for the community in the local decision making process. The state's attitude toward community involvement is reflected in a phrase that is commonly used by officials: "community buy-in." Many officials interpret community participation to have value only to the extent that it prevents damaging opposition that could derail a redevelopment project. Despite this bias against full-scale community participation, some communities have mobilized to block projects and influence outcomes. A "community-based coalition" includes two dominant groups: "the leaders of community-based groups, rooted largely in the city's neighborhoods, and their allies who have captured the public power of city government via the electoral process" (Imbroscio 1998, 242). Challenging the influence of development interests, community-based brownfield coalitions tend to seek results that favor neighborhoods. Such coalitions are more likely in federal pilot cities, because the EPA's Brownfield

Assessment Demonstration Pilot Awards Pilot Program requires community involvement. Camden's brownfield coalition is community-based. Trenton's has community involvement, but the process is controlled by city officials. In Camden, the process is community-driven and to a large extent, community-controlled.

- ***Environmental Coalition.*** Statewide environmental organizations have formed coalitions with local organizations in some cities to influence the brownfield process. Environmental organizations have two interests. To implement stringent cleanup standards that reverse damage done to soil and groundwater, and to support urban infill development as a way to preserve rural and suburban open space. In theory these goals could be the basis for urban-suburban brownfield coalition building among environmental organizations. But in practice, environmental coalitions have not been central actors at the local level.
- ***Factional City.*** Some cities may experience internal conflict sufficient to preclude the successful development of a brownfield policy coalition. While such cities may have taken the initiative to apply for brownfield incentives, they lack the cooperation among disparate groups needed to produce results. Conflict and indecision may cause remediation and redevelopment to flounder. Paterson is such an example.
- ***Incapable City.*** Finally, some cities may lack the institutional capacity and administrative sophistication to apply for state or federal brownfield programs. Although they may have an abundance of brownfield sites, they may not have identified them, may lack the capacity to apply for government programs, or may not even be

aware of the state Brownfield Program. Such cities, such as Bayonne and Asbury Park, which are not participating in the federal or state programs, lack brownfield coalitions.

As the following chapters will demonstrate, in the context of local politics each of these different coalitions pursues its own goals via its own methods. As a result, the shape and substance of the State's brownfield program looks very different in each city. As it is currently formulated, the program already exacerbates inequities among communities and cities with regard to environmental quality and urban revitalization by producing the best outcomes at sites with the highest market value and the worst outcomes at sites with a low value. Political culture adds a further dimension to this pattern. Cities with disorganized, ineffective, or fractious brownfield coalitions are incapable of managing the responsibilities of second-order devolution.

CHAPTER 5

TRENTON: A MUNICIPAL COALITION

Our survey of local brownfield politics in New Jersey appropriately begins in the capitol. Like most of the State's cities, Trenton lacks a growth machine. But as a government center, Trenton's economy is less dependent on the private sector than other cities. The business sector is weak and there is almost no developer interest in brownfield sites, which has translated into limited opportunities to form cooperative public-private relationships. Instead of a growth coalition, Trenton is ruled by a strong, relatively autonomous city administration that has always taken matters into its own hands, guiding development. Although the city has some strong community organizations, they are involved only to the extent that civil administrators allow. Trenton is controlled by what may be termed a municipal coalition.

A municipal coalition is dominated by local officials and depends on a strong mayor supported by staff and departments that have the capacity to accomplish goals. Programmatic priorities are established by the mayor and by other leading public officials. Municipal coalitions must be sophisticated and organized in order to achieve their goals. They tend to be adept at applying for federal and state grants and to have a strong institutional capacity to implement programs. When new responsibilities are passed on to municipal regimes, as they are under devolutionary brownfield programs, the coalition will take control of the new program, initiate projects, and lead the way. Growth coalitions rely on electoral power to keep business-friendly officials in office, and therefore often include a sector of the citizenry. Municipal coalitions are even more

dependent on a constituency and will include racial or ethnic segments of the population that provide electoral support to the municipal coalition.

Municipal coalitions may include community-based organizations. The brownfield program in Trenton is oriented toward neighborhoods, and community organizations and even some residents sit on the Brownfield Task Force. Although the program appears to be participatory, the local political culture has fostered a governing style that is more paternalistic than cooperative. Benevolent city officials and city planners believe they know what is best for the communities and express frustration when residents disagree with their plans. Also, not all community organizations are incorporated into the governing regime. Some organizations, such as Martin House, have a contentious relationship with city hall, and are excluded from the governing coalition.

Trenton's municipal coalition has borne up to the responsibilities of the devolution of site remediation and redevelopment as well as could possibly be expected. The city has a high degree of administrative capacity for redevelopment. A staff of professional planners and engineers dedicated to redevelopment have been successful at grantwriting and seeking other innovative funding mechanisms. But despite the determination and creativity of the city's administrators, Trenton's brownfield redevelopment program is far from being a success. Financial shortcomings account for part of the problem. Another problem, however, issues from the composition of a coalition that lacks both growth actors and meaningful community participation. Trenton officials face the daunting task of fostering development in a city in which there is virtually no private sector interest. They are also disinclined to promote neighborhood projects that do not produce revenue, although they have on occasion bowed to pressure

from local activist groups. Trenton's brownfield coalition has had some success advancing economic growth and community development.

THE FALL OF TRENTON

Trenton, located in Central New Jersey on the Delaware River, is the capital of New Jersey. The city had a 1998 population of 84,494, 49 percent of which is African American, and 14 percent Latino (1990 Census Data). Located in Mercer County, one of the wealthiest counties of New Jersey, Trenton is a poor city. Mayor Palmer (1998) notes that "the disparities between the poverty that exists in Trenton and the nearby affluent suburban communities have become all the more extreme" in recent years. The poverty rate is 18 percent compared to 3 percent in the surrounding suburban areas of Mercer County. The median household income is \$25,719, compared with \$41,227 in Mercer County. The unemployment rate is 8.8 percent, which is double the state and national rate (EPA 1998a). In addition to jobs, the city also lacks open space, recreation areas, and housing. The area has the highest concentration of brownfield sites in the region, and the city's residents have high rates of infant mortality and childhood lead poisoning. As of 1993, 185 brownfield sites were identified in the city, including two extensive contaminated facilities, the Magic Market site and the Thropp/V&S site (EPA 1998a).

Trenton: Socioeconomic Profile*

Population (1998)	84,494
Population Change (1990-1998)	-4.7
% White	42.2
% Black	49.3
% Hispanic	14.1
Per Capita Income (1990)	\$11,018.00
% Below Poverty Level (1989)	18.1
Unemployment Rate (1998)	8.8
% City Revenue from State (1996)	97.1

*Source: 2000 *City and County Extra: Annual Metro, City and County Data Book*, 9th edition, Deirdre A. Gaquin and Kathleen A. DeBrandt, eds. Lanham, MD: Bernan Press.

Trenton once was prosperous. Locational advantages gave the city a head start in the industrial revolution. In 1738 Trenton was a stopover place for passengers and freight traveling between New York and Philadelphia, and the Delaware and Raritan Canal, which opened in 1834 and went through Trenton, provided a crucial waterway between the two cities. By 1932 railroads had replaced canals, but the freight and passenger routes intersected in Trenton, where a large industrial complex grew. The city was established as a prominent manufacturing center early in the nineteenth century, producing flour and iron at first, and later, manufactured products such as steel, paper, wood, cotton, bricks, pottery, and rubber. The city's industry peaked in the mid-1880s, when the first steel cable in America, used on the Brooklyn Bridge, was produced by the Roebling Steel Works. Trenton was a booming industrial center by the end of the nineteenth century, with a population of over 57,000 (Cumbler 1989, 2). The golden age of industry lasted until the 1920s.

Shifts in the national economy undermined Trenton's prosperity. The steel industry declined as other regions that had better access to raw materials and markets gained dominance. Trenton was the leading pottery producer in the nation in 1880, but

the industry began to decline following strikes in 1883 and 1884, followed by the creation of new plants in the Ohio Valley. The city still produces ceramics, and contains some of the oldest continuously operated potteries in America. The rubber industry had a short heyday in the early 1900s when it was the tire capital of the nation, at a time when automobile tires needed replacing on a monthly basis. After World War I, however, the rubber industry in Trenton had collapsed as manufacturers in Ohio became predominant (Procter and Mutuszeski 1978).

Trenton's industries enjoyed a brief revival during the 1940s when factories mobilized for war production. However by the 1950s, jobs in pottery, textiles, clothing and tobacco disappeared in large numbers (Cumbler 1989, 138). The decline in manufacturing was partly offset by state employment growth: there was a 33 percent growth in public sector employment in the 1950s (Cumbler 187). But when middle-class whites moved to low density housing in the nearby suburbs during the 1950s and 1960s to pursue their American dreams, Trenton became increasingly a city of minorities and the poor. Unemployment rates soared, and city schools lagged behind their suburban counterparts. Similar trends afflicted many other major American cities during this time. Some experienced revitalization; Trenton did not. The decline that began in the 1920s and was exacerbated in the 1950s and 1960s continues today.

A state government building boom in the 1980s created jobs and hope for the future. "State government is the only game in town," attested one Trentonian. "It's our Atlantic City casinos"(Cumbler 1989, 181). But the capitol construction was not integrated with the community nor did it lift the city out of blight. Instead it created an island of office buildings surrounded by parking lots that separate the state complex from

the rest of the city. There is little social or economic interaction between the local residents and the state employees who “huddle inside fortresses”(Cumbler 1989, 4). Outside of the state offices, most neighborhoods are poor and blighted, and plagued by vacant and boarded up houses. The public school system is troubled, crime and drug activity is widespread, and the economic and social needs of the poor are as serious as ever. Most industries have shut-down or relocated to the suburbs and the downtown business district is a potpourri of glitzy new and restored old state office buildings, decaying residential districts, and an unsuccessful shopping district in a pedestrian mall. The downtown capital district empties out at five o'clock when state employees hurry home to the suburbs of New Jersey and Pennsylvania (Kocieniewski 1999).

Waterfront Park, built along the Delaware River in 1994, includes a ballpark and stadium. It has succeeded at bringing people into downtown Trenton for ballgames or entertainment, but has failed to halt the decades-long trend of decreasing property values and increasing property taxes (Hester 1999c). The story of Trenton's recent attempt to build a hotel and conference center illustrates the desperation of the city's economic condition. Today, Trenton is the only capital city in the nation without a hotel. The city tried for years to attract private investors to build one, but after it was evident that there was no private interest, the city proposed tax-exempt unguaranteed bonds in 1998. But the city is now guaranteeing \$31 million in bonds to pay for the proposed Marriott Hotel. The city has wanted a hotel for years and lacking investors, has had to put up the funds to build it. If it should fail, the city's taxpayers will be responsible for an average of \$2.13 million in annual debt payments. Mayor Palmer asserts that “the project is strong and will work” (Hester 2000a). But Moody's Investors Service is less sanguine. Citing as

concerns “a stagnant tax base, a high debt burden, high unemployment and poverty rates, a declining population and the city’s nearly \$800 million in tax-exempt properties,” Moody’s has recently revised its outlook on Trenton’s finances from stable to negative (Hester 2000b).

The problems over the Marriott Center typify the new pattern of development in Trenton. There are almost no private sector actors willing to invest in the city, so the municipal government is forced to take the initiative. It is this need to be proactive that accounts for the city’s particular political culture, which fosters municipal coalitions.

TRENTON’S POLITICAL CULTURE

Cumblér (1989) describes Trenton’s industrial heyday as a period of “civic capitalism.” During this time, the city’s industrial leaders and business entrepreneurs forged ties with each other, forming a unified coalition that empowered them in their dealings with banks, city hall, the statehouse, and even Washington. The private sector had civic responsibility and looked out for the interests and welfare of the citizenry. What was good for Roebbling Steel was not always necessarily good for Trenton, yet the healthy industrial economy did have its analogues in an effective government and strong communities. Economic concentration brought about the demise of civic capitalism. As local factories were bought-out by national corporations at the beginning of the twentieth century, there were fewer locally-owned companies. Business decisions, once made locally in collaboration with public leaders, were now made far away at corporate headquarters. Manufacturing jobs vanished as many firms closed down or moved to western states. The city, once reliant on the civic involvement of local business leaders, was now on its own. “Trenton was an early loser in the shift from civic to national

capitalism,” Cumbler (1989) notes, and while some cities struggled back, “Trenton did not recover” (6).

During the period of civic capitalism, business leaders and elected officials shared the administrative burdens – and financial rewards – of leadership. As the industrial presence ebbed, civil leaders might have looked for new partners in governance among other sectors – community groups, for example. However, because urban officials were accustomed to patterns of oligarchic rule, they filled the void left by private capital by expanding the role of the municipal bureaucracy, an option that was facilitated by federal programs that provided assistance to cities. The political culture of Trenton reflects the effort over decades of a civic-minded government that has seized every opportunity to improve the quality of life in the city.

One ironic side-effect of this expansive bureaucratic culture, according to some municipal leaders, is apathy on the part of Trenton’s citizenry. According to Alan Mallach, the city’s director of Housing and Development,

There is a historical civility about political discourse in Trenton. People are civil and work together. There’s a citywide co-dependency between the citizens and city government. People feel that “Mama Trenton” will solve [their] problems, so individual initiative and activism is discouraged. (Interview 1999).

Apathy is fueled further by a fatalistic sense of the limits of popular action in the face of historical change. Mallach observes that most of the city’s activists are imports, including the founders of Isles, the city’s dominant community-based organization, who started the organization in the 1960s while attending graduate school at Princeton University.

What the city lacks in the renewable energy of citizen participation, it redresses through visionary leadership. A zeal for innovative solutions is deeply imbricated in the

city's political culture. Trenton, Cumbler (1989) notes, "has always been a progressive city led by forward-looking people" (189).

The City had a tradition of being in the forefront of innovative urban ideas and was quick to adopt the latest concept that the nation had to offer. Early in its history, Trenton spearheaded the commission form of government ... Trenton's business leaders were active boosters, advertising the city and its attributes. The city invested heavily in internal improvements, parks, street lighting, a water and sewer system, and a port facility on the river; and it adopted the latest ideas on professionalism of its police and fire departments. When ideas of municipal zoning were first developed, Trenton set up a commission and hired a New York City planning expert, Herbert Swan, to draw up a zoning ordinance. When commission government went out of vogue and city managers came in, Trenton made the switch. Businessmen adopted progressive management techniques and the latest in technology. The city's chamber of commerce did not let a single idea for civic improvement go unconsidered. When the urban experts discovered urban renewal, Trenton "renewed." When center-city malls and pedestrian walkways were cited as the means to save the downtown, Trenton closed off State Street and built malls. (Cumbler 1989, 189).

The failure of these past attempts to revitalize the city has not damned the enthusiasm of Trenton's municipal leaders for new solutions.

In keeping with this political tradition, Mayor Douglas Palmer, an African American Democrat who was elected in 1990, has actively pursued a course of redevelopment and revitalization. Brownfield redevelopment has been a major element of his agenda and quality of life issues figure prominently (Hester 1999b). "We try to ensure that economic development touches the local citizens," said Palmer (Hester 1999c). Palmer was the only US mayor to testify before a congressional committee in Washington, DC, calling for the federal government to increase funding and assistance for urban brownfield sites (Aseltine 1997). Under Palmer's leadership, Trenton opened the Waterfront Park in 1994, the Roebing Market in 1996, and the Battle Monument in 1997. In addition, since his election nearly 1,000 residential units have been constructed or substantially rehabilitated. As one of

his deputies testified, “few cities, in New Jersey, or throughout the United States, have made a more concerted , deliberate, effort at rebuilding than has Trenton since the election of Mayor Palmer in 1990” (Mallach 1998).

Palmer brought Alan Mallach to Trenton as Director of Housing and Development. Mallach was the principle architect of the city's redevelopment plans and the success of Trenton's brownfield initiative is largely attributed to his visionary leadership. He is universally revered, both inside and outside of government, and put his stamp on the city's development programs. Mallach received EPA's 1997 Environmental Quality Award for his “outstanding efforts in housing and environmental issues, particularly in connection with reclaiming abandoned industrial sites” (Asepline 1997). He recalled:

When I came to Trenton in 1990 we had a sense that the city was in serious straits. We had to make change happen, to jump-start a city that had gotten accustomed to the idea that it was sinking into oblivion. So we had to do everything all at once. We did not have a big window to keep this city from going down the tubes. We initiated projects and plans all over the place. Redevelopment is the top priority. (Mallach 1999).

By 1997 Mallach and Palmer had developed a detailed, focused, realistic blueprint for action. Their multi-pronged, five million dollar redevelopment plan makes provisions for (1) a downtown Trenton, including the Hotel/Conference Center project; (2) industrial development; (3) brownfield cleanup and redevelopment; and (4) housing and neighborhood revitalization (Palmer 1997). In 1998, the administration followed up with a Master Land Use Plan for the city, one of the few municipalities in the state to do so. Besides rebuilding the city, the plan includes social services, including treatment for drug addiction, education and recreation programming, and job training. Unlike other urban leaders in New Jersey, Trenton officials do not seek ratables for the sake of revenue;

improving the quality of life for city residents takes precedence. Thus, although the plan promises to pursue “proposals for new commercial and entertainment development,” it also promises to “preserve and maintain the historical character and scale of the downtown and the residential neighborhoods that make Trenton unique” (Palmer 1998).

TRENTON’S BROWNFIELDS

Of the four cities examined in this study, Trenton is the most visionary. “The vision for the city of Trenton’s future is “to once again become a working, healthy, city” (Palmer 1998, 2). Trenton’s goal is to become a sustainable community and to that end the city has explored the possibility of building eco-industrial parks and is trying to recruit green businesses. Trenton’s vision and master plan is more comprehensive and nuanced than other cities, the approach is more aggressive and pragmatic. Rather than blindly pursuing commercial development, the city “looks at sites in their neighborhood context and aims to redevelop according to neighborhood needs” (Christina Interview 1999).

This goal is more ambitious than it sounds, as most brownfields in Trenton are small sites that are hard to develop for modern industrial or retail purposes. The decline in manufacturing left more than 300 acres of potential brownfield sites. The exodus of large industrial firms left Trenton with “antiquated multistory factories, crammed into residential neighborhoods” (Aseltine 1997b). These are unappealing to “big box” developers, who typically seek sites at least 10 acres large. Because Trenton’s brownfield sites are interspersed with residential neighborhoods, they pose particularly dire health hazards. Environmentally related health problems such as high rates of infant mortality and childhood lead poisoning plague city residents.

The city is considered a national leader in brownfield redevelopment. Trenton began to address brownfields in 1994, when New Jersey Legislature created the HDSR Fund. Trenton submitted the first application for an EPA Brownfields Assessment Pilot Grant and was the first city to win an award in September 1995. Under the Pilot program the city began investigations at 15 brownfield sites, and completed PA/SI on four sites. Trenton also created the Brownfields Environmental Solution for Trenton (BEST) Advisory Council, which consists of state, municipal, federal, community, and professional stakeholders who meet monthly to discuss and evaluate the city's brownfield effort. By the end of 1997, over 30 sites were under investigation or redevelopment. Seven of these sites have been remediated and redeveloped for residential, commercial or industrial use. Six sites are in the process of redevelopment, and the others in various stages of investigation and remediation. These include the Crane Site, formerly a pottery, which has been remediated and redeveloped into a mixed-use facility housing various small manufacturing plants and other businesses, bringing several hundred new jobs to the city. The former Champale Brewery is being converted to a family entertainment center and the warehouse on the site is being converted into a food processing plant. The Reservoir Street site, is being transformed into low-income housing units. Citing the city's good progress on brownfield redevelopment, its strong record of community involvement and its well-developed strategic plan, the US EPA designated the city a Brownfields Showcase Community in 1998 (EPA 1998a). However New Jersey's Brownfield Program is not responsible for Trenton's success, the city has received a total of \$1.9 million in federal brownfield grants and loans, more than any other city (Cahill 2000). And contrary to the free-market philosophy of the state program, city officials

have opted to use the federal money to clean properties before turning them over to private developers “rather than try to attract a private developer—an impossible task” according to Christina, Trenton’s Brownfield Coordinator (Arnold 1999).

Despite the city’s apparent success, Jim Harveson, the city’s director of Economic Development is cynical about Trenton being held up as a model for brownfield development.

The state is using it to justify how effective their program is. But look at the major projects in Trenton: most are 50 percent public subsidy to make the projects work. If someone tells me they have an investor willing to spend a million dollars, I know that means we have to match it with a million to make the project work. We aren’t at the point where private dollars are financing redevelopment for us (Harveson Interview 1999).

Trenton has taken aggressive actions to acquire brownfield sites through tax foreclosures, sale of tax certificates, and condemnation. But despite the incentives offered by the state Brownfield Law “there’s no private interest in our sites. Not at Thropp, not at Magic Marker” (Harveson Interview 1999). As with the Marriott hotel and convention center project, lack of private interest has compelled the city to shoulder an inordinate amount of the financial burden. According to Michelle Christina, the city’s Brownfield Coordinator, to foster redevelopment, “we have to almost give property away and the city has to indemnify developers” (Interview 1999). “We have to sell our industrial sites at very low cost” affirms Harveson, “and we can’t use the loans offered by the state because the costs of cleanup doesn’t equal the value of the clean property” (Interview 1999).

Mallach sums up the problem:

Every city in the state is chasing industry and offering free land, tax breaks, grants and infrastructure improvements. How can we compete with other cities? Trenton has absolutely no locational assets. What we’ve accomplished has been from sheer will power. Will power is important, but it only goes so far. (Interview 1999).

An example of this will power is the Crane development, the first speculative building built in Trenton in the past 30 years, erected on the Crane brownfield site in 1999. The circumstances of its construction were hardly typical. First, the city released the developer from all liability for any contamination that might be found on the site. Second, the developer had to mortgage his house to finance the construction. “Now how many developers are there willing to put their own house on the market?” asked the city’s Brownfield Coordinator (Christina 1999). So Trenton’s biggest brownfield success story to date was due to extraordinary sacrifices.

COMMUNITIES IN TENSION

Although Mallach criticizes the residents of Trenton for their apathy, his observation says more about the perspective of one who serves within a municipal coalition than about the nature of the citizenry. The keen sense of civic identity felt among Trenton citizens is demonstrated by the fact that that the city has three local newspapers. By way of comparison, neither Camden nor Paterson – cities of comparable size – has even one. Also telling is the fact that Michele Christina, Trenton’s Brownfield Coordinator, feels heckled by her constituents. “Outside of Trenton I’m a hero: everyone thinks we’re doing great work. But I go to community meetings here and all they do is complain that we’re not doing anything for their neighborhood” (Christina 1999). Jim Harveson, Economic Development Director, who has also been booed at community meetings, reiterated her sentiments.

Their comments are surprising, because Trenton’s brownfield initiative has received kudos from the USEPA and USHUD for soliciting input from community

organizations. Trenton has formed an institutional brownfield coalition that includes personnel from the state DEP, EPA Region 2, the Institute for Responsible Management (a private research and consulting firm), the New Jersey Institute of Technology, Rutgers University, Thomas Edison State College, and Isles, Inc., a private non-profit community organization. This latter organization was commissioned by the city to coordinate its community outreach efforts. Of the four cities in this study, Trenton was the only one in which a community member sat on the local brownfields committee. The Office of Housing and Economic Development works closely with some communities. Christina says she receives calls virtually every week from representatives of the North Trenton Community Improvement Association (NCIA), the community organization in the Magic Marker neighborhood (Interview 1999). The Mayor is open to public participation. "He doesn't have a reluctance, as many urban leaders do, to engage the public" (Lord 1999). Compared with other New Jersey cities, Trenton is very good about engaging in dialogue with its citizens and communities. Mayor Palmer is known for his open-door policy, for attending community meetings, and for being a neighborhood advocate.

But Trenton is governed by a municipal regime with a history of favoring centralized authority. Most of the city's status as a model of community participation derives from its relationship with one prestigious organization, Isles, which "became a major part of the city's organizational world in the 1980s" (Mallach 1999). Isles is adept at securing grants, publicizing their work, and cultivating a statewide, if not national, reputation. The bureaucracy rests on its beneficent reputation and relies heavily on Isles to fulfill its mandate to involve the community. But it does so at the expense of other

community organizations, which have had less success working with the city on brownfields issues.

The City Council is one assembly of community advocates that has expressed frustration with Trenton's municipal regime. At the root of the problem are the different goals that Council members and bureaucrats have for redevelopment. City Hall wants industrial development wherever possible as a way to create jobs and revive the economy. City Council members are generally opposed to the idea of bringing in factories. They favor parks, housing, and commercial development. A Trenton economic development official dismissed this vision in disparaging terms

The Council are a bunch of knuckleheads and the community are idiots because we should keep industry in cities where we have a workforce and where sites are not going to be used for any other purpose. Lots of the people here have never worked or are retired — they don't care about the jobs industries create. It amazes me. Apex lumber just relocated to a brownfield site that had been vacant for ten years. It agreed to hire people from the neighborhood. And what did the community say? "We don't like the trucks." They don't support economic development. To me, this is just common sense. (Interview 1999).

Despite their lack of enthusiasm, the City Council continues to authorize almost every project submitted for their approval.

Other cases of redevelopment in Trenton suggest the limitations of citizen participation within a municipal regime, at least under the current loose structures of New Jersey's Brownfield Act. The city's reputation for being a national model for community participation in brownfield redevelopment is based primarily on the history of the Magic Marker site, which closer inspection reveals to be an exceptional case.

THE MAGIC MARKER SITE

For almost 50 years since the 1930s, the Magic Marker site housed facilities that manufactured lead-acid batteries. Toxic chemicals and lead were unceremoniously dumped on site. One of the least pleasant byproducts of pollution was also its most noticeable – a powerful noxious odor emanating from the plant. Residents still complain of chemical smells, although battery operations have long since ceased. During the 1980s the battery factory was sold to the Magic Marker Corporation, which converted the plant to produce pens at the site until the company filed for bankruptcy in 1989. Magic Marker is not believed to have contributed significantly to the contamination, but the company left the building in tax arrears by about \$.3 million dollars and left drums of toxic ink waste.

The site is located in a North Trenton neighborhood that thrived in the early 1900s, when “the industrial base attracted an unprecedented in-migration of African Americans from every region of the county” (Starr 1990, 20). The first African American school in New Jersey was built in this neighborhood (Washington 1990). However industry gradually left the area, leaving many vacant buildings and lots. The neighborhood is now blighted, with few stores, many deteriorating structures and a flourishing drug trade. The community has no playground, laundromat, grocery store or drug store and would like these basic amenities. The Magic Marker site is situated in the middle of a residential neighborhood with an elementary school and a firehouse directly across the street. Dunham Street, with about 300 residences, borders the site only one

hundred feet away. There is anecdotal evidence of elevated incidence of environmentally-related disease in residents living near the site.¹

In July 1997, the NJDEP requested that the EPA conduct a site investigation. The EPA found 200 steel and plastic drums, some deteriorating, containing a wide variety of chemicals. There was also evidence of trespassing and vandalism at the site, indicating the potential for direct contact by the public with the chemicals, posing a public health threat. In November of the same year, EPA conducted an Emergency Removal Action at the site. EPA tested and removed 10 to 12 tons of toxin-laced debris from the plant, along with the 200 drums (Aseltine 1998a). EPA also sampled areas of the property near the building and found no indication of further serious contamination that would pose a risk to public health. The cleanup, which cost \$450,000, was funded by the federal Superfund program, and was completed in 1998 (EPA 1998b). Demolition of the building finally began in the summer of 1999. The process was delayed because the city was trying to get the former company, Gould Battery, to help pay for the remaining cleanup. After a great deal of hesitation, Gould finally decided to cooperate, primarily because they "realized cleanup costs were likely to be less than the legal costs of a court battle (Christina Interview 1999). Most of the \$400,000 required to demolish the building was paid out of the city's capital budget.

