De-mystifying the New Jersey Site Remediation Reform Act

Press Release

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Industry Professionals Await Release of Final Regulations Governing Cleanup of Contaminated Sites

Cherry Hill, NJ

Key regulations implementing the Site Remediation Reform Act ("SRRA"), called one of the most sweeping legislative changes in New Jersey history, go into effect in early November of this year. Although its impact is still to be seen, all involved agree that the SRRA will dramatically change the way that contaminated sites in New Jersey are remediated. Proponents of the New Jersey law, modeled after similar legislation in Massachusetts and elsewhere, hope that the SRRA will accelerate the cleanup of an estimated backlog of 20,000 sites, as well as reduce the administrative process involved.

According to Franklin J. Riesenburger, Chair of the Environmental Law Department at Flaster Greenberg PC, "The SRRA completely redefines the roles and the players in the game. At a very fundamental level, it changes the way we do business with the New Jersey Department of Environmental Protection, and requires a reexamination of the legal practice of dealing with site remediation in a 'new normal' series of rules and regulations."

The SRRA amends other statutes that regulate environmental cleanup, including the Brownfield and Contaminated Sites Act and the Spill Compensation and Control Act. It also:

- Establishes mandatory timeframes for cleanup
- Provides that the DEP maintains direct oversight of sites with the greatest risk to human health and the environment
- Establishes presumptive remedies for residential developments, schools and childcare facilities.

A key and controversial provision of the SRRA is the establishment of the "Licensed Site Remediation Professional" ("LSRP") to help oversee and manage the critical portions of the supervision of the remediation process by private environmental professionals. Critics of the legislation state that the law will probably increase costs, and cause uncertainty and inconsistencies in cases that are handled by LSRPs. Proponents believe that the law will help an overwhelmed DEP, by deploying rapid resources to address the case backlog.

Both sides agree, however, that the full impact of the SRRA will not been seen for many years.

To help clarify the significance of the changes, and explore the practical approaches in the world of the "new normal," Flaster Greenberg's environmental attorneys and professionals from the industry will present a seminar on November 18, 2009. For more information or to register for this free event, click here.

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