

Site Remediation

Background

In the late 1970s and early 1980s, growing public support for coordinated cleanup efforts and innovative state and federal laws enabled DEP to establish a progressive program to address New Jersey's many contaminated sites. Beginning with the passage of the New Jersey Spill Compensation and Control Act in 1976, the State initiated the first program in the country to cleanup, or remediate, contaminated sites that posed a danger to human health and the environment. The federal government then enacted the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) in 1980, a program that provided the financial aid and technical guidance needed to cleanup the nation's more seriously contaminated sites. This program, more commonly known as Superfund, was strengthened in 1986 by the Superfund Amendments and Reauthorization Act (SARA).

Remediation of a contaminated site includes identifying the source, nature and extent of contamination at a site, and, if necessary, conducting appropriate cleanup work. Remediation addresses a wide variety of site conditions, ranging from leaking underground home heating oil tanks to large abandoned industrial sites with widespread contamination of the environment. Remedial actions most often involve removing the source of contamination and decontaminating soil and water in order to protect human and ecological health and allow the site to once again be put to productive use. At times, the remediation involves capping the contaminated area with an impervious material for containment purposes, restricting future use for that property, or both. New Jersey's cleanup program has become a national model, and serious efforts are ongoing to reverse the effects of decades of industrial, commercial and household waste mismanagement that has resulted in discharges of hazardous substances into the environment.

As the universe of known contaminated sites in New Jersey increases, DEP expanded its cleanup efforts to meet the challenges posed by a variety of pollution problems. The passage of several key state laws facilitated these endeavors, including the Environmental Cleanup Responsibility Act (later

replaced by the Industrial Site Recovery Act) and the Underground Storage Tank Act. The Brownfield and Contaminated Site Remediation Act of 1998 further refined the overall remedial process and stimulated cleanup and reuse of additional brownfield sites.

Faced with the challenge of ensuring that up to 20,000 active cases in New Jersey are properly remediated in a timely manner, DEP worked closely with the New Jersey Legislature and stakeholders to develop legislation to dramatically change the process used to conduct environmental investigations and cleanups. In May 2009, the [Site Remediation Reform Act, N.J.S.A. 58:10C-1 et seq.](#) (SRRA) was signed into law and [Executive Order #140](#) was also signed, which implemented the new law. SRRA also amends other statutes such as the [Brownfield and Contaminated Sites Act](#) and the [Spill Compensation and Control Act](#).

SRRA establishes a program for the licensing of Licensed Site Remediation Professionals (LSRPs) who will have the responsibility to oversee environmental investigations and cleanups. While the law does change the process of how sites are remediated, it also ensures the same stringent standards required for cleanups remain intact. DEP retains significant authority over the remediation process and ensures that LSRPs comply with all applicable regulations, but the day-to-day management of site remediation process is overseen by qualified LSRPs. DEP approval is no longer required to proceed with a remediation being carried out by an LSRP except for a few, very limited circumstances.

Some of the highlights of the law are:

- The establishment of an LSRP program and a Site Remediation Professional Licensing Board that issues licenses to qualified individuals to conduct the remediation of sites in New Jersey. The LSRPs are bound by a strict [code of ethics](#). A violation to the code of ethics could result in the assessment of penalties as well as suspension or revocation

of the LSRP's licenses. When SRRA became fully effective in 2012 remediating parties were required to use the services of an LSRP and must proceed with the clean up of their site per SRRA regulations.

- An [affirmative obligation](#) now exists on persons to remediate any discharge for which they would be liable pursuant to the Spill Compensation and Control Act. As such, the voluntary cleanup program, which utilized [Memoranda of Agreement \(MOAs\)](#), no longer exists.
- DEP has established mandatory remediation timeframes for the completion of key phases of site remediation.
- DEP is required to maintain direct oversight in cases where the remediating party is recalcitrant in conducting timely cleanups for those sites that pose the greatest risk to human health and the environment.
- DEP is authorized to establish presumptive remedies for residential development, schools and childcare facilities.

