

Client Alert: Process for Remediating Contaminated Sites in New Jersey Set to Change

by John M. Scagnelli on April 6, 2012

On February 6, 2012, the New Jersey Department of Environmental Protection (NJDEP) advised that Responsible Parties (RPs) who are remediating contaminated sites in New Jersey under Administrative Consent Orders (ACOs) or Remediation Agreement (RAs) with the Department are required to hire New Jersey Licensed Site Remediation Professionals (LSRPs) by May 7, 2012 to conduct environmental remediation under the ACOs or RAs. After the LSRP is hired, NJDEP will hold in abeyance all requirements of the ACOs and RAs that relate to obtaining the Department's pre-approval of reports, work plans, progress reports, and ACO and RA specific time frames.

New Jersey Responsible Parties (RPs) must conduct environmental remediation under the ACOs and RAs using an LSRP in accordance with NJDEP's regulations, and meet all regulatory and mandatory time frames contained in New Jersey's LSRP statutes and regulations. All other requirements of the ACOs and RAs remain in effect and are not held in abeyance, including, but not limited to, the requirements for a Remediation Funding Source (RFS), RFS surcharges and stipulated penalty provisions. The ACOs and RAs remain in effect and are not terminated until the environmental remediation is complete.

It is important that you review all of your Administrative Consent Orders (ACOs) and Remediation Agreement (RAs) for their specific environmental remediation requirements, and take immediate steps to hire a New Jersey LSRP to conduct remediation under the ACOs and RAs. We suggest that now is the time to conduct a [strategic environmental review](#) of your ACO and RA legal obligations in connection with your hiring of a New Jersey LSRP to conduct the remediation, to ensure that ACO and RA remediation requirements which continue in effect are complied with, and that the environmental remediation which will go forward under the direction of the LRSP is consistent with those requirements.