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AN ENVIRONMENTAL AND ENERGY LAW PRACTICE

SITE REMEDIATION REFORM ACT UPDATE

Administrative Requirements for the Remediation of Contaminated Sites (N.J.A.C. 7:26C)

- **LSRP Trigger** - Criteria for determining whether a remediation is being initiated that needs an LSRP (this is not only “brand new cases”).
- **Time Frames** - New mandatory time frames (MTFs) and regulatory time frames to complete various elements of the remediation process and conditions and procedures for extensions. MTFs apply to new and existing cases and noncompliance results in NJDEP direct oversight.
- **Case Managers**- Case managers will still be involved in certain limited cases such as when dealing with immediate environmental concerns, light non-aqueous phase liquids (LNAPLs), “direct oversight” cases and existing cases that do not opt-in to the LSRP program.
- **Direct Oversight** - Direct oversight procedures for a special group of cases reserved for NJDEP oversight under SRRA which require financial assurance and for which NJDEP will select the final remedy.
- **Case Fees** – Establishes a new annual fee system for cases overseen by LSRPs and continues oversight fees where case manager involvement still applies.
- **Permit Program** - New Site Remediation Permit Program for all institutional and engineering control remedies with accompanying permit application and annual fees.
- **RAOs and NFAs** - Requirements for final remediation documents, including the new response action outcome (RAO) documents to be issued by LSRPs, and no further action (NFA) letters that will be issued by NJDEP (in limited circumstances).