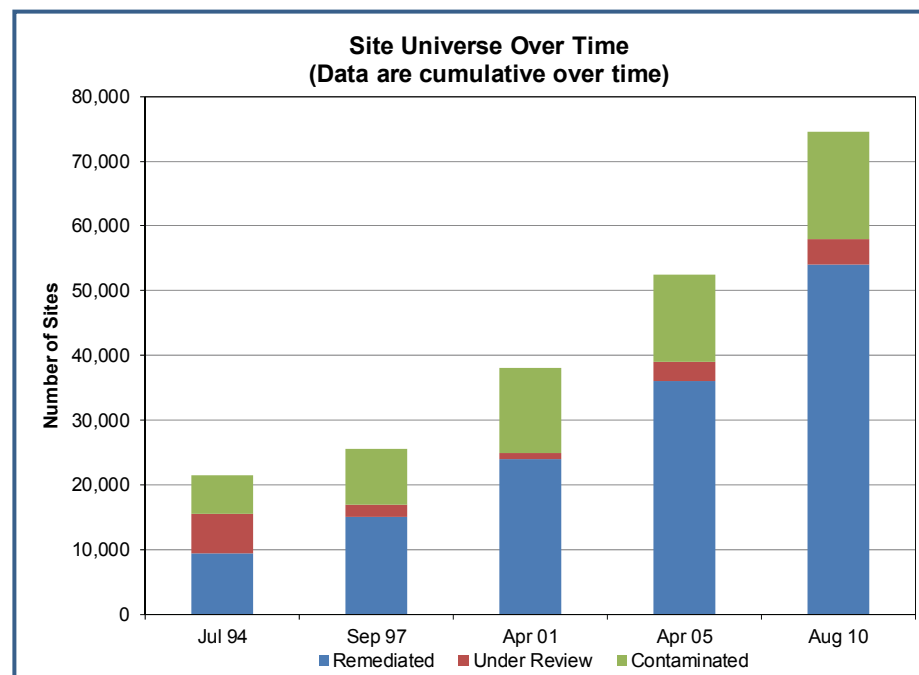
As of May 7, 2012, parties conducting remediation are required to follow the provisions of SRRA. These provisions are codified at [N.J.S.A. 58:10B-1.3b 1-9](#), and include the requirement to hire an LSRP to conduct the remediation and allow remediation of the site without prior NJDEP approval.

Status and Trends

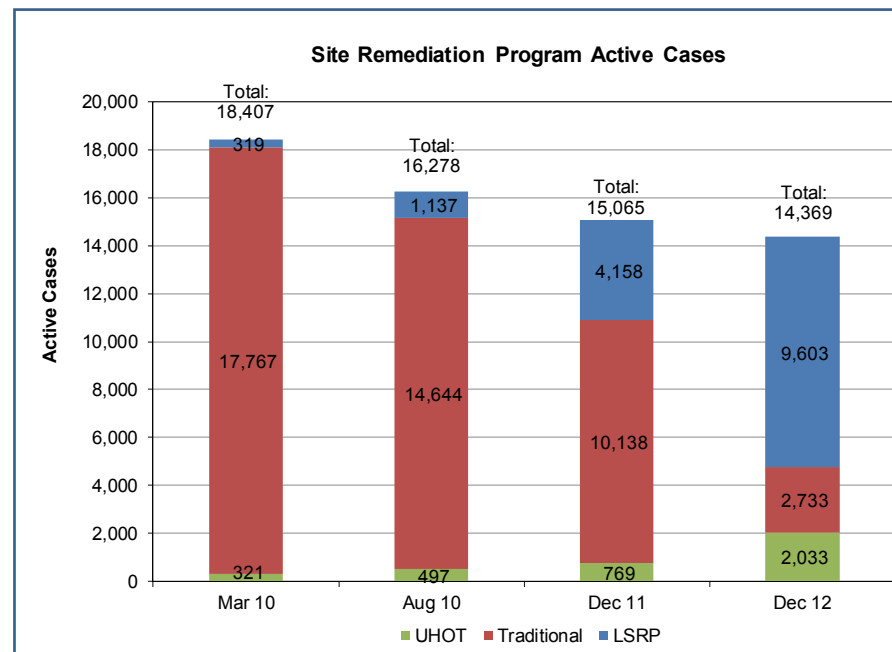
In 1994, DEP identified approximately 12,000 sites in New Jersey, including both known and suspected contaminated sites and sites under review. Sites under review may be contaminated and require remediation or may not be contaminated. By 2010, the number of sites identified by DEP was over 20,000. This increase can be attributed to a number of factors, including increasing population, a growing industrial base that relies on the use of hazardous materials, as well as increased awareness of the risk posed by certain chemicals and new technologies that are able to detect these chemicals. The number of sites that have been remediated from 1979 to 2010 is over 53,000. (See *Sites Universe over Time* chart)

Please visit <http://www.nj.gov/dep/srp/kcsnj/> for additional detail.