The remediation of the Magic Marker site was due in large part to the activism of an elderly African American couple, James Rolling, a retired janitor, and his wife Louise, a retired seamstress and home health aid. When the Rollings moved to Dunham Street in 1951, 100 yards from the plant, they quickly found that the acid smell from the factory

¹ Isles received a \$275,000 donation from First Union Corporation in September 1999, which it is using to study the health impact of environmental hazards at the site (Hester

stunk and burned their eyes. Like other Dunham Street residents, they found it impossible to sit outside. Fumes from the factory killed all the maple trees lining the street.

Residents appealed to Mayor Holland to improve the air quality around the factory and as a result scrubbers were installed in 1957. But the smell remained a problem for decades (Rolling Interview 1999).

Since the early 1950s, James Rolling tried to get the city to take action on the site. “We always knew something was wrong with the site, but we didn’t know how dangerous it was” (Interview 1999). City officials would tell him “We’re looking into it” (Rolling Interview 1999). Rollings believes that racism explains the long delay in addressing the environmental conditions at the site. Indeed, there is documentation that the DEP had been aware of the problem since 1976, when investigators first found PCBs, lead, arsenic, and petroleum hydrocarbons in the soil. Five notices of prosecution were issued to Gould Battery after 1982, but the state took no further enforcement action (Guscoria 1998).

It was not until they retired that the Rollings took up arms against the plant. When the plant was abandoned in 1989 they attempted to take advantage of the opportunity to have the facility cleaned up. But they didn’t have much luck in the beginning. “I didn’t know the avenues to use to get action,” said Rolling (Interview 1999). “What can you do when you’re living in a poor neighborhood and you don’t have a voice? You can fold and run, but where do you go? We decided we would fight. We couldn’t afford to move away. Anyway, we were redlined—we had to buy in this neighborhood” (Rolling Interview 1999). But it was not until the election of Douglas Palmer and the partnership

1999).

with Isles that things started happening. Palmer was the first African American mayor in Trenton and he paid attention to poor, African American neighborhoods.

In 1993, the Rollings were contacted by a community organizer from Isles to discuss the Magic Marker site. Isles wanted to tackle the brownfields issue and chose to focus on this site, which was posed health hazards and environmental justice issues. They organized a community meeting in 1994 and invited some former factory workers to speak about their experiences at the plant. In 1995 the Rollings established the Northwest Community Improvement Association (NCIA), and began to hold regular meetings in each other's homes to discuss the future of the site. According to Rolling, by 1999, NCIA could easily assemble 100 community members when they need to. Through "persistence, and aggravating people" the organization furthered its goals. Vice President Al Gore met with the group in 1995. The Rollings were appointed to represent the community at the BEST Council, established by the City in 1995 to serve as a brownfield advisory board. NCIA's community organizing and activism helped the City win the EPA Brownfield Pilot Grant and later the Brownfield Showcase Award. NCIA's involvement with the Magic Marker site was good public relations for Trenton's brownfield initiative, and Mayor Palmer and the Department of Housing and Community Development benefited from this.

The success of the NCIA is largely attributed to the active role played by the experienced staff at Isles, whose strong ties with the city government ensured that officials were receptive to the community organization. According to Alan Mallach, Isles was "a godfather group to the community." Isles's sponsorship legitimated NCIA in the eyes of Trenton's municipal coalition, and allowed the Rollings' voices to be heard. Isles

has also continued to foster the NCIA. For example, in 1997 the nonprofit sent several members of the community group to a five-month seminar on issues related to hazardous waste and site remediation at Rutgers University. Isles provided NCIA with the technical and organizing assistance that helped them be more effective and influential. In return, Isles benefits from its association with NCIA. Mallach notes that Isles, "a massively aggressive organization," uses the Magic Marker site "as a focus for their fundraising and publicity efforts" (Interview 1999). Isles has initiated several community organizing projects in Trenton.

With Isles's support, the NCIA has expanded to address a wider range of community issues. The group united the community "in a way where we can get things done we've been wanting to do for years," according to one member (Isles 1997). NCIA continues to hold regular neighborhood beautification projects, such as stream cleanups and tree and flower planting. The group was also successful in preventing a liquor store and a check cashing store from relocating in the neighborhood. They organized about 400 people to attend a city council meeting and the council called an immediate vote and nixed the check cashing operation. This victory was empowering to the community and also sent a message to the Palmer Administration that "we're here and we're not just a bunch of crazy people that are gonna bitch and moan" (Lord 1999).

Within Trenton's paternalistic regime, community groups such as the NCIA must continuously fight to maintain their position in the political arena. Assuming that they know what is best, city official typically denigrate community goals. Karen Waldron, formerly Trenton's Brownfield Coordinator, complained that neighborhood groups had the potential to derail viable projects:

Community involvement is a double-edged sword — it can create a monster. At Magic Marker, the community wants a shopping center and a grocery store. But Alan [Mallach] wanted to put low income housing there. That makes the most sense from a planner's perspective. But the residents don't want that (Interview 1999).

Community groups also have different perceptions of success and process. The NCIA's goal was to see the building demolished. "If we don't do anything but get this site cleaned up for the next generation in this city, it will be enough" said Rolling. But for the Director of Housing and Economic Development, remediating the site is only the beginning of his task. Mallach has to figure out how to remediate and redevelop the site with no private sector investors. "The outcome," he notes, "is far from assured" (Interview 1999). No private sector developers have shown an interest in the site.

Because government bureaucrats generally see neighborhood activists as obstacles to effective administration, the state's Brownfield Act of 1998 removed earlier provisions that reserved a role for the community in the planning process. Rolling was not surprised by this. "The governor doesn't want the community at the table," he noted. "[Her administration thinks] community input slows down projects. They'd rather we weren't involved. Then they could put down slabs," encapsulating the contamination in concrete instead of excavating and removing the contaminated soil (Interview 1999).

Rolling is particularly concerned that the Whitman administration substitutes empty symbolic gestures for genuine commitment to urban revitalization, co-opting the endeavors of the NCIA while failing to support its efforts in a meaningful way. "We have seen the governor and other politicians come into this community praising us for our work and using this site as a prop for photo opportunities," he notes (Hester 1998).

Although the state has not contributed any funds to the Magic Marker project, Governor

Whitman stole the credit for the facility's redevelopment by choosing the site as her platform for two major public speeches. Ironically, these were the speeches in which she announced the New Jersey Redevelopment Act and the Brownfield Act, legislation that undermined the sort of community activism that accounted for what progress had been made at the Magic Marker site. Perhaps to ameliorate local resentments, the Governor presented the NCIA with an award for voluntarism in 1998. What the NCIA wants however, is not gestures of good will, but funding to cleanup and redevelop the site. Standing on the Rollings porch, one can see the brand new gold dome on the statehouse shining in the sun. In disgust Mrs. Rolling remarked, "We could have done the whole Magic Marker site with all that money" (Interview 1999).

The attempts of the Whitman Administration to usurp credit for the Magic Marker site suggests the fragility of community power. The Rollings and their allies in the NCIA were able to effect change at the Magic Marker site, but this was possible only through the sponsorship of Isles, an established nonprofit organization. Without Isles's imprimatur, the NCIA might never have attracted the attention of the paternalistic leaders of Trenton's municipal coalition. Once their program was advanced, the leaders of the NCIA were honored in nonsubstantial ways calculated to advance the status of those who paid the tribute. The Magic Marker site is held up as a paragon of the participation within New Jersey's program of brownfield reform, but in fact it is a highly ambiguous success.

THE THROPP SITE

The experience of Father Brian at the Thropp site reveals an even less favorable picture of community activism in Trenton. The Thropp site is located in the Wilbur section of Trenton, a low-income African American community replete with substandard housing and vacant buildings. The site was first used as a foundry and subsequently a succession of various manufacturing operations. (Records show 14 different owners since 1916.) The building remained in use until the 1980s when it was abandoned. The city took ownership of the site in 1988 and is negotiating to purchase the parcels adjacent to the Thropp building. A preliminary assessment on the property revealed moderate contamination: drums, above and underground storage tanks, soil contamination, and possible groundwater contamination. The building contained asbestos and lead based paint (Van Note-Harvey 1996). Adjoining the Thropp site is a junkyard, V&S Recycling. Today, the city hopes to convert both properties into a park for the neighborhood and adjacent school, which lacks a playground (Hester 1999a). Trenton's municipal coalition approved this plan only after decades of acrimonious agitation on the part of Father Brian McCormick.

Father McCormick is the director of Martin House, a community organization affiliated with the Diocese of Trenton. In 1970, McCormick founded Better Community Housing of Trenton, Inc., a nonprofit organization that combines job training in the construction trade with building and renovating affordable housing for area residents. Through Father McCormick's leadership, Martin House has worked on other neighborhood issues such as promoting desirable land uses and more open space.

Although McCormick has worked to improve the Wilbur community for thirty years – locals refer to him as Father Brian – he says it is still difficult for him to organize

neighborhood residents. "Everybody in this community is scared. No one wants to be here, they expect to be dumped on and they're mad about it but they aren't going to do anything about it cause they know they aren't going to win" (Interview 1999). The residents' defeatism is unwarranted, McCormick insists. In the late 1980s, Mayor Holland wanted to put the county incinerator in this neighborhood. "But we got up and fought the mayor and won." Race politics complicate his role. As a white man in an African American neighborhood, he finds it difficult to get community support to oppose the mayor's projects, even if they are clearly bad for the neighborhood. The African American mayor, Douglas Palmer will "turn and smile at you all nice and you feel like your going to melt and float out the door, forgetting that you came to the meeting to do battle with him" (McCormick Interview 1999).

In 1991, Vic Mazza, the owner of V&S Recycling applied for a permit to expand his junkyard operation into the Thropp site. The city was prepared to approve this, and Mayor Palmer wanted Martin House, as the local community organization, to support the project.

The mayor called us in three times to try to persuade us. He tried to sell the project by saying Mazza would clean up the site and create 60 new jobs. I said, 60 new jobs, that means there will be more trucks. And the mayor said "we don't expect any increase in truck traffic." (McCormick 1999).

Father Brian refused to support the junkyard expansion because it is located in a residential district 35 feet away from an elementary school. "We don't want to import suburbia's junk here," said McCormick. He was also quick to point out that V&S gave "tons of money to Palmer's campaign." The perimeter fence at the V&S facility sports a large Palmer campaign advertisement.

The Zoning Board, Planning Board, and City Council approved the project despite McCormick's objections. Martin House retaliated by filing suit against the decision, citing a

city ordinance of 1954 banning outdoor junkyards. According to Father Brian, “it took them maybe thirty seconds to admit it was illegal” (McCormick Interview 1999). Rather than abandoning the plan, the city spent ten months writing new ordinances for junkyards. As soon as those passed in 1995, Martin House sued the city again, reiterating that the business was inappropriate for a site zoned for residential and school use.

Finally in 1997, after bitter debate, the City finally capitulated and abandoned their plans for the junkyard. The city developed a plan to build housing and a park on the site. However, five months after applauding the city’s redevelopment plan for the Thropp and V&S sites, Father McCormick and 31 other neighborhood residents wrote a strongly-worded letter to the city Council President upbraiding the city for failing to follow through on its plans for civic improvement. “It’s moved much too slow,” the letter said. The City developed a redevelopment plan in conjunction with the Wilbur Community Action and Development Association, a political arm of Martin House. According to one community member, “There was and is no will to accomplish anything ... Our group feels it is left out ... Simply speaking, we are seen as not as important as other projects” (Hester 1998c).

In 1998, Trenton officials, in a surprise move, suddenly approved plans for Maaza’s expanded junkyard. Better Community Housing/Martin House immediately filed another suit against the city, accusing officials of colluding with Maaza. Martin House won the suit, and the judge ordered the city to foreclose on the site, which it did in 1999. The owner owes \$100,000 in back taxes. The city is now working with the community and supporting their plan for housing and a playground on the site.

It took local leaders three lawsuits over almost a decade before the coalition that rules Trenton heeded their wishes regarding zoning in their neighborhood. Comparing his

experience with the city's solicitousness of the community around the Magic Marker site, McCormick is understandably bitter. For their part, municipal bureaucrats perceive Father Brian as a litigious thorn in their side. Trenton's Brownfield Coordinator recalled, "I told him you can sue if that's what you think you need to do and that's fine, but I don't think you're going to find that a productive use of your energy and resources and the project won't be done any sooner" (Christina 1999).

Relations between community organizations and urban government are healthier in Trenton than in the other three cities investigated in this study. But they still fall far short of the ideal. The Whitman Administration presents Trenton as the model brownfield city, but even here things are awry. The Magic Marker site, New Jersey's brownfield poster site and model of public participation, has achieved only limited success through the convergence of favorable circumstances and dedicated city and community actors. The successes at the site owe nothing to the state's Brownfield Program. The city has been unable to attract private capital to rehabilitated sites, and has had to pay cleanup costs out of municipal funds. The paternalistic governing coalition has forged a strong bond with one community organization, in fact Isles has been called "an arm of city government." The example of Trenton demonstrates that even in a capital city, and one with dedicated officials and minimum corruption, local administration of site remediation and redevelopment is nearly an impossible job without state or federal support.

Paterson's political culture lacks many of the advantages of Trenton. Its brownfield situation therefore is even more dire.

CHAPTER 6

PATERSON: A FACTIONAL CITY

Paterson is a factional city, a morass of competing parties that make impossible the formation of effective policy coalitions. Paterson lacks not only private involvement in the governing regime, but has alienated and marginalized community organizations, has a conflictual relationship with the economic development corporation, and is wracked by conflict between city hall and the city council. A factional city like Paterson has proven to be too weak to accomplish the complex tasks involved with brownfield redevelopment.

Paterson represents a worst case scenario of second order devolution. Its experiences mount a strong argument against delegation of authority for site remediation and redevelopment to local governments. Without a coalition or agency to take control of brownfield redevelopment, the program has floundered. The absence of a regime or coalition combined with factional city government has created policy paralysis. Not only has no progress been made, but communication among groups has not increased and conflicts have sharpened. Rather than galvanizing Paterson's leaders into action, the brownfield program has fractured them further, exacerbating an already poor situation.

THE FALL OF PATERSON

Covering an area of 8 square miles, Paterson is located on the banks of the Passaic River in northeast New Jersey about 10 miles from the Hudson River and New York City. Its greatest topographical landmark is the Great Falls, a dramatic waterfall fed by the Passaic that drops over 80 feet into a gorge. Downtown Paterson and City Hall are

only a few blocks away. In 1998 the city's population was 148,212. Unlike many Jersey cities, Paterson's population has increased steadily since 1980, largely due to an influx of immigrants. Paterson is exceptionally diverse racially: three-quarters of the population are black or Hispanic, and there is a sizable and growing Middle Eastern community. The ethnic composition according to the 1990 census was 25 percent white, 33 percent African American, and 41 percent Latino. The employment characteristics of Paterson differ dramatically from the surrounding communities. The median household income in 1990 was \$26,960, 49 percent lower than the median household income for the Bergen-Passaic Statistical Metropolitan Area. About 18.5 percent of the city's population lives below the poverty level. Ninety-three percent of the housing is at risk for lead paint (Kanter 2000). The 1996 unemployment rate was 9.1 percent, compared to the statewide rate of 6.1 percent. A majority of the workforce (67%) is employed in manufacture and services; the major employers are hospitals, city government, and industry. Finance, insurance, and real estate account for an additional 7 percent of the jobs (PEDC 1998). Drugs and prostitution are highly visible in the city's poorer neighborhoods. The public schools, poorly managed, were taken over by the state in August 1991.

Paterson: Socioeconomic Profile*

Population (1998)	148,212
Population Change (1990-1998)	5.2
% White	41.2
% Black	36
% Hispanic	41
Per Capita Income (1990)	\$10,518.00
% Below Poverty Level (1989)	18.5
Unemployment Rate (1998)	9.1
% City Revenue from State (1996)	71.2

*Source: 2000 *City and County Extra: Annual Metro, City and County Data Book*, 9th edition, Deirdre A. Gaquin and Kathleen A. DeBrandt, eds. Lanham, MD: Berman Press.

Paterson is land poor. While there are about 2,000 vacant lots, they are small and scattered through the city. As one of the first industrial cities in the nation, Paterson has some of the oldest brownfield sites, contaminated from years of industrial activity. The city's aquifers are also polluted. About 75 lots have been identified as brownfields, though many more are supposed to exist. According to Anna Lisa Dopirak, the city's Director of Community Development, most of the polluted sites are "about a quarter of a block large and in residential neighborhoods" (Interview 1999). "People are used to living next to industry here," notes Frank Blesso, Consulting City Engineer for Paterson. "Residential and industry grew up side-by-side in this town" (Interview 1999). The history of mixed land use takes a toll on public health. A recent report found that every school in the city is near a facility that either emits toxic chemicals or stores them in high volumes; thousands of children in the city attend school within one mile of an industrial facility that emits toxic chemicals (NJWEC 2000).

Paterson was the first planned industrial city in the United States. As the city's greatest laureate, William Carlos Williams, explains:

During the revolution [Alexander] Hamilton had been impressed by the site of the Great Falls of the Passaic. His fertile imagination envisioned a great manufacturing center, a great Federal City, to supply the needs of the country. Here was water-power to turn the mill wheels and the navigable river to carry manufactured goods to the market center: a national manufactory. (Williams 1963, book 2, page 63).

Hamilton's vision of a national manufactory faltered when Congress rejected his bill to establish an industrial complex in Paterson, but he remained confident of the city's potential. In 1791, he gathered a coterie of wealthy investors and founded the Society for Establishing Useful Manufacturers (SUM) with \$600,000 in capital. Foreshadowing later complications, SUM was soon plagued by scandal and corruption.

Nevertheless, Paterson boomed. In the space of a few decades, some 30 mills had sprung up around the Great Falls. The industrial complex that Hamilton envisioned fully emerged in the mid-nineteenth century with the emergence of the silk and locomotive industries. Textile production was so prominent that Paterson soon earned the nickname "Silk City." Overseeing this economic growth was a corporate elite class that had evolved from SUM, which created a city structured to support manufacturing. Until 1900 Paterson was the fastest-growing city on the East Coast. Immigration accounted for much of this increase. In 1890, 40 percent of the population was foreign born (Norwood 1974).

Multiculturalism is an inconstant recipe for harmony, and by the turn of the century, Paterson was divided with ethnic factions. An old Yankee elite controlled SUM and most of the major business enterprises in the city. Irish immigrants took over city

politics and the police department, while Italian and Slavic immigrants comprised the left-wing. Immigrant workers were exploited as millers tried to increase their profits. By the early decades of the twentieth century, Paterson had earned the distinction of being the most strike-ridden city in the U.S. and had a reputation for being a hotbed of anarchism. Among the city's radical products were the mill worker who murdered a foreman at the Weidmann dyehouse, the assassin of King Umberto I of Italy, an anarchist newspaper, and at least one anarchist strike (Procter and Mutuszeski 1978). "Silk City" was abandoned in favor of a new nickname, "Red City."

The labor movement reached its peak in Paterson during the Great Silk Strike of 1913, led by the Industrial Workers of the World. After several months, however, the strikers could not reach an agreement and workers made no gains. Rather than signaling the beginning of a democratic process, it left thousands in a state of "hostile apathy" (Norwood 1974, 59). The strike's failure left company owners and workers destitute, and Paterson's silk industry entered a period of decline. A number of firms moved their operations to Pennsylvania where there was a ready supply of cheap, non-union labor (Goldberg 1989). After World War II, Paterson's industrial fame faded into "impoverished notoriety" (Hughes and Gohlke 2000c). Pollution intensified this notoriety. As early as 1948, the Passaic River had become so fouled with industrial byproducts that William Carlos Williams termed it "the vilest swillhole in christendom" (Williams 1963, 2: 69).

The urban crisis of the 1960s and 1970s hit Paterson especially hard. Companies closed operations and left the city with numerous abandoned properties and a high joblessness rate. The decline continues today: between 1990 and 1998 the city lost 7

percent of its ratables (Paterson 1998). Sections of the city look run-down and burned out and old industrial areas look like wastelands. The State Treasury's Office of Local Government Budget Review conducted an evaluation of Paterson in 1999. The report cited "the proliferation of abandoned buildings and unsafe structures" as a major problem for the city. Over 100 in number, these derelict buildings "slow community improvements, thereby negatively impacting the overall quality of neighborhoods in the city" (DiEuleterio 1999, 72). Other common complaints are dirty streets, high crime rates, high taxes, unemployment, and the lack of affordable housing, parks, and recreation programs.

According to one long-time resident, even the nice parts of town are not so nice.

Paterson's downtown never really collapsed, but it changed. The department stores are gone, but the downtown is still active and vibrant. Not like Camden where you don't see any people downtown. But now people want more upscale retail downtown ... but the Gaps and Banana Republics just aren't going to come to Paterson. Every city wants a downtown and wants something besides Dollar Stores. (Bressler Interview).

Procter and Matuszeski (1978) write that Paterson lacks "classy" restaurants and hotels and is "remarkably poorly endowed with parks and cultural institutions" for a city of its size (14). Urban renewal floundered in Paterson, while politicians argued about it. There are many architecturally interesting buildings downtown but many blocks were demolished for urban renewal projects that never transpired. Basic amenities such as street signs continue to be a problem (Schulgasser 2000a). Other failures include a four-lane loop road that was never finished and the remains of an effort to build a covered downtown mall. "Just about every stock answer to urban decline has been tried," Procter and Mutuszeski note. But "little in the way of standard solutions seems to have had much positive effect on Paterson" (1978, 156).

PATERSON'S POLITICAL CULTURE

The history of Paterson explains the current political situation. The grandiose style of the mayor, the combative style of the council, the dissociation of the private sector, the repression of the community, and other aspects of Paterson's political culture are all the products of its peculiar past. As former Mayor Frank X. Graves once remarked, "Paterson is history," (Norwood 1974, 256).

Paterson was designed not as a city, but as a corporation. For the first forty years of its existence, Paterson was run by SUM, which stifled attempts to form a local government. After years of citizen agitation, the town was granted a charter in 1831, and SUM's reign ended. But even so, the industrialists were reluctant to invest in the city. Paterson received none of the normal conveniences, such as sidewalks and public schools, without bitter fights. And it took a typhoid epidemic in 1907 for SUM to install adequate water filters.

Local government in Paterson adopted a corporate style of administration. The mayoralty is strong, management is hierarchical, decisions are made behind closed doors, and the community is alienated, weak, and marginal to city politics. In the 1850s, all avenues of public expression were closed, including the ballot, the press, the courts, and union organizing, which was illegal (Norwood 1974 53). Paterson never developed a responsive local government. For many years, the mayor was the only elected official. All other positions were appointed or bought. In the 1960s Paterson was almost half minority yet there was not a single minority in an important position. The government did not allow for "dissent, opposition, or choice" (Norwood 1974, 53). In the 1960s the working class had no means of being involved in public life. In 1972 the original charter

was judged unconstitutional and in 1979 a mayor-council government replaced it. Yet throughout the 1970s and 1980s, blacks and Latinos remained disenfranchised because Paterson's democratic failure went beyond voting and representation; it was embedded in the structure of the economy and government, which had no relation to its citizens (Norwood 1974). Today, the community still lacks a voice in Paterson. Although the city once boasted three newspapers, all are now defunct, further inhibiting community consciousness raising.¹ The city's history of ignoring the needs of the citizens has created a city of chronic conflict.

Unfortunately, Paterson does not reap any of the benefits that might result from autocratic rule, because the upper echelons of the municipal government are wracked by conflict and infighting. Historically, the mayor and city hall, the city council, and the Paterson Economic Development Corporation (PEDC) have all been at odds with each other. Their local squabbles, power struggles, disagreement, and lack of cooperation have combined to paralyze progress. "It's easy to get worn down by the process here," notes one observer (Schulgasser 2000b, 18). The lack of a development regime is a key hindrance as well. "Paterson doesn't have any powerful private sector players in economic development," says one civic leader. Now "there is no governing coalition" (Schulgasser 2000a, 15). One State official believes that the city "is incapable of solving its problems, which are overwhelming. It has no capacity to govern" (Hoffman Interview).

Paterson is widely reputed to lack the motivation and capacity for carrying out development projects. As one state Senator commented, "in Paterson it seems to be part

¹ Local news is reported in either the *North Jersey Herald News* or the *Bergen Record*.

of the political culture to think small” (Hughes and Gohlke 2000c). Internal strife among city leaders has sabotaged a number of opportunities for economic development. For example, for decades, Paterson has been torn over what to do with the complex of nineteenth-century mills near the Great Falls. The historic structures are standing today because of the efforts of Mayor Lawrence Kramer and his wife, Mary Ellen Kramer, who in 1967 organized a movement to halt the construction of Highway 20, which would have destroyed dozens of old mills. Thanks in large part to her efforts, the Great Falls was declared a national natural landmark in 1967. In 1971 the mill district became a National Historic Landmark (Procter and Mutuszeski 1978). But not every one supported the preservation movement. Mayor Kramer’s successor, Frank Graves favored complete redevelopment of the historical district, and established the Great Falls Development Corporation. The debate between preservation and development undermined Paterson’s bid to host the first urban national park. In the early 1970s, the Federal government offered \$80 million in grants to revive historic sites, but Paterson – a much older city – lost out to Lowell, Massachusetts. Opinions on exactly why Paterson failed vary, but the common theme is a lack of political will. According to Passaic County Historian Ed Smyk, “Paterson lost out because the state and federal agencies involved found the local government here to be too combative and recalcitrant ... The political squabbling that went on back then was even worse than it is now” (Hughes and Gohlke 2000a). Political insularity was another factor, according to former Mayor Bill Pascrell, now a U.S. Congressman representing Paterson. The lack of an activist community organization championing the cause, which Lowell had but Paterson didn’t, could have helped

immeasurably. National Park designation would have forced Paterson's leaders to cede some control to Washington – a situation they probably would have found intolerable.

Later in the decade, Paterson received a lesser grant – \$11.1 million – to develop the Great Falls as a historic district. This time the mayor and council managed to agree to foster a public-private partnership and to grant abatements to foster redevelopment (Schulgasser 2000a). However, a coalition to champion the project never crystallized, and as a result it never got off the ground. “Not enough people had the political will or foresight to see what this could have meant for the city,” concluded NJ State Senator Norman Robertson (Hughes and Gohlke 2000a). In the early 1990s, Senator Frank Lautenberg secured a \$4.1 million grant for Paterson to restore the mills and the raceway system, but \$1 million has not yet been spent as officials still “bicker about how to use it” (Hughes and Gohlke 2000a). Again, the lack of political cohesion has crippled Paterson's ability to accomplish projects that require cooperation and coordination of several players.