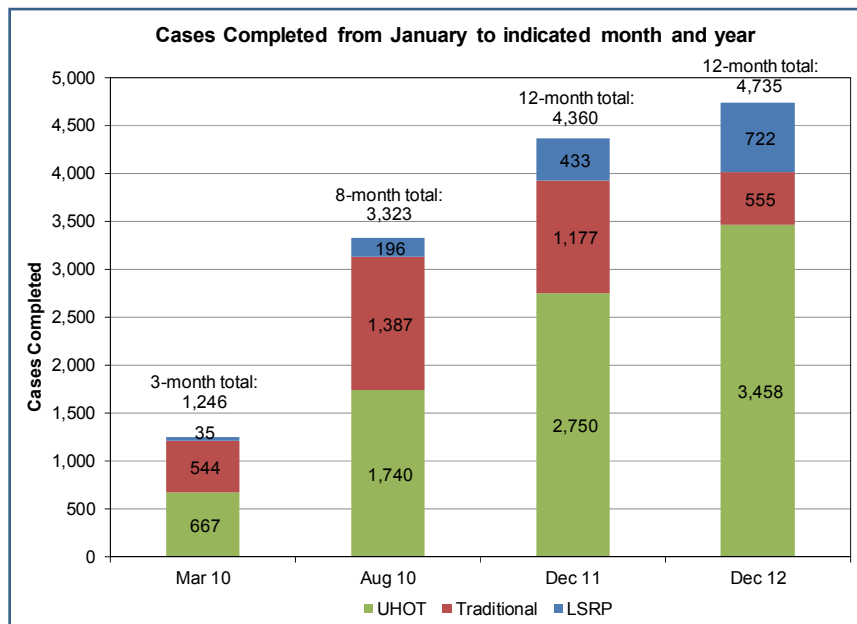
It should be noted that the Environmental Trends report has reported data for "sites," referring to a property where one or several contamination issues exist. Upon implementation of SRRA, "cases" will come to the attention of the Department, referring to multiple regulatory or contamination issues at one site. For the purposes of evaluating the impact of SRRA on the cleanup process and to more accurately reflect the way issues will come to our attention, DEP will track and report on cases. The chart below tracking site progress will no longer be updated; trends will instead be reported and analyzed in the case format.



The number of active cases in New Jersey peaked at over 20,000 in 2008, and this number was often cited as DEP's "backlog". Since that time this number has declined, based on aggressive program review and process improvement in preparation for SRRA implementation. DEP considers the active case count of 18,407^[1] (March 2010) as the baseline from which future trends will be developed. Continued process improvements and initial impacts from the implementation of SRRA brought the total Site Remediation case count down to 16,278 by August 2010. As of December 2012 this active case count is 14,369 (See *Site Remediation Program Active Cases* chart below). While DEP sees a decrease in the overall active case count as the desired trend, the number of these cases participating in the LSRP program has shown an impressive positive trend, growing from the baseline of 319 cases in March of 2010 to 1,137 cases by the end of August 2010 and more than doubling from 2011 to 2012 for a total of 9,603 active LSRP cases. The number of Unregulated Heating Oil Tank (UHOT) cases increased almost threefold from 2011 to 2012, while the number of traditional cases in the program decreased dramatically. Traditional cases are those with a high level of Department oversight and assigned to a case manager for pre-approval of all associated workplans, interim deliverables and reports; these are generally the slower, more labor-intensive cases. SRRA address the vast majority of these cases, however a small percentage of cases are not subject to SRRA and will be overseen in the traditional manner. The SRP Active Case trend from 2011 to 2012 reflects full implementation of the LSRP program in May 2012 and conversion of formerly traditional cases to the UHOT program during that time period.



In terms of addressing the remediation of individual cases, DEP has increased from a baseline of 35 cases completed through the LSRP program by March 2010 to 196 cases completed by August 2010. From that point in time, case completions are being tracked by calendar year in order to identify yearly trends and to coincide with other Departmental reports. For 2011, the number of cases closed was 4,360, and this number jumped to 4,735 for 2012 (See *Cases Completed from January to indicated month and year* chart below). The number of LSRP cases closed each year also increased, going from 433 in 2011 to 722 in 2012, again reflecting full implementation of the LSRP program and demonstrating one of its anticipated benefits – to close out more cases each year and thus speed up remediation of contaminated sites. Likewise, the number of Underground Heating Oil Tank (UHOT) case completions went from 2,750 in 2011 to 3,458 in 2012, reflecting implementation of that program and similar benefits.



Conclusion

Site Remediation expects continued success in implementing the new legislation as well as addressing other ongoing challenges and protecting the public health and environment of the State of New Jersey.

References

¹ This number is a correction from the 18,432 active case count that was reported in the Environmental Trends Report posted May 2011

More Information

<http://www.nj.gov/dep/srp/>

<http://www.epa.gov/swerust1/>

<http://www.epa.gov/superfund/>