The key player in all matters of policy in Paterson is the mayor. According to historian Christopher Norwood,

The mayor, in short, is the city. All responsibility and all decisions rest on his shoulders. Critics, opponents, community groups with their proposals, and the newspapers with their editorials, do not really count. (1974, 19)

Stuart Bressler, the Director of the New Jersey Redevelopment Authority, affirms that the situation has not changed today. The current mayor, Martin Barnes, is “not a visionary” (Interview 1999). His goals have been minimal, focused on building a local power base, providing essential services, and improving the quality of life in the city. To date, he has made few changes since the previous administration and has initiated few new programs.

Barnes became the first black mayor of Paterson in January 1997, appointed after the previous mayor, Bill Pascrell, became a U.S. Congressman. He subsequently ran for office and won in a general election in November 1997 and again in a municipal election in 1998 in which he ran unopposed, which is virtually unheard of in Paterson. The word on the street has it that he forged such a powerful coalition that no one dared to step forth. Barnes spent years developing his electoral coalition, which has strong support of the black political establishment, especially ministers. He also gained support from other ethnic groups, including a substantial proportion of the Latino and Middle Eastern electorate (Schulgasser 2000a).

Although he has forged coalitions among the electorate, Barnes has continued local traditions of autocratic rule. Soon after he was elected, Barnes instituted a gag order barring city employees from speaking to reporters without his permission. It is strictly enforced. A public works inspector was recently suspended for three days after speaking to a reporter about the city's efforts to compel dog owners to curb their pets (Maddux 1999). One resident said "People play close to the chest in this city. They'd rather have nobody involved in anything. They have ways to keep people out" (Anonymous Interview). Lawsuits and brutality complaints against police officers were filed on an average of over one per week in 1999. The Police Department refused to supply the total number, claiming that "there were too many for the law department to keep track of" (Hughes and Gohlke 2000b). According to one source, police intimidation quashes community organizing. "People are afraid of the police here. If you go along with the mayor you'll be fine. If you donate to his campaign, you'll get a raise, but if you

oppose him, the police will follow you around and stare at you — it's nerve-wracking" (Anonymous Interview).

"Paterson is a community based on oppression — the people live in terror of reprisals" (Anonymous Interview 1999). Paterson politics are an urban version of Gaventa's (1980) description of poverty politics and powerlessness in Appalachia, where "low-income, low education and low status" created a culture of vulnerability and fatalism in which the poor fail to challenge inequalities and accept their position of powerlessness (161). The historical power relations persist and the rules of the game are understood by all parties. This helps explain the absence of community organizations and the chronic lack of community participation in Paterson. Local activist David Soo, director of the Essex/Phoenix Mills Tenants Association, is the principal thorn in the side of the Department of Community Development. He fears for his well-being.

There aren't many people here who try to meddle with city hall the way I do. They make us believe that "if you fuck with us, we will destroy you." For my own protection I've sent letters to attorneys and the FBI. I'm concerned they'll set me up in a drug bust. (Interview)

Poverty presents another obstacle to participation. "People are so poor here, they have no time to assert their concerns. Plus, they're afraid they'll lose their job if they do" (Soo Interview). Residents are afraid to organize and since access to government is "impossible," community organizing appears to be futile as well. There are few community-based organizations for a city of this size. "CBOs [community-based organizations] can't do anything here," Soo complains. "The City runs on patronage and strong-arm tactics. There's no forum for community-based organizations" (Interview).

For their part, city officials are frank in expressing their dislike for community activists. One bureaucrat refused to give me Soo's telephone number. "I hate to even

give you his name,” she said (Anonymous Interview). Another administrator dismissed Soo as an annoying gadfly. “I don’t know if he really represents the tenants, or if he’s just representing himself” (Anonymous Interview).

The city has suffered from its failure to foster democratic participation. State officials did not award Paterson status as an Urban Enterprise Zone because the community was not involved in the application process. Paterson’s application for Urban Coordinating Council (UCC) designation was denied for the same reasons, according to officials in the NJ Redevelopment Authority. Only two community members attending the meeting and the community wasn’t involved in the application process. According to the Director of the New Jersey Redevelopment Authority,

In most other cities, the community initiated the application [for UCC status], or at least partnered with the city. They don’t always get along, but at least there was a dialogue. In Paterson, we didn’t get any indication that there was any dialogue. Elected officials may not consciously exclude the community, but they don’t go out of their way to encourage them. (Bressler Interview)

The HOPE VI federal housing redevelopment project, which was supposed to have community involvement was similarly disastrous. “Paterson is not very organized” was the charitable conclusion of one city official (Blesso Interview).

Paterson’s disorganization is due in part to the fact that Mayor Barnes lacks a broad-based governing coalition. Originally a Democratic Councilman who headed a tenant’s rights organization, Barnes switched parties to gain political leverage. However, this did not suffice to put him in the good graces of Governor Whitman, whose administration has not been accommodating. His relationship with Pascrell is business-like. Rivalry between the City’s division of economic development and the Paterson Economic Development Corporation (PEDC) does not facilitate coordinated action. The

PEDC was created by Mayor Pascrell in the early 1990s to facilitate economic development by bringing new businesses into the city. However, it is fully funded by corporate dollars and its independence of City Hall has caused some resentment from the Department of Economic Development. The Mayor did not support the PEDC when he was on the Council and uses it less than he would if he had closer control over it. (Schulgasser 2000a).

Most people agreed that racial tensions among the population are low for such a diverse city. But they are played out in the political realm. The mayor is black, but most top level bureaucrats are white. The City Council is mainly black with a few Hispanics. Although the majority of the population is Latino, "they haven't found their political clout" (Hoffman Interview). Although cultural differences between blacks, whites, and Latinos rarely flare into visible hostility, they do not help to foster participatory politics. The Council may resent the PEDC less because it is dominated by whites than the fact that the director, Deborah Hoffman, is not a Paterson native.

The major obstacle to mayoral action in Paterson is the gap between the local legislature and the executive office. Since his election, Barnes has been at odds with the City Council. "I'm in a constant wrestling match," he says. The mayor insists that the Council oversteps its role, which he believes should be restricted to voting on projects, not developing their own initiatives (Schulgasser 2000b). Frank Blesso of Paterson's Department of Community Development, notes that

the mayor believes the Council is trying to enter into administrative matters when they should stick to legislative matters. But under the administrative code, they are supposed to review projects not develop projects. But, the council feels they're not involved in decision making — that everything is already a fait accompli. Some people want to be involved in detailed planning rather than be presented with what the paid staff thinks is best. (Interview).

Hoffman, the Director of PEDC, concurs:

the Council is relegated to role of complaining because they aren't involved in developing policy. If you're the last to know about something, you aren't going to want to pass the legislation to implement it. (Interview)

Part of the problem rests with the autocratic attitudes of City Hall. But part also rests with the City Council, which is reportedly wracked by mismanagement. "They are a "highly manipulated bunch," according to local activist David Soo. "They are underfunded and understaffed. Nine council members share five secretaries. They can't have any more staff, they can't rely on getting information from the city." Anna Lisa Dopirak, Paterson's Development Director, complains that the Council holds up progress by missing deadlines for project approval. Committee meetings are poorly attended, she notes, and the Council often lacks a quorum. "They are out to get the Department of Community Development," she concludes (Interview). The Paterson-based community coordinator for the NJ Redevelopment Authority shows no sympathy for the representative body either. "The City Council just wants to be difficult and prevent the mayor from doing anything positive. They want to undermine the mayor" (Bressler Interview).

"Nobody sees nothing, nobody helps nobody, nobody trusts nobody" in Paterson, and the culture of mistrust makes cooperation "out of the question" (Norwood 1974, 68, 67). For all the strength of the mayor, there has been a lack of leadership and vision in Paterson that has crippled the formation of a development regime. Most of the private sector elites have left the city, leaving a shortage of growth actors. The remaining players are those who lacked the resources to leave and are weak. Development is further hindered because "there are big problems in obtaining private sector financing," which has driven some developers

away (Schulgasser 2000a, 10). According to Mayor Barnes, “there are no real leaders in economic development” (Schulgasser 2000b, 15). It’s difficult to form a development regime without the private sector. Therefore, when the brownfield program came to town, in the form of state and federal grants, the city faltered: no one was in charge and as a result little progress has been made.

Unlike some other cities, Paterson does not have a “godparent” corporation that cares about saving the city. “The private sector was really gone from the 60s onward” according to one civic leader (Schulgasser 2000a, 15). Few private sector actors are engaged in civic affairs in Paterson. An economic development official put it in other words, “No one gives a damn about Paterson” (Interview). The churches, which are the most powerful non-governmental organization, are Barnes’s major partners. Otherwise the non-profit and community sectors are weak and “too fragmented to be a cohesive force” (Schulgasser 2000b, 16). Wracked by internecine strife, void of visionary leadership – Soo calls the city a “vacuum of talent” (Interview) – Paterson is a factional city, effectively acephalous. It is therefore in no position to further a coherent program for brownfield redevelopment.

BROWNFIELD REDEVELOPMENT IN PATERSON

Paterson was selected as an EPA Brownfields Pilot in July 1998. Two years earlier, in 1996, the city had received grants from the State’s Hazardous Discharge Site Remediation (HDSR) fund to evaluate contamination on three brownfield sites. There have been few successes. Six of the sites, each over 1 acre large, that have received HDSR funds under the Pilot program have seen no action for over a year, and have failed

to attract developer interest. The fact that Mayor Barnes never appointed a coordinator for the EPA Pilot grant says much about the degree of importance he assigns to redevelopment.

The city's vision for redevelopment is limited, never having progressed beyond piecemeal restoration of the historic mill district. Discussions of revitalizing Paterson have long centered on this area, but city leaders have never drafted a viable redevelopment plan. To date, one mill has been renovated for an industrial museum, and the Essex Mill has been converted to artist's housing. But negotiations over the most valuable property, the Colt Mill site, have been underway for over ten years, encountering numerous obstacles along the way. In the meantime, many mills have been lost to fires and destruction from years of neglect. Local activist David Soo calls the city's treatment of historic properties a "travesty that borders on criminal negligence." Unofficial municipal policy for years, according to Soo, has been to allow owners abandon their building, let them burn, foreclose, and then sell to a developer (Hughes and Gohlke 2000a). Paterson's Fire Chief blames the fires on the lack of resources to maintain abandoned buildings, but local architect and planner Stan Lacz seconds Soo's view.

As far as the fiduciary responsibility to preserve the nation's history, Paterson's government has certainly failed to do that. When it comes to city government, one regime does the same as the one before it. They talk a good game and nothing happens. (Hughes and Gohlke 2000a)

Paterson has always lacked a redevelopment strategy. For years, during Mayor Frank Graves' tenure until 1990, Paterson turned away developers that he didn't like. His successor, Bill Pascrell complained that in the 1980s growth was "disjointed" (Schulgasser 2000a, 12). The situation has not improved under the current

administration. Charging Barnes with sponsoring “ad hoc development,” one critic claimed that “the mayor only wants to be part of projects where he can get his fingers in the pot” (Anonymous Interview). David Soo agreed. “The only goal of the Barnes administration is to suck federal and state money to do something. It doesn’t matter what — they would love any nasty thing” (Interview). Matters of questionable financial dealings aside, Paterson’s land use decisions are not guided by a current Master Plan or Redevelopment Plan.

The Brownfield Pilot program has not proven to be any more participatory than everything else in Paterson. The State Urban Enterprise Zone Coordinator in Paterson was unenthusiastic about community involvement in the planning process.

The community’s not involved in brownfields because they don’t even know what they are. ... The community has to learn what government goes through to get things done...the Urban Enterprise Zone has a community advisory panel but it’s such a pain in the ass because they don’t understand government. (Farber Interview).

Community members were supposed to be invited to the kick-off meeting for the Federal Brownfields Pilot program held in 1999, but not one attended. When questioned, the meeting organizers said they supplied a list of almost 200 community people, but somehow invitations weren’t sent. They blamed it on a logistical snafu. A second meeting was held several months later, and about 20 community members attended. However, due to an unlikely coincidence, the meeting conflicted with a planning board meeting about the Colt Mill site. As a consequence, the most involved community members, including David Soo, could not attend the meeting (Interview).

As with all things Patersonian, there are conflicting views among city leaders about which direction to take the city. Some factions want to focus on revitalizing the

central business district as a retail center, others want housing. Still others advocate manufacturing jobs, while the City Council wants ratables. The mayor's office is focusing on revival of the mill district for housing, retail, and historic tourism. As one Paterson planner complained,

There's no vision among economic development people. The administration doesn't support development when it occurs. No proactive initiatives ever come out of city government ... It's been tough to develop consensus around a vision and move it forward. The mayor and Council are always at odds and can't seem to agree on a vision. (Schulgasser 2000b).

In fact, given the absence of large developable tracts and private investors, and the closeness of suburban malls and industrial parks, developing a vision for Paterson could seem like a futile exercise. "The problem with Paterson is not a lack of vision," says the Director of the New Jersey Redevelopment Authority, "but a lack of a *realistic* vision" (Bressler Interview).

The director of the PEDC claims that all the impetus for the brownfield program has been from middle management. There is a need for leadership at the top to make it work, she says.

[The program is] supposed to leverage private investment, but I don't have that — I don't have valuable sites. I have small infill sites. They won't get redeveloped unless the public sector takes initiative to clean them. I can't imagine this city doing that. (Hoffman Interview)

In the absence of organization and focus around an economic development plan, city officials are eager to support any project that comes their way. Whatever development happens is therefore market-driven. Mayor Barnes and Representative Pascrell have used an array of supply-side incentives to attract developers to the city's prime sites: the Colt Mill and Super Block, a vacant Central Business District parcel. But even with heavy public subsidies, it has been difficult to attract developers. Paterson has been frustrated

by its inability to foreclose on its abandoned buildings. State law prohibits the city from foreclosing for two years, forcing taxpayers to make up the difference, by which time the structures begin to deteriorate.² Mayor Barnes cannot count on cooperation for economic development from the hostile county and state governments that exercise much control over Paterson.

Standard strategies of municipal finance are of limited utility in Paterson. For example, according to Deborah Hoffman, PEDC Director, tax liens pose a thorny problem.

When you sell tax liens you make it three or four times more difficult to redevelop the property. The ownership becomes murky and tax liens are in excess of what the property is worth. It becomes nearly impossible to buy property that's mired in levels upon levels of liens. A little local company that wants to develop a brownfield site has no clue how to do these things. Selling liens is a short-term solution. It brings cash into the city, but cripples our ability to redevelop sites. (Hoffman Interview)

Other financial incentives offered under New Jersey's Brownfield Program are similarly unappealing. Mayor Barnes is unenthusiastic about the loan funds. "Something like that we would use sparingly and only if a major need arose," he said. "If I have to pay it back, it's not much help to me" (Casey 1998b).

In recent years, the City Council has blocked the mayor's redevelopment schemes, refusing to approve projects with tax abatements. As Anna Lisa Dopirak, the Director of Community Development for Paterson explains, the city has developers interested in some sites, but

they want us to get the council to forgive all the back taxes. The problem is, on lots of our properties the value of the lien far exceeds the value of the building.

² Another example of New Jersey's suburban bias, the foreclosure law was intended to protect homeowners, not landlords, from losing their homes in the event of temporary financial difficulty (Norwood 1974, 139).

Lately the city has gotten more aggressive about acquiring properties with a long history of tax delinquency. We've even been acquiring some buildings with tenants in them and commercial space downstairs. (Dopirak Interview)

However, the City Council is weary of developers who expect taxpayers to finance city projects. Says Dopirak:

They think the Department just brings them lousy projects, that we're giving away the city – which isn't true. We just approved a 210-unit housing project with no abatements. The real problem here is tax-exempt projects. The number of public and non-profit facilities is growing. (Dopirak Interview)

In 1999, the City Council killed two proposals for low-income housing. In one case the developer was planning to buy the site from the city for \$2 and receive a 30-year tax abatement as well. Councilman Joey Torres explained their sentiments:

If the city is willing to consider giving the land away for \$2, we should be receiving the maximum in taxes. This is a no-win situation. We are not getting anything, and we are giving away everything. (Casey 1998b)

Tony Manzo, President of the Paterson Taxpayers Association, agreed. Abatements, he said, are “no gift to us.”

Who's going to maintain their services? They will get police and fire protection ... you're ripping off the rest of the taxpayers — I'll be damned if I will pay the bill for this development company!” (Casey 1998c)

Paterson officials say that the Council's “dreams of deep-pocketed developers are wrongheaded and would result in public foreclosures, rather than redevelopment” (Casey 1999). The Director of the NJ Redevelopment Authority complained,

Projects have died. [The Council members] are told the city has an inadequate tax base, so they feel developers should pay their fair share of the taxes. But abatements are necessary to make projects economically viable. They feel Paterson needs market rate housing. But I don't think it's realistic — people who

can afford market rate housing don't want to live in Paterson. (Bressler Interview).

"If the Council keeps this us, I don't know how long they'll keep coming to Paterson," said Dopirak (Interview). The developer of one of the cancelled projects was incensed.

We're amazed at the outcome. Certainly we will not be back, and we can't believe any legitimate developer will come close to Paterson in the future. It's an unwelcome environment for developers (Casey 1999b).

THE COLT MILL SITE

Frank Blesso, consulting engineer for the Department of Community Development, fears that the City Council might decide to kill the housing development project on the former Colt Gun Factory. The Colt Mill project has been ongoing since 1983, when the last manufactory on the site closed down. The site, which is in ruins following several damaging fires, contains underground storage tanks, asbestos in the building, debris all over the ground, and to complicate matters further, it is in a flood plain and there are homeless people living on the site. The structure is in danger of collapse. "It was a beautiful place once," rued one advocate. "A couple of years ago you could have saved all these buildings. But the city has been negligent" (Casey 1998a). A National Historic Landmark, the collapsing mill and 7 acre site is controlled by the city, which has been negotiating for five years to build 114 units of market rate and below-market-rate housing at the site. The Planning Board approved the project in July 1999, and the City signed a letter of intent with Regan Development Corporation, of Yonkers, NY. The plan is to partially restore the mill structure, which will be surrounded by housing. Numerous obstacles have emerged and the project is temporarily stalled. "Every time we turn around, there's another problem with the site," says Dopirak (Interview).

Critics, including David Soo and City Council President Jeff Jones, whose district houses the mill, oppose the project. They say the city should have done a feasibility study to determine the best use for the site before selling it to a developer. Paterson Friends of the Great Falls is a group of about fifty residents, mainly white artists and preservationists, who favor developing the site as a tourist destination with a history of technology museum. They acknowledge the need to expand the tax base, but believe the housing plan is shortsighted. Development of a tourist destination, they believe, would provide a better boost to the city's economy. They envision walkways near the Falls, retail outlets, and perhaps a hotel or convention center. Dan Saunders of the state Historic Preservation Office agrees. "There are enormous possibilities there," he says. "Everybody on the East Coast should see the falls (Casey 1998c). As one activist put it,

This is a historical site – the birthplace of the American Industrial Revolution and the second highest waterfall in the U.S. – and all we're getting here is a prefabricated modular townhouse development with 4 acres of roads and parking lots on a 7-acre site. (Soo Interview).

The housing project, he concluded, should be built somewhere else.

In 1998, a non-profit organization, the Passaic River Coalition offered to buy the Mill site to prevent the Regan Development. But the City Council decided to go ahead with the sale anyway. "Why did the city have to give Regan Developers the best piece of land in the city?" asked Yolanda Luna, a candidate for the City Council (Casey 1998a). "Paterson is about the only city on the planet with a waterfall," mourned another resident (Anonymous Interview).

For their part, most city officials are unsympathetic. Mayor Barnes vigorously supports the project. "We've had great history in Paterson, but that's something we can't

live off of,” he says (Schulgasser 2000a, 22). A spokesman for the mayor asked rhetorically, “Do we keep 100-year-old ruins, or do we put something in place that’s going to be productive to the city?” (Schulgasser 2000a). The development addresses a shortage of affordable housing in Paterson. Implying critics were motivated by symbolic racism, another bureaucrat charged that they are “using the historic status of the site as a tool to stop a housing project they don’t like” (Interview).

Another criticism is that the Regan Corporation, not the city, will reap most of the profits from the project. Councilman Thomas Rooney opposes the housing project because he believes housing will cost the city more in municipal service than it will get back in taxes. The mayor admits that the housing development is “probably not the best possible development for the site ... but it’s the best that we have” (James 2000). Plus, as another city official pointed out, “the principal players agreed to this years ago, the developer has invested a lot of time and money--about half a million dollars to date” (Blesso Interview). The out-of-state developer has also been known to give generous campaign donations, a fact that led one Paterson native to insinuate foul play. “Marty Barnes is a criminal—mayors like to develop land as a way to get money to change hands—it gets graft going” (Soo Interview).

In the early 1990s, when the city took control of the site through tax foreclosure, there was no interest in the site, said Frank Blesso, former redevelopment director. City officials worked for five years to move the development forward. Now people are blocking the plan at every turn. Paterson Friends of the Great Falls filed a suit in March 2000 seeking to revoke the planning board’s approval of the project. In a related matter, the mayor is suing the City Council because they independently negotiated a contract for

a waterfront development study. City Council President Jeff Jones, who had opposed the plans for the Colt Mill site, is also a potential challenger to the mayoralty. Jones says he hopes to elevate the City Council to be on par with the executive branch. Barnes claims the council is not entitled to negotiate contracts, plus the study interferes with his plans to develop housing at the site (Schulgasser 2000a). Another pending hurdle is the Section 106 review to ensure that reuse of the landmark site is historically sound.

The Colt Mill project exemplifies how conflict-ridden urban redevelopment can be. The Paterson story shows another downside of the Brownfield Act. A factional city cannot manage the responsibilities of a devolutionary program. When the program is in the hands of city officials who are hostile to the community yet lack private sector actors to cooperate with, it produces only more conflict and hostility and few results.

Abandoned to a fractious political environment, brownfield redevelopment today is floundering in Paterson the way urban renewal did thirty years ago.

CHAPTER 7

CAMDEN: A COMMUNITY-BASED COALITION

Though their administrative capacity varied considerably, Trenton and Paterson both had strong governmental actors – mayors, councilors, and other bureaucrats who took a proactive role in attempting to foster brownfield redevelopment. By way of contrast, the city administration is exceptionally weak in Camden, a severely distressed city. A legacy of open corruption, piebald incompetence, and racial strife have rendered the municipal leadership utterly incapable of effecting positive change. Left to their own, the bureaucrats who mismanage Camden would never take the serious steps necessary to try to rescue the city from its precipitous downward spiral. Camden is on the brink of a total state takeover and if approved by the Legislature, it will be the first city in New Jersey's history to be taken over by the state. Not only has Mayor Milan been charged with a 19-count federal indictment, but the city government is in a state of collapse and functional bankruptcy, and many residents, tired of living in intolerable conditions while the rest of the state is booming, are calling for state intervention (Record 2000).

But like nature, politics abhors a vacuum. I found that a strong non-profit and community-based sector organized around planning and redevelopment, has developed to fill the void left by Camden's official administrators. Independently funded, this sector has more expertise and autonomy than exists in municipal government. They also have the institutional and historical knowledge that is lacking in city government, which has a phenomenally high rate of staff turnover. Community organizations in Camden have

created redevelopment plans, neighborhood plans, and have initiated remediation and redevelopment of brownfield sites. The city, while often a key player, has played a reactive role to the community's proactive role.

Camden features what Imbroscio (1998) identifies as a community-based regime, which may arise in economically distressed cities with low administrative capacity and few growth actors but a strong network of community organizations. Community coalitions are more likely in federal pilot cities, because the USEPA Brownfield Pilot Awards Program requires community involvement. Community-based brownfield coalitions forge a vision of what a neighborhood can become, and mobilize the resources to pursue it.

While decentralization of power to a community-based regime may seem like an ideal situation to produce community-centered outcomes, if the community and city do not have a cooperative relationship, little or nothing will be accomplished. Ideally, such a regime would include two cooperating camps, "the leaders of community-based groups, rooted largely in the city's neighborhoods, and their allies who have captured the public power of city government via the electoral process" (Imbroscio 1998, 242). Regrettably, this is not the case in Camden. Relations between community advocates and city administrators are seldom so harmonious. Community organizations often play an oppositional role. And government leaders are frequently reluctant to go along with community plans, often trying to shape projects that are already far along. Political and racial factionalism hinders cooperative efforts and has crippled projects as well. Internal conflict has precluded the successful development of a brownfield policy coalition as turf battles and competition for recognition often takes priority over producing outcomes.

Conflict and indecision causes environmental remediation and redevelopment to flounder. Disparate coalitions in Camden may have taken the initiative to apply for brownfield incentives, but they have not achieved the level of cooperation required to produce results.

THE FALL OF CAMDEN

As one critic remarked, “when a city hits bottom and keeps falling, it winds up looking a lot like Camden” (Lagerfeld 1996). With a 1998 population of 83,546, Camden is the tenth largest city in New Jersey, although it is only 8.6 square miles large. Directly across the Delaware River from Philadelphia, Camden is the poorest city in the Northeast and the fifth poorest city in the nation. The city suffers from the highest population decline, the highest unemployment rate, the highest poverty rate, the highest crime rate, and the highest state equalized tax rate of New Jersey’s cities. Camden is the most violent place in New Jersey, with the highest homicide rate in the state; the homicide rate is ten times higher than the state average (Wilson 1997) and it is often described as a city under siege by drug dealers who outgun the beleaguered police department. Community activist Frank Fulbrook estimates there are 200 open-air drug markets in the small city. Social conditions in Camden are closer to those of third world nations than the U.S. The infant mortality rate is double the national average, the school district has one of the highest dropout rates in the nation, and domestic abuse rates are the highest in the county (Star Ledger 1995). The per capita income is \$7,276, the unemployment rate is 13 percent. About 82 percent of the population depends on some form of public assistance, and one in three residents live in poverty (Wilson 1997; EPA 1997). Five neighborhoods have been identified as areas of concentrated poverty with

extremely low incomes. Twenty-five percent of the population is comprised of school aged children (5-17 years old). About 70% of the city's elderly citizens are categorized as extremely low-income. Camden's population is 56% African American and 31% Hispanic (NJ State Data Center 1998).

Camden: Socioeconomic Profile*

Population (1998)	83,546
Population Change (1990-1998)	-4.5
% White	19
% Black	56.4
% Hispanic	31.2
Per Capita Income (1990)	\$7,276.00
% Below Poverty Level (1989)	36.6
Unemployment Rate (1998)	12.9
% City Revenue from State (1996)	86.9

*Source: 2000 *City and County Extra: Annual Metro, City and County Data Book*, 9th edition, Deirdre A. Gaquin and Kathleen A. DeBrandt, eds. Lanham, MD: Berman Press.

Lazare (1991) aptly describes Camden as “less a city than a shell” (267), lacking such basic amenities as a supermarket and a movie theatre. The formerly bustling main shopping strip on Federal Street does not have a single retail store left. Three decades ago big chunks of downtown were razed to make way for the “Camden of Tomorrow,” a grandiose plan for a futuristic city that never came to fruition. “Camden tore itself down and has not replaced it with anything,” says historian George Thomas (Riordan 2000). A series of failed redevelopment plans left the city a wasteland. A Moody's Investors Service (1986) credit report paints a bleak picture of the city. Long-term deterioration of the City's manufacturing base has weakened other sectors of the City's economy and contributed to significantly below average income levels. Population losses were

triggered by substantial declines in level of employment continue. The number of housing units within the city has decreased and the remaining housing stock is old and valued significantly below the norm. Retail sales have shown no growth in two decades. Declines in these sectors explain the city's receding tax base. In the past ten years, the city's taxable properties have declined by about \$30 million. Camden has the highest tax rate in the state, and one of the highest tax delinquency rates as well. The once-busy shopping district is now a vacant open space of expanding parking lots because about two-thirds of the buildings have been leveled but never replaced. Twenty percent of the residential properties in the city are abandoned. Camden has more brownfields than any other city in New Jersey – almost 4,000 vacant or abandoned city owned sites that are not providing tax revenue (NHSRC 1997). More are cropping up regularly as property continues to be abandoned at a rapid rate.

An urban nightmare today, Camden once was a city of promise. In the eighteenth century, Camden served as South Jersey's agricultural hub. In the 1800s, the city expanded into a shipping and industrial center. Early industries included Campbell's, later famous for their canned soup, and the New York Shipbuilding Company, which employed more than 35,000 people during World War II. The Victor Talking Machine Company (later RCA-Victor) was another major employer. Camden thrived through the first half of the twentieth century. The city was a popular tourist destination, with a bustling downtown shopping district, thirteen theaters, an opera house, and a drive-in cinema. But Camden peaked in the 1950s. Today there are a third fewer residents and just 10,000 jobs, half of which are in the public and nonprofit sectors. After World War II, business left for the suburbs. Camden was the first municipality in New Jersey to seek

a financial bailout in the 1980s. Today, the largest employers in the city are a county trash incinerator, a county sewage treatment plant, a state prison, and a county jail. Camden is the major government center for South Jersey, housing county, state and federal government offices. No bank has opened a branch in Camden for 40 years, but an informal economy of drugs and prostitution is thriving.

Spatial reorganization after World War I, enabled by the invention of the automobile, fostered suburbanization and marked the beginning of Camden's decline. Postwar peace put an end to the shipbuilding boom, and capital quickly left the city. The New York Shipbuilding Company closed down in the early 1960s and with it the city lost thousands of jobs. Fires later destroyed the ferry terminal, the convention hall, and a major church. In 1961 the largest shopping mall in the country opened in neighboring Cherry Hill, which rang the death knell for Camden's downtown shopping district. Later, an aborted program of urban renewal razed more buildings without erecting replacements, and the city began to adopt the deserted look that characterizes the downtown area today (Lazare 1991).

Although a majority of state officials I spoke with believe otherwise, Camden's tradition of municipal corruption did not cause the city's decline. Post-industrial structural changes have had the most precipitous impact in Camden. Economic restructuring, spatial reorganization, and hostile or indifferent state and county government have sealed Camden's fate. Decisions made by the federal housing and highway bureaucracies also fostered Camden's social and economic isolation, creating an enclave of poor, minorities. The Benjamin Franklin Bridge destroyed Camden's most venerable residential neighborhood and allowed suburbanites to avoid Camden on their

way to Philadelphia. Not much bigger than a single neighborhood in Philadelphia, Camden is too tiny to prosper on its own. If Camden had been part of Philadelphia, writes Lazare (1991), it might have turned out better, but as W.C. Fields put it, "Camden is the pimple on Philadelphia's ass" (Kirp et al 1995). Severed from Philadelphia by a river and a state boundary, Camden's fate was isolation and marginalization.

Suburbanites fear Camden more than any other city in New Jersey. Its stigma as a city of poor and dangerous minorities is reinforced by the media and by state officials. The decision to locate the state aquarium there was hotly debated: many thought suburbanites would be too afraid to visit it. The issue was resolved by the construction of an access road going directly from the highway to the Aquarium parking garage, bypassing neighborhoods and residents.

The suburbs' decision in the 1970s not to merge with the City of Camden, drove the last nail in the city's coffin. Suburbanization put New Jersey cities at a double disadvantage. The wealthy businesses and residents moved out of the city, yet through their involvement in county government, they continue to have much control over urban politics. As a result, cities have a preponderance of social problems, crippled economies, and little autonomy. Camden and neighboring Cherry Hill have had a reversal of fortunes. Camden was once the engine that drove the county's economy, but now the economic and political base is in suburban Cherry Hill, where real estate is valued five times higher than Camden's. And although Camden is the official county seat, Cherry Hill is the headquarters of the Democratic party machine, and is now the political center of the region. Although Camden has more residents than Cherry Hill, Cherry Hill has more registered voters and a higher turnout (Rouse 1996). Camden does not even have a

local newspaper. The Cherry Hill-based *Courier Post* covers some Camden news, but is not delivered to Camden city.

Racism played a major role in the spatial development of Camden. According to Barbara Broadwater, a long-time resident activist, planners “drew a line for [Route] 676 that went through the African American community. It took people out of their homes. It caused them emotional distress. It divided the middle-class African American community” (Riordan 2000). Another resident recalls that “projects such as 676 were designed so the rich people could just zip by the city without stopping” (Cathy O’Bryant quoted in Riordan 2000). Indeed, Camden’s 1962 master plan called for displacing 14,000 people in a dozen neighborhoods.

When other cities were recovering from the race riots of the 1960s, Camden was still in the throes of them in the 1970s. The city never recovered from the riot of 1971, when many buildings burned and businesses left the city never to return. Urban renewal came to a halt in 1970, with a suit filed by Peter O’Connor of the Legal Services office, accusing renewal of destroying neighborhoods. Camden still seems to be stuck in an earlier era, unable to redefine itself as a post-industrial city. The last of the big factories, Campbell’s Soup Manufacturing plant and RCA Victor both shut down in 1989, leaving 1,000 workers jobless (Couture 1989). The Campbell’s plant was demolished in 1991, but the company’s Camden headquarters continues to be a mainstay of the Camden economy, employing 1,800 workers. The company is considering moving their headquarters to another state (Record 1997). Scrap yards and salvaging is one of the city’s major industries now.

The city's location offers a few assets. There is easy access to several major highways, Conrail, Philadelphia International Airport, and to the international port, which is among the nation's leaders in bulk cargo shipment. But Camden's terrible reputation and lack of resources make it impossible to attract businesses to the city. One third of Camden's land is currently used for manufacturing or related uses, and brownfields constitute over half of all the industrial sites in the city. Camden has none of the amenities to transform itself for the information age. Not only does the city lack social and cultural resources, but the housing stock is obsolete and deteriorating. It is difficult to imagine yuppies moving to Camden for computer jobs.

Public investment has kept Camden alive. The state's response to deindustrialization and the flight of capital was to foster public sector investment, namely through Cooper Hospital and Rutgers University's Camden campus. Another keystone of Camden's redevelopment is the Blockbuster-Sony Music Entertainment Center, known as the E-Center, located on a 12-acre site on the harbor. The Center was built through a public-private partnership instituted by the New Jersey Treasurer's Office. Public entities financed half of the project and the remaining costs were covered by private investors. The project remediated the site and built the center in record time. It continues to be owned by the NJ Economic Development Authority (RPA 1998). In a recent victory, Camden won the Battleship New Jersey, which will be another tourist attraction on the waterfront and will complement Penn's Landing on the Philadelphia side of the harbor.

Public investment in Camden has provided jobs, but it has also eroded the property tax base, the sole source of income for New Jersey municipalities. The state has

a history of reliance on property taxes, which is the linchpin of government finance.¹ City officials lament each new public institution, because they take up property but don't pay city property taxes. City officials also criticize state projects for not taking local communities into consideration. For example, the state invested \$52 million in the new state aquarium, which opened in 1992 and has attracted millions of visitors. But it also built an access road off the highway to the facility, allowing drivers to bypass the city. As a result, the aquarium has had a negligible impact on the local economy. For the most part, residents have reaped little benefit from the Aquarium and E Center.

Despite subsidies from the federal and state government, the Delaware River Port Authority, and grants from various other sources, the city struggles each budget year to find funds to sustain its operations. The basic lack of funds incapacitates city government. In order to hold a public hearing on the Waterfront South Redevelopment Plan, for instance, the city must mail certified letters to all property owners within 200 feet of the project. The cost of the mailing is \$4,000, but as of this writing, no one has found a way to fund the mailing (Lyons Interview). Due to budgetary constraints, infrastructure and capital improvements are chronically neglected. The city is practically a ward of the state, which funds about 70 percent of the municipal budget (over \$3 billion in the past ten years), and 89% of the school budget (NJ Dept. of Treasury 1996; NJ Department of Education 1998). The Community Development Block Grant Program provides the city with \$3 to \$4 million annually for neighborhood revitalization, economic development, elimination of slums and blight, and assistance to low and moderate income families. But State and Federal investment in Camden is not capable of

¹ Only three states collect a larger proportion of income from property tax than New

reversing the city's pattern of decline. Nor, according to political analyst Don Linky, is it intended to. "The continuation of the state's current role is likely to siphon increasing levels of state funds to keep the city's services functioning at basic levels," he notes, "but does not give much hope for substantial improvement" (Linky 2000, 39). Though some government agencies pour money into Camden, others have withdrawn from the city entirely. In 1996 the regional office of the Internal Revenue Service relocated from downtown Camden to Cherry Hill. A few months later, the Camden branch of the U.S. Immigration and Naturalization Service followed suit (Preston 1996).

CAMDEN'S POLITICAL CULTURE

A sense of hopelessness pervades Camden. Officials and residents alike are aware that the city's problems are too entrenched to be solved by subsidized construction projects. As a recent analysis notes, "Camden has mostly been a city of myopic and not visionary leaders, planners and politicians endlessly capable of self-delusion, promise makers with neither memory nor political sense" (Kirp et al 1995, 16). City residents have also come to expect little from a city government that is chronically corrupt and perennially accused of incompetence. "I think the people are so downtrodden, they are so discouraged, they are so hopeless" said former Mayor Arnold Webster (Lowe 1997). Although the city depends on outside assistance, Camden residents tend to distrust outsiders, which is a justifiable to an extent, since most outsiders hold the opinion that Camden is a fearful, despicable place.

The city has a history of corruption and patronage that dates back to the 1800s. The state attorney at the time described local officials as "the worst of Public Robbers,"

Jersey: Montana, Oregon, and New Hampshire (Salmore and Salmore 1989, 244).

and a Philadelphia *Daily News* article described Camden as “a pest hole of political corruption. It is the sink into which all that is vile in politics flows” (Kirp 1995, 19).

Politics takes precedence over programs. Urban scholar and former mayor of

Albuquerque David Rusk explains the situation this way,

Being mayor ... of a city like Camden is like being asked to play a game of poker in which you must always fill an inside straight. Meanwhile, the other players are always dealt a wild card or two. (Linky 2000, 39)

The only way to stay in the game is to deal dirty. The past three mayors have brazenly upheld this venerable tradition.

The current mayor, Milton Milan, elected in 1997, was a murder suspect when he ran for office. His home and office were raided by the IRS, the FBI, and the Camden County Prosecutor’s Office in 1999. On March 30, 2000 a 19-count federal indictment charged Milan with bribery, conspiracy, extortion, money laundering, fraud, and lesser offenses. Among the charges are accepting direct payments from Philadelphia mob boss Ralph Natale (Linky 2000). In early 2000 some of Milan’s friends were arraigned on drug charges. They revealed that he had been a drug dealer before taking office. Although he faces up to 170 years in prison, Milan claims the charges are politically motivated and vows to fight back (*NJ Reporter* 2000).

Milan’s predecessor, Arnold Webster, had a less colorful but similarly duplicitous tenure. Before being elected to office, Webster had been the city’s school superintendent. He was deposed when he admitted to receiving over \$20,000 in superintendent salary while serving as mayor. Webster was indicted and convicted in 1997. Webster’s predecessor was Angelo Errichetti, who also served as a state senator. Errichetti was

sentenced to six years in prison in 1981 for accepting bribes in the Abscam corruption sting operation.

A 1995 state audit of Camden found that due to "waste, incompetence and maybe worse" one in every five tax dollars is misspent. The audit recommended the state to "continue to hold that hammer over Mayor Arnold Webster's head" (Philadelphia Inquirer 1995). In the following year another audit, this one by the Department of the Treasury, described the deep-seated malaise that afflicted city government in Camden. There is widespread perception that political influence plays a large role in the decisions made by city employees, that jobs are filled through nepotism or political reasons not based on merit or qualifications, and that there are many inexperienced and unqualified employees in many departments (Office of Local Government Budget Review 1996). Mayor Webster responded to these reviews with typical insouciance.

I knew we had a city that had very little semblance of a government that was functioning ... Nothing irritates me more than all these audits and things. ... They are talking like somebody's mismanaged something. There isn't anything here to mismanage. (Lowe 1997).

Robert Bailey, Rutgers-Camden professor reiterates the limits of the mayoralty in Camden. "The problems of the city are past the point where is change of a mayoral office is going to have much effect," he says. "If every 90 days you're worried about where the money is going to come from" then it is difficult to solve the city's structural problems (Lowe 1997). Camden's history highlights the importance of political culture as a variable in comparative political analysis. The tenacious tradition of corruption has persisted through centuries and through administrations.

In an attempt to excise the cancer of corruption and patronage, higher governments have taken over the management of a number of local functions. Poor housing conditions and mismanagement led the federal Department of Housing and Urban Development to seize control of the Camden Housing Authority in 1998, and the state took over the school system in 1998, at the request of Mayor Milan. The county prosecutor, Lee Solomon, is overseeing the city's police force. Other state agencies such as the Local Government Budget Review Board and the Camden Empowerment Zone Corporation, which administers the Federal Urban Empowerment Zone Program, have somewhat stemmed patronage in city politics by appointing outsiders to top positions and monitoring contract awards, however political squabbles and poor management persist.

The State does not always operate with Camden's best interests in mind. The county and the city are Democratic strongholds in the state political arena, so Governor Whitman is not well disposed to fueling the machine by giving the county and city funding. The state also undertakes projects without regard to how they might affect conditions in the distressed city. The State Aquarium was one example. The Gateway Project is another. In 1999 Governor Whitman decided to renovate Admiral Wilson Boulevard, which is the corridor that visitors from Philadelphia first see as they enter New Jersey. Whitman's \$50 million plan razed the buildings along the boulevard and replaced them with trees just in time for the 2000 Republican Convention. Camden City officials were not consulted in this decision, which was announced in the *Courier Post* on January 1, 1999. The Gateway project would further decimate the city's already dwindling tax base. About one-quarter of the city's tax revenues are generated from the bars, liquor stores, and go-go clubs along the boulevard. The consensus is that they will

not be able to relocate to another section of town (Nash 1999). “She [Whitman] is removing all our ratables, and she calls it removing blight,” complained one official (Lyons Interview 1999). The plan includes demolishing the historic Sears building as well, one of the city's “historic treasures,” that also employs 270 people (Stilwell 1999). Camden officials consider Whitman’s Gateway project the final insult from the state.

The paradoxical situation created by dependency on an unsympathetic state has created a situation of mutual distrust and disrespect. Few would dispute that of all the cities in New Jersey, Camden has the worst relationship with state government. Upon leaving office, former Mayor Webster claimed the Whitman Administration conspired with his opponents to depose him. The state has imposed so many constraints over municipal action and spending that city officials have little leeway. While officials readily acknowledge the need for state aid, they resent the loss of autonomy and the deprecating attitude of state officials. City and state share feelings of mutual dislike.

The NJ DEP brownfield coordinator assigned to Camden, Jerry O’Donnell, does not foster good relations with the city. Every Camden official and community organizer interviewed complained about him. “He’s so negative about Camden — he doesn’t help us at all,” said one administrator. “The city hates him, but people feel they can’t complain because the state thinks we’re all losers here. Also, complaining might backfire” (Devine Interview 1999). And Tom Knoche, Director of Save Our Waterfront said, “He’s competent, but he’s very negative about Camden — he hates the place. He’s always throwing the book at us — telling us what regs we have to worry about instead of working with us to get the job done” (Interview 1999). State officials treat Camden like a naughty child. At O’Donnell’s suggestion, Ric Gimello, DEP Assistant Commissioner

of Site Remediation threatened in July 1999 to retract the city's brownfield funding unless the city shows some progress.

State and federal oversight agencies commonly use financial threats to keep Camden in line, a practice that sparks particular anger among city officials. In 1994, Camden was designated a Federal Empowerment Zone and awarded \$21 million over a five year period for housing and human and economic development. But two years later, in April 1996, HUD threatened to withdraw the city's Empowerment Zone status because of political conflicts, incompetence, and "crass patronage politics." A new Executive Director was appointed in response. The Camden Empowerment Zone Corporation has been heavily criticized for political infighting. A lack of experienced staff has stalled progress to the extent that the state had to take over management of the office's finances. Camden's Empowerment Zone is well behind schedule compared to other zones across the country.

Relations between the city and the state frequently appear dysfunctional. In 1999 New Jersey's Financial Review Board demanded they be allowed to monitor all of Camden's expenditures (Hester 1999). Mayor Milan refused the state's request, fearing that it would mean relinquishing control of the city's finances indefinitely. To goad the city into compliance, state officials withheld \$27 million in aid. Milan responded by filing for bankruptcy. The banks then froze the city's payroll until Milan withdrew the bankruptcy application and agreed to allow the state auditors to oversee the budget on a year-by-year basis until the city demonstrates that it can manage its own finances (Lowe 1999).

According to an internal critic, this was another case where “Camden can’t do wrong right.”

Mayor Milan didn’t file for bankruptcy the right way; he fails to understand that Camden is not a sovereign power unto itself. It only exists as an incorporated municipality in the state of New Jersey. He went about it all wrong ... I understand his motivation, though. He’s trying to push the envelope, to force the state to take control and to dig deeper into their pockets, then he wants to blame the city’s problems on the state. (Lyons Interview)

Although local activist Tom Knoche believes the state should have a hand in managing the city’s finances, he expressed resentment over its punitive attitude.

State officials think Camden and other cities are incompetent. They don’t want to give money to cities to clean up sites. They don’t trust cities. But then you are left with a cesspool that’s going to stay a cesspool. I understand why they say Camden is corrupt. They should monitor the money they give us more carefully. (Knoche Interview)

Other city residents were more indignant. During the negotiations with the state over the Financial Review Board decision, people marched outside city hall with placards carrying such messages as, “The People Support Mayor Milan – Dignity Not Slavery” (Hester 1999). City Council President Gwendolyn Faison upbraided state officials:

You came down here thinking you would meet a group of incompetent blacks and Puerto Rican dummies. You withheld aid. Come on, don’t do that to us. We are good people. I don’t think you have a clue of the quality of life issues in this city. (Hester 1999)

As one Camden political insider explains, “Camden’s mayors adopt this attitude that they aren’t puppets of state government. They depend on the state, but they resent this dependence” (Anonymous Interview).

Camden County Democratic political leaders hold sway over the officials and affairs of Camden County as well. The county controls mayoral and City Council

elections. For example, in 1998 Rod Sadler, who holds the appointed office of Harbor Master, decided to run against a machine candidate for a City Council seat. County party organizers summoned him and told him to drop out of the race. When he refused, they threatened not only to terminate his position as Harbor Master, but also to ensure that his son, who had applied to be a fireman, would never get called off the list. Sadler dropped out of the race. "That's how stuff works here," said one of his co-workers. "There's no semblance of a democratic process. Strong-arm tactics are used to whip people into shape" (Knoche Interview). Milton Milan ran independently of the county machine, but according to one critic "now he's been bought" (Knoche Interview).

Camden County uses the city as a depository for undesirable people and facilities. Two neighboring towns, Cherry Hill and Haddonfield, transferred their low-income housing money to Camden, which is permitted under the New Jersey Fair Share Housing program. The police from the surrounding towns of Pennsauken and Collingswood send their homeless people to downtown Camden on buses, dropping them off near City Hall. Both policies have concentrated poor minorities in Camden, which is saddled with the burden of providing them with emergency housing, food, and medical assistance. Camden is ill equipped to meet their needs. "Camden is nine square miles of people on welfare and the homeless," said Camden's Planning Chief. "What are we supposed to do? Let's round them up and drop them off at the Cherry Hill Mall," he said only half-joking (Lyons Interview).

New Jersey counties have more responsibilities than they do in many states, including operating jails, financing the state justice system, administering elections, and welfare services, and establishing planning boards. County governments wield much

power over local politics, whether through formal or informal channels. Camden is run by a shadow government, a predominantly white clique of Democratic insiders who control city politics from behind the scenes through elaborate patronage networks. Members have include Theodore Hinson, the city committee chairman, George Norcross, the county committee chairman, and Tom Corcoran, head of Cooper's Ferry Development Association, a private nonprofit organization that oversees the waterfront development. Intervention from higher levels of government has eroded some of the power of the Democratic machine. The State's partial takeover of the city's Parking Authority and federal intervention in the Housing Authority has hobbled the city's patronage system (Ott 1996). But Corcoran still exercises a great deal of power. His organization, the Cooper's Ferry Development Association, has a history of poor relations with the African American mayors Webster and Milan, who have fought for control over Camden's waterfront (Ott 1995). Mayor Webster said his conflict with Cooper's Ferry is archetypal of the friction black mayors encounter dealing with entrenched, elitist groups that try to shut elected officials out of economic decisions (Rouse 1996).

Because the state and the county have so much authority in the city's affairs, one might expect the municipal government to be apathetic – the stakes, after all, are small. In fact, however, of the four cities researched for this project, Camden boasts the most vibrant political scene. Mayoral and council races are hotly contested, ethnic factions spar, and conflicts between city officials and the county, the state, the federal government, and community organizations are commonplace. According to one

administrator, “politics are more important than city administration or project management” (Anonymous Interview).

Political conflict in Camden is distinctly racialized. There are several factions in Camden, but the two main ones are the Latinos and the African Americans. “It’s like Dahl’s New Haven” said one well-read source, “only the ethnic groups have changed” (Anonymous Interview). Part and parcel of its factionalism is a dangerous lack of communication among agencies and groups that hurts projects and sometimes kills them.

Each organization and agency competes for the same deals and each has its own constituency. Everyone wants to be a champion here. The factions keep people from working together. It’s damn hard to get anything done here. Either one faction has to become so strong and powerful it can destroy its opposition or the project dies. (Martin Interview)

Milton Milan, former head of the City Council, is the first Latino mayor in a city that had long been controlled by African Americans. As City Council president, he was a maverick who put the “council on a collision course with Mayor Webster” (Ott 1996). Before his tenure the Council had rubber-stamped mayoral initiatives. Milan put a stop to that, freezing Webster’s power. His election over Webster represented a victory for the Latino population, which had long been disenfranchised. Milan came into office “sizzling with energy and optimism, promising to make Camden ‘the turnaround capital of America’” (Patterson 1999). But once in position, he reverted to the standard pattern of mayoral patronage, firing many black employees and replacing them with Latinos: interview respondents said that the word on the street is that only Latinos are hired by his administration. Reportedly, this practice has undermined the effectiveness of some of his programs. For example, Milan’s election platform mirrored Governor Whitman’s: a large billboard near the Camden exit of the highway announces that “Camden is Open for

Business.” But when he established the One-Stop Business Development Office (located on the unlucky 13th floor of City Hall) in 1999, he appointed Luz Torres, a social worker with reportedly no experience in economic development. “The One-Stop-Shop is a political office,” says one insider (Lyons Interview). Milan has also stalled an industrial highway access road for two years because he refuses to condemn an illegal boarding house that is in the way of the project. The owner of the building is a Democratic councilman and a sponsor of Mayor Milan. “Any other city would have condemned it in a week” said a state liaison (O’Donnell Interview).

Milan is renowned for an extravagant dictatorial style. One expense he added to Camden’s budget was a \$100,000 a year personal bodyguard. His “swaggering manner tended to piss people off” said a state official. The official tells of attending a meeting in the mayor’s office with the regional EPA director to discuss brownfields when a “code blue” was called. Two policemen entered the room and escorted them outside. After that, the mayor never attended another brownfield meeting (Anonymous Interview). Milan’s brashness has fueled the friction between Latinos and African Americans. But Latinos are not thrilled with his performance either. At a Latino festival in June 1999, he was booed by the crowd. As one resident testified, “Hispanics feel he hasn’t done anything for them” (Anonymous Interview).

Virulent ethnic factionalism has made City Hall into a revolving door. The past few mayors have been in office a short time, and many positions are filled by patronage and nepotism. As a result, there has been high turnover among city staff and a lack of continuity and institutional knowledge. This affects the city’s capacity to apply for grants, manage funds and contracts, and engage in economic development, all of which

require detailed technical knowledge. “I haven’t seen the Redevelopment Authority [in Camden] do anything in twelve years” complained one state monitor. Day-to-day functioning is about all the city can manage with its shoestring budget, shortage of professional staff, and lack of resources. Lack of commitment is also a problem. According to community activist Frank Fulbrook, development projects are often stalled because the City Council cannot muster a quorum (Lowe 1997b). A former city employee asserted that

Most people in City Hall are incompetent, and all live in constant fear of being fired. They approach their job as “how can I do this in a way that you can’t fire me.” (Roccio Interview).

Another Camden city official said “Most people in city government couldn’t buy a cup of water on a hot day.” Jerry O’Donnell, the State’s liaison for brownfields, concurs:

I don’t know how they find their agency directors—some of them have no working knowledge of government, some of them have no experience. They know how to fix potholes, but don’t know how to redevelop their city. (Interview 1999)

Redevelopment personnel in Camden have little experience talking with and negotiating with developers. According to the Brownfield Coordinator, when developers encounter Camden’s intensely factional political scene, they run the other direction (Martin Interview). Charles Lyons, Camden’s Chief Planner, has survived several administrations. He has his own method of accomplishing things in Camden.

I work as much as I can on my own and with the community. It helps that my office isn’t in City Hall.² If I can create enough momentum from below using the community as a force, and from above working with state and federal agencies, by the time the project gets to City Hall, I hope there will be enough momentum that the city won’t screw it up. (Interview 1999)

²City Hall is not in compliance with the Americans with Disabilities Act and is therefore not accessible to Lyons, who is wheelchair-bound. He has an office in another building.

Lyons's strategy of working directly with the community is a sound one. While most people acknowledge City Hall as a "war-zone," Camden neighborhood associations and local non-profits are bastions of stability by contrast. Almost every Camden neighborhood is organized and most organizations are longstanding and well established. Major community organizations in Camden include the Latin American Economic Development Authority (LAEDA), the North Camden Land Trust/Save Our Waterfront, Heart of Camden (an affiliate of Sacred Heart Church), and neighborhood groups in Cooper Grant and Parkside. They tend to be well organized, well funded, and staffed by professionals, who have high levels of commitment and low rates of turnover. To maintain their efficacy, local groups take care not to become co-opted by city and county machine politicians. "We have to outlast any state and local administration," says the director of Save Our Waterfront, "so it's in our interest to stay independent. If we succumbed to the machine, it would have poisoned the well" (Knoche Interview). "You have to work outside of the system to get anything accomplished here," confirmed Frank Fulbrook, President of the Cooper Grant Neighborhood Association (Interview). His organization has helped rejuvenate brownstones in the Cooper Grant Neighborhood, one of the most stable, middle class communities in the city. Outside funding and neighborhood support gives Camden community organizations an autonomous power base to pursue their own agenda.

Filling the void left by the overtaxed and stressed city government, community organizations in Camden function as "governing nonprofits" (Hula, Jackson and Orr 1997). "Community organizations do half the work of the city," according to activist Tom Knoche.

The reality is that if a neighborhood wants to get something done, they have to do it themselves. We do a lot of the work one would normally expect city government to do. The city has no capacity to plan—no resources. If you look at the city budget, 75 percent is spent on trash collection, fire, and police. We can be proactive while the city is always putting out fires, responding to crises. The organizations here are strong by necessity, they fill the void, they are proactive while the city is reactive. The city should embrace CBOs [community-based organizations] that come forward with money—we can help get things done. The community has made a lot of decisions for the city for many years. (Knoche Interview).

Community organizations have also collaborated closely with City Hall to come up with detailed redevelopment plans for North and South Camden. The State supports some community groups by funding them directly. North Camden was designated as a New Jersey Urban Coordinating Council, which provides it with a state coordinator and gives the neighborhood priority status for state programs. According to Knoche, “we get more than our share of state housing money” (Knoche Interview).

Although community groups collaborate with Camden officials, their relationship is marked by mutual dislike. “But the city doesn’t appreciate [us],” says Tom Knoche. “They are threatened by our agenda. They resent us” (Interview). Alison Devine, EPA brownfield staffer on location in Camden City Hall, offers another perspective. “Community-based organizations have made many decisions for the city over the years. Now the city is taking back planning responsibilities, and the organizations are angry about it” (Devine Interview). Both Save Our Waterfront and the Cooper Grant Neighborhood Association have tried to reform city government by running independent, community-based candidates for city council, but they have not met with success. Racial politics enter in to this conflict. City Hall and the City Council has long been dominated by minorities, while a majority of the community organizations and community development corporations are staffed and directed by whites. The city’s most radical

activists, among them Tom Knocke, Frank Fulbrook, Donna Roccio and Father Michael Doyle are all white. “We shouldn’t even be organizers here” said Roccio. “Lots of people here hate whites” (Roccio Interview).

BROWNFIELD REDEVELOPMENT IN CAMDEN

The fractious politics, corruption, patronage, and lack of vision that characterizes Camden in general has determined the progress of brownfield development in the city. Camden is adept at attracting external dollars – “It will chase the money however it’s provided” (Anonymous Interview) – but funds are typically squandered and results have failed to materialize. What progress has been made has been due primarily to the efforts of community-based coalitions. But their resources alone are insufficient to reverse the tide of municipal mismanagement.

Camden has nearly 4,000 abandoned lots, an unknown percent of which contain toxics that pose threats to human health. There is also potential contamination of soil and groundwater. A lack of information about sites, and potential environmental liabilities at abandoned facilities has inhibited reinvestment (EPA 1997). In September 1996, Camden received a Federal Brownfields Assessment Demonstration Pilot grant of \$200,000. The pilot program targets the development of two industrial parks and the creation of a non-profit corporation to oversee cleanup and redevelopment. The EPA also gave Camden an Intergovernmental Personnel Act grant for an engineer to work full-time on brownfields in Camden City Hall. Camden also has received nearly 3 million dollars in site assessment funds from the state HDSR fund to conduct PA/SIs at 22 brownfield sites. This is more than any other city has received from the fund.

The problem, however, is that these funds cover only the initial stage of redevelopment. Camden's Cross Acceptance Report points out that the State Land Use Plan does not provide sufficient funding.

We agree with the Plan that it is critical to the future of New Jersey to revitalize cities, towns and other urban areas experiencing socioeconomic distress, but investing public resources in accordance with current, endorsed plans to improve their livability and sustainability. However, the Plan offers no financial infrastructure with which Camden and similar cities can leverage private investment. ... The Plan encourages redevelopment at densities sufficient to support transit, but it does not give aging and poor cities such as Camden the means to fund and accomplish such intense redevelopment activity. (Williams 1998, 15).

Cleanup costs are the crux of the problem. As one city planner explains,

The feds and the state want us [cities] to handle the brownfield problem. But they only give us money to study and plan. This is the least expensive part of the equation. What we need is money to clean the sites. But they won't give us this. So nothing will change. If we wanted to clean sites on our own, we would have done so. (Lyons Interview)

The premise of the State's Brownfield Program is that private capital will pay for remediation and construction. But if attracting private investors to Camden is not easy, attracting them to contaminated sites is impossible. Alison Devine, USEPA engineer on location in Camden City Hall found the situation exasperating.

The state's brownfield law believes developers will clean sites, but no way is that happening here. I've never heard of a developer who was willing to remediate a site in Camden. I don't know how we're supposed to do brownfield development if there aren't any developers. (Devine Interview).

"Developers will only come to a shovel-ready site here," confirms Fred Martin, Brownfield Coordinator (Interview). Without any private sector interest, progressing past the PA/SI stage is quite impossible. To date, no sites in Camden have been redeveloped through the Brownfield Program.

Economic development in Camden is the “tail wagging the dog” according to Lyons, who says the city will take any business that comes its way. For example, one site was sold for a gas station and car wash, but it was resold for a used tire store. Now there are huge stacks of tires in the middle of a commercial corridor. But they are paying taxes and have hired a few people, so city officials have not complained. The city’s position is that any business is good business. “If someone came into town to manufacture crack cocaine vials, they’d welcome him with open arms,” says one insider. O’Donnell, the critical state Brownfields Coordinator in Camden, criticizes city officials for their passivity and lack of vision.

You ask them what their vision is, why someone would want to move here, what Camden has to offer and they just give you a blank stare. They believe if they sit there long enough, companies will move in, and if not, the state will take care of them. (O’Donnell Interview)

Another perspective would suggest that the problem is less an absence than an inconsistency of vision. In fact, redevelopment plans for two neighborhoods have been drafted, but conflicts abound at each. “Every agency has its own agenda for each site,” notes one observer. “To expect a unified vision in Camden is ludicrous” (Anonymous Interview).

The EPA Pilot program has brought together stakeholders from all levels of government as well as the community on the Brownfields Advisory Committee. However, the fact that disparate interests are assembling at the same table does not indicate that they are in agreement. Sparks fly between city officials, Empowerment Zone staff, and community organizations at the meetings. Lauri Sheppard, a state official, complained that

Recommendations for action are made at meetings, but nothing happens between meetings. The municipal departments don't function, no one wants to make a decision because if it's the wrong decision they know they could end up in the mailroom. (Sheppard Interview)

As with other distressed cities in New Jersey, the absence of private sector involvement also inhibits the establishment of an effective growth coalition in Camden.

Disorganization, mismanagement, and possibly fraud have led Camden to squander the state and federal funds it received for brownfield planning. "The city doesn't have the capacity to manage all these grants," asserts an EPA engineer. "It's an administrative nightmare. Each one is a hassle — endless paperwork" (Devine Interview). As a result, the old patronage networks take over. All of the money Camden received from the HDSRF program to test contamination levels on vacant lots went to the city's sole environmental contractor, Remington and Vernick. The firm is, as one activist notes, "a major league campaign contributor" (Knoche Interview). A number of Camden residents believe the firm exploited a lucrative opportunity. "Remington and Vernick saw a funding source that would actually pay their bills" one said (Anonymous Interview).

Another explained:

Lots of these environmental contractors sold the municipalities a bill for goods to get as many grants as they could. Some of them ride roughshod over the munis. Since they aren't certified in New Jersey, cities can't know if the work they do is quality or not. (Christina Interview)

In fact, the work of Remington and Vernick is reputed to be of uncommonly poor quality. The firm also functions as the city's building inspectors. Two housing organizations believe they overbill and are currently suing them (Knoche Interview). The consultants supposedly investigated 22 sites but their work was incomplete, and nothing ever came of it. They made the situation worse at one site, where they uncapped tanks

and neglected to recap them. NJ DEP had to clean up the resultant 80,000 gallon spill (Fulbrook Interview).

State officials accuse Camden of “raping the brownfield fund” (O’Donnell Interview). They are particularly angry that the city applied for HDSRF grants without having a redevelopment plan in place. However, this was partially the fault of the law, which permitted disbursement of funds without site plans in place, and partially what one expects from Camden’s history of financial mismanagement. An amendment to the Brownfield Act, if passed by the Legislature, will require municipalities to submit plans in order to receive funds, is nicknamed the “Camden bill” in disdainful homage.

Fractious politics and incompetence at top levels has also crippled progress. In the summer of 1999 Fred Martin, Brownfield Coordinator, worked with the Empowerment Zone staff and Frank Fulbrook, founder of the Cooper Grant Neighborhood Organization (est.1982) and longtime community leader, to secure funding for an affordable housing development on the ABC Barrel brownfield site in the Cooper Grant neighborhood. This would be the first privately constructed or market-rate housing built in Camden since World War II. Twenty-four units would be built on land donated by Rutgers. Chief of Planning, Ed Williams said, “This is the one community that has the potential to become stable, plus, we have a good relationship with the community and we trust the developer. It’s a good project” (Interview). The project was well along; “we had all our ducks in a row” said Fulbrook (Interview). Funding under the Urban Home Ownership Program (UHORP), the state home-ownership subsidy program, was assured:

the Planning Board had approved the project; and a private developer, PennRose, was on board and ready to go. The only missing link was \$50,000 needed to remediate the site.³

Luckily, a HUD program — the Brownfield Economic Development Initiative (BEDI) — had just been created for such a purpose. HUD was enthusiastic about funding the project because it was anxious to have a success story — the ABC Barrel would have been the first BEDI loan. Only final mayoral approval was needed to start the project rolling. Days before the deadline, Fred Martin tried to contact the mayor for his approval. Milan, who is known to only speak with his top officials, refused to meet with Martin. But when his aide relayed the information to the Mayor, he rejected the proposal. The city is required to guarantee the BEDI grant with its Section 108 Community Development Block Grant funds, and Milan did not want to risk losing any of this money. “The mayor ruined the project” said Lauri Sheppard, of the New Jersey Redevelopment Authority.

The BEDI debacle illustrates two problems in Camden. First, the miscommunication is typical. Frequently one hand does not know or refuses to support what the other hand is doing. “There’s little cooperation among entities here,” said Alison Devine, of USEPA Region 2. “everyone’s working in a vacuum” (Devine Interview). Poor communication is exacerbated by the fact that the players are continuously changing, such as the mayor and top city officials. Redevelopment projects take years, so they require continuity and commitment and leadership. What continuity exists is supplied by state and federal government players and community organizations.

³ Fulbrook was adamant about cleaning the site to the residential standard and building quality housing with basements. This makes the project more expensive, but safer. The

Secondly, the severe shortage of funds has made the City so risk-averse that it is afraid to secure a federal grant with CDBG funds even for a very low-risk project. As Fulbrook said, "Camden officials don't understand that you have to make some sacrifices to get results" (Interview). But even small sacrifices are difficult to justify in Camden. "The site will probably become a parking lot" said a discouraged Fred Martin. "It should have been a stable residential neighborhood, but unless someone can figure out a way to clean it up, paving it is the most cost-effective way to deal with the site" (Interview 1999).

THE KNOX GELATIN SITE

The Knox Gelatin site, another brownfield property in the EPA Pilot program, has been another "comedy of errors," according to Knoche, who has been involved ever since the state first proposed constructing a state prison on the site, over a decade ago. Located in North Camden, the site contains three parcels with three separate owners; two parcels are in the Empowerment Zone. For purposes of discussion, the entire site is referred to as the "Knox Site." With a history of use as a gelatin manufacturing plant, a shipyard, and a work base for road contractors, the site most recently has been used for illegal dumping of demolition and roofing debris. Environmental assessments have also found hazardous wastes and toxic materials on the sites. It is surrounded by a low-income residential neighborhood. After local residents organized to halt the construction of a prison, interested parties met to form the Knox Development Team, consisting of city, state, and federal government officials, community advocates, and members of the Empowerment

cheaper alternative is to leave the contamination on site, build houses on slabs, and insert

Zone Corporation. The team has met regularly for several years to oversee development, and have drafted a plan to build an industrial park with a greenway along the waterfront. The team even found a prospective tenant, a concrete recycling plant, which expressed an interest in moving in when the site was ready.

In conjunction with the Knox team, the city applied for an HDSRF grant to conduct a preliminary assessment and site investigation (PA/SI). The site was not yet owned by the city, but the proprietor owed so much in back taxes that the Knox team saw little difficulty in seizing control through foreclosure. However, when the assessment was 85 percent complete, the City's Department of Taxation surprised the Knox team by accepting the delinquent taxes from the owner, who reacquired the property. This effectively sabotaged the plan, since under State guidelines, HDSRF funds can be used only to fund projects on publicly held lands. The investigation, which had begun, had to cease halfway through. The partial report has not been produced by Remington and Vernick, the environmental consultant.

In yet another snafu, the local community organization, Save Our Waterfront, bought the site from Abbonizio for \$140,000 (a fraction of its assessed value of \$500,000), in order to have control over the redevelopment. However, because the nonprofit group is legally a private corporation, this did not solve the technical requirement regarding public ownership; the site remains ineligible for state grants and no cleanup has been conducted at the site to date. In a compromise solution, the Army Corps of Engineers will begin a Remedial Investigation on the Knox portion, one of the three parcels, this year, but this may have come too late. Liberty Concrete, the one tenant

deed restrictions against digging in the area.

that planned to move in, appears to have lost interest. To make matters worse, two of the key players, Bryan Finnie, Executive Director of the Empowerment Zone Corporation and Tom Knoche, Director of Save Our Waterfront, resigned from their jobs in early 2000. There's been little progress and a gradual loss of momentum in the years since Pilot began.

WATERFRONT SOUTH

South Camden provides a final example of the unintended consequences of well-intentioned environmental policies in a severely distressed city. Waterfront South is a predominantly working class neighborhood, bounded by an elevated highway, a major thoroughfare, a creek, and the Delaware River. The neighborhood is isolated, both geographically and socially, from the rest of Camden. It was once a booming industrial area, although most of the commercial activity has now ceased and many residents have left the area along the waterfront. A large section of the neighborhood is in the South Camden Historical District, which contains about 800 buildings, the largest inventory of Victorian and early twentieth century residential and industrial buildings in South Jersey. Most of the houses are clustered around old industrial sites. There are few stores in the neighborhood, and Sacred Heart Church anchors the community. Community residents are predominantly African American and Hispanic, with a contingent of older white residents, and a recent influx of Vietnamese (Lyons 1999). The average income for a family of four in this neighborhood is \$7,000 and 50 percent of the residents are under twenty years old (Lyons Interview).

The South Camden community provides a clear example of environmental discrimination. It is the urban wasteland where the middle class suburbs of Camden

County place all of their unwanted facilities. It is home to over 100 “known contaminated sites,” including the Radiation Superfund Site, which is riddled with radioactive thorium, traces of which were found in the backyards all along the street. The neighborhood also hosts dozens of polluting facilities, including the Camden County waste incinerator that daily burns the trash of 500,000 residents, and the Camden County sewage treatment plant.

The latter facility was built in 1983 in response to the Clean Water Act, which requires regionalization of wastewater treatment. Now, the Delaware River is cleaner, but South Camden’s Sacred Heart neighborhood suffers from the unbearable stench produced by 80 million gallons of sewage from 37 municipalities that passes through the plant each day. The Sacred Heart church, and the nearby parochial school, are flanked by the sewage treatment plant on one side and the trash incinerator on the other. Until recently the facility composted raw sewage in the open air. . . “The county is literally shitting on Camden” said Donna Roccio, a community organizer in South Camden (Interview). The smell penetrates walls in to houses, schools, and churches. Epidemiological studies conducted by researchers at the University of Pennsylvania found residents to have an impaired sense of smell and twice as many respiratory problems, including childhood asthma, in Waterfront South than the rest of the city. The local residents receive free sewage treatment in exchange for hosting the facility, an example of what Robert Bullard calls “environmental blackmail.” When Father Michael Doyle appeared on *60 Minutes* in 1984, he said “When God saw Jerusalem, the bible says, he wept—but if God came to Camden, he would scream!” (Kirp 1995, 184).

Father Doyle has been a community leader in Camden for 25 years. Banished to Camden by the diocese for his antiwar protest activities in the 1960s, as pastor of Sacred Heart Church, Doyle has helped mobilize his small, impoverished South Camden community. His community organizations, Heart of Camden and Camden Churches Organized for People, have been fighting the sewage treatment plant for over a decade. "Camden is a perfect example of environmental injustice and racial injustice," says Father Doyle. "The racism is as raw as the sewage that flows through here" (Wilson 1997, 37). The poor South Camden community lacks economic and political clout. He likens Camden to a plantation: "We have to take whatever they dump on us ... basically, anything that would hurt property values in Camden County will be placed in Camden City" (Wilson 1997). Heart of Camden's goal is to redevelop South Waterfront with housing, open space, and light industry that will not add to the pollution burden.

Donna Roccio is a community organizer in the Sacred Heart neighborhood. In 1997 she helped mobilize the community against the sewage smell and the environmental health risk in the community. The New Jersey Department of Environmental Protection (DEP) was responsible for regulating the plant, but was not monitoring the plant closely. Roccio called the DEP case manager three times before he finally came to the neighborhood. He said no one from Camden ever called him, and "I believe him," said Roccio, "because people don't know who to call, they were calling the sewage plant to complain." But the DEP Case manager was unsympathetic and ineffective. Roccio organized a neighborhood meeting with 175 people to meet the DEP case manager. "DEP's response to us was awful and antagonistic. At the meeting, they wouldn't let me translate for the Spanish speakers, because they didn't trust me." DEP's advice to the

neighborhood was to “keep your windows closed” (Roccio Interview). DEP also fell into the typical bureaucratic trap of blaming the victim. “No one would ever allow this to happen in Cherry Hill,” a DEP spokesman reportedly said, “because people there care about their kids. They wouldn’t allow this problem to fester” (Roccio Interview).

The neighborhood’s struggle to compel DEP to enforce the air quality regulations took three years. “DEP essentially told us ‘you are an opportunity cost’” (Roccio Interview 1999). In other words, the residents are sacrificed for the greater good of the clean river. Neighborhood activists filed 150 complaints a year until DEP finally succumbed. The bureau issued 27 violations, and levied fines against the Camden County Municipal Utility Authority (CCMUA). The fines were never paid. Finally, in 1998 DEP ordered CCMUA to spend \$4 million to upgrade the plant and cease open-air composting of sludge. “The whole thing showed me,” said Roccio, “that the DEP is incapable of doing community involvement” (Interview).

Roccio’s observation extends also to other government agencies active in Camden. In 1998, without consulting the residents, the city announced its intentions to redevelop Waterfront South. Most of the neighborhood is zoned industrial. The property is owned by the South Jersey Port Authority, a state agency, and will soon be transferred to the state’s Economic Development Authority. The city’s plan, drafted by Charles Lyons and supported by Mayor Milan, would create an 80-acre industrial park that would demolish homes, displace residents, and fence off the waterfront. Thirty to forty site investigations will be required to implement the plan. “This neighborhood is not going to take it anymore,” said Roccio.

We’re not against industry. Look around. We have hosted more than our fair share. We have industries that the suburbs wouldn’t take: scrap metal facilities

and smoky-belching plants. But if the city keeps surrounding us with industry, this neighborhood will die (Couloumbis 1998)

“The mayor wants to create a sacrifice zone here.” she concluded (Roccio Interview).

After gathering over 300 signatures opposing the city’s proposal. Roccio founded the Waterfront South Planning Project, an arm of Heart of Camden and Sacred Heart Church. Using funds from the Camden Development Cooperative, a private nonprofit organization, Roccio’s group hired community outreach workers and developed an alternative neighborhood plan. Roccio’s plan uses part of the 80-acre site for housing and light industry, and includes a park that extends to the river. But she has received a cold reception from City Hall.

Mayor Milan has said that he could care less about the plan and would override it if he had to. Why can he ignore us? Because this neighborhood has no political clout and everyone in Camden wants economic development. We have a cantankerous relationship with the mayor. (Roccio Interview)

Member of the Waterfront South Project have marched outside the mayor’s office and circulated petitions around the city. Proponents of the industrial park maintain that industry is necessary to increase the city’s \$20 million tax base at a time when the city is becoming increasingly dependent on state aid. The industrial park will also create jobs, especially important to the Waterfront South neighborhood where unemployment is 18 percent. Residents counter that only 4 percent of neighborhood residents are currently employed in the community’s industries.

Roccio and Doyle are trying to work with the city on restructuring the redevelopment plan. But their chances for success are slim. The city’s chief planner, Charles Lyons, is sympathetic, but his resources are limited. Lyons is also physically

removed from the corridors of power. He and his secretary are located in a separate building. Fumes Roccio,

The city shows a criminal lack of understanding about projects and Charles Lyons is doing the plan alone. He's jockeying for power between the community and the city. How can one person do all the planning for the city of Camden? (Roccio Interview)

But even with Lyons's support, the community's power is limited. The state has a controlling interest in the site, and like most decision making in Camden, the city itself may have little input. Roccio and Doyle's hopes for a green industrial park seem remote. Given Camden's lack of appeal, the site will lucky to attract anything. Heavy industry such as scrap recycling is a more likely possibility. Father Doyle believes that such development would spell the death knell of the neighborhood. "We're too small in density to survive. We don't want to become a sacrificial lamb on the altar of Camden's salvation" (Coulombis 1998). On the other hand, perhaps Doyle and Roccio have nothing to worry about. Camden, after all, is notorious for failing to follow through on its plans, and to date there has been almost no progress on the Waterfront South Industrial Park project.

Although Camden represents an extreme case, its example points to the ineffectiveness of decentralizing environmental cleanup and urban redevelopment responsibility to a poor city. Brownfield redevelopment in Camden has been hampered by multifarious factors. Wracked by corruption and nepotism, the city lacks a development regime, indeed it lacks any governing regime at all. Besides an absence of wealthy, civic-minded businesses to assist with development, the city lacks the necessary fiscal and administrative capacity to undertake projects. In addition to Camden's social

and economic deprivation, the endemic dishonesty damages the city's reputation and credibility. Infighting among political factions, control by the shadow county government, and the heavy involvement by a hostile and racist state, combine to create a chaotic political situation in which the city government itself is marginal to municipal governance. In such a dysfunctional political climate, New Jersey's brownfield program is all but useless. The financial incentives are too small and municipal leadership is too weak to forge the coalitions necessary for coordinated action among multiple actors that would be required. Heart of Camden and Save Our Waterfront represent the potential of neighborhood coalitions to effect substantial change, even in the face of governmental indifference. As residents of the city, Doyle and Roccio have a vision for Camden as something other than a sacrifice zone. They suggest the need to further empower community leaders and foster local planning efforts. But to succeed, they need greater support from higher governmental authorities. A city with such a low capacity as Camden cannot survive under a devolutionary program. Camden's experiences with the Brownfield Program show that something as important as site cleanup and urban redevelopment cannot be solved by distressed cities on their own.

CHAPTER 8

NEWARK: CONCENTRATED GROWTH COALITIONS

Newark enjoys many of the resources that other municipalities in New Jersey lack. Brownfield redevelopment in Camden, Paterson, and Trenton has been frustrated by disinterest on the part of private investors and lack of coordination among city officials. Newark, on the other hand, has growth actors, a growth machine, and a viable real estate market in some regions, especially the Central Business District, the port, and airport. The private market is actually driving redevelopment in Newark – a situation all but unthinkable in the other three cities. Moreover, the governing regime, determined to foster as much development as possible, is *laissez-faire* about land use decisions. Newark City officials do not follow a redevelopment plan and regularly approve zoning variances. In short, Newark has an effective growth machine – a hungry private sector and an accommodating municipal government. As a result, the downtown business district is undergoing swift revitalization. Recent years have witnessed a great deal of office development, and the construction of such major projects as a performing arts center, and a ballpark. To all appearances, Newark is fulfilling the promise of the Brownfield Act.

A closer look, however, reveals the drawbacks of the market approach to site remediation and redevelopment. For all its downtown development, the residents of Newark are not significantly better off than are the citizens of Paterson, Trenton, or Camden. In fact, Newark pursues economic development with less consideration of

community needs than either Camden or Trenton. Newark's governing coalition has not demonstrated an interest in neighborhood revitalization, and is not receptive to community input. The major reason for this is that the coalition is interested in developing only the central business district (CBD), which is having a spillover effect into the neighboring Ironbound community. The rest of the city is off their radar screen. Such a group of public and private actors who concern themselves with a strictly delimited area may be termed a *concentrated growth coalition* to distinguish it from a standard growth coalition, whose interests in urban economic development are more global (Stone 1989; Mollenkopf 1992; Ferman 1996).

Like the standard model, a concentrated growth coalition furthers business interests. It differs from the standard model in the intensity of its focus. In theory at least, a broader coalition will secure concessions that will benefit urban residents in the form of jobs, amenities, public improvements, and quality of life in general. A concentrated coalition reaps no such benefits for the population. Its aims are exclusively to increase ratables, but the Brownfield Program generally involves tax abatements, thus reducing the municipality's financial rewards. Because no residents live in the CBD, and only a very few work there, the benefits accruing to the local population are minimal. Private investors cannot profit from investing in low-income neighborhoods, so a program relying on the market will not lead to development needed by communities, such as recreational facilities and parks. In short, a concentrated growth coalition pursues business interests with very few advantages trickling down to the city or its residents.

There are additional problems associated with a concentrated growth coalition. First, it is undemocratic in that it does not include provisions for community

participation. More seriously, perhaps, it usurps assets that might otherwise be channeled towards projects that would more directly benefit communities. There are limited financial and human resources available for brownfield redevelopment. By choosing to invest them all in revitalizing the CBD, Newark's leaders are bypassing other possible projects; renewing the city's decaying neighborhoods, for example. Finally, standard growth coalitions seldom place ecological concerns high on their lists of priorities. A concentrated coalition such as exists in Newark is even less likely to uphold strict environmental standards. In fact, they are permitting the most lenient site cleanups allowed under the state's regulations. The residents of a city as toxic as Newark deserve better.

THE FALL – AND PARTIAL RISE – OF NEWARK

Newark, located on the Passaic River, is New Jersey's largest city. Racially it is one of America's most hyper-segregated cities (Massey and Denton 1989). Of the approximately 267,823 residents in 1998, 28.6 percent are white. After New York and Jersey City, Newark is the most densely populated city in the U.S. It is a poor, densely populated core surrounded by wealthy suburbs. Newark is uniformly poor. The city boasts almost no middle-income neighborhoods and no upper-income neighborhoods (Guyot 1983). Per capita income in the state is \$24,881, according to the last census; in Newark it is only \$9,424. The poverty rate in Newark is 26 percent: 22 percent of households receive public assistance, and the unemployment rate is 9.6 percent. Surrounded by many prosperous suburbs, the income gap between residents of Newark and Essex County is greater than any other metropolitan area in the U.S. (Nathan and Adams 1976).

Newark: Socioeconomic Profile*

Population	267,823
Population Change (1990-1998)	-2.7
% White	28.6
% Black	58.5
% Hispanic	26.1
Per Capita Income (1990)	\$9,424.00
% Below Poverty Level (1989)	26.3
Unemployment Rate (1998)	9.6
% City Revenue from State (1996)	89.7

*Source: *2000 City and County Extra: Annual Metro, City and County Data Book*, 9th edition, Deirdre A. Gaquin and Kathleen A. DeBrandt, eds. Lanham, MD: Bernan Press.

Environmentally, the city is deeply blighted. Newark has an estimated 700 acres of contaminated land, including 300 acres of abandoned industrial sites and thousands of small residential sites interspersed among commercial and industrial areas. As of 1994, the City owned 4,530 vacant lots (NEDC 1996). Tax liens on abandoned properties in the city typically cost more to pay off than the land is worth. Fear of finding severe contamination is a disincentive to foreclose on deserted sites. A significant proportion of the city is built on a salt marsh that has been filled over the years with municipal solid waste, railroad cinders, dredge spoils and industrial wastes. Groundwater was so degraded from contamination that breweries and wells began to close as early as the 1940s. Today there are at least 108 cases of groundwater contamination in the city and the Passaic River is one of the most polluted waterways in the US (Zdepski 1992). Rational land use zoning came very late to the city. Many of the heavy industries were located on former salt meadows, and factories and homes have always been interspersed. Some residential neighborhoods received waste fill. The result is an alarmingly high incidence of diseases related to environmental contamination and high population

density. Further, rates of tuberculosis, AIDS, and infant mortality in Trenton parallel those in the Third World (Schulgasser 1992).

The year 2000 is the city of Newark's 335th birthday. Only two other large American cities, Boston and New York, have such a long history. Founded by the heirs of the Puritans, the city rose to become a commercial giant in the 19th and 20th centuries. The city got its first big boost in the late eighteenth century when Seth Boyden came to Newark and perfected dozens of other industrial inventions, including patent leather, malleable iron, and nail-making machine (Cummings 1999). Later, the city attracted other inventors. Thomas Edison worked in Newark, as did Hannibal Goodwin, who invented celluloid film. Newark's industrial economy was boosted by the transportation revolution of the antebellum period. The completion of the Morris Canal in 1830 and railroad links connected Newark to markets in the rest of the country. The city's commercial empire followed close on the heels of industry. The first bank in New Jersey opened in Newark in 1804. Prudential and Mutual Benefit, both founded in Newark, remain leaders in the insurance industry.

Newark was hit hard by the Great Depression, but remained afloat until after World War II, when suburbanization, industrial decline, and disinvestment decimated the city's economy and left over 700 acres of abandoned or underused former industrial property. The spiral of decline was somewhat modified by the New Newark Movement of the 1950s, led by Mutual Benefit, Prudential, and Mayor Leo Carlin. The public-private partners began to rebuild the downtown, expand the airport and seaport, and launch the university complex. But they could not stop the city's downward trajectory. Between 1960 and 1977, 25 percent of the jobs in Newark migrated out of the city.

Violent race riots tore Newark apart in 1967. In the 1970s, manufacturing and service industries poured out of the city. The city has a history of poor planning. Urban renewal in Newark was “a misguided and reputedly corrupt” disaster that “razed far more land than was rebuilt, leaving vast areas rubble strewn” (Guyot 1983, 24). By 1980, the poverty rate was the highest of all the big cities – 32.8 percent – and Newark was ranked as one of the four most socioeconomically distressed cities in the nation (Burchell et al. 1984; Schulgasser 1992). Newark’s population has been declining since 1950; in the 1980s, the city lost 60,000 residents.

Newark has suffered from its poor reputation. Its socioeconomic problems and reputation as a dangerous place have plagued the city and make it difficult to renew its image and attract new businesses. Although state law requires annual assessments, the city has not done a property assessment in 40 years. As a result, areas that have declined still carry a valuation from better days, and property owners effectively subsidize owners in nicer sections of the city. Like the other cities in this study, Newark has a disproportionate number of tax-free facilities, including tax-free zones created by the Federal Enterprise Community. Municipal revenues are primarily derived from employment taxes, but these are insufficient to cover expenses. Like Camden, Newark has become an “intergovernmental city,” relying on federal and state revenue transfers for approximately half of its budget (Burchell et al. 1984; Schulgasser 1992). Federal funds are spent in the city’s neighborhoods through the Housing Authority or through the community-based organizations that emerged in the mid-1970s. Much to the dismay of city officials, Newark failed to win Federal Urban Empowerment Zone designation in the

late 1990s. But the city has been awarded status as a Federal Enterprise Zone Community as well as a state Urban Enterprise Zone.

Unlike Paterson, Newark has attempted to transcend its industrial past and reinvent itself through wholesale redevelopment and office building development in the business district. With almost 70 percent of its land exempt from property taxes,¹ Newark has zealously pursued ratables to fatten its chronically inadequate tax base and to compensate for the declining percentage of aid from Washington. Newark's greatest asset, which sets it apart from Camden, Trenton, and Paterson, is its transportation network. Major arteries surround the city, including Route 78 and 280, the New Jersey Turnpike, the Garden State Parkway, and Route 1. The Newark Airport, which served 28 million passengers in 1994, is the ninth busiest in the nation (Gilbert 1995). Port Newark/Elizabeth employs 180,000 people and pumps \$20 billion annually into the economy (AP 1997). The city is a freight and passenger railroad hub, and there are plans to develop transportation even further by connecting NJ Transit rail lines to the Newark Airport. A \$375 million Monorail now links the Airport terminals to the parking lots, and there are plans to extend service to downtown Newark and Elizabeth. Newark's transportation facilities, along with the availability of large tracts of land have helped the city protect its industrial base against the statewide manufacturing decline (Cohen and Surrey 1990, 262).

In recent years, Newark has undergone a renaissance. The upward trend began in 1997 with the completion of the New Jersey Performing Arts Center, which has

¹ Property owned by government including schools, public facilities, and office buildings, property owned by not-for-profit corporations, and property owned by religious institutions.

succeeded in drawing suburbanites to the city. Land near the airport and seaport is now in high demand, valued up to \$500,000 per acre (NEDC 1996). The central business district is thriving with banks, utilities, law firms, universities and insurance companies. Firms are buying and renovating downtown buildings, and the vacancy rate in downtown has fallen to record lows (Ahearn 1998). Construction for a downtown ballpark began in May 1998. The \$22 million facility is home to the Newark Bears – the first baseball team to grace the city since 1950 (Newill 1998). One indicator of the city's economic upswing is the housing market. For the first time in almost 75 years, private townhouses and condos are being built in the city by private developers. The Housing Authority and community development corporations are also building affordable housing in an effort to replace the high-rises of the 50s and 60s (Cummings 1999). Al Faiella, Director of the Newark Economic Development Corporation (NEDC) expects 3,000-4,000 new housing units to be built in the next three years (Freiser Interview). According to Joel Freiser the city's aim is to become attractive to middle-class homebuyers.

Despite this expansion, Schulgasser (1997) has labeled Newark a "growth coalition wannabee." Massive public subsidies have been largely responsible for the efforts to revitalize downtown Newark. To leverage its growth, the city had to spend its Community Development Block Grant funds and grant large tax abatements (Schulgasser 1992). The new ballpark, for instance, was funded with \$11 million in contributions from both Newark and Essex County, as well as public money from other state agencies, including the Casino Redevelopment Authority (Newill 1998). Unlike some coalitions, Newark's growth machine does not chug along on its own steam. Furthermore, private investors have declined to scoop up a great many of Newark's brownfields. The city's

governing coalition, which has endured for nearly three decades, has not proven to be strong enough to effectuate private development of small tier three sites that lack locational advantages.

Unfortunately, the resurgence of economic activity has had little effect on the conditions of Newark's citizenry. Newark as is commonly described as two cities – the neighborhoods and the downtown. Although the central business district is being redeveloped, the city's neighborhoods are still suffering from unhealthy environments, blight and poverty. As one longtime participant and scholar of local politics has observed, Newark's "trickle down policies have not amounted to enough of a trickle in twenty years to improve the lives of many residents (Schulgasser 1992, 20). Because prospects for growth in the manufacturing sector seemed hopeless, Newark has focused its efforts on developing a central business district of offices and retail. This approach creates white and pink collar jobs, but few opportunities for manual laborers, which in a city such as Newark means the African American men who comprise much of the local population. Most downtown jobs are held by commuters who, like Trenton's state workforce, rarely interact with the city or its residents outside of the workplace.

Downtown gentrification has pushed out some mom-and-pop stores. Referring to the activities of the downtown growth coalition, Imani-Jackson, the owner of a downtown shop said "It's good for them and bad for us. It doesn't have anything to do with local participation. Lots of promises and very little for the real people of Newark" (Jordan 1998). Residents also complain that the emphasis on business development has meant that other community needs are being ignored. "These guys don't build health clinics and libraries," said one local. "They're here to make money" (Jordan 1998).

City officials unveiled an economic development plan for the city in 1998. The plan included vague objectives and strategies focussed on industrial development and downtown development. Typically, the plan made only passing reference to the poverty and unemployment that plague the city, and did not include any plans for economic development in neighborhoods. Community activists believe the city is “economically poised to do much good right now and should work with communities to generate economic and community development. But, the city is missing the boat” (Davlin 1999). Alan Mallach, Director of the Office of Housing and Community Development in Trenton, agrees.

Newark has urban assets that make Trenton look pathetic. It has more potential for redevelopment than any other small city in the U.S. A mind boggling number of sites to redevelop and they don't have a problem getting investment. There's pool of substantial corporations with some real money. But Newark has no vision. Outside of the downtown, there is poverty and squalor that make the worst thing in Trenton look benign. What is the city doing about that? They will have problems unless they dramatically rethink their modus operandi and figure out how to build a healthier city. But there's hardly a distressed neighborhood in Trenton where we don't have some kind of strategy going. (Mallach Interview)

NEWARK'S POLITICAL CULTURE

Newark has been historically mired in political conflict. According to one political observer, a “combination of neglect, greed, and corruption has contributed to Newark's decline” (Fields 1997). The city has a venerable tradition of graft. Under the current administration alone, two council members have been found guilty of corruption, and the former police director, William Celester, was incarcerated for skimming money from an expense fund. Also indicted recently was assemblyman Jackie Mattison, the Mayor's nephew and chief of staff, and an investigation of the mayor himself was suggested in 1997 (Fields 1997). The U.S. Attorney's Office continues combing through

thousands of records subpoenaed from City Hall. One byproduct of corruption is the culture of mistrust that pervades City Hall. One official I interviewed would not speak with me from his office phone because he feared it was tapped.

A staff member of a Newark community planning organization said “It’s hard to accomplish much here, because the state hates the city, and the city hates the community” (Anonymous Interview). Newark is in a constant struggle with an often hostile state legislature for more aid, upon which the city is dependent. Newark’s Northern New Jersey location has not helped its relationship with state government, according to one state official.

People in Trenton don’t know Newark and are uncomfortable there. Many state employees live in the suburbs or in Pennsylvania. They don’t like cities. [DEP director] Ric Gimello and the DEP central office are very anti-Essex County. (Kehayes Interview)

Essex County is more urban than the rest of the state, and in many respects more economically and culturally oriented toward nearby New York than New Jersey. State assistance usually requires the city to forfeit a measure of control and autonomy to state agencies. Newark’s public school system, proven to be dysfunctional and corrupt, was taken over by the state in 1995. And the city has to submit an annual fiscal recovery plan to the state (Schulgasser 1992).

Racial politics also enters into the equation. The state legislature is comprised primarily of suburban whites while Newark’s municipal government is predominantly black. Kenneth A. Gibson, the first African American mayor, was elected in 1970 and served until the election of Sharpe James in 1986. Both Gibson and James were “elected by popularly based protest movements” (Strom 1999, 427). The Gibson regime had its roots in the civil rights movement. His election after the riots of the late 1960s

symbolized the empowerment of urban black leadership. By 1978, African Americans had wrested control of the nine-member City Council. But the early promise of these years evaporated during the second half of Gibson's sixteen-year term as he withdrew from the community to ally with downtown business interests. Gibson formed the city's first public-private growth coalition in 1977, when a range of federal and state grants allowed him to develop a business inducement package (Clark 1987; Schulgasser 1992). During his mayoralty \$500 million was spent on construction projects, that were focused on the downtown to the exclusion of the neighborhoods (Schulgasser 1992, 1994).

Sharpe James, who was reelected to his fourth term in 1998, succeeded Gibson in 1986. James, who had served on the City Council since 1970, was known as a "champion of the tenant and taxpayer" (Schulgasser 1994). In 1986, he ran against Gibson on a populist, neighborhood-based platform with "Sharpe Change" as his campaign theme. His victory in all five wards unseated a sixteen-year incumbent and reflected disenchantment with Gibson, especially among black voters. However James too quickly "made his accommodations with business leaders and pursued a policy of assiduously courting investment wherever he can find it" (Strom 1999, 427). His governing coalition has turned out to be a continuation of the downtown business machine forged by Gibson.

As was often the case during the 1970s, by the time blacks achieved political incorporation, the city was a shell of its former self. Blacks found themselves trying to lead a ruined city. Forming alliances with business was the obvious approach, and in Newark it was possible. "Newark is pregnant with potential," said Mayor James to a roomful of business leaders, "And we're going to deliver the baby with your help" (Drucker 1998). With the support of a private sector that includes corporations and

foundations, as well as the *Star-Ledger*, which has historically championed development. James has built an effective growth coalition (Strom 1999). With former Governor Tom Kean, James organized the New Newark Commission in 1999, an assembly of top executives and public officials who intend to inject corporate funds and expertise to Newark's economic development efforts. Members include representatives from Lucent Technologies, Bell Atlantis, Prudential Insurance, Bristol-Myers Squibb, the Amelior Foundation, Public Service Electric and Gas, and Essex County Executive James Treffinger. None of the other case study cities has such impressive companies within their borders, much less in their governing regime. "They want to see the city work," testified James. "They have good ideas. And the city can't do it alone" (Sherman 1999). So far, the Newark Commission has been the main booster of the downtown sports arena. But they plan to help the city develop a master plan for downtown and some communities (Smothers 1999).

James also created new city positions to foster redevelopment. Under his tenure the Newark Economic Development Corporation (NEDC), a quasi-public corporation incorporated in 1965 and reincorporated in 1975, became more powerful. James appointed a Deputy Mayor for Commerce and Economic Development, a position widely known as the "downtown quarterback" (Schulgasser 1992). Al Faiella, the current Deputy Mayor, also heads the NEDC.² These positions have given Faiella an extraordinary amount of power in development politics. "Everyone is afraid to cross him," said one state official; "even the mayor defers to him" (Davlin Interview).

² Faiella also works as a private attorney whose firm tries cases against the city. No one has taken him to task for what appears to be three blatant conflicts of interest.

Schulgasser (1992) notes that the NEDC is not subject to community input or review, insulating development decisions from public accountability. In recent years, turf battles have flared between NEDC and City Hall.

Although in theory there is nothing wrong with fostering a growth coalition, the unhappy result in Newark is that the James administration has failed to incorporate the community-based networks that formed his electoral base into the governing coalition. As a result, Schulgasser points out, James was never pressured to “balance his private sector development strategy with one for the community” (Schulgasser 1992, 12). “The city has a history of poor relations with community organizations,” according to Ann Davlin, of New Jersey’s Regional Plan Association, and the mayor treats the “community as a second class citizen” (Davlin Interview). When residents protested the demolition of their neighborhood to make room for the sports complex, Mayor James replied, “There’s no progress without pain” (Drucker 1999). Other municipal administrators share the mayor’s lack of interest in hearing local concerns. “There’s a fine line between involving the community and getting things done,” remarked one city engineer (Lazarus Interview). Another engineer agreed:

I don’t want community input in redevelopment. They are a pain. They never want anything that may be a public necessity. Right now we’re ripping up a community garden for a Sanitation parking lot and the community is putting up a huge fight. But, I said “you don’t have a lease, so you’re trespassing.” (Butler Interview)

Residents feel that planning consists of real estate deals made by top officials behind closed doors. “The city is catering to developers who are coming in and is largely ignoring community based organizations,” complained Ray Ocasio, director of La Casa de Don Pedro, a neighborhood development organization in the West Ward. Insiders say

advocacy in all spheres has been thwarted by corruption and machine-style politics.

“When Faiella does a neighborhood-based project, he always takes care of his cronies with a kickback” (Anonymous Interview).

Although there are a number of community organizations in Newark, they are not incorporated into the governing regime. Representatives of three neighborhood groups attended the Brownfield Steering Committee meetings, but all three eventually dropped out when they felt their concerns weren't being taken seriously. One reason for this is that, in contrast with the situation in Camden, there is little networking or communication among groups in Newark. Disunity has sapped the strength of community advocates. Newark is racially divided among Blacks and Hispanics, who are also territorially divided by ward. The racial groups and wards are frequently at odds with each other and with City Hall. Plus they all have to compete for scarce Community Development Block Grant funds. Money is now “divided between 23 Community Development Corporations but the pie hasn't increased.” lamented Ocasio (Interview). Some organizations take a combative stance, but most have learned that fighting City Hall is a losing prospect, because decisions have always been, and probably always will be, made by high level politicians. So most community leaders avoid politics and try to improve their communities on their own. Several activists and public officials interviewed for this project noted that the Empowerment Zone application was the most empowering thing that ever happened in Newark because “it was the first time we all sat down together—the first time the community was involved in planning” (Lockheart Interview). But the director of La Casa was still dissatisfied. “They made us lead agency in the enterprise

zone, but without additional funding to do anything. They effectively let us do the work without giving us any more money” (Ocasio Interview).

Newark’s current Master Plan process, led by Kathleen Kelly of the City Planning Department, is unusual because it involves the community. “This is 1999: community involvement is necessary to get things done,” she said. “I’m horrified by people who want to minimize it. It’s not 1955 anymore!” (Kelly Interview). Neighborhood meetings have been a great success. But the city has not appropriated any funds to support the process. Kelly has no staff, “zero resources,” and is able to hold only one meeting in each community. Community advocates have complained that residents are given limited information and that the consultants hired by the city are ignoring the issues that are critical to communities, such as the need for schools, housing, and parks. According to Arnold Cohen of the Ironbound Community Corporation, Mayor James “wants people to flock to Newark but he doesn’t want to help the people that are already here” (Cohen Interview). Cohen’s group is currently developing a neighborhood plan, but he is doubtful that the city will consider it in their Master Plan. Most neighborhood activists I spoke with believe that the Planning Department’s meetings are a sham. “Kathleen Kelly’s heart is in the right place, but they’re having her go through the motions so the city doesn’t get screwed,” said one (Davlin Interview). In a rare show of unity, a coalition of Newark community groups – including the Rutgers Environmental Law Clinic, the Ironbound Community Corporation, the West Side Community Development Corporation, and Episcopal Community Development, Inc. – issued a statement criticizing the city’s master planning process for neglecting neighborhood concerns (Della Fave Interview).

Even Mayor James agrees that development in Newark has never been driven by a vision:

When we lost the viability of neighborhoods from the riots, it became almost “first come, first serve” in any type of development. It was almost like Dodge City ... We just did anything. (Drucker 1998)

The lack of planning and vision has resulted in a hodge-podge city. Since there’s no comprehensive framework, developers approach it project by project. According to George Sternlieb, the former director of the Center for Urban Policy Research at Rutgers University, the zoning motto in Newark has been: “Take whatever you can get, and whatever they want give ‘em, and pray that they’re legitimate and they’re going to build something” (Drucker 1998). Alan Mallach says that this “one-parcel-at-a-time mentality” has resulted in a “God-awful mess,” a complete lack of integration of buildings with the community (Mallach Interview). Many of the new buildings, such as the Rutgers campus and Gateway, are fortress-like, bastions of defense against a threatening urban environment. Bierbaum (1987) notes that new low-density housing is typically set back from the street, shunning interaction with the surrounding neighborhood. The much-older Ironbound district, on the other hand, is a “true delight for urbanists” (Bierbaum 1987, 28). The houses and shops in the area are on a human scale, and the narrow streets foster high activity. As a result, there is little crime in the area, and urban vibrancy day and night.

Alan Mallach, esteemed New Jersey urban planner, says Newark will not improve unless the city comes up with a good plan, stands by the plan, and is able to resist developers when they come in with their demands. “The city cannot afford to act like a beggar,” he says. It “has to learn to say ‘no’ to developers who do not contribute to the

public good” (Bierbaum 1987, 30). Regrettably, Newark has not yet reached this point. “Variances are supposed to be the exception, but they appear to be the rule,” noted Manuel Lavin, a community advocate (Jordan 1999). “The city just gave six million Urban Development Action Grant dollars to Prudential to build a new parking garage,” fumed La Casa’s Ray Ocasio. “Did we really need to do that? Do we really need another parking garage?” (Ocasio Interview). “What does Al Faiella care about?” said the latest Brownfield Coordinator, Sharon Tepper. “Whatever brings in the most money is what he cares about” (Tepper Interview). According to community activist Joe Della Fave, Newark’s practice is to “let investment do whatever the hell it wants. Development here is driven by greed” (Della Fave Interview). Newark City Planner Kathleen Kelly is softer on the city:

We are all dealing with a monumental job and we try so hard but the daily requirements of the job are so demanding that we just deal with what’s right in front of us. We don’t have the time or resources to think long term. (Kelly Interview)

BROWNFIELD REDEVELOPMENT IN NEWARK

The absence of visionary leadership has had a negative effect on Newark’s brownfield pilot program. The city was designated an EPA Brownfields Demonstration Pilot in October 1996. In April 1998 the City Council and Mayor James gave the Newark Economic Development Corporation (NEDC) primary responsibility for administering the program. According to critics, this decision cost the city the opportunity to use the Pilot to jumpstart an effective program. The NEDC’s director, Al Faiella, never supported the initiative. A state official explained:

NEDC didn’t like the Brownfield Pilot because it requires a cooperative effort and they don’t like to share control — especially since there’s an ongoing turf

battle between the Mayor's Office and NEDC. Secondly, NEDC is in the business of selling land. They don't want to be bothered with the extra rigmarole required by the pilot. (Anonymous Interview).

Patronage networks in the NEDC also reportedly affect brownfield priorities. "Al Faiella is giving sites to his cronies; he's not looking to create jobs" said one source (Anonymous Interview). Faiella is not reputed to be much of an environmentalist. The Passaic River, running along one edge of the Ironbound, is one of the filthiest watercourses in the nation. The director of the NEDC dismissed the idea that the government should clean the river before promoting new development along its banks. "It doesn't smell," Faiella pointed out. "From a practical standpoint, if I'm walking along the promenade, does it make a difference? I don't think anyone plans to swim in our stretch of the river" (Jordan and Carter 1998). The leaders of Newark are comfortable with living with pollution.

But they are not comfortable with anything that might interfere with development. Especially noxious to Faiella was the position of Brownfield Coordinator mandated under the terms of the Pilot program. Faiella minimized the power of this position by making the Coordinator a consultant rather than a staff person. There has been a remarkably high turnover among the Brownfield Coordinators hired by the NEDC. The fourth one in three years was hired in August 1999. One former Coordinator who requested anonymity complained that the NEDC ranked brownfields a low priority. "They need to define the program better. They need to hire a full-time coordinator. And they need to pay them a living wage" (Anonymous Interview). The position was discontinued when the pilot program ended in 1999. The NEDC could have applied for a six-month Pilot extension, but top officials decided not to. Because of the NEDC's attitude, Newark never adopted

the ideology of the federal Brownfields Pilot, “to create a brownfield infrastructure that would last once the pilot is over” and to institute an enduring community involvement program (Hackler 1999). The NEDC made brownfields a low priority and failed to continue the program when the two years were up.

By putting the NEDC in charge, the city also lost the chance to create a strong community participation program around brownfields. The Pilot required community involvement in meetings as a way to foster the creation of a local organizational network for brownfields. But according to Steve Kehayes, the NJDEP Brownfield Coordinator in Newark, this aspect of the program was sabotaged.

Because the Pilot was placed in NEDC, the focus is on making real estate deals instead of community health and community education about brownfields. And they aren't getting the info out to the community. PAs [preliminary assessments] and SIs [site investigations] have been done, but the results aren't getting distributed to the neighborhoods. The community isn't being informed about environmental hazards. (Kehayes Interview)

Another former official concurred. “If Brownfields was housed in a part of city government that deals with communities it would have a different focus. NEDC does real estate deals, and that's what the Brownfield Program has become” (Anonymous Interview).

During the Pilot, the NEDC held monthly Brownfield Steering Committee meetings that included the City Engineer, and representatives from the EPA, NJDEP, the New Jersey Institute of Technology, the Newark Housing Authority, the DuPont Corporation and other businesses, the Regional Plan Association and representatives of three community-based organizations such as the Ironbound Community Corporation, the Greater Newark Conservancy, and La Casa de Don Pedro. Most participants thought it was a “big step that people were sitting around a table talking about brownfields once a month” (Kelly Interview). But it soon became clear to all involved that there was no

dedication to community involvement. No representatives from Newark's poorest neighborhood, the African American West Ward, ever attended. The three community organizations that did participate stopped attending meetings halfway through the Pilot, frustrated that their views were not being addressed. "We walked out of the meetings," said Rick de Soto Lopez, "because the city wasn't listening to us" (Interview).

The Pilot failed to revise the way development is done in Newark. Individual brownfield sites were addressed in isolation, instead of in the context of a community plan. When asked to describe the City's vision for brownfields, Newark's City Engineer said without a hint of sarcasm, "we've had lots of success locating billboards and container storage on brownfield sites along the highway" (Lazarus 1999). According to the State's Brownfield Coordinator, the city of Newark is loath to clean sites. Since most of Newark is built on contaminated historic fill, city leaders fear that most sites could never be cleaned to acceptable environmental standards. Newark has pursued projects such as parking lots, container storage, warehousing, and billboards. As Kehayes explains, "these uses are perfect for city-owned sites, because they don't need to remediate. They can just cap [them with asphalt] and make money off them" (Kehayes Interview). Doing this, however, leaves contamination on site, a fact that the city purposefully downplays. "The community isn't given information on the hazards" said Kehayes (Interview).

RIVERBANK PARK

Riverbank Park, located in the Ironbound neighborhood, provides an example of how communities must continuously struggle to overcome the designs of Newark's concentrated growth regime. Although the community was eventually able to reverse the

thoughtless plans of the municipal regime, it was only after a number of intensive political and legal skirmishes battles conducted over a period of three years.

The Ironbound neighborhood is bounded by the polluted Passaic River, highways, and the Newark Airport. It is home to about 50,000 predominantly low-income, Portuguese and Brazilian residents, and several thousand more work each day on the industrial rim. Formerly a thriving industrial district, most of the manufactories, smelting works, and tanneries are now closed. Unlike most Newark neighborhoods, the Ironbound has had success reinventing itself as a retail and restaurant district, where patrons flock for Portuguese cuisine. But central business district revitalization has put development pressures on the Ironbound.

Community leader Joe Della Fave calls his neighborhood "a dumping ground" (Interview). The Ironbound is home to the Diamond Shamrock Superfund site, the Essex County recovery plant, and New Jersey's largest garbage incinerator. The city makes money off of this latter facility by burning the trash of neighboring towns, for which it receives a host fee and an annual per/ton fee. The community has waged an ongoing battle against the incinerator to prevent it from accepting garbage from New York City. All told, the Ironbound is home to 100 brownfield sites and 200 industrial operations storing or using hazardous chemicals. The Ironbound hosts the world's largest concentration of dioxin, one of the most toxic chemicals yet developed. The Diamond Shamrock plant produced almost 1 million gallons of the herbicide Agent Orange for the Vietnam War; dioxin was the byproduct. Now the site is a sealed six-acre contaminated mound containing 66,000 cubic yards of dioxin-laced soil. There is no facility in the nation equipped to handle this amount of toxic waste, so the facility will likely remain a

permanent tomb. Arnold Cohen, long-time community organizer in the Ironbound, calls it a “monument to man’s stupidity” (Mansnerus 1998).

The Newark Fire Chief once called Ironbound “a time bomb ready to explode” (Walsh 1997b). Residents complain about a range of ailments, including burning eyes, headaches, and respiratory problems. Asthma rates in Newark are three to four times higher than the rest of the state. About 75 Ironbound children are admitted to the hospital with asthma annually (Carter 1999). Fear of the health effects of the pollution motivated residents to form the Ironbound Committee Against Toxic Waste in 1996, which led battles against the incinerator and sewage treatment plant. The experience of opposing City Hall politicized the community further, increasing their capacity to fight for their own interests. It was in this context that Ironbound residents mobilized to stop the city from building a baseball stadium on their neighborhood park in 1996.

Until 1996, Riverbank Park was the only recreational area for the Ironbound neighborhood. But an environmental assessment conducted that year revealed high levels of heavy metals in the soil — lead, cadmium, and arsenic — that had been deposited by the huge Balback Smelting and Refining Company, which operated on the site until 1903. The county closed the park and announced plans to remediate it as soon as possible (Walsh 1998). Without consulting the neighborhood residents, officials in Newark and Essex County decided to build a new sports complex on the site and build a replacement park, in a less desirable location across a busy highway. Each committed \$11 million for project. When the neighborhood learned of the plan, they formed a new coalition called Save the Park at Riverbank (SPARK).

SPARK members objected to the stadium because the Ironbound is already congested with traffic and the community has a desperate need for playing fields and park. The other sports field used by the community, the Ironbound Stadium, was closed in the early 1980s when it was found to be contaminated with PCBs (*Star-Ledger* 1997). Despite their continual protests at City Council and County Freeholder meetings, SPARK was ignored. The City Council and County voted to fund the stadium over their objections. SPARK responded with a strategy that had never been used in Newark: they collected enough signatures to force a referendum on the issues. But the James administration refused to fund the \$500,000 to cover the cost of the special election, saying Newark could not afford to waste tax dollars. SPARK members demanded a democratic process, and the City Clerk fulfilled his legal duty by placing the question on the ballot, threatening to sue the mayor if he failed to release the funds (Jordan 1997). The citywide vote favored the stadium but the Ironbound voted overwhelmingly against it. SPARK then took the matter to court. The judge threw the case out, but mandated the project must go through all required reviews (Walsh 1998). SPARK then shifted gears. Riverbank Park had been designed by the firm of Frederick Law Olmsted in 1901. Advocates contacted the state advisory board on historic preservation, which voted to designate it a historic site. The matter was remanded to the National Park Service, which issued a "cease and desist" order in 1997 postponing work on the stadium project until it determined whether it would violate the Urban Park and Recreation Recovery Act (Walsh 1998). In 1998, the park was listed on the National Historic Register. The county found a new site for the stadium and SPARK turned its attention to refurbishing the contaminated park.

After the National Park Service killed the stadium project, Essex County Executive James Treffinger, in a surprising reversal, decided to work with the neighborhood on the Riverbank Park Project. He has not been bashful about taking credit for his broad-mindedness. "And for our part, government officials were willing to listen and allow community members an active say in the future of their own neighborhood," said Treffinger at a Riverbank Park press conference, "Too often in the past, government on all levels has arrogantly imposed solutions on its citizens, convinced that elected officials know what's best" (*Ironbound Voices* 1999, 12). The Essex County Freeholders voted to spend \$4.5 million to remediate and rehabilitate the park with soccer fields, baseball fields, basketball and tennis courts, and playgrounds (Zak 1998). Restoration began in June 1999. It will be the first time in 71 years that a park was created in Newark (Walsh 1998b). Essex County leaders pride themselves on the fact that the adversarial relationship with SPARK has evolved in to "an exemplary partnership" (Walsh 1999).

Although they saved Riverbank Park, SPARK cannot rest on its laurels. An energetic and hydra-headed development coalition in Newark continues to try to reap profits from the Ironbound. SPARK and the Ironbound Community Corporation have joined forces to try to limit development in the district, but privatized property negotiations generally have precluded community involvement. Representatives from SPARK now regularly attend meetings of the Newark Planning Board, and have launched a citywide campaign demanding that the master planning process include community input (SPARK 1999). The organization reaped one major victory in 1999 when it filed a lawsuit against a Planning Board decision to grant a developer with

variances to city zoning laws regulating building heights, parking spaces, and setbacks for side and front yards (Jordan 1999). But other causes look less hopeful. Thanks to a booming real estate market, hundreds of houses have been built in the Ironbound neighborhood over the past two years, many on contaminated former industrial sites that activists fear “may not be acceptable for residential use” (Gradwohl 1999). Residential developments on contaminated land are capped with clean soil or asphalt and sold with deed restrictions that prohibit any excavation on the site, including gardening. Activists are concerned that non-English speaking purchasers and tenants will not be notified of deed restrictions.

In addition to imperiling public health, unplanned, developer-driven development is overcrowding the Ironbound and limiting the neighborhood’s ability to shape its growth. “What good is our plan,” asks Arnold Cohen, a community leader, “if the Planning and Zoning Boards grants variances all the time anyway? They are turning our neighborhood into a slum — approving apartment buildings with no yards and no parking” (Cohen Interview). Opportunistic development is also straining local resources. As one activist pointed out in a letter to state officials, “the community has a desperate need for more parks and playground space and new schools” (Della Fave 1999a). A study conducted by the Newark Public School District found that every school in the Ironbound was over capacity, one by 400 students (Five Year Facilities Management Plan, March 3, 1999). Two developments approved by the Planning Board in 1999 are estimated to bring 1,800 more children to the severely strained school district (Della Fave 1999b). SPARK and the Ironbound Community Corporation will have their work cut out for years to come.

The Ironbound is unusual among Newark neighborhoods in having such energetic and dedicated community groups, ones who are unafraid of taking on the city's powerful concentrated growth coalition. Their situation suggests the possibility of its opposite. Newark enjoys an enviable economic position as one of the few New Jersey cities with a viable private sector and a growth engine. Municipal leaders could afford to use their position to shape community-based redevelopment, or pursue neighborhood revitalization or job creation. But instead, the reigning coalition has concentrated all of its energies and its resources on downtown development. This has exacerbated the dual city phenomenon in Newark, where the poor, blighted neighborhoods are increasingly isolated from the glitzy, new high-rises in the central business district. The case of Newark suggests that even when mayors have a wide range of opportunities to foster growth, they find it easier to go along with private decisions than to try to craft viable projects on small sites in poor neighborhoods. While Newark has had more progress in brownfield development than the other cities, it is due to the fact that the city has approached the project as any other economic development project, essentially ignoring the other goals of the program, which are to clean sites and involve the community. Newark's concentrated growth regime has marginalized communities, and pursued ratables and private profit at the expense of neighborhood conditions. And those sites that are being redeveloped are being remediated at the lowest level possible, commonly receiving caps instead of being cleaned. Newark example shows what happens to a devolutionary site cleanup program when the market controls decision making.

CONCLUSION:

REDEVELOPING THE BROWNFIELD PROGRAM

Few municipal governments operate according to ideal standards and, to adapt a famous line from Tolstoy, every unhappy city is unhappy in its own way. The preceding chapters have described the difficulties Newark, Camden, Paterson, and Trenton have encountered in furthering brownfield redevelopment, focusing on how their institutional structures and political organization have shaped their brownfield programs.

In Trenton, an energetic municipal coalition has succeeded in preparing ambitious projects but failed to attract the growth actors necessary to sustain development. A hopelessly fractious and autocratic government in Paterson that refuses to engage community organizations has precluded the development of a brownfield coalition. Camden's situation is so dire, its municipal regime so dysfunctional, that community groups have had to assume the role of policy leadership; but they too have fallen short of their goals. Finally, Newark has developed a growth machine that has attracted private investors, but the resulting development has benefited mainly business interests; economic and environmental conditions for the city's residents have not been improved, at least to date. Although similar themes surface in a number of the case studies – corruption, conflict, divestment, apathy – they stem from diverse circumstances. For example, both Newark and Paterson suffer from lack of citizen participation in brownfields, but the factors leading to this condition in each city are markedly different. Newark has a network of community organizations involved in brownfields, but City Hall has effectively excluded them from the coalition. In Paterson disenfranchisement is the reflection of

Gardner / Conclusion

decades of industrial mistreatment and governmental oppression that has actually obstructed the development of community-based organizations.

Locally administered initiatives such as New Jersey's Brownfield Program cannot possibly lead to uniform results. Corruption, factionalism, and poverty act as obstacles to effective implementation. Continuing a decentralized approach to environmental policy will inevitably lead to inter- and intra-city inconsistencies, and leaving land use planning in the hands of the market will only exacerbate existing inequalities. The example of New Jersey demonstrates that municipal governments are ill suited for performing this function. Federal environmental cleanup standards for brownfields and an increased state role in local brownfield projects would facilitate implementation and promote equity in the program. A well-designed brownfield program would address sites based not on their profit potential but on need, defined as the potential environmental and public health risk and the degree of neighborhood distress. Financial incentives to redevelop profitable sites are redundant, so public funds should be focused on the lower tier sites that are consistently overlooked by the free market. But before examining the possible ways to improve the program, let us review what the progress of brownfield redevelopment in New Jersey reveals about the inadequacies of devolution.

Decentralization increases the variability of a political system, allowing for the possibility of greater local innovation (Landry 1999). We are accustomed to thinking of local innovation as a social good. In a recent article, for example, Rabe (1999) commends the states for being more innovative than Canadian provincial governments. But innovation is not always in a positive direction. At the state level, it is true that New Jersey's Governor Jim Florio sponsored some important, original programs, most notably

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the Environmental Cleanup Responsibility Act (ECRA), but these were swiftly dismantled by his Republican successor. At the municipal level, leaders in the four cities we have examined have demonstrated little in the way of effective or inventive approaches to the problems of urban decline. Contra Ringquist (1993), then, lower levels of government do not necessarily formulate more responsive programs. Nor does local control automatically translate into stronger democracy and civic virtue (Doherty and Stone 1999). The activities of lower levels of government are not a function of their place in the federal hierarchy. Rather, they are reflections of local political structures. States and municipalities are not intrinsically innovative or conservative; their approach to environmental policy varies with the nature of the governing coalition.

POLITICS AND MARKETS

As the case studies in Part II of this study suggest, a city's political structure both shapes and reflects civic participation, which in combination with market dynamics determines the direction of Brownfield Program implementation. Although the strength of the real estate market has an influence over brownfield remediation and redevelopment outcomes, economic factors alone do not explain the trajectory of redevelopment in each city. Each case study shows that politics matters as much as markets. In some cases, such as Trenton, politics trumps the market; a shrewd municipal government pieced together federal, state, and municipal funds, and cooperated with an aggressive community organization to bring to fruition successful brownfield redevelopment projects, despite the absence of a growth machine or private sector investors.

Camden is another example of the power of politics. Like Trenton, Camden lacks a vigorous private sector, but unlike Trenton, it does not have a strong administrative capacity. Like Trenton, Camden has been the beneficiary of a great deal of public investment, but unlike the capitol, Camden has not succeeded in maximizing benefits from public projects, such as the state Aquarium, and public programs, such as the Federal Empowerment Zone. Despite the influx of public funds, mismanagement, corruption, and internal strife has crippled revitalization efforts. The redevelopment infrastructure is barely existent, and the administrative and technical capacity to pursue redevelopment is lacking. Like Trenton, Camden has a serious revenue problem, and state and federal dollars have kept both cities afloat. But while Trenton's administration has made the most of public brownfield funds, Camden has made a poor use of them (some say they were squandered) and has had no positive results to date. The city's political institutions have been an obstacle to the city's renewal efforts.

Paterson's experience shows that local politics can limit the power of the market. Paterson has a more vital private sector than either Trenton or Camden. Manufacturing is still the backbone of Paterson and FIRE industries make up a small but growing percentage of the businesses sector.¹ Yet Paterson has not incorporated its private sector into the governing regime or into a redevelopment coalition, and City Hall's relationship with the Economic Development Corporation is marked by jealous competition instead of cooperation. The Barnes administration has failed to develop or vision or an institutional infrastructure for redevelopment, further, they have failed to engage the private sector in the redevelopment effort. It is no surprise, then, that although Paterson ranks second to

Newark for private sector actors, it has made the least progress in the brownfield program of all the cities.

Newark's business sector is healthier and wealthier than Paterson's. And unlike Paterson, Newark is home to some major corporations that are taking a proprietary interest in improving the central business district. Many, but not all, contaminated sites in Newark have a positive real estate value and developer interest is high, according to city officials who receive numerous inquiries about sites. Newark is the only case study city where the private market approach to brownfield redevelopment is reaping tangible results. But this has led to a new set of problems. The city has failed to direct development, opting instead for a laissez-faire approach that has led to developer-driven development and zoning by ordinance. Better positioned to negotiate with developers than any of the other mayors, Sharpe James' administration has not developed a vision for redevelopment, nor has it insisted on high cleanup standards or consistent local zoning. It is ironic that the city that has the most potential leverage over developers has not chosen to use it.

The case studies show that brownfield outcomes are not solely the result of market mechanisms. Local politics can make the market forces work or fail in a city, and can shape the extent to which market outcomes work in the city's favor. Alternatively, local politics can make brownfield redevelopment work where there is no market, or can take no initiative and watch nothing happen.

Table 3 compares brownfield politics in each of the four cities. The coalition members are listed, as well as each city's stated vision and goals for brownfield

¹ FIRE includes finance, insurance, and real estate.

redevelopment, the redevelopment potential in the city based on demand for real estate, and the city's administrative capacity for remediation and redevelopment, based on my research and interviews. Only Trenton includes community interests as being integral to its vision. Trenton is also the only city to seek "permanent cleanups" (restoring sites to the highest level required by law, thus meeting the standard for any use), and to eschew temporary solutions embraced by Newark, such as building residential housing on capped sites.

Table 3: Brownfield Politics by City

	Trenton	Paterson	Camden	Newark
<i>Brownfield Coalition Members</i>				
Fed. & State Government	Yes	Yes	Yes	Yes
Economic Dev't Authority	No	Yes	No	Yes
Private Sector	No	No	No	Yes
Community Dev't Corps. (CDCs)	No	No	No	Yes
Universities	Yes	No	No	Yes
Community Based Orgs. (CBOs)	Yes	No	Yes	Yes
Individual Residents	Yes	No	No	No
<i>Brownfield Redevelopment</i>				
Vision	Neighborhood Revitalization	Commercial Development	Industrial Development	Downtown Development
Goals	Quality of life Job Creation	Tax Ratables	Job Creation Tax Ratables	Tax Ratables
Redevelopment Potential (real estate value)	Low	Low-Medium (Depending on Location)	Low	High
Administrative Capacity	Strong	Medium	Weak	Strong
<i>Progress Under Program</i>				
Major Sources of Brownfield Funding	Federal Gov't State Gov't CDCs Some Private	Little funding to date. Some State Some Federal	Federal Gov't State Gov't	Private Sector State Gov't Federal Gov't
Sites remediated?	Yes	No	No	Yes
Sites redeveloped?	Yes	No	No	Yes
<i>Cleanup Levels</i>				
City seeks permanent cleanups?	Yes	No	No	No
Residential development on capped sites?	No	Yes	No	Yes

TYPES OF BROWNFIELD COALITIONS

As the comparative case studies show, external circumstances certainly affect the outcome of the Brownfield Program in each city, among them the city's location, the presence and extent of private sector interest, competitive offers from suburbs, and so on. But the nature of the ruling municipal coalition is also a crucial factor in determining the local shape of the program. As Cox (1997) noted, urban governance is a more open arena than that which is envisaged by regime theory. In his formulation, not only local government but also private firms and nonprofit organizations can take a leading role in governance. Table 4 examines five different regime types and their influence on programmatic goals. The first column charts an environmental coalition, which exists in principle only. Clearing sites to the highest standards, an environmental coalition exists to benefit local residents, and promotes sustainable economic development (i.e., development that neither pollutes nor depletes natural resources). The remaining columns diagram the priorities of the different coalitions reigning in the cities examined in Part II. They range from a growth coalition, such as exists in Newark, which seeks to benefit private interests through fostering economic growth with minimal environmental expenditure, to a factional city, such as exists in Paterson, which is too dysfunctional to render positive results.

Table 4: Brownfield Coalition Goals

	Environmental Coalition	Growth Coalition	Municipal Coalition	Community-Based Coalition	Factional City (No Coalition)
Example	(N/A)	Newark	Trenton	Camden	Paterson
Primary Beneficiary	Residents; Environmental Organizations	Private actors (Developers, Business)	Municipal Officials; Mayor's constituents	Residents; Community Organizations	No One
Environmental Goals (Cleanup level)	High	Low	Med.	Med.-High	None
Economic Goals	Sustainable economic development; Parks; Open space	Economic Growth, Private Profits	Neighborhood revitalization; Some economic growth	Community Development; Public uses	None

The goals pursued by each city are a function of the composition of its governing coalition. But a city's ability to achieve these goals depends on its administrative and fiscal capacity and whether or not a coalition exists that can organize resources to produce results. Brownfield outcomes are arbitrary, not equal. In each city, the degree to which sites are cleaned and the quality of redevelopment projects, result from the goals of the brownfield coalition, its capacity to achieve results, and whether or not the private market is supporting the project. The brownfield program, then, does not promote fair and equal results across cities and neighborhoods.

Regardless of the goals of the governing regime, the ability of distressed cities to pursue alternative, citizen-centered brownfield redevelopment is limited by their fiscal and administrative capacity. Only in Newark, which features a concentrated growth coalition,

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have contaminated sites been remediated with private sector funding. This has been at a considerable cost to the community – a fact that shall be discussed below. But it still begs the question of whether redevelopment can happen in cities that lack growth regimes. In these cities, alternative coalitions may form, but their ability to achieve development is limited. Trenton’s municipal coalition, for example, has formulated detailed plans, much to the credit of the city’s chief planner, Alan Mallach. But the veritable absence of a private sector means that most of these plans have not been realized. Similarly, community-based organizations in Camden have sought without success to revitalize their neighborhoods without substantial private sector backing. In both of these cities, all the major economic development projects have been funded by federal, state, and foundation grants, save for one site in Trenton.

The redevelopment process is long, circuitous, slow, and complicated. By necessity, multiple layers of government are involved. Successful outcomes, therefore, depend on municipal leadership, staff commitment and motivation: personnel must demonstrate the willingness to persevere through the inevitable setbacks and to weather the slowness of the process. Ross Gittell (1992) finds that local leadership is essential to successful revitalization efforts. The renaissance of Lowell, Massachusetts, demonstrated that local leaders can “motivate the identification of common objectives and the organization of collective action” (175). In New Jersey, we saw that strong leadership in Trenton was key to that city’s brownfield successes, while weak leadership in Camden and Paterson has crippled their programs. Policy leadership was important to the success of the program. Trenton had strong, visionary leaders. While Camden had leaders, they were in community-based organizations, not the city administration, and therefore had a

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limited amount of influence over programmatic decision making. In Newark, the policy leader, Al Faiello, the head of the Economic Development Corporation, exercised political power but treated brownfield redevelopment like any other profit-centered real estate development project. And in Paterson, the Brownfield Program is rudderless; infighting among parties prevails and a lead agency has yet to be designated.

Of the four cities, Newark has the greatest administrative capacity, with most of the economic development work handled by the Newark Economic Development Corporation, whose leader aggressively courts development. Trenton lacks an independent development authority, but the Office of Housing and Economic Development is staffed by well-qualified and committed individuals who, despite a lack of resources, have made steady progress in their brownfield agenda. Paterson has an autonomous economic development corporation (the PEDC), but disagreement and conflict between this board and the City bureaucracy has precluded effective cooperative action. Camden has the least capacity to coordinate private investment, and not surprisingly, the major redevelopment projects in Camden — the Aquarium and the Entertainment Center — have been organized by the state. The Camden Empowerment Zone Corporation has taken a leading role, but some city officials and community corporations view these outsiders as a threat and resent their intrusion. Even with the aid of federal funding and staff, Camden has made little progress in addressing its brownfields.

Relationships between mayors and the city councils are another political factor that is crucial to brownfield redevelopment. In both Trenton and Newark the councils have essentially rubber-stamped mayoral projects, which facilitates fulfillment of the administration's agenda. The other two cities have more strife between the executive and

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legislative bodies. Paterson is experiencing an all-out turf battle over policy making, with a mayoral contender leading the city council forces in a coup against the mayor. In Camden, the council was supportive of Mayor Milan at the beginning of his administration (his previous position was city council chairman), but as his legal troubles have worsened, the council has been less amenable to his agenda.

The quality of relations between the administration, the community, and the non-profit sector has an immeasurable influence over the tenor of a city's brownfield program. As the case studies have shown, there is considerable variance from city to city. In Newark city/community relations are historically poor, in Paterson they are effectively non-existent. In Camden they are contentious but usually in dialogue and sometimes cooperative. Trenton's city hall has a history of promulgating paternalistic policies that the city considers to be in the best interest of communities. Thanks to local organizations such as ISLES, Trenton is working to become more participatory and to incorporate community groups into its regime.

Brownfield success is dependent upon local politics and the nature of the governing coalition. Because there is local discretion over cleanup levels and minimal state oversight, the result is that local control has failed to produce equitable outcomes.

THE CONSEQUENCES OF PUBLIC DISVESTMENT

Although programmatic outcomes of New Jersey's Brownfield Program are dependent upon the structure of local politics, it would be a mistake to interpret this study as a critique of the governing coalitions in these four municipalities. Rather, the shortcomings of brownfield planning in these cities reflects deficiencies in New Jersey's

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Brownfield Act, which saddles distressed cities with fiscal and administrative responsibilities they do not have the capacity to meet and withholds the resources that they need to reverse the patterns of decline. A truly effective program would require greater public investment. “The biggest myth in brownfields,” notes planner Alan Mallach,

is that redevelopment is profitable — that if you can clean a property it will have value. We will need to spend one million in infrastructure to make the [Magic Marker] site redevelopable. And we need affordable housing, which is unprofitable to build and has no market value. (Mallach Interview)

As Part I of this study demonstrated, the Brownfield Act is more symbol than substance. Passing the Act was a canny political move for Governor Whitman and the Republican legislators who got credit for passing what was considered an urban environmental initiative, and from business and industry for relaxing cleanup rules. So, while the Republican leadership failed to build an effective program, it met their political needs.

Despite the reputation of the State’s Brownfield Program as one of the best in the country, this research shows that in fact there is little action aside from major public sector subsidized projects and developer-driven projects in hot real estate markets. There are precious few true remedial actions occurring as a result of the program. Much of the good publicity stems from the City of Trenton’s program, which has been relatively successful, thanks to visionary leadership, committed staff, and successful grantwriting that has garnered substantial federal attention. Otherwise, most of the positive, community-based activity around brownfields in New Jersey results from the thirteen Federal Brownfield Pilot Demonstration Grants, not from the state’s program. Donna Roccio of South Camden expressed disgust with the state’s lack of commitment to

genuine reform. “I don’t believe in the Brownfield Program and I don’t trust the people at DEP,” she said. “It’s a top-down idea, they don’t care about environmental justice. The state is just throwing us scraps” (Roccio Interview).

Although state officials boast about the program, most of the success stories in New Jersey are suburban sites or vast urban sites, which have many advantages over the typical city brownfield site, which is small and located in a residential neighborhood. The program does offer subsidies to private developers to clean and redevelop contaminated sites, but these have proven to be insufficient to attract private dollars to the devastated urban properties that it was ostensibly designed to address. The Brownfield Program’s incentives are not nearly extensive enough to make a small, contaminated urban site a profitable venture; they do not cover the most expensive stages of brownfield redevelopment. The state’s financial commitment is not deeper because there is a lack of political will to spend money on poor, urban municipalities. New Jersey’s legislature and bureaucracy represent suburban interests and historically have an anti-urban bias. The cities are largely poor and minority and have little influence over state politics, especially under Republican administrations. Chapter Three of this study documented how the Brownfield Act was crafted by business and industry to get the N.J. Department of Environmental Protection off their backs. And the first two years of the Brownfield Program have proven that as an urban initiative the Act is mainly symbolic, and as an environmental initiative it is a further step towards deregulation of site remediation.

The supply-side ideology informing the Brownfield Act favors private over public interests. The incentives the Act offers that are supposed to stimulate investment – relaxed environmental standards, liability relief, loans and grants for site assessment, and

tax abatements – have done little to improve prospects for brownfield redevelopment in poor cities. The cities are in dire need of revenue and they cannot afford to borrow loans from the state. As Fred Martin, Camden’s Brownfield Coordinator said, “If I presented the mayor with a low interest loan to be paid against future city revenues it would be discouraging to my future employment” (Martin Interview). The Whitman administration’s Brownfield Program might have committed more resources to remediate contaminated sites and sponsor projects. But as it is currently designed, the program will not serve to fulfill the Governor’s promise to “pull down these boards” that mark abandoned properties and “raise up these neighborhoods” (Whitman 1998). As city leaders have observed,

In Trenton, as elsewhere, the most visible urban revitalization efforts have yet to have a significant impact on improving the lives of the neediest residents. The City of Trenton recognizes that the creation of true economic opportunity for city residents is in many ways more complex than the creation of physical improvements or discrete economic development projects (Palmer 1998, 3).

Genuine commitment to change would require a much greater level of State investment.

The limitations of New Jersey’s Brownfield Act point to deeper flaws in the logic of environmental devolution. As Doherty and Stone (1999) have recently observed, “achieving self-governance in the U.S. is a challenge greater than simply shifting power from the national level to local governments (161).” Decentralization of environmental decisionmaking to the State level leaves local programs vulnerable to the depredations of opportunistic leaders such as the Whitman administration. Second-order devolution to localities engenders similar problems: leaving decisions to private actors to municipal governments is tantamount to withdrawing from the policy area and deregulating site remediation. Although state cleanup standards remain, cleanup level is now a local or

private decision. And although the state continues to monitor the process, compliance is voluntary, oversight is minimal, and penalties are nonexistent. Because different municipalities have different administrative capacities, decentralized policies will generate results that cannot be anything other than inconsistent across cities. Devolutionary initiatives such as New Jersey's Brownfield Program are ineffective approaches to redressing conditions of environmental degradation and social inequality.

THE DEMOCRATIC LIMITATIONS OF THE MARKET MODEL

Disinterested in committing significant resources to urban renewal, the state of New Jersey has relied on the private sector to serve as its proxy. And indeed, because state funding addresses only the most preliminary stages of site remediation, redevelopment efforts have been successful only in cities where either the private sector is involved (Newark) or where massive public subsidies support the program (Trenton). In its reliance on commercial investment, New Jersey's Brownfield Program is typical of the so-called "third wave" of environmental policy, which looks to public-private partnerships and market forces to negotiate regulatory compromises and promote viable ecological solutions. But market-based programs are founded upon several profound logical fallacies, assail environmental standards, and imperil democratic processes.

First of all, it is irrational to expect the free market to redress market failures. These cities are in economic distress because private firms moved out. Although the Brownfield Program offers financial incentives for investment in contaminated sites, these are not extensive enough to reverse the conditions that made these properties unwanted in the first place. Most of the brownfield sites in these cities have a negative value, due to

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tax liens, contamination, or abandoned, derelict buildings. Such property represents a liability not an asset. Even clean property in some areas of these cities lacks value or marketability.

Because the market model is driven by profit considerations, devolving environmental policy to the local level results in inequalities both between and within municipalities. As Miller (1981) pointed out, inequality is almost a necessary corollary of market-based and locally administered programs. Cities do not stand on the same ground: there are vast disparities among them with regard to administrative capacity, income, social responsibility, and racial composition, the latter being an important factor because laissez-faire racism leads to greater public and private investment in white residential areas than black ones (Bobo and Smith 1998; Massey and Denton 1993). Poor cities also suffer from lower environmental standards. Because brownfield policies are not guided by federal environmental standards, they leave remediation and cleanup decisions to local decision-makers who make decisions based on cost and willingness to accept risk. Brownfield policies replace the right to environmental health with "risk-relativity" (Landy 1999), a tradeoff that is likely to be translated into higher cleanup levels in wealthy towns than in poor cities. Bullard (1993) has noted that poor and minority communities are often compelled to accept environmentally hazardous facilities or lower levels of remediation for fear of losing all economic investment whatsoever. He refers to this common situation as "environmental blackmail." Because disparities between cities are so great, Landy (1999) concludes that with regard to environmental issues, national policymaking is more egalitarian than local policymaking.

Local jurisdiction over environmental policy also exacerbates inequalities within municipalities. Because resources are limited, cities must choose among sites for the allocation of funds and manpower. There are two approaches to this process, the market approach (focusing on the sites with the most potential) and the triage approach (selecting the sites most in need of cleanup and the neighborhoods most in need of revitalization). The latter is more equitable, but because the Brownfield Program relies on private investment, triage is discouraged. The Brownfield Program categorizes sites according to market factors into three tiers. Tier 1 sites have a high development potential because of good location, existing infrastructure, low contamination, and high surrounding real estate values. They are the only ones thus far to attract any attention from developers. Prevailing opinion has it that Tier 1 sites would be developed regardless of the state's incentive program. Private investment is not occurring at Tier 2 and 3 brownfield sites, which are less desirable because of their poor location, small size, and high degree of contamination. Existing government incentives are insufficient to make these sites – the ones generally that are most in need of remediation – commercially attractive. A market-based program means that only the most profitable projects will be pursued, but from a public health or urban revitalization perspective, these are not always the most pressing.

The profit incentive in market-based policies has other consequences besides the de-prioritization of severely distressed sites. The Brownfield Program is not structured to encourage a community-based redevelopment process that may call for a non-profitable reuse, such as low-income housing, a park, or a youth center. In fact, the example of Newark suggests that leaving brownfield redevelopment to the market only exacerbates local problems; over development of housing in the Ironbound district is leading to

overcrowded schools and traffic congestion. And big-box retail development in other New Jersey cities such as Edison hastens the decline of downtowns by putting local stores out of business. Market-based programs do not foster projects designed to benefit communities. As the director of economic development for the City of Trenton admitted, “the private sector’s not ever going to invest in a park in Trenton” (Harveson Interview). Because New Jersey’s Brownfield Program relies on commercial investment, municipal leaders are under pressure to relinquish public control and planning in exchange for private cooperation. Environmental and public health issues are also given minimal attention in a market-based program. In none of the four cities has a private developer adopted high cleanup standards voluntarily under the Brownfield Program. In Newark, where private sector actors are making development decisions, sites are being cleaned to the lowest possible standard and capped. In short, market-based development maximizes private profits, not the public good.

One of the strongest arguments for decentralization is that local control of programs enhances opportunities for public participation and local democracy. Locally implemented programs can be more responsive to local needs and to the local population, can allow for more participation at the community level, and can be more successful, in general, because they are closer to the local population they are serving. Gittel (1980) found decentralized service delivery systems to be more responsive to local neighborhoods (233). And a body of literature on local democracy and civic involvement in local organizations documents how involvement in community organizations makes individuals more likely to engage in political participation, creates a more responsive local government, fosters a sense of citizenship, enhances a sense of community, and produces

social capital (Barber 1984; Putnam 1993). Research on civic environmentalism has championed the idea of local implementation of federal environmental programs as a solution to lack of compliance with federal regulations (John 1994). And ecojustice scholars have documented how community environmental movements have compelled cleanup of hazardous waste sites (e.g., Bullard 1993, 1994; Lee 1991). There is no lack of evidence that grassroots activism and local participation is one of the most powerful engines of the environmental movement (Shutkin 2000).

One of the most disturbing findings of this research is that New Jersey's Brownfield Program does not work this way. The program has no mechanism for public participation or participation requirement, and only nominal public notification requirements. Most state and municipal officials perceive community involvement as obstacles to development, and because they are not obliged to work with them, they customarily exclude neighborhood representatives from the planning process. Far from expanding public involvement in environmental decision making, devolution can erode the safeguards against antidemocratic tendencies, closing the doors that federal oversight forces open.

The Brownfield Program has worked for Governor Whitman and Republican legislators who got political mileage out of the Brownfield Act. It has worked for business and industry, which won relaxed standards and therefore less expensive site cleanups and less government oversight. The Program has not worked for urban communities except in extraordinary circumstances when neighborhood revitalization is a priority of the city administration. Environmental quality and groundwater protection are

compromised by the law. In sum, the Brownfield Act served political ends, but not the substantive policy problems it allegedly addresses.

COMMUNITY INVOLVEMENT

It is no coincidence that brownfield redevelopment has led to little activity in urban neighborhoods. There is little or no public participation in the process of site selection, and there is little involvement in the process once the site is chosen. The Brownfield Act has no public involvement requirements and takes only minimal measures to notify the public. Although DEP officials are fond of saying, "the public is welcome to get involved," exactly how one would do that is unclear. The sites detailed in the case studies are not typical in this regard because they are sites designated by the Federal Brownfield Pilot Grant, which has a mandated public involvement component as a requirement for accepting the funds.

Public participation in decision making is always desirable: it ensures greater equity, better programs, increases compliance, and decreases corruption and fraud. But decisions tend to be much less democratic in matters of land use than in other areas of program implementation and service delivery. Land deals are probably the biggest source of graft and corruption in local governments. Decision making in this area is not comparable with local control over schools or social services. City officials typically work hand-in-hand with developers. Land use is traditionally tightly controlled by local politicians and planning boards that are dominated by developers, realtors, bankers and businessmen. Citizens seldom have any role, except in extremely rare instances when they expend great cost and effort to appeal planning board decisions.

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With the exception of Paterson, each of these cities has a coterie of activists who have sought to improve environmental and economic conditions in their communities: Heart of Camden and Save Our Waterfront in Camden, ISLES and Martin House in Trenton, and the Ironbound Community Corporation and La Casa de Don Pedro in Newark. But they have had to fight an uphill battle to make their voices heard. It is notable that the city with the most active growth coalition had a less responsive and responsible approach to brownfield redevelopment than the cities in which real estate values were low or negative. Newark's booming real estate market has led to haphazard development, uncontrolled by a guiding vision or plan. City officials have chosen to maximize downtown economic expansion to the exclusion of community revitalization, and neighborhood organizations have had to struggle to voice their concerns to the coalitions driving remediation and redevelopment decisions. Short of suing the Planning and Zoning Board, the Ironbound community in Newark has little influence over decisions. One local activist complained that members of the city's growth coalition treat contamination as an insignificant detail of real estate development. "We were at a community meeting and the developer said 'we just cap brownfield sites — it's a little extra cost, but no big deal'" (Cohen Interview).

Another problem is that under current provisions, there is no way to finance brownfield remediation for a nonprofit use. When neighborhood spokespeople asked whether State Green Acres funds could be used to clean a site for a park, a state official advised them to "pave the site instead and use it for basketball court" (Smith Interview). Without local input, investors will be more likely to pursue short-term profitable ventures that will not reap long-term benefits for the community. It is significant that Paterson, the

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least democratic of these four cities, was the least effective in sponsoring brownfield development.

Ironically, civic participation is strongest in those cities where the market is weakest. When the market is strong, vision and community are sacrificed. The frenzy of development in Newark's Ironbound district has been conducted without recourse to a larger urban plan and without regard to local needs. In less active markets, community activists and city leaders can work together to craft rational development plans. In Trenton, for example, property has little value and there is negligible private sector interest. As a result, the city has been able to select sites for development based on community needs. Camden is focusing its brownfield efforts on sites that have been part of longstanding redevelopment plans. Trenton and Camden involve the community more and engage in greater levels of long-term planning. The lack of a viable real estate market and the absence of a growth regime pushing development has allowed them to be more visionary than their counterparts. Although they lack the resources to fully implement their goals, their processes are more democratic.

While localism may make sense in the case of service delivery, the tradition of local control over land use has led to the zealous pursuit of development to boost local tax bases. Towns have promoted sprawling, large lot housing developments because they have higher assessed values than more densely settled areas, and generate greater revenues. The same logic has applied to commercial and retail development and has led to commercial sprawl. Local land use decision making customarily benefits the town coffers not the quality of life of the towns' citizens. In the absence of formal democratic structures, it is highly unlikely that the balance of power over local land use decision

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making will shift to citizens who prioritize quality of life over tax rates, especially in poor cities. Gittel (1980) concluded from her study of community participation in urban school systems, there is "great difficulty in expanding citizen participation, particularly that of lower-income populations" (253). Particularly in the area of land use, closed-door negotiations by parties who stand to gain from development have resulted in land use decisions that maximize the exchange value of property rather than decisions that maximize quality of life for citizens. Local decision-making in this case has not made for a more open, participatory system. In fact, local officials, who often stand to gain or lose financially from local land deals, may be more vulnerable to outside influence than more distant higher levels of government. As Doherty and Stone (1999) observe, "the power of local political institutions as a wellspring for citizenship and flourishing political virtue is in question" (166).

THE POLICY PROBLEM

In his most recent work, Clarence Stone, long a champion of local democracy, suggests limits to the assumption that devolution will promote community participation (Doherty and Stone 1999). Although local governance has the potential to maximize democratic decision-making, political fragmentation leads to too many inequalities:

Fragmentation allows wide fiscal disparity, greatly uneven social responsibilities, and large differences in the problem-solving capacities of American localities. ... Further, as metropolitan areas have become more fragmented geographically, so have they by race and income. (Doherty and Stone 1999, 161)

On the other hand, abandoning local decision-making altogether would be inefficient, ineffective, and profoundly anti-democratic, and would "undermine the development of

political virtue” (Doherty and Stone 1999, 156). The most promising way to democratize the process that preserves many of the benefits of decentralization while avoiding most of the pitfalls is to combine community-based land use planning with uniform national environmental standards and state oversight during implementation.

The benefits of community-based land use planning have already been detailed above. And indeed, a number of municipal governments have sought to take advantage of them. A trend gaining popularity among urban planners is to conduct planning charettes in communities in which residents congregate around a map and discuss what should go where. However, there is still a great deal of resistance among civic leaders to this practice. Municipal master plans are still administered at the local level, and local officials are generally loath to involve the community in the detailed stages of the planning process. The oversight of higher levels of government is necessary to ensure that citizens are allowed to participate in land use planning.

But as Doherty and Stone (1999) and others (e.g., Rusk 1995, Orfield 1997, Harrison 1998, Foster 2000, Gottlieb 2000, Persky and Wiewel 2000) have argued, local control, even when backed by strong federal mandates, is not enough to conquer the inequalities engendered by political fragmentation. In brownfield policy, the danger is that less-protective cleanups will prevail in poorer cities and communities. Quality of life and services, including education and housing, is drastically uneven among jurisdictions within a region. Central city residents have poor access to jobs, which are increasingly located in the suburbs. The taxation system, in which localities depend almost wholly on local property tax to fund local services, places an increasingly large burden on cities as their populations became poorer and property values decline. The decline of the urban tax base

means fewer services are available for residents. Fragmented government polarizes the population and fosters residential segregation by race and class by keeping suburbs exclusive and expensive (Orfield 1997; Massey and Denton 1993).

The growth of suburbs was the major cause of urban decline after World War II, and suburban sprawl exacerbates the situation. While low-density suburbs consume farmland as they grow outward, central cities become increasingly distressed and marginal to social and economic life of the region. A recent study of New Jersey documented the emergence of a "wealth belt" comprised of suburban towns along transportation corridors that have become the new regional leaders of the information age. Developing at the expense of the old industrial cities, the wealth belt represents the transfer of wealth from the industrial centers to suburban towns, attributed to improved highway access, the demand for large-lot housing, and the dispersal of office and retail development away from cities (Hughes and Seneca 1999).

The sprawling development that has come to characterize American land use policy is the result of fragmented local governance and disjointed land use decision making. New suburban communities take on huge debts to build infrastructure and schools. To finance these costs, local governments promote large lot residential and commercial development to augment their tax bases. Local authority over zoning has fostered the construction of large, expensive houses that will pay high property taxes and created low density land use patterns and insular, economically homogeneous communities. The new large-lot suburbs have an "oversupply of developmental infrastructure" and are "economically inefficient and environmentally dangerous" (Orfield 1997, 72). Suburban towns and edge cities remain more desirable to developers than

blighted urban areas. The state brownfield redevelopment incentives do not begin to equal the playing field, and cities lack the resources to correct the market imbalance that favors suburbia. Federal policies have only encouraged suburban growth; they amount to a “national suburban policy” (Rusk 1999, 86; Mollenkopf 1983). As long as municipalities continue to compete with each other for tax ratables, the newer towns offer lower social costs and greater resources, the older cities will continue to be the “poorhouses of the region” (David Rusk quoted in Orfield 1997, 74). If fragmented governance has fostered a system of racial injustice, class inequality, and sprawl, then increasing local control over land use through such initiatives as the Brownfield Program will only exacerbate these problems.

POLICY RECOMMENDATIONS

Although New Jersey’s Brownfield Program is far from optimal, the situation is not irredeemable. Greater public investment, uniform standards, public oversight, local participation, and regional planning are among the measures that can be taken at the state and federal level to achieve the twin goals of environmental remediation and economic development. The following policy recommendations outline some specific steps to redevelop brownfield planning. The recommendations are addressed to three levels of governance. First, there are suggestions for redressing the existing Brownfield Program to make it more effective, rational, and equitable. These fall under two broad approaches. Either the market incentives could be adjusted to favor less desirable sites, or the public sector role could be increased at less desirable sites by providing technical assistance, grants for redevelopment planning and by providing financial assistance for site

remediation. Recommendations along both lines are included. Next are suggestions for the state to reinvigorate statewide planning and help its cities rise out of their present plight. Finally, there are recommendations for the federal government aimed at strengthening its role in preserving local participation in governance.

RECOMMENDATIONS FOR THE BROWNFIELD PROGRAM

- Offer Funds for Community-Based Redevelopment Planning. The state should disburse funds to enable each economically distressed city to develop a brownfield redevelopment plan. The Municipal Distress Index offers criteria for determining levels of need. Receipt of funds should be conditional on the use of community-based planning techniques.
- Return to a Polluter Pays Site Remediation Program. Abandon market-based, incentive approach to site remediation, which is increasing inequities across municipalities and neighborhoods within cities, and return to the mandatory, polluter pays, strict liability model in which the state cleans abandoned sites, issues penalties to past polluters, and tries to recoup cleanup costs through prosecution and litigation.
- Increase State Oversight Of Site Remediation Process. NJDEP case managers should be more involved in every stage of the remediation process, should visit sites regularly, and be kept informed of all important developments. Case managers should certify completion of cleanups by reviewing all relevant documents and visiting the sites.

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- Institute State Use-Based Cleanup Standards; Disallow Institutional Controls. To ensure that cleanup level is based on a protective standard instead of a profit standard, statewide cleanup standards should be instituted based on intended future use of the site. There should be three standards: industrial, commercial and residential standards should not be made flexible through allowing the use of institutional or engineering controls, which have been found to be defective on many grounds.
- Institute a System to Certify Environmental Engineers in Site Cleanup. Currently, most municipalities lack the engineering knowledge to evaluate the quality of environmental engineers, and because there is no licensure of site cleanup professionals, municipalities often make poor hiring decisions and get poor results. New Jersey should follow Massachusetts's example and institute an exam for Licensed Site Professionals, which will become the list of qualified and certified engineers for site cleanup.
- Permit Tax Increment Financing. Make the remediation loan program more usable for poor cities by repayment through permitting tax increment financing, which does not require payments until the project starts making revenue.
- Inventory and Classify Sites. Conduct statewide inventory of brownfield sites and categorize them by tier according to past use, suspected contamination, location and property value.

- Base Priority on Risk not Profit. Currently, priority in cleanup is established by market dynamics, which increases inequities between the most distressed neighborhoods where property has little or no value, and neighborhoods that are already experiencing revitalization. The state should finance Preliminary Assessment/Site Investigations (PA/SIs) on all sites suspected of posing an immediate health or environmental risk.
- Target Tier 2 and Tier 3 Sites. Tier 1 sites are being addressed by private developers, but less desirable Tier 2 and 3 sites are being overlooked. Create a progressive incentive program according to tier level of the site, whereby tier 3 sites get the most incentives, grants, and tax breaks, and tier 1 the least. Tier 3 sites should receive more dollars from the Hazardous Discharge Site Remediation Fund and tier 3 developers should receive more financial incentives and technical assistance from the state. Tier 2 sites would receive incentives at a reduced rate.
- Remove Financial Incentives at Tier 1 Sites. Incentives are wasted on tier 1 sites and should be redirected to areas where they are needed more. Let the market continue to cream the best sites as long as uniform cleanup standards are enforced to avoid less protective, but more profitable cleanups at privately developed sites.
- Create a State Bond Fund for Remediation of Tier 3 sites in Distressed Communities. The Brownfield Program's incentives are not nearly extensive enough to make cleanup of small, contaminated urban sites a profitable venture. The current grants for site

assessment do not go far enough at tier 3 sites and fail to cover the most expensive stage of the process: site remediation. Private investors are not picking up the ball and paying for site remediation. The state should create a bond fund and pay for remediation at stubborn sites in blighted neighborhoods. The remediation program could include incentives for using local contractors and for training city residents to work at the site.

- Expand Eligibility for Loans, Grants, and other Incentives to CBOs and CDCs.

Currently, there are no incentives for remediation or reuse of sites that will be used for a non-revenue generating activity, such as affordable housing, community centers, recreation, or parks—uses that many urban communities need. If community-based organizations and community development corporations were eligible to receive HDSRF grants for site assessment and remediation, more of the small, unprofitable neighborhood-based brownfield sites would be redeveloped.

- Mandate Community Involvement. Foster community involvement in the Brownfield Program through the following mandated measures: holding community meetings at the start of the process and before each major site decision (cleanup level, remedial selection, reuse); notifying the community of all meetings and upcoming decisions; instituting a public comment period on all proposals regarding the site; circulating fact sheets with names and numbers of local and state contact people; placing community representatives on the site task force; and summarizing all engineering reports into plain English for public distribution.

RECOMMENDATIONS FOR THE STATE GOVERNMENT

- Legislate State Land Use Planning. Address municipal fragmentation, city-suburban development gaps, and sprawl by reinvigorating New Jersey's State Development and Redevelopment Plan of 1992. The comprehensive statewide land use plan, widely hailed as a national model for growth management. The Plan called for infill development, redevelopment of contaminated sites, and open space protection. But the plan was not implemented because it was never enacted by the legislature. Renew a campaign to enact the State Plan into law.
- Develop Incentives for Compliance with State Plan. Local governments had no incentives to enact bylaws consistent with the plan and the state has no legislative authority to compel local land use decisions. Discourage fiscal zoning by rewarding municipalities that adopt zoning bylaws that comply with the principles of the State Plan by offering extra brownfield redevelopment and open space acquisition funds.
- Establish Community Land Trusts. Create a low-interest loan fund to promote the development of urban community land trusts, which are private non-profit corporations that acquire and hold land for affordable housing development. This approach has worked well for Dudley Neighbors, Inc., a land trust in Boston that received the power of eminent domain from the city to acquire vacant land and buildings in its neighborhoods.

- Restructure the Tax System. Institute a regional property tax system that evens the odds between cities and towns. Reversing urban decline is outside the scope of most economically distressed cities: they cannot do it alone. Equalizing the regional tax base ensures that the benefits from any economic growth in the metropolitan area will be shared by all communities in the region. This helps lift urban areas out of fiscal distress, fosters economic integration among communities, promotes equity between cities and suburbs, and helps to racially integrate the region. Despite the rationality of tax base sharing, metropolitan governance is a controversial idea and there are a number of obstacles, namely resistance on the part of both suburbanites and urbanites. The former oppose it because it would dilute their tax base by diverting funds to cities, and the latter oppose it because it would dilute the urban minority electoral power base. Instituting a statewide progressive property tax would be a less radical way to achieve a more equitable tax structure that would benefit cities.
- State Oversight of County-level Regional Planning. Regional planning already exists in several states, including Massachusetts and New Jersey, where land use planning is conducted at the county level. Despite the obvious advantages to regional planning--such as the ability to redirect development from open space to urban infill--there have been serious problems with this approach. Namely, the county governments, which are dominated by suburban representatives, dump unwanted facilities in the counties' cities. Each of New Jersey's counties has a city that houses the undesirable countywide facilities, including incinerators, sewage treatment plants, and prisons. In

order for regional or county planning to be equitable, there must be state guidelines requiring equitable distribution of LULUs (locally unwanted land uses).

RECOMMENDATIONS FOR THE FEDERAL GOVERNMENT

- Foster Local Participation in Land Use Planning. Making federal grants to localities contingent upon community participation proved to be a highly effective way to force municipal governments to develop and implement community involvement strategies. This has been the approach taken by the Federal Brownfields Assessment Demonstration Pilot program, which has successfully mobilized community involvement in brownfield programs in hundreds of cities across the country. The federal government should continue to foster local participation in land use planning by using this strategy as much as possible.
- Institute Uniform National Use-Based Brownfield Site Cleanup Standards. Promote environmental equity across the states by instituting uniform national brownfield cleanup standards. This would ensure equal protection across the states and prevent the situation in which a neighboring state with lower standards, such as Pennsylvania, can lure manufacturers away from states with higher standards, such as New Jersey.

POLITICAL FEASIBILITY OF PROPOSED RECOMMENDATIONS

There are obstacles to increasing the state's role in urban site remediation and redevelopment. The suburban bias of New Jersey's legislators has prevented the State Planning Act and subsequent regionalist measures from bearing tangible fruits. Suburbs

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were created by white middle class citizens who fled the grime, noise, overcrowding, poverty, and racial minorities in the cities. The interdependency of cities and their suburbs is a new concept, and one that is not generally accepted. Suburbanites are, therefore, not enthusiastic about subsidizing central city development. New Jersey's decades-long debacle with school finance equity is ample evidence to the anti-urban mentality that prevails.

The suburbs actually depend upon the existence of poor and powerless cities to sustain their way of life. By placing undesirable yet necessary facilities – such as county incinerators, county sewage treatment plants, and county prisons – in the poor cities, the suburbs can remain pristine. By segregating the poor and minorities in cities, the suburban residents do not have to face unpleasant realities. It suits the needs of suburbia for cities to be politically impotent and economically dependent. In the words of Lewis Mumford (1961), “the suburbs serve as an asylum for the preservation of illusion.” But, if they stood on equal footing, urban residents would not accept noxious facilities, prisons, and low income housing projects through Fair Share Housing trades.

An additional problem is that the ideology of home rule--the antithesis of state planning--is ingrained in the political culture of New Jersey, which has 566 municipalities. “Home rule” describes a mentality manifested in an attitude that each town is out for itself. The fact that it is largely a myth has not lessened its influence over local political decision making. Karcher (1998) finds that although home rule is not constitutionally recognized in New Jersey where it has weak institutional protection, “it is a state in which the multiplicity of municipalities dominates public policy” (210). Home rule emphasizes

differences between municipalities and discourages cooperation with neighboring localities.

Most municipalities, with the exception of the poorest cities and the most exclusive wealthy suburbs, are dominated by officials and politicians whose highest priority is land development. They stand to lose financially and politically from smart growth and state planning, which limit local autonomy and may stymie land development projects that do not accord with regional land use goals. Real estate developers are typically the most generous donors to local political candidates. State land use planning changes power relations and therefore upsets the comfortable, mutually beneficial long-term relationships between local business and local government.

The political obstacles to increasing urban spending in New Jersey are many and antipathy to cities is legion. If Governor Whitman's (1998) promise to "lift up these cities" is to be fulfilled, serious market-based incentives to target private investment in cities and to penalize development in greenfields offers the best hope to redevelop brownfields, preserve open space, and revitalize urban centers. The first category of recommendations--reforms to the brownfield program--are the least radical but the most politically feasible and therefore the most promising in the current political climate of New Jersey. Devolution of environmental regulation to the state level has been tantamount to deregulation in some instances. Devolution of site remediation and land use planning to the municipal level fosters inequality and chaos. But devolution of land use planning to a local government – with state standards and oversight, mandated community involvement, and effective incentives for investment – may be the solution to the many pressing problems New Jersey's Brownfield Act ostensibly seeks to solve.

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James Harveson, Director of Economic Development, City of Trenton. June 29, 1999.

Gary Lord, Executive Director, Isles. July 13, 1999.

Alan Mallach, Director, Office of Housing and Community Development, City of Trenton. March 5, 1999.

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Mark Pederson, currently project manager, Site Remediation Program, NJDEP; formerly Brownfield Coordinator, City of Trenton, multiple conversations, 1999.

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Stuart Bressler, Director, New Jersey Redevelopment Authority, July 11, 1999.

Anna Lisa Dopirak, Director, Department of Community Development, City of Paterson, March 30, 1999.

Roberta Farber, Urban Enterprise Zone Coordinator, Paterson, July 19, 1999.

Deborah Hoffman, Director, Paterson Economic Development Corporation, June 14, 1999.

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Alison Devine, USEPA IPA on location in Camden's Brownfield Office. July 15, 1999.

Frank Fulbrook, President, Cooper Grant Neighborhood Association. July 15, 1999.

Tom Knoche, Director, Save Our Waterfront. July 15, 1999.

Charles Lyons, Chief Planner, City of Camden. July 21, 1999.

Fred Martin, Brownfield Coordinator, City of Camden. March 18, 1999 and March 27, 1999.

Jerry O'Donnell, NJ Department of Environmental Protection, Camden Brownfield Coordinator. July 2, 1999.

Donna Roccio, Community Organizer, Heart of Camden. July 15, 1999.

Lauri Sheppard, NJ Redevelopment Authority, Camden Coordinator for Urban Coordinating Council. June 28, 1999.

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Ann Davlin, Regional Plan Association, Newark Office, June 29, 1999.

Ricardo de Soto Lopez, La Casa de Don Pedro, July 6, 1999.

Joe Della Fave, Director, Ironbound Community Corporation, July 7, 1999.

Joel Freiser, Deputy Director, Newark Economic Development Corporation, July 7, 1999.

Jim Hackler, EPA Region 2, July 7, 1999.

Steve Kehayes, NJDEP Brownfield Coordinator for Newark, March 3, 1999.

Kathleen Kelly, Planner, Newark Dept. of Development, July 7, 1999.

Ben Larkey, Brownfield Coordinator, Newark Economic Development Corporation, March 11, 1999.

Howard Lazarus, City Engineer, City of Newark, March 2, 1999.

Mariko Lockheart, Communities in Schools, April 29, 1999.

Alan Mallach, Director of Housing and Development, City of Trenton, March 5, 1999.

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Arnold Cohen, Director, Affordable Housing Coalition, Newark and Trenton, NJ, July 12, 1999.

James Harveson, Director of Economic Development, City of Trenton. June 29, 1999.

Alan Mallach, Director, Office of Housing and Community Development. City of Trenton. March 5, 1999.

Fred Martin, Brownfield Coordinator, City of Camden. March 18, 1999.